

# DRAFT ZONING DISTRICT LANGUAGE

## Chapter – Definitions

**Accessory Structure.** A structure that is subordinate to and incidental to the primary structure(s). Accessory structures are clearly secondary in size, purpose, and/or function.

**Accessory Use.** A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

**Adult Family Home.** A residence where care is provided to adults as defined in RCW 70.128.010.

**Building.** Something constructed to shelter, support, or contain people, animals, or property, and is meant to be occupied or used for a purpose.

**Carport.** A roofed structure that lacks one or more full-height walls, for the purpose of storing motor vehicles. A carport may be freestanding or attached to another structure.

**Child Care Center.** An agency that provides child care as defined in RCW 43.216.010.

**Development.** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, utilities, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

**Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a person or group of people.

**Easement.** A grant of rights by a property owner that allows others to use the owner's property for a specific purpose, such as access, or to locate utilities.

**Eave.** Projecting overhang at the lower border of a roof and extending from a primary wall or support.

**Family Daycare Provider.** The care of children in a residence as defined in RCW 43.216.010

**Garage.** A roofed structure for the purpose of storing motor vehicles. A garage may be freestanding or attached to another structure.

**Home Occupation.** A business activity that is carried out on the same site as a Dwelling Unit, and which is accessory to the Household Living use on the site.

**Main Entrance.** A primary entry point for pedestrians into a building, intended for use by the general public, such as residents, employees, customers, clients, or visitors, and typically serves as the most significant or frequently used doorway or access route into the structure.

**Manufactured Home.** A HUD-certified, factory-built home constructed after June 15, 1976, built on a permanent chassis, and intended for residential use when connected to utilities.

**Mobile Home.** A factory-built dwelling built before June 15, 1976.

**Modular Home.** A factory-built dwelling that meets state and local building codes rather than HUD standards.

**Planning Official.** The City official(s) appointed or retained by the City to administer and enforce this title and associated regulations and other such codes and regulations as the City may so designate.

**Primary Structure.** A structure or combination of structures of principal importance or function on a site. In general, the primary use of the site is carried out in a primary structure.

**Street Frontage.** The part of a site that abuts a street.

**Short-Term Rental.** A Dwelling Unit or portion of a Dwelling Unit that is rented to guests for less than thirty (30) consecutive days.

## **Chapter – Measurements**

**Average Grade.** The average grade is the average elevation of the finished ground level around the building, measured at the midpoint of each building face.

**Building Coverage.** The area that is covered by buildings or other roofed structures, measured by the footprint. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than six (6 ) feet above grade. Eaves are not included in building coverage.

**Density.** Density is measured using the gross area of a parcel(s).

**Distances.** Distances are measured along a horizontal plane, not by following the topography of the land.

**Height.** Height is measured from the average grade to the top point of the building, except for pitched roofs, which are measured to the midpoint between the peak and the top of the wall.

**Lot Area.** The total horizontal area within the boundary lines of a lot, expressed in square feet or acres.

**Setback.** The required horizontal distance between a structure and a property line, measured perpendicular to that property line.

## **Chapter – Zones**

**Purpose.** The following zoning districts are created to ensure that different types of development occur in the appropriate places so that the City may function safely, efficiently, and predictably. These zoning districts have been created to carry out the goals of the Comprehensive Plan.

**Applicability.** Zoning Districts are depicted on the Official Zoning Map pursuant to MLMC Chapter 140 – Zoning Map Administration. The allowed uses and development regulations are in the following chapters [citation].

## **Zoning Districts**

**Low Density Residential.** The LDR Zone is intended to preserve and expand neighborhoods with detached single-family housing. This zone also provides for middle-income housing via Accessory Dwelling Units, group living, and cottage housing.

**Medium Density Residential.** The MDR Zone is intended to preserve and enhance older residential areas near commercial centers that provide middle-income housing.

**Central Business District.** The CBD Zone is intended to preserve and enhance the downtown area with a mix of uses, including commercial and residential. This zone encourages pedestrian-oriented design.

**Mixed-Use.** The MU Zone is intended to provide for larger scale commercial and residential development.

**Public Facilities.** The PF Zone is intended to recognize the different nature of those services provided by public entities.

## **Chapter - Uses**

**Purpose.** This Chapter creates use categories based on function, activity, services, products, physical characteristics, and/or site factors. The use categories provide a systematic basis for assignment of present and future uses to zones and carries out the goals of the Comprehensive Plan.

**Applicability.** Based on the zone, uses are allowed, prohibited, or require a conditional use as prescribed in Table [citation].

### **Use Types**

**Primary Use.** An activity or combination of activities of principal importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one (1) primary use.

**Allowed Use.** Uses allowed in each zone are listed in Table [citation] with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title.

**Conditional Use.** Uses that are allowed if approved through the conditional use review process are listed in Table [citation] with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title.

**Accessory Use.** These uses are only allowed as accessories to the primary use.

**Prohibited Use.** Uses listed in Table [citation] with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter [citation], Nonconforming Uses And Development.

## **Use Categories**

**Agriculture.** Agriculture includes activities that raise, produce or keep plants or animals.

**Basic Utilities.** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities. Accessory uses include offices and parking. Examples include water and sewer pump stations, sewage disposal and conveyance systems, electrical substations, water towers and reservoirs, energy production, data centers, water quality and flow control facilities, water conveyance systems, water harvesting and re-use conveyance systems and pump stations, stormwater facilities and conveyance systems, telephone exchanges; mass transit stops or turn arounds, wireless communication facilities, and public safety facilities, including fire and police stations.

**Commercial Parking.** Commercial Parking facilities provide parking that is not accessory to a specific use.

**Community Services.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, such uses provide the service on the site or have employees at the site on a regular basis. Accessory uses include offices, food preparation, dining, and parking. Examples include libraries, museums, senior centers, community centers, hospices, drug and alcohol centers, social service facilities, housing shelters, vocational training for persons with disabling conditions, and charitable meal service or food distribution centers.

**Daycare.** Daycare use includes day or evening care of two (2) or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision. Accessory uses include offices, food preparation, dining, recreation, and parking. Examples include child care centers, preschools, before and after school programs, and adult daycare programs.

**Essential Public Facility.** Facilities that are typically difficult to site. Siting of essential public facilities is regulated by RCW 36.70A.200. Examples include airports, state education facilities and state or regional transportation facilities, regional transit authority facilities, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, and secure community transition facilities.

**Group Living.** Group Living is the residential occupancy of a congregate housing facility. Tenancy is typically arranged on a month-to-month basis or longer period. Group Living often includes a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment. Accessory uses include parking, storage, food preparation, dining, laundry, and recreation facilities. Examples include dormitories, convalescent and nursing homes, and single-room occupancy housing, group homes for people with disabling conditions, and residential programs for drug and alcohol treatment.

**Household Living.** Household Living is the residential occupancy of a Dwelling Unit. Tenancy is arranged on a month-to-month basis or longer period. Accessory uses include parking, storage, raising pets, recreational activities, hobbies, agriculture, certified childcare, and home occupations. Examples include houses, townhouses, plexes, and apartments. Adult Family Homes are considered Household Living.

**Manufacturing and Production.** Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Accessory uses include offices, warehouses, storage yards, and parking. Examples include processing food, coffee roasting, breweries, woodworking and cabinet making, movie and video production, and sign making.

**Medical Centers.** Medical Centers include uses providing medical or surgical care to patients and offering overnight care. Accessory uses include offices, laboratories, food preparation, dining, and parking. Examples include hospitals.

**Offices.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. Accessory uses include parking and storage. Examples include lawyers, accountants, architects, engineers, medical and dental clinics, scientists, and real estate agents.

**Parks.** Parks are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Accessory uses include concessions and parking.

**Retail Sales and Service.** Retail Sales and Service firms sell, lease or rent new or used products to the general public and/or provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses include offices, storage, manufacturing, and parking. Examples include stores, banks, personal care services, laundromats, art/photo studios, dance/music classes, urgent medical care, veterinarians, restaurants, bars, entertainment, clubs, vocational schools, and repair services.

**Schools.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include offices, recreation, food preparation, dining, before and after school care, and parking.

**Self Service Storage.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include security and leasing offices.

**Religious Institutions.** Religious Institutions are intended to primarily provide meeting areas for religious activities. Accessory uses include offices, recreation, food preparation and distribution, dining, parking, and daycare. Examples include churches, temples, synagogues, and mosques.

**Temporary Lodging.** Temporary lodging is the residential occupancy of a room(s) or Dwelling Unit with a tenancy of less than thirty (30) days. Accessory uses include parking, recreational activities, food preparation, and dining. Examples include hotels, motels, and short-term rentals.

**Vehicle Service.** Vehicle Service firms service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Accessory uses include offices, sales of parts, vehicle storage, and parking. Examples include gas stations, repair shops, tire sales and mounting, oil change shop, and auto detailing.

**Warehouse.** Warehouse firms are involved in the storage, or movement of goods for themselves or other firms. Accessory uses include offices and fleet parking.

**Waste Related.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Accessory uses include offices, parking, and storage. Examples include composting and sewer treatment plants.

**Wholesale.** Wholesale sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. Accessory uses include offices, warehouses, and parking.

Use Categories	Low Density Residential	Medium Density Residential	Central Business District	Mixed Use	Public Facilities
Agriculture	A	A	N	A	A
Commercial Parking	N	N	CU	Y	A
Community Service	CU	CU	Y	Y	Y
Daycare	CU <sup>6</sup> /A <sup>2</sup>	CU <sup>6</sup> /A <sup>2</sup>	Y	Y	Y
Essential Public Facility	CU	CU	CU	CU	CU
Group Living	CU <sup>5</sup>	Y	Y	Y	Y
Household Living	Y	Y	Y <sup>4,7</sup>	Y <sup>4,7</sup>	N
Manufacturing and Production	A <sup>1</sup>	A <sup>1</sup>	Y	Y	A
Medical Centers	N	N	N	Y	Y
Office	A <sup>1</sup>	A <sup>1</sup>	Y	Y	Y
Parks	Y	Y	Y	Y	Y
Religious Institutions	CU	CU	Y	Y	A
Retail Sales and Service	A <sup>1</sup>	A <sup>1</sup>	Y	Y	A
Schools	N	N	Y	Y	Y
Self-Service Storage	N	N	N	Y	N
Temporary Lodging	CU	CU	Y	Y	A
Utilities <sup>3</sup>	Y	Y	Y	Y	Y
Vehicle Service	N	N	N	Y	A
Warehouse	N	N	N	Y	A
Waste-Related	N	N	N	N	Y
Wholesale	N	N	N	Y	N

<sup>1</sup> Use is limited and allowed only through a home occupation permit [citation]

<sup>2</sup> Family Daycare Providers are considered Home Occupations and are allowed without a Conditional Use Review.

<sup>3</sup> Wireless Communications may require a Conditional Use Review [citation]

<sup>4</sup> Household Living is not allowed on the ground floor within 100 feet of the public right-of-way of SR 902, Lake Street, and Lefevre Street.

<sup>5</sup> Adult Family Homes are considered Home Occupations and are allowed without a Conditional Use Review.

<sup>6</sup> Child Care Centers are allowed without a Conditional Use Review.

<sup>7</sup> New housing in existing buildings may not be subject to all development standards per RCW 35A.21.440 and 36.70.810.

Y = Yes, allowed

N = No, not allowed, prohibited

CU = Allowed only if approved by a Conditional Use Review [citation]

A = Accessory, allowed only as an accessory to the primary use

## **Chapter – Housing Types**

**Purpose.** Defining housing types serves to plan for unique sizes, densities, infrastructure needs, and impacts on traffic.

**Applicability.** Based on the zone, housing types are allowed, prohibited, or require a conditional use as prescribed in Table [citation]

**Accessory Dwelling Unit.** A self-contained Dwelling Unit within or on the same property as a detached single-family house.

**Apartment Building.** A building with 7 or more Dwelling Units.

**Cottage Housing.** Dwelling Units that are detached yet sit on a single property. The units may be rented or sold as condominium units. May include community buildings for activities such as cooking, dining, gathering, and recreating.

**Group Living.** See definition in [citation]

**Mixed-Use Building.** A building with both residential units and one (1) or more non-residential uses. Parking does not qualify as a non-residential use.

**Multi-Dwelling Development.** Except for cottage housing, a grouping of individual structures where each structure contains one (1) or more dwelling units. The land underneath the structures is not divided into separate lots.

**Plexes.** Buildings that contain two (2) to six (6) Dwelling Units and sit on a single property. The units may be rented or sold as condominium units.

**Single-Family House.** Also known as detached single-family house. A Dwelling Unit that is not attached to another Dwelling Unit.

**Townhouse.** Also known as an attached single-family house. A Dwelling Unit that is attached to another Dwelling Unit, extends from foundation to roof and has a yard and/or right-of-way on not

less than two (2) sides. These Dwelling Units are divided by fire walls, sit on individual properties and are sold individually.

Housing Type	Low Density Residential	Medium Density Residential	Central Business District	Mixed Use	Public Facilities
Accessory Dwelling Unit	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N
Apartment Building	N	N	Y	Y	N
Cottage Housing	CU	Y	N	N	N
Group Living	CU	Y	Y	Y	Y
Plexes	N	Y	N	Y	N
Mixed Use Buildings	N	N	Y	Y	N
Multi-Dwelling Development	N	Y	Y	Y	N
Single-Family House	Y	Y	N	N	N
Townhouse	N	Y	N	Y	N

<sup>1</sup> Allowed only as an accessory to a detached single-family house.

Y = Yes, allowed

N = No, not allowed, prohibited

CU = Allowed if approved by a Conditional Use Review [citation]

## Chapter – Density and Lot Sizes

**Purpose.** Density and lot size standards assist in planning for infrastructure and transportation impacts as well as the layouts of subdivisions. Furthermore, they contribute to community character and carry out the goals of the Comprehensive Plan.

**Applicability.** Based on the zone, lot size and densities are prescribed in Table [citation].

Standards	Low Density Residential	Medium Density Residential	Central Business District	Mixed-Use	Public Facilities
Minimum Lot Area	6,000 sf	5,000 sf <sup>1</sup>	none	none	none
Minimum Lot Width	60 feet	50 feet <sup>2</sup>	none	none	none
Minimum Street Frontage	30 feet	30 feet <sup>2</sup>	12 feet	12 feet	12 feet

<sup>1</sup> Townhouses require 1,500 square feet

<sup>2</sup> Townhouses require 15 feet

**Substandard Lots.** All substandard lots created prior to January 1, 1984 shall be exempt from the minimum lot size, minimum street frontage, and minimum lot width requirements set forth in this Chapter.

## **Chapter – Development Standards**

**Purpose.** Development standards influence the look, feel, and functionality of a place, contributing to the community character and ensuring that new development meets the City’s vision as set forth in the Comprehensive Plan.

**Applicability.** Development standards are based on the use, the building type, and the zone in which the site is located.

**Basic Development Standards.** Based on the zone, the development standards are prescribed in Table [citation].

<b>Standards</b>	<b>Low Density Residential</b>	<b>Medium Density Residential</b>	<b>Central Business District</b>	<b>Mixed Use</b>	<b>Public Facilities</b>
Maximum Density	1 unit per lot <sup>1</sup>	1 unit per 2,000 sf	none	none	none
Maximum Building Coverage	40%	60%	none	none	none
Maximum Height <sup>5</sup>	35 feet	35 feet	45 feet	45 feet	45 feet <sup>2</sup>
Maximum Front Setback	none	none	10 feet	none	none
Minimum Front Setback <sup>6</sup>	15 feet	15 feet	0	10 feet	10 feet
Minimum Garage Entrance Setback <sup>3</sup>	5 feet/20 feet	5 feet/20 feet	5 feet/20 feet	5 feet/20 feet	5 feet/20 feet
Min. Interior Side Setback <sup>6</sup>	5 feet	5 feet <sup>4</sup>	0	0	5 feet
Min. Street Side Setback <sup>6</sup>	10 feet	10 feet	0	10 feet	10 feet
Minimum Rear Setback <sup>6</sup>	15 feet	15 feet	0	0	5 feet

<sup>1</sup> 1 unit per 6,000 sf for cottage housing

<sup>2</sup> Exceptions, see [citation]

<sup>3</sup> 5-foot alley setback, 20-foot street setback

<sup>4</sup> Does not apply to townhouses

<sup>5</sup> Maximum height does not apply to chimneys, vents, small mechanical structures, and flagpoles. Roof-mounted solar energy panels may exceed the height limit by 48 inches.

<sup>6</sup> Chimneys, eaves, uncovered steps and ramps, and other similar features may project two (2) feet into the setback.

## **Chapter - Primary Structure Design Standards.**

**Purpose.** These design standards help buildings face the street so people can easily see what is happening around them. This improves safety and helps discourage crime. The standards also make the street more interesting to walk along, support pedestrian activity, and help homes and businesses feel more connected to the public space.

**Main Entrance.** At least one (1) main entrance for each primary structure must face the street, be within forty (45) degrees of the street, or open onto a porch facing the street. See exception for Cottage Housing [citation]

**Windows.** At least fifteen (15) percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.

## **Chapter - Accessory Structures with Residences.**

Accessory structures provide storage for vehicles, machinery, equipment, seasonal items, and other items that are not traditionally stored in a residence. They also provide space for hobbies, recreation, and outdoor activities. Accessory structures used for Accessory Dwelling Units are regulated in [citation].

**Purpose.** The purpose of accessory structure standards is to prevent residential lots from becoming overbuilt, diminishing neighbors' privacy and light, while providing flexibility for the above uses and maintaining an attractive front yard.

**Standards.** In the residential zones, Accessory structures are subject to the following standards:

- A. An Accessory Structure attached to the primary structure must meet the setback requirements of the zone.
- B. The interior side setback and rear setback for a detached Accessory Structures shall be five (5) feet.
- C. A detached Accessory Structure shall be located no closer to the street than the primary structure.
- D. An Accessory Structure shall not be taller than 24 feet.

## **Chapter – Cottage Housing**

**Building Coverage.** The maximum building coverage for each house is one thousand two hundred (1,200) square feet, including the garage.

**Common Outdoor Area.** A minimum of one outdoor area that meets the following standards is required. The developer may choose to provide more than one outdoor area.

- A. If a single outdoor area is provided, it must be centrally located. If multiple outdoor areas are provided, they must be central to a cluster of houses.
- B. Four hundred (400) square feet of outdoor space is required per unit. The minimum area of any individual outdoor area is 2,000 square feet with minimum dimensions of twenty (20) feet.
- C. The outdoor area(s) must be contiguous, usable, and serve as a community gathering place. They must contain amenities such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, gazebos, play structures, sport courts, or pools.
- D. Stormwater treatment areas shall not be considered common outdoor areas.

**Gated Communities.** Vehicle and pedestrian entrances to the site shall not be gated.

**Main Entrances.** Each Cottage shall have a main entrance that faces the street or a common outdoor area.

**Maintenance and Ownership.** Cottage Housing developments shall be owned and maintained by a homeowners' association, land trust, or other approved entity.

**Parking.** Cottages may have individual parking in a driveway, a carport, or a garage. Parking and driveways shall not be located between a house and common area. Common parking areas may also be provided in a surface lot or in a parking structure.

**Pedestrian Connections.** All main entrances must be connected by paved pedestrian paths at least six (6) feet in width meeting ADA standards. This pedestrian path network must be connected to any common outdoor area, common parking area, and the public street.

**Separation.** Houses must be separated by at least six (6) feet.

**Undeveloped Area.** At least 25% of the site must be designated as undevelopable. This area may contain critical areas, their buffers, and stormwater treatment facilities. Undeveloped areas do not count towards common outdoor areas.

## **Chapter – Essential Public Facilities**

**Purpose.** The purpose of this chapter is to provide a process for siting and review of an Essential Public Facility. The siting process is regulated by RCW 36.70A.200.

**Regional Siting Process.** Per an interlocal agreement, the process for siting Essential Public Facilities in Spokane County shall be administered by Spokane County. When the siting process is complete and the final site is within the corporate boundaries of the City of Medical Lake, the proposal will be subject to a Conditional Use Review.

**Conditional Use Review.** Essential Public Facilities that have completed the Spokane County Regional Siting Process, require a Conditional Use Review as stipulated in MLMC Chapter [citation]

## **Chapter – Conditional Use**

**Purpose.** Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. The conditional use review provides an opportunity to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

**Applicability.** A Conditional Use Review is required for those uses with a CU designation in Table [citation]

**Applications.** The following must be submitted to the City for an application to be deemed complete:

- A. An appropriate City application form;
- B. A written description of the amendment being requested;
- C. Any studies, reports, or documentation to support the request;
- D. A written response to the approval criteria in MLMC [citation], Approval Criteria;
- E. A SEPA checklist; and
- F. The application fee.

**Process.** Conditional Use Reviews are processed through a Type III review with the Medical Lake Planning Commission holding a public hearing and making a recommendation to the City Council, which shall make the final decision. The Type III review process is found in MLMC Section 19.270.040, Type III reviews.

**Approval Criteria.** Conditional Use Reviews shall meet all the following criteria for approval:

- A. The proposal is compatible in scale, character, and intensity with nearby land uses and the zoning district.
- B. There are adequate public services available and sufficient to serve the use.
- C. The proposal does not create any substantial negative impacts on the surrounding area. These impacts include, but are not limited to, noise, odor, light, parking, and traffic.
- D. The proposal aligns with the goals and policies of the Comprehensive Plan.

## **Chapter – Variance**

**Purpose.** The regulations of this Title are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply City-wide, but because of unique situations, some sites are difficult to develop in compliance with the regulations. The Variance Review process provides a mechanism by which the regulations in this Title may be modified if the proposed development continues to meet the intended purpose of those regulations.

**Applicability.** The Variance Review process may be applied to any development standard in Title 19 – Land Use and Development.

**Application.** The following must be submitted to the City for an application to be deemed complete:

- A. An appropriate City application form;
- B. A written description of the amendment being requested;
- C. Any studies, reports, or documentation to support the request;
- D. A written response to the approval criteria in MLMC [citation], Approval Criteria;
- E. A SEPA checklist; and
- F. The application fee.

**Process.** Variance Reviews are processed through a Type III review with the Medical Lake Planning Commission holding a public hearing and making a recommendation to the City Council, which shall make the final decision. The Type III review process is found in MLMC Section 19.270.040, Type III reviews.

**Approval Criteria.** Variance Reviews shall meet all the following criteria for approval:

- A. Granting the variance will equally or better meet the purpose of the development standard to be modified; and
- B. Any impacts resulting from the variance are mitigated to the extent practical.
- C. The variance does not create any substantial negative impacts on the surrounding area.