



STAFF REPORT

Agenda Subject: Briefing	Report Date: 6/1/21
Project #: Unified Development Code Amendment REVV21-001 Home Occupations EMC 19.08.120	Plng Commission Briefing: 6/1/2021
Staff Contact: Dan Eernisse, Economic Development Director	
Attachments: Proposed Code Amendment Text.	
Staff Recommendation: Review proposed amendments and direct staff to prepare a resolution for Planning Commission to consider at the 6/15/2021 Public Hearing.	

PROPOSAL

REQUEST:	The proposed action is to update the home occupation regulations to reflect new types of businesses and ensure compatibility with residential uses. Amendments include removal of a square footage maximum for the home occupation, allowance of two employees other than the resident, limitation on number of visitors/clients, and removal of the commercial vehicle delivery maximum.
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UNIFIED CODE AMENDMENT

PROCESS:	<p>Amendments to the Unified Development Code are considered by Review Process V. The proposal has met the following noticing requirements:</p> <p>GMA Notice: The city provided a 60-day notice to the Washington State Department of Commerce regarding the proposed comprehensive plan amendment and rezone. Commerce acknowledged receipt of that notice with a letter on April 21, 2021.</p> <p>Agency/City Department Review: The proposed amendments were circulated to other affected city departments. Comments were received and considered in the final draft amendment (Attachment 1).</p>
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	<p>SEPA Determination: Following a review of a SEPA non-project environmental checklist, the city issued a Determination of Non-significance on May 20, 2021. This proposal is city-wide, so no site-specific noticing was required. Official notice was published in The Everett Herald on May 25, 2021 with a fourteen-day comment period extending until June 8, 2021.</p>
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PUBLIC COMMENT

COMMENTS RECEIVED:	(NO COMMENTS RECEIVED FROM THE PUBLIC TO DATE)
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REVIEW CRITERIA

SOURCES:	<p>Comprehensive Plan: Chapter 7 Economic Development</p> <p>Unified Development Code Amendments: EMC 15.03.300 sets forth approval criteria for Unified Development Code Amendments. EMC 15.02.095B designates amendments as a Type V process.</p>
CONSISTENCY WITH ADOPTED POLICIES AND CODES:	<p>In accordance with 15.03.300.C.4, the proposal meets the Unified Development Code Text Amendment criteria as follows:</p> <p>a. The proposed amendment is consistent with the applicable provisions of the Everett comprehensive plan:</p> <p><i>Discussion</i></p> <p>The proposed amendment broadly supports Chapter 7 of the Comp Plan, the Economic Development element, and specifically supports:</p> <p>Goal 7.1 The City of Everett will promote economic diversity in order to enhance the economic health of the community.</p> <p>Objective 7.1.1 To increase the total number of firms and employees, while increasing the proportion represented by non-aerospace industries.</p> <p>Objective 7.1.12 To encourage small businesses to start up in Everett and create a vibrant expanding economy.</p> <p>Goal 7.3 The City of Everett shall encourage redevelopment and improvements to promote economic development and improve the quality and character of Everett's neighborhoods and business districts.</p>

	<p>Objective 7.3.1 To strengthen code enforcement efforts to clean up the community and encourage investment.</p> <p>b. The proposed amendment bears a substantial relation to public health, safety or welfare:</p> <p><i>Discussion</i></p> <p>The Comp Plan states that, “Considering the Growth Management Act (GMA) goal for economic development, Everett is in a position to promote economic opportunity and to encourage economic growth. An economically healthy City helps support its own public services, as well as county and state programs through employment and the tax revenues. A strong employment base provides an opportunity for city residents to earn a living, which in turn, supports local businesses that generate additional tax revenues.”</p> <p>The proposed amendment makes it easier for home occupations to launch, to operate, to pay salaries, to welcome customers, to pay taxes, and to be enforced in the event that the home occupation is negatively affecting the neighborhood.</p> <p>c. The proposed amendment promotes the best long-term interests of the Everett community.</p> <p><i>Discussion</i></p> <p>The pandemic redefined the workplace, propelling the changes through new uses of technology. The proposed amendments update the EMC to reflect these 21st Century changes and make the City of Everett more attractive to remote workers, entrepreneurs, and future employers who will be spending all or a significant amount of their work lives inside their homes.</p>
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RECOMMENDED ACTION/MOTION:

This is a briefing for the Planning Commission on the Home Occupation Unified Development Code Amendment EMC 19.08as shown in Attachment 1. The Planning Commission will hold a Public Hearing on June 15, 2021.

Attachment 1

Everett Municipal Code

APRIL 21, 2021 PROPOSED AMENDMENT

19.41.08019.08.120 Home occupations.

A. Any person engaging in a home occupation shall register as a business with the city treasurer's office and shall be subject to the city business and occupations tax.

B. Home occupations shall comply with all other local, state and federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.

A.C. Home occupations may be permitted in any residence residential zone provided such home occupations comply with the requirements of the zone in which the property is located and the following requirements:

~~1. Home occupations shall not occupy more than twenty five percent of the total floor area of the residence, or sixeight hundred square feet, whichever is less. Home occupations carried on within a dwelling shall be provided access to the work space through the dwelling only, with no direct access to the outside;~~

1. The occupation shall be carried on entirely within a residence or accessory building by the occupant thereof;

2. The occupation shall be secondary to the residential use of the dwelling for dwelling purposes;property;

~~3. The home occupation may be located in the principal dwelling or in the accessory structure. If located in an accessory structure the area devoted to the occupation, as described in subsection (A)(2) of this section, shall be based upon the floor area of the dwelling only;~~ the following regulations shall apply:

a. ~~The area devoted to the occupation, as described in subsection (A)(1) of this section, shall be based upon the floor area of the dwelling only, and~~

b. ~~Access to the work space may be directly from the outside;~~

~~2.~~

~~4.3.~~ No noise, vibration, dust, smoke, light, glare or odor shall be emitted other than is commonly associated with a residential use;

4. The occupation shall be conducted in such a manner as to give no outward appearance of a business, affect the appearance of the building(s) as a residence, nor manifest any characteristics of a business;

5. The home occupation shall be fully enclosed within the residence or accessory building with no outside storage of equipment or materials;

~~6. There shall be noNo external display of merchandise, or external advertising, or signage is is allowed; ; nor shall there be any external advertising;~~

7. No stock in trade shall be sold or displayed on the premises, and no equipment or materials shall be stored on any outdoor portion of the premises;

~~5. Prohibited The home occupation hours of operation shall be limited to: 8:00 a.m. to 8:00 p.m., Monday through Friday; and 9:00 a.m. to 6:00 p.m., Saturday and Sunday;~~

~~6.8.~~ Occupationsoccupations which shall be prohibited as home occupations include, but are not limited to:

a. Veterinarians,

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- b. Clinics,
 - e. ~~Auto sales or repair, maintenance, fueling, auto-body work, painting, parking, or storage,~~
~~Auto sale,~~
 - d.c. ~~Food and beverage services,~~
 - e. ~~Barber/beauty shops,~~
 - f. ~~Real estate offices,~~
 - g. ~~Any type of offices or occupations with client visits exceeding more than two clients at any given time,~~
 - h. ~~Retail sales,~~
 - i.d. Any use-occupation of a nature which is similar to those listed in this chapter or which creates impacts on surrounding properties which are similar to those created by the uses listed herein;
- ~~7.9.~~ There shall be no ~~more than one~~~~two (12)~~ ~~person~~ ~~people~~ other than a resident of the ~~dwelling residence~~ employed on the premises;
10. If the occupation is the type in which classes are held or instruction is given, there shall be not more than five (5) students allowed in any one class or instruction period. Classes shall not exceed a total of twenty (20) hours in any week;
- ~~8.~~ ~~If the occupation is the type with client or customer visits, there shall be not more than one~~~~two (2)~~ ~~client -or customer visits at any time, and not more than ten (10) client or customer visits per day;~~
- 11.
- ~~9.~~ ~~No employee shall work and no student, customer, or client shall do business on site outside of daytime hours as defined in EMC 20.08.110~~~~No stock in trade shall be sold or displayed on the premises, and no equipment or materials shall be stored on any outdoor portion of the premises;~~
12. ;
- ~~10.13.~~ Parking of ~~employee,~~ student, ~~customer,~~ or client vehicles shall not create any hazard or congestion; ~~and~~
- ~~11.14.~~ No receipt or delivery of products shall be permitted except as is commonly anticipated in residential areas. ~~Commercial vehicle deliveries shall not exceed two per week.~~ The gross vehicle weight of delivery vehicles shall not exceed eighteen thousand pounds. ;
- ~~12.~~ ~~No signs shall be allowed for home occupations; and~~
- ~~13.1.~~ ~~Home occupations shall comply with all other local, state and federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.~~
- ~~B.A.~~ Any person engaging in a home occupation shall register as a business with the city treasurer's office and shall be subject to the city business and occupations tax.
- C. Garage sales shall not be considered to be a home occupation.
- D. ~~Home occupations shall be reviewed using the review process described in Title 15, Local Project Review Procedures. (Ord. 3685-19 § 2, 2019; Ord. 2531-01 § 8, 2001; Ord. 1671-89 (part), 1989.)~~