

# Development Code Interpretation

## #18-01



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### CITY OF MERCER ISLAND

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**To:** DSG Staff  
**From:** Scott Greenberg, DSG Director  
**Date:** March 12, 2018  
**Re:** Home businesses in the Town Center

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#### MICC SECTION(S) INTERPRETED:

MICC 19.11.020(A)

#### AUTHORITY:

MICC 19.15.020(L) gives the code official the authority to interpret the meaning or application of the development code.

#### ISSUE:

Home businesses are expressly permitted, within certain parameters, as uses in Residential zones (MICC 19.02.010(5)) and Multifamily zones (MICC 19.03.010(C)), but are not addressed in the table of uses in the Town Center zoning standards (19.11.020). The purpose of this interpretation is to clarify whether home businesses are an allowed use in the TC zone.

#### FINDINGS:

The Code Official must consider the following eight criteria when issuing an interpretation [MICC 19.15.020(L)(1)]. Responses to each criterion are in *italics*.

- a. The plain language of the code section in question.  
*The applicable code section [MICC 19.11.020(A)(1)] does not list home businesses as a use, either permitted, conditional or prohibited.*
- b. Purpose and intent statement of the chapters in question.

*The Design Vision for the Town Center zone, described in MICC 19.11.010, notes that "[d]evelopment should enhance the Town Center as a vibrant, healthy, mixed use downtown".*

- c. Legislative intent of the city council provided with the adoption of the code sections in question. *Current Town Center regulations were adopted under Ord. 16C-06. City Council packet materials and minutes from May 2, 6, 9 and 16, 2016, the meetings at which the Council reviewed Ord. 16C-06, do not specifically discuss home businesses. Legislative intent cannot be determined.*
- d. Policy direction provided by the Mercer Island comprehensive plan. *The City of Mercer Island comprehensive plan includes Land Use Policy 14.3 (“Support economic growth that accommodates Mercer Island’s share of the regional employment growth target of 1,228 new jobs from 2006-2035, by maintaining adequate zoning capacity, infrastructure, and supportive economic development policies.”) indicating policy support for zoning standards allowing more capacity for jobs within the Town Center.*  
  
*Town Center Goal 5 states: “Encourage a variety of housing forms, including townhomes, apartments and live-work units attractive to families, singles, and seniors at a range of price points.” Live/work units, the most similar use type to home business listed in the table of uses in 19.11.020, are supported by this comprehensive plan policy as well as allowed as a conditional use in the TC-5, TC-4, TC-4 Plus, and TC-3 subareas, and as a permitted use in the TCMF-3 and TCMF-4 subareas.*
- e. Relevant judicial decisions. *There are no relevant judicial decisions related to this issue.*
- f. Consistency with other regulatory requirements governing the same or similar situation. *The Town Center zone is the only zone in the City of Mercer Island in which a large number of homes are located, but for which the zoning standards do not expressly permit home businesses. Home businesses meeting certain conditions are allowed in single-family and multi-family residential zones. Allowing home businesses in Town Center zoned multi-family residential units is similar to allowing them in Multi-Family zoned multi-family residential units.*
- g. The expected result or effect of the interpretation. *The expected result of this interpretation is to allow residents in the Town Center to have a home business, in a zone that otherwise allows stand-alone business uses.*
- h. Previous implementation of the regulatory requirements governing the situation. *Staff is unaware of any previous implementation of regulatory requirements relating to home businesses in the Town Center.*

**CONCLUSION:**

To maintain a consistent policy pertaining to accessory uses in residences throughout the City, home businesses should be allowed within the Town Center zone, provided the same parameters applied to home businesses in the Residential and Multifamily zones apply to home businesses in the Town Center zone.

**INTERPRETATION:**

Home businesses are allowed with the Town Center zone, provided the standards in MICC 19.02.010(5) are demonstrated to be met.