ORDINANCE NO. 2401

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATING TO HOME BUSINESSES; AMENDING SECTION 20C.30.60-030 OF REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE IN ORDER TO ALLOW MORE THAN ONE HOME BUSINESS AND TO UPDATE AND CLARIFY LANGUAGE REGARDING HOME BUSINESSES AND FAMILY DAY CARE PROVIDERS: AMENDING SECTIONS 20C.30.20-030 AND 20D.170.50 TO DELETE REQUIREMENTS FOR FAMILY DAY CARE PROVIDERS TO OBTAIN SPECIAL USE PERMITS IN RESIDENTIAL ZONES AND TO DELETE **FAMILY** DAY CARE **DEVELOPMENT** STANDARDS. **AMENDING** SECTION 5.04.130 TO DELETE THE EXEMPTION FROM OBTAINING A CITY BUSINESS LICENSE FOR FAMILY DAY CARE PROVIDERS; PROVIDING FOR SEVERABILITY AND **ESTABLISHING** AN EFFECTIVE DATE.

WHEREAS, an increasing number of Redmond residents have requested that they be allowed to engage in more than one home business on their property, and

WHEREAS, the Redmond Planning Department has recommended that the Redmond Municipal Code and Community Development Guide be amended to allow such use as long as the impacts of engaging in more than one business are no greater than those of engaging in a single business, and

WHEREAS, the City's regulations regarding Family Day Care providers operating as home businesses are outdated and have discouraged compliance by requiring special use permits (and accompanying permit fees) and special development standards in order for such providers to operate, and

WHEREAS, the Redmond Planning Department has recommended changes to the regulations concerning Family Day Care providers in order to encourage compliance and to conform the City's regulations to state law, and

WHEREAS, in order to ensure that Family Day Care providers can be properly regulated, the Redmond Planning Department has suggested repealing the current exemption for such providers from obtaining a City business license, and

WHEREAS, the Redmond Planning Commission held a public hearing on the amendments provided in this ordinance on March 19, 2008 and, after considering the testimony received, recommended that the Redmond City Council adopt the amendments, and

WHEREAS, the Redmond City Council concurs, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Home Businesses. Section 20C.60.30-030 of the Redmond Municipal Code and Community Development Guide is hereby amended allow more than one home business in a single dwelling unit under certain circumstances, to update the Family Day Care regulations, and to read as follows:

20C.30.60-030 Requirements.

The following standards shall apply to all home businesses. An applicant wishing to apply for a business license for a home business must demonstrate compliance with these standards prior to obtaining a business license.

(1) Location. A home business shall be carried on wholly within the principal building or within an accessory structure. No home business nor any storage of goods, materials, or products connected with a home business shall be allowed outside of the principal building or accessory structure, except as allowed for family day care providers. Where an accessory dwelling unit exists, a home business may be conducted in either the primary dwelling unit or the accessory dwelling unit but not both.

- (2) Number. Any number of home businesses may be conducted within any single dwelling unit, including an accessory dwelling unit and all accessory structures, provided that the combined impacts of any and all businesses do not exceed the limits set forth in this section.
- (3) Size. No more than 25 percent of the gross floor area of the principal dwelling unit may be used for the home business. In the case of home businesses being conducted within accessory structures or detached accessory dwelling units, there shall be no size restriction placed upon the usable area for the home business.
- (4) Residency. A home business must be conducted by a family member who resides in the dwelling unit. Floor space in either the primary dwelling unit or an accessory structure may not be rented out to persons not residing within the primary dwelling unit or accessory dwelling unit for business purposes. No more than one person outside the family group that resides on the premises shall engage in any business located on the premises.
- (5) Restricted Materials. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site.
- (6) Maintaining Residential Character. The business shall be conducted in a manner which will not alter the normal residential character of the premises by exterior alteration of the property, expansion of parking, construction, creation of a separate entrance, the use of color, materials, lighting, signs (other than on the applicant's vehicle), exterior storage of materials, goods or merchandise, or by the emission of sound, electric interference, vibration, dust, glare, heat, smoke, odors, or liquids.

- (7) Business Traffic. Visitors, customers, and/or deliveries shall be limited to two per hour. In any case, no combination of visitors, customers, and/or deliveries may exceed a total of eight per day.
- (8) Vehicles. Vehicles larger than 10,000 pounds gross weight shall not be operated out of the premises or park on the property or adjacent streets. No more than one vehicle used in the business may be parked on the premises or operated out of the premises.
- (9) Parking. The home business shall not displace or impede the use of required parking spaces for primary or accessory dwelling units.
- (10) Utility Demand. Utility demand (water, sewer, or garbage) shall not exceed normal residential levels.
- (11) Applicable Codes. Structures must meet City building, construction, fire and land use regulations.
- (12) Motor Vehicle Related Home Businesses.
 - (a) Office-only activities for motor-vehicle related uses may be allowed as home businesses provided all other requirements of this section are met.
 - (b) Office-only motor vehicle related home businesses and stock-in-trade within the residence may be allowed provided that the following activities related to the office use are performed at other locations: washing and waxing, paint striping and detail application, window repair or replacement and repairing and tuning of boats.
 - (c) Except as provided in RCDG 20C.30.60-030(9) and subsection (12)(b) above and for businesses legally licensed as such within the City of Redmond as of June 14, 1995, no motor vehicle related businesses shall be allowed as home businesses including, but not limited to: auto, truck, or heavy equipment repair; body work, welding,

detailing, or painting; or taxicab, van shuttle, limousine, or other transportation services.

- (13) Family Day Care Providers.
 - (a) Family Day Care Providers are permitted as home businesses. All other day care providers are prohibited in all residential zones except the R-20 and R-30 zones.
 - (b) Family Day Care Providers shall obtain a City of Redmond business license and maintain the license as long as the use operates.
 - (c) The Family Day Care Provider shall not care for more than 12 children at any time.
 - (d) Family Day Care facilities are required to adhere to all standards prescribed in this section for home businesses, except that:
 - (i) Family Day Care facilities are exempt from the limitations on business traffic to and from the facility as specified in RCDG 20C.30.60-030(7);
 - ii) The amount of gross floor area within the principal dwelling unit that may be devoted to the family day care business shall be the minimum number of square feet required by the State, or 25% of the total gross floor area, whichever is the greater.
 - (iii) Family day care providers may have two additional employees on the premises at a time outside the family group that reside on the premises engaged in the Family Day Care home business.
 - (e) Family Day Care Providers may operate from 5:30 a.m. to 9:00 p.m.

- (f) Family Day Care Providers shall comply with all Building, Fire, Safety, and Health Codes.
- (g) Family Day Care Providers shall obtain all required State approvals. The State shall certify that the proposed Family Day Care Provider will have a safe passenger loading area. The Family Day Care Provider shall provide the City with a copy of the state license.

Section 2. Land Uses Chart. The Land Uses Chart adopted in Section 20C.30.20-030 of the Redmond Municipal Code and Community Development Guide is hereby amended to change family day care from a special use to a permitted use in all residential zones and to read as follows:

20C.30.20-030 Land Uses Chart.

Residential Zones Permitted Land Uses Chart Subject to Neighborhood Requirements

Land Use			Residential Innovative										
	RA- 5	R- 1	1	R- 3	1	R- 5	R-6	R- 8			i i	R- 30	RIN
Housing	-												
Single-Family Dwelling (20C.30.25)	P	P	P	P	P	P	P	Р	P	P	P		Р
2 Unit Structure (20C.30.70)					Ci	C^1	C^1	P	Р	P	P		C^1
3 – 4 Unit Structure (20C.30.70)					C^{1}	C^{I}	\mathbf{C}^{1}	P	P	P	P	P	C_1
5 – 12 Unit Structure (20C.30.25)							-		P	Р	Р	P	
13+ Unit Structure (20C.30.25)			_						S	P	P	P	
Accessory Dwelling Units (20C.30.35)	P	P	P	P	P	P	P	Р	P	P	P	P	P
Rental Rooms (20C.30.80)	P	P	P	P	P	P	P	Р	P	P	P	P	P
Mobile/Manufactured Homes or Parks (20C.30.65)	P	P	P	P	Р	P	P	P	Р	P	P	Р	P
Retirement Residence					C^3	\mathbb{C}^3	P/C^3						C^3

	,					,				, .	.,		
(20C.30.80)			<u> </u>	_									
Retirement Residence. Maximum	վ					Ì							
of 16 retirement residence units							Ì	C^3	C^3	S	S	S)
per acre. (20C.30.80)	<u> </u>	1	_	_	<u> </u>	<u> </u>	ļ				<u> </u>		
Retirement Residence. Maximum	1												
of 30 retirement residence units										\mathbb{C}^3	C^3	C^3	
per acre. (20C.30.80)		ļ	_		<u> </u>				ļ				
Bed & Breakfasts (20C.30.45)	S	S	S	S	S	S	S	S				_	S
Bed & Breakfast Inns	S	C										•	
(20C.30.45)	L	L				<u> </u>			<u> </u>	L	<u> </u>		
Commercial													
Adult Family Homes	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential Care Facility	C	C	C	C	C	C	С	C	C	P	P	P	С
Long-Term Care Facility									С	C	С	C	
Day Care Center ⁴	_	C5	C^5	C^5	C^5	C ⁵	C^{S}	C^5	C	C	С	C	C⁵
Home Businesses ⁶ (20C.30.60)	P	P	P	P	P	P	P	P	P	P	P	P	P
Family Day Care Providers ⁴	Р	P	Р	P	P	P	P	P	P	P	P	P	P
Roadside Produce Stand	P	P	p	P	P	P	P	P	P	P	P	P	P
Cultural/Recreation/Entertainmen		1.	1 -			1 -		<u> </u>		1	1	1 1	1
Golf Courses; Athletic, Sports,			Γ	Γ	-	1			<u> </u>]	
and Play Fields; Marine			_										
Recreation, Commercial	C	C	C	С	C	C	C	C	C	C	C	C	C
Swimming Pool													
Noncommercial Indoor	^			_				_	_				
Recreation	С	P	P	P	P	P	P	P	P	P	P	P	P
Parks, Open Space, Trails	P	P	P	P	P	P	P	P	P	P	P	P	P
Professional Services									_				-
Fire & Police Services	С	C	C	С	C	C	C	C	С	С	C	С	С
Education: Primary/Secondary												Ť	
Schools – Public & Private		C	C	С	C	C	C	С	C	C	C	C	C
Religious Activity		1					-						
Religious Facilities:													
<250 seats & accessory activities		s	S	S	S	S	S	s	s	s	S	s	s
& uses ⁷				_	_		_		~	_		~	
Religious Facilities:	-									-			
250 – 750 seats & accessory		С	С	\mathbf{C}	C	C	C	C	c	cl	C	С	c
activities & uses ⁷								-	-	_	-	-	
Transportation, Communications, Utilities													
Heliports/Fixed Wing Float	-			٦	٦								
Plane ⁸	C	C	C	C	C	C	C	C	C	C	C	C	C
Local Utility Facilities	P	Р	P	P	P	P	P	P	P	P	P	P	P
Regional Utility Facilities	С	С	С	C	C	c	C	C	C	cl	Ĉ	C	C
			- 1					~1	<u>~ i</u>	<u>~1</u>	\sim	~	<u> </u>

Large Satellite Dishes/ Amateur Radio Antenna(s) ⁹	s	s	s	s	s	s	S	s	s	S	s	s	S
Broadcast and Relay Towers9			С	С	С	C	С	C	С	С	С	C	С
Wireless Communication Facilities ⁹	s	s	s	S	s	S	S	S	S	S	S	s	S
Commercial Resource Manageme	ent	•	•					-					
Agricultural Crop Production	P	P	Р	P	P	P	P						P
Livestock, Dairy, Fowl ¹⁰	P	P	P										
Horticultural Nursery	P	P	Р	Р			_						
Equestrian Facilities ¹¹	S	S	C	С	С	C	C	С					С
Animal Kennels ¹¹	C	-											
P = Permitted Use; S = Special Use	se; C	= (Con	diti	ion	al U	Jse						

Notes:

- 1 Conditionally allowed in new long subdivisions only (See RCDG 20C.30.070 Multiplex Housing), and on existing lots in the Overlake neighborhood (RCDG 20C.70.30-030, or as otherwise specified in a neighborhood plan, per RCDG 20C.70, Neighborhoods and Design Districts.
 - 2 Repealed by Ord. 2331.
- 3 Retirement Residences may be authorized through a subdivision or binding site plan, in which case a special development permit is not required. Where neither a subdivision nor a binding site plan is required, a special development permit is required to authorize a Retirement Residence. See RCDG 20C.30.85, Retirement Residences.
 - 4 Subject to Home Business Requirements, RCDG 20C.30.60-030.
- 5 Day Care uses are only allowed in a building or building complex used for other uses, such as a school, a church, a meeting hall, or some other building used for more than one purpose.
 - 6 A business license is required for a home business.
- 7 Subject to Special Uses Criteria, RCDG 20D.170-40, Churches, Synagogues and Temples.
- 8 Does not include medical airlift. Heliports allowed only abutting Lake Sammamish. Limit one aircraft per lot.
- 9 Subject to Special Uses Criteria, RCDG 20D.170.45, Telecommunications Facilities.
- 10 All commercial livestock, dairy and fowl enterprises must meet Seattle-King County Health Department regulations and the regulations of the Redmond Municipal Code. Personal, noncommercial livestock, dairy, and fowl activities are considered an accessory use and are allowed in all residential zones provided that all Health Department and Municipal Code requirements are met.
- 11 Subject to Special Uses Criteria, RCDG 20D.170.15, Animal Boarding and Equestrian Facilities.

Section 3. Day Care. Division 20D.170.50 of the Redmond Municipal Code and Community Development Guide is hereby amended to remove family day care providers from the development standards set forth in that section and to read as follows:

20D.170.50 Day Care.

20D.170.50-010 Purpose.

This section provides development criteria for commercial day care centers in residential, commercial, business and manufacturing zones.

20D.170.50-020 Development Standards.

- (1) Commercial Day Care Centers (Residential, Commercial, BP and MP Zones).
 - (a) Day care centers shall comply with all building, fire, safety, and health codes, and all applicable development standards.
 - (b) Day care centers shall obtain a business license and maintain the use license as long as the use operates.
 - (c) Day care centers shall obtain all required State approvals.
 - (d) In the RA-5 zone, stand-alone day care centers are prohibited.
 - (e) Day care centers shall not be located closer than 300 feet from another existing day care operation in residential zones.
 - (f) The minimum lot size shall be 20,000 square feet in all residential zones.
 - (g) In the NC zone, hours of operation may be limited if residential uses are located in upper stories of the same building.
 - (h) In the NC zone, day care centers are limited to a maximum gross floor area of 5,000

square feet per establishment in mixed use or multi-tenant buildings.

- (i) Play equipment used in the day care operations shall be placed no closer than 10 feet from any property line.
- (j) Off-street parking for each employee shall be provided.
- (k) Building design, site plans and landscaping shall be of a character which is appropriate for the area.
- (1) Day care centers may be approved in new or existing churches and other places of worship, and no additional approval will be required provided all other requirements of this section are met.
- (m) Day care centers located in residential zones shall operate within the hours of 5:30 a.m. to 9:00 p.m.

Section 4. <u>Business License</u>. Section 5.04.130 of the Redmond Municipal Code is hereby amended to remove the exemption from business license requirements for family day care providers and to read as follows:

5.04.130 Exemptions.

The provisions of this chapter shall not apply to:

- (1) Any instrumentality of the United States, the State of Washington, or political subdivision thereof with respect to the exercise of governmental functions;
- (2) Any farmer, gardener, or other person who sells, delivers or peddles any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meat or any farm produce or edibles raised, caught, produced or manufactured by such person in the state;

- (3) Any entity exempt from taxation under 26 U.S.C. Sec. 501(c)(3), upon furnishing proof to the Finance Director of its nonprofit status;
- (4) Any apartment or condominium, residential rental or leasing activity which does not involve more than four residential units at any one location within the city;
- (5) Any insurers or their agents, as those terms are defined in RCW 48.01.050 and 48.17.010, respectively, who represent insurance companies or sell insurance to the public and are properly licensed by the state. Provided, however, that this exemption shall not apply to insurance brokers or solicitors, as said terms are defined in RCW 48.17.020 and 48.17.030, respectively;
 - (6) Newspaper carriers under the age of 18; or
- (7) Any person, business, enterprise, firm, or corporation which the city is forbidden to license or tax under state or federal law.

Section 5. Severability. I f any section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the adopted or amended code section.

Section 6. Effective Date. This ordinance, being the exercise of a power expressly granted to the City's legislative body, is not subject to referendum, and shall take effect and be in full force five days after its passage and publication of a summary as provided by law.

APPROVED:

R JOHN MARCHIONE

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

CITY ATTORNEY JAMES E. HANEY

FILED WITH THE CITY CLERK: PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE: ORDINANCE NO. 2401

May 28, 2008 June 3, 2008 June 9, 2008 June 14, 2008