

AGENDA BILL

<b>Subject:</b> Home Business Ord. No. 997; Public Hearing and Final Approval			
<b>Category:</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
	<input type="checkbox"/> City Council Business	<input type="checkbox"/> Resolution	<input type="checkbox"/> Other – Discussion
<b>Staff</b>	Steve Wilcox, Development Services Director; Scott Missall, City Attorney;		
<b>Contacts:</b>	Stephanie Keyser, AICP, Planning Manager		

**Action Requested**

Motion to approve and adopt Ordinance No. 997 as presented.

**Background**

The changes proposed to the Home Business regulations at MMC Section 20.31.010 and the associated zoning and land use regulations in MMC Title 20 arose from a code enforcement action by Development Services in the spring and summer of 2020. These changes will eliminate ambiguities in the Medina Code relating to home businesses, making those regulations easier to understand and enhancing Development Services' ability to apply and enforce City zoning and land use regulations.

This topic and the specific changes made by Ordinance No. 997 have been discussed at length and reviewed by Council on several occasions, most recently at its February 8 meeting, prior to GMA review by the Department of Commerce. We are pleased to report that the Commerce Department had no comments or objections to the proposed changes, thus enabling tonight's public hearing and the Council final action on the Ordinance.


Staff performed a final review of the Ordinance, which resulted in minor text changes for form, style and clarity. All of these changes are shown in the redline attached as **Exhibit 1** to this Agenda Bill. The most notable change was linking the Home Business regulations with the City's Nonconforming Use regulations (MMC Chapter 20.36) to ensure that home business activities must always conform to Code requirements (i.e., a home business is not allowed to include any nonconforming use). The text changes for this purpose are located in redline Ordinance Section 3 on page 4 of Exhibit 1.

**Public Hearing and Council Action**

Because Ordinance No. 997 changes the City's Home Business and related zoning regulations, a public hearing is required under GMA. Following the hearing, Staff recommends that the Council approve and adopt Ordinance No. 997.

**Attachment**

1. Redline showing final text changes to Ordinance No. 997 following GMA review
2. Ordinance No. 997 for adoption

<b>Budget/Fiscal Impact:</b>	N/A
<b>Staff Recommendation:</b>	Approve and Adopt Ordinance No. 997 as presented.
<b>City Manager Approval:</b>	
<b>Proposed Council Motion:</b>	Move to approve and adopt Ordinance No. 997 as presented.

Ordinance No. \_\_\_\_\_

**MEDINA CITY COUNCIL**

**AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, AMENDING THE CITY OF MEDINA HOME BUSINESS REGULATIONS AT MMC 20.31.010 AND MAKING RELATED ORGANIZATIONAL AND HOUSEKEEPING CHANGES ALL IN THE CITY OF MEDINA UNIFIED DEVELOPMENT CODE, MMC TITLE 20; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, portions of the City of Medina Unified Development Code, Medina Municipal Code (MMC) Title 20, concern the operation of, and the conditions and limitations on, home businesses operated within Medina; and

WHEREAS, certain of the foregoing provisions contain ambiguities that negatively affect the utility, intent and enforcement of the City's home business regulations; and

**WHEREAS**, the Council desires to revise, amend, clarify and extend the foregoing regulations to enhance their utility to the City and the Medina community, to insure that home businesses are operated in a manner consistent with the City's Comprehensive Plan and Unified Development Code, and to minimize external impacts that can arise from operation of home businesses; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Amendment to MMC 20.00.020. Subsection (B) of MMC Section 20.00.020, entitled "Statement of Purpose", is amended as set forth below:

20.00.020 Statement of purpose.

A. The UDC is a comprehensive set of regulations that governs the physical development of all land and water within the city of Medina, except where state-owned properties are exempt under state law, for the purpose of orderly development within the community. The UDC consolidates the city's zoning, platting, environmental, construction and other development regulations into a one-book source with the goal of providing consistency between different regulations, and making the ability to find information related to development easier.

B. The primary purpose of the regulations under this title is to:

1. Encourage and guide development consistent with the goals, and policies and intent of the Medina comprehensive plan;
2. Protect the community's single-family residential nature and the natural aesthetic quality of the community;
3. Address both natural and manmade environmental considerations as part of the project permitting processes;
4. Protect the public's health, safety and welfare as a whole and not create a duty

of protecting any person or class of persons; and

5. Provide appropriate procedures for enforcement of the regulations of this title.

**Section 2.** Amendment to MMC 20.12.090. MMC Section 20.12.090, entitled “‘H’ Definitions”, is amended to add a definition for Home Business as set forth below:

20.12.090 “H” Definitions.

“Habitat conservation areas” means areas designated as fish and wildlife habitat conservation areas.

“Hardscape” means any inorganic decorative landscape materials, including but not limited to stones, boulders, cobbles, pavers, decorative concrete incorporated into an overall landscape design of the grounds. This definition includes, but is not limited to, patios, walkways, steps, and other paved areas on the ground.

“Hazard areas” means areas designated as geologically hazardous areas due to potential for erosion, landslide, seismic activity, or other geologic condition.

“Hazard tree” means a tree designated by the city arborist as having a high to extreme risk using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) system. A hazard tree must have a likely or very likely potential to fail and a target that might sustain injury or damage. Hazard trees are created through a variety of circumstances including human influences, disease, and weather.

“Hearing body” means the body designated by the city council to preside over an open-record hearing or closed-record appeal.

“Hearing examiner” means the person appointed pursuant to MMC 2.78.020 with the powers and duties prescribed in Chapter 2.78 MMC.

“Height” means a vertical distance measured between two points.

“Home Business” means an economic enterprise to make a product or perform a service, or ~~to~~ undertake any activity that requires a business license from the State of Washington, that is conducted or operated pursuant to MMC 20.31.010 within a single family dwelling by the resident occupant or owner thereof, which use ~~or activity~~ shall be clearly incidental and secondary to the residential use of the dwelling, including the use of the dwelling as a business address in a directory or as a business mailing address.

“Horticulture” means the occupation of cultivating plants, especially flowers, fruit, and vegetables.

“Hot tub” means a hydro-massage pool, or tub for recreational or therapeutic use designed for immersion of users, and usually having a filter, heater, and motor-driven blower.

“Household staff” means individuals who spend more than 50 percent of their working time employed at the residence site and in no event work less than 20 hours per week, including caregivers.

“Housekeeping unit” means one or more persons living together sharing household responsibilities and activities, which may include sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other. A housekeeping unit does not include larger institutional group living situations such as dormitories, fraternities, sororities, and similar groups where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

“Hydraulic project approval (HPA)” means a permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

“Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements.

“Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements.

**Section 3.** Amendment to MMC 20.31.010. MMC Section 20.31.010, entitled “Home Businesses”, is amended in its entirety to read as follows:

20.31.010 Home business.

A. Permissive Use. A home business is permitted within a single-family dwelling provided it meets all the standards and requirements of this section. Home business is defined in MMC 20.12.090. Activities not able to meet all the standards and requirements of this section may be performed in non-residential zone districts of the city if otherwise allowed under the MMC.

B. Standards. Every home business shall meet the following standards:

1. The home business shall be clearly incidental and secondary to the use and function of the single-family dwelling as a residence.

2. All external indications of or impacts from a home business shall be compatible with the residential character and nature of the neighborhood.

3. ~~No~~The home business shall ~~not~~ cause or result in material changes in neighborhood safety, traffic, number or frequency of vehicle trips, parking demand or parking requirements.

4. The following are prohibited in connection with a home business: signs; noise.

smoke; or odors detectable outside the dwelling; retail trade; pickup and delivery; external structure modifications; and exterior lighting.

C. Requirements. Every home business shall meet the following requirements:

1. The home business shall be located and operated wholly within the single-family dwelling.

2. No more than one person may be employed who is not a family member residing in the residence.

3. Any employee, client(s) and family members shall use off-street parking exclusively.

4. Not more than two vehicles owned or operated by an employee and/or a client shall be parked on the premises at any time.

5. All required local, regional, state, and federal permits and licenses shall have been obtained and shall be current and valid.

6. All required permits and authorizations for the dwelling structure and other attributes of the property and premises shall have been issued by the city and be in current compliance with the Medina Municipal Code.

D. Exclusions. The following activities are not allowed as a home business:

1. Storage, receipt or transfer of equipment, materials, and commodities.

2. Stables, kennels, ~~or~~ husbandry of animals; any activities ~~involving that constitute using, keeping, breeding, raising or harboring~~ any exotic animal or farm animal; ~~and/or~~ activities that are not permitted by MMC chapter 6.04.

3. Agriculture farming and sales activities.

4. Vehicle repair, automobile detailing or automotive servicing activities.

5. Production or storage of any hazardous waste or substance.

~~6. Any nonconforming use, however or whenever established.~~

76. Any activity that is prohibited by the Medina Municipal Code.

E. Enforcement. Pursuant to MMC 20.10.040 and 20.10.050, the director shall apply the provisions of this section to the activities of a home business whenever necessary or appropriate to determine whether the home business meets the requirements and standards of the Medina Municipal Code, and shall issue findings and a decision thereon.

**Section 4.** Amendment to MMC 20.30.020. Subsection E(1) of MMC Section 20.30.020, entitled "Signs", is amended as follows:

E. Residential Sign Standards. Signs associated with residential uses shall comply with all of the standards set forth in this subsection (E).

1. Commercial Signs. Permanent and temporary commercial signs, ~~including home business signs,~~ shall not be erected and/or displayed on properties, or in the adjacent city right-of-way, having a principal use that is residential, except for real estate and event signs complying with the requirements in subsection (F) of this section.

**Section 5.** Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener and clerical errors, references, ordinance numbering, section/subsection numbering

and any references thereto.

**Section 6. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

**Section 7. Effective Date.** This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after such publication.

**APPROVED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE \_\_\_\_ DAY OF APRIL, 2021 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Jessica Rossman, Mayor

Approved as to form:  
Ogden Murphy Wallace, PLLC

Attest:

\_\_\_\_\_  
Scott M. Missall, City Attorney

\_\_\_\_\_  
Aimee Kellerman, City Clerk

PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.:

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**Section 7. Effective Date.** This Ordinance or a summary thereof consisting of the title

shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after such publication.

**APPROVED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 26th DAY OF  
APRIL, 2021 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE \_\_\_\_\_DAY OF  
\_\_\_\_\_, 2021.**

\_\_\_\_\_  
Jessica Rossman, Mayor

Approved as to form:  
Ogden Murphy Wallace, PLLC

Attest:

\_\_\_\_\_  
Scott M. Missall, City Attorney

\_\_\_\_\_  
Aimee Kellerman, City Clerk

PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.: