

ATTACHMENT H

CODE

CITY OF REDMOND
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND ZONING CODE SECTION 21.08.340 HOME BUSINESS, TO PROVIDE CONFORMANCE WITH STATE LEGISLATIVE UPDATES CONCERNING FAMILY DAY CARE PROVIDERS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Engrossed Second Substitute Senate Bill 5237 Child Care and Early Learning, including various provisions became effective in part on May 7, 2021; July 1, 2021; and July 25, 2021, with remaining provisions becoming effective on July 1, 2024 and July 1, 2016; and

WHEREAS, Engrossed Second Substitute Senate Bill 5237 established in Revised Code of Washington (RCW) 43.206.692 Family Home Providers - Capacity Flexibility, providing the Washington State Department of Children, Youth, and Families authority to waive the limit that restricts family home providers from serving not more than 12 children; and

WHEREAS, City staff has identified, within the Redmond Zoning Code, opportunities for improvements and conformance with updated laws and regulations; and

WHEREAS, state agencies received 60-day notice of the proposed amendments on August 18, 2023; and

WHEREAS, a State Environmental Policy Act (SEPA) checklist was prepared, and a Determination of Non-significance was issued on August 1, 2023, for the proposed amendments; and

WHEREAS, the Technical Committee reviewed and approved the proposed amendments and on August 30, 2023, made a recommendation for approval of the amendments to the Planning Commission; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendments on September 27, 2023, to receive public comment, and held the public hearing open through October 25, 2023, to receive additional written comment; and

WHEREAS, the Planning Commission received testimony from four individuals regarding the proposed amendments and requested resolution of the issues to be reflected in the Commission's issues matrix, approved by the Commission on October 25, 2023; and

WHEREAS, upon completion of the public hearing the Planning Commission issued findings, conclusions, and recommendations in a report to the Redmond City Council dated November 1, 2023; and

WHEREAS, the City Council held public meetings on December 5, 2023; January 16, 2024; January 23, 2024; and February 20, 2024, to consider the proposed amendments and the Planning Commission's recommendation; and

WHEREAS, notice of City Council action on this proposed amendment was provided on January 30, 2024; and

WHEREAS, the City Council desires to adopt the amendments set forth in this ordinance.

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

Section 1. Classification. The amendments set forth by this ordinance are of a general and permanent nature and shall become a part of the Redmond Zoning Code.

Section 2. Findings and Conclusions. In support of the proposed amendments to the Redmond Zoning Code, the City Council hereby adopts the findings and conclusions contained in the Planning Commission Report dated November 1, 2023, including all related attachments and exhibits.

Section 3. Amendments to Redmond Zoning Code (RZC) Section 21.08.340 Home Business. The provisions of RZC Section 21.08.340, paragraph C. Requirements., subsection 13. Family Day Care Providers. are hereby amended to read as follows:
RZC 21.08.340 Home Business.

...

C. 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.

...

13. Family Day Care Providers.

a. Family day care providers are permitted as home businesses as permitted or limited by the underlying zone.

b. Family day care providers [~~SHALL~~] **must** obtain a business license and maintain the City of Redmond license as long as the use operates.

c. The family day care provider [~~SHALL~~] **must** not care for more than 12 children at any time **or as licensed pursuant to a waiver granted by the Washington State Department of Children, Youth, and Families per Chapter 43.216 RCW and Chapter 110-300 WAC, now or as hereafter amended.**

i. Family day care providers are encouraged to request from the City of Redmond pre-application review of proposed waivers to the number of children to be cared for at any time in advance of application to the State.

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 subsection C.7 of this section.

ii. The amount of gross floor area within the principal dwelling unit that may be devoted to the family day care business [~~SHALL~~] **must** be the minimum number of square feet required by the State[, ~~OR 25 PERCENT 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.

A. Family day care providers may exceed two additional employees outside the family group up to the number of employees required to comply with the terms of the waiver issued by the State.

e. Family day care providers may operate from 5:30 a.m. to 9:00 p.m.

f. Family day care providers [~~SHALL~~] **must** comply with all building, fire, safety, and health codes.

i. Family day care providers that receive a waiver from the state to increase the number of children permitted under the terms of their license must request an inspection from the City of Redmond, and any other agencies with jurisdiction, to confirm that operations comply with all building, fire, safety, and health codes. This inspection must be performed, and compliance with applicable building, fire, safety, and health codes must be confirmed in advance of the operation receiving an updated business license.

g. Family day care providers [~~SHALL~~] **must** 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~~] **must** provide the City with a copy of the state license.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance 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.

Section 5. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this _____ day of
February, 2024.

CITY OF REDMOND

ANGELA BIRNEY, MAYOR

ATTEST:

CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

DANIEL KENNY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.