



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

October 30, 2006

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Redmond Plan Amendment  
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 14, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative  
Steve Oulman, DLCD Transportation Planner  
Nick Lelack, City of Redmond

<paa> ya





**CITY OF REDMOND**  
Community Development Department

716 SW Evergreen  
PO Box 726  
Redmond, OR 97756-0100

(541) 923-7721  
Fax: (541) 548-0706  
cdd@ci.redmond.or.us  
www.ci.redmond.or.us

October 24, 2006

To Whom It May Concern:

Due to staff turnover during the code update adoption, we are past the 5 working day notice. Please accept our sincere apologies for this. Attached to the DLCD Form 2 are two copies of the signed Ordinance, findings and Article I code update.

Thank you for your patience

Gail Bloom  
Planning Office Assistant  
Planning Department  
City of Redmond  
541-923-7719

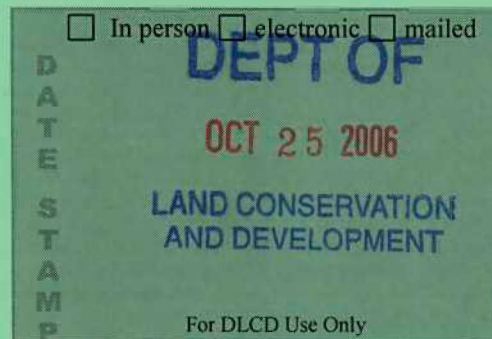


PROP **2**

# DLCD

## Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: City of Redmond Local file number: TA 06-02

Date of Adoption: 10/10/2006 Date Mailed: 10/24/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 5/3/2006

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other: _____                     |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

**Update of Article I/ Development Code "Zoning Regulations"**

**Changes proposed to uses permitted in most zones**

**Allows 2 new types of planned developments to offer creative development and infill opprotunities**

**Allows accessory dwelling units**

**Eliminates duplexes and multifamily dwellings and complexes in R-2& R-3 zones**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

**Same**

Plan Map Changed from: N/A to: \_\_\_\_\_

Zone Map Changed from: N/A to: \_\_\_\_\_

Location: City Wide Acres Involved: \_\_\_\_\_

Specify Density: Previous: R-3&R-4zone, No max PUD New: R-3, 8 units/acre,R-4,10 units/acre for PUD's

Applicable Statewide Planning Goals: 1,2,5,8,10,12,14

Was and Exception Adopted?  YES  NO

DLCD File No.: 002-06 (15203)



Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

**Forty-five (45) days prior to first evidentiary hearing?**  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

**City of Redmond**

Local Contact: **Nick Lelack** Phone: **(541) 923-7718** Extension: \_\_\_\_\_

Address: **716 SW Evergreen** City: **Redmond**

Zip Code + 4: **97756-** Email Address: **nickl@ci.redmond.or.us**

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF REDMOND  
ORDINANCE NO. 2006-14**

**AN ORDINANCE AMENDING CHAPTER 8 – DEVELOPMENT REGULATIONS,  
ARTICLE I – ZONING REGULATIONS.**

**WHEREAS**, the City Council adopted Ordinance No. 2001 – 08 on May 23, 2001 adopting the 2020 Comprehensive Plan. The 2020 Comprehensive Plan set forth new goals and policies pertaining to zoning standards and criteria contained in Article I – Zoning Regulations; and

**WHEREAS**, after the adoption of new goals and policies it is necessary to amend specific zoning standards and criteria to be consistent with the intent of the specific goals and policies in the 2020 Comprehensive Plan; and

**WHEREAS**, the Redmond Urban Area Planning Commission conducted public workshops and two public hearings on June 19, 2006 and June 26, 2006 to take oral and written testimony on the proposed revisions to Article I – Zoning Regulations; and,

**WHEREAS**, after receiving public testimony and deliberating the proposed amendments to Article I, the Planning Commission recommended that the City Council approve the proposed amendments to Article I – Zoning Regulations as set forth in Exhibit A and the findings set forth in Exhibit B; and

**WHEREAS**, the City Council finds that in the adoption of this ordinance, supporting findings, and accompanying code text is in the best interest of the City; and,

**WHEREAS**, in a project of this size and scope, additional editing and refinement will inevitably be necessary after adoption of the Zoning Code update, and the Council intends to have additional public hearings and to make subsequent amendment:

**NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:**

**SECTION ONE: ADOPTION OF ORDINANCE 2006-14 .** Ordinance No. 2006 -14, an ordinance amending Chapter 8, Development Regulations, Article I – Zoning Regulations is hereby adopted including the new standards and criteria, attached as Exhibit “A”, and the findings, attached as “Exhibit “B”.

**SECTION TWO: PUBLIC HEARINGS.** In support of this update, and the Redmond Planning Commission shall hold a hearing on Monday, March 5, 2007, to take testimony and evidence on the Zoning Code and possible revisions or refinements to the documents adopted in this ordinance.

**SECTION THREE: SEVERABILITY.** The provisions of this ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not







## EXHIBIT B

### Legislative Findings for the Redmond Development Code Amendment of 2006

File # TA 06-2

Chapter 8 – Development Regulations Article 1 Zoning Standards

Section 8.0760 **Criteria For Amendments.** . . . The applicant shall show the proposed change is:

*(1) In conformity with all applicable State statutes.*

#### **Findings:**

There are two applicable state planning statutes that must be addressed: ORS 197.307 (3)(b) . . . (4), and ORS 197.610 (1).

ORS 197.310 (3)(b) states: “A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.”

The above statute is further defined under ORS 197.310 (4): “Subsection (3) of this section shall not be construed as an infringement on a local government’s prerogative to: (a) Set approval standards under which a particular housing type is permitted outright; (b) Impose special conditions upon approval of a specific development proposal; or, (c) Establish approval procedures.”

The proposed amendments of the Redmond Development Code include both format and substantive changes. The format changes are intended to make the Code easier for the public to understand and easier for City staff to administer. They do not rise to the level of having any effect on or be affected by the above statutes.

Many of the proposed amendments include substantive changes to the Code. These changes are summarized in Attachment 1 (“Proposed Code Changes That Are More Restrictive by Zone”) and Attachment 2 (“Proposed New Land Uses by Zone”). These changes range from removing duplexes from the R-1 and R-2 Zones to allowing cluster and cottage development PUD’s in the R-4 and R-5 Zones. These changes, and the other changes proposed in the Development Code Amendment maintain the regulations as clear and objective. Further, they do not rise to denying a development or reducing density for needed housing.

ORS 197.610 (1) states “A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be

forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. . .”

The City of Redmond forwarded a notice to DLCD as required by the above statute on May 5, 2006, which was 45 days prior to the first public hearing date of June 19, 2006.

Based on the above findings, the proposed Development Code Amendment conforms with all applicable state statutes.

*(2) In conformity with the State-wide planning goals whenever they are determined to be applicable.*

**Findings:**

State-wide Planning Goal 1 Citizen Involvement and Goal 2 Land Use Planning apply to the proposed Development Code Amendment.

State-wide Planning Goal 1 Citizen Involvement requires that citizens be notified and be given the opportunity to participate in a decision to adopt amendments. The City’s Comprehensive Plan also contains Policies that implement State-wide Planning Goal 1.

Specifically, the City has provided press releases, flyers, and public notices in the newspaper about the Development Code Amendment project. The City has held workshops and invited interested persons to participate in the discussion of proposed amendments. The City’s Urban Area Planning Commission, which is the official Committee for Citizen Involvement, held numerous meetings and workshops over the past two years. Finally, the City has notified all property owners (8,300 households) in the City by mail on May 18, 2006 of the proposed Amendment. Planning Commission public hearings were held on June 19, 2006 (at the Deschutes County Fairgrounds) and June 26, 2006 (City Council Chambers), and the City Council public hearings were conducted on August 29, 2006 and October 10, 2006 at City Council Chambers.

Statewide Planning Goal 2 Land Use Planning requires that Plans and Implementing Ordinances be based on adequate factual information and be considered in the appropriate process and policy framework. The City started the Code Amendment project more than two years ago. The Planning Commission has received input from staff, outside consultants, property owners, and developers. Based on their input, and own experience with the Development Code, the Commission believes a number of changes to the Code are necessary. The City has a record of its deliberations and believes there is an adequate factual and policy basis for the proposed Code Amendment.

Based on the above findings, the proposed Development Code Amendment conforms with all applicable State Planning Goals.



*(3) In conformity with the Redmond Comprehensive Plan, land use requirements and policies.*

**Findings:**

There are a number of policies and requirements of the Comprehensive Plan that apply to the Code Amendment: Chapter 1 Citizen Involvement; Chapter 2 Land Use Planning; Chapter 9 Economic Development; Chapter 10 Housing; and Chapter 14 Urbanization Element. Each one is addressed below,

Chapter 1 Citizen Involvement. Findings are included under the conformance to State Planning Goals above in criteria (2).

Chapter 2 Land Use Planning. Findings are included under the conformance to State Planning Goals above in criteria (2).

Chapter 9 Economic Development. Goal 1 “Expand, improve and diversity the economy of the Redmond Urban Growth Boundary area while maintaining Redmond’s quality of life.” The proposed Amendment does this by making some conditional uses, permitted uses within the Industrial and Commercial Zones (refer to attachment 1 and 2). This includes making printing and publishing uses as outright uses in the M-1 Zone. The Amendment also includes making kennels a conditional use in the C-1 Zone. These are examples of enhancing economic opportunities while maintaining quality of life.

Chapter 9 Economic Development. Goal 8 “Protect industrial lands from being converted to commercial uses.” The proposed Amendment does this by removing several commercial and quasi-commercial uses from the M-1 and M-2 Industrial Zones. These uses include churches, dry cleaners, hotels and motels, among others (refer to attachment 1 and 2).

Some of the amendments seek to better meet the purpose of Chapter 9 as expressed in the purpose of a Zoning District. For instance, in the C-3 Zone, the purpose is to create an area for medical and related services. An amendment seeks to remove grocery stores as an allowed use to better meet the purpose of the C-3 Zone.

Chapter 10 Housing. Goal 2 “Allow for a variety of options for all income levels in both existing neighborhoods and new residential areas that match the changing demographics and lifestyles of Redmond residents to the year 2020.” The proposed Amendment conforms with this Goal by allowing for a new form of cluster/cottage development PUD’s, and accessory dwellings, thus providing more variety in housing type.

Chapter 10 Housing. Goal 3 “Establish residential areas that are safe, convenient, and attractive places to live. . .” The proposed Amendment conforms with this Goal by requiring a larger setback on one side of the lot (in R-1 to R-4 Zones without alleys) to accommodate extra parking and storage demands for boats and RV’s. It also conforms to this Goal by removing, as an example, multi-family as a permitted use in the R-2 Zone.

This better meets the purpose of the Zone, while allowing multi-family dwellings in R-3, R-4, and R-5 Zones.

Chapter 13 Urbanization Policy 12 Development Standards “Development standards should retain and enhance desirable existing areas, and revitalize, rehabilitate, or redevelop less desirable areas. Standards should encourage and promote innovations in development techniques in order to obtain maximum livability and excellence in planning and design for development.” The proposed Amendment meets this policy in many ways. It removes some incompatible uses from the list of allowed uses, and changes some uses from permitted to conditional where needed, to achieve maximum livability.

Based on the above findings, the proposed Code Amendment conforms with the City’s Comprehensive Plan.

*(4) That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.*

**Findings:**

This criterion is primarily intended for map amendments which this is not. However, there have been many changes of circumstances in the way land is developed which require the City to revise the Development Code as proposed. The intent of most of the amendments is to make new development more compatible, and to assure that land within Zones is primarily used for its intended purpose, and to expand opportunities to create affordable housing. This is based on changing needs and demands of the public and on findings of the staff and Planning Commission.



**CHAPTER 8 - DEVELOPMENTAL REGULATIONS**

**ARTICLE I - ZONING STANDARDS**

**INTRODUCTORY PROVISIONS**

**8.0001 Title.** The City of Redmond Zoning Standards is contained in Sections 8.0001 through 8.0999 herein inclusive.

**8.0010 Purpose.** These standards are adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being and general welfare of the City of Redmond and not limited to, but specifically to achieve, the following designated objectives:

1. To protect the character and values of land and buildings and economic stability of sound residential, business and industrial districts and to enhance the quality of the desired environment in them by:
  - A. Preventing the intrusion of inharmonious uses.
  - B. Preventing the encroachment on desirable open space appurtenant to each district.
  - C. Providing for the safe and efficient movement of existing and prospective traffic.
  - D. Assuring the provision of necessary off-street parking space for vehicles.
2. To provide for additional growth and development in a manner appropriate to the character of the City and which will contribute to the economic stability of the City and strengthen the basis of its private and governmental economy.
3. To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the City from costs which may be incurred when unsuitable, scattered or premature development occurs.
4. To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
5. To minimize traffic hazard, traffic congestion and the conflict between land uses and the movement of traffic, and to encourage alternative transportation means to automobiles.
6. To preserve the various City areas' right to be attractive and pleasing in appearance and to aid in the development of the city by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly and attractive.
7. To regulate the placement, height and bulk of buildings; and the placement and growth of vegetation within the City to insure access to solar energy by reasonably regulating interests in property within the City, as authorized by Law, to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Comprehensive Plan policies relating to solar energy.
8. To encourage the design of new buildings, structures and developments which use solar energy and protect future options to use solar energy by protecting solar access, and by having sustainable development as a goal.

**8.0020 Definitions.** As used herein, the following words and phrases shall mean:

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**Abut.** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**Access.** The right to cross between public and private property

**Access Management.** The process of regulating access to streets, roads and highways.

**Accessible Route.** A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor spaces at fixtures. Exterior accessible routes may include connections to the public right-of-way, parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

**Accessory Dwelling.** See *Dwelling, Accessory Dwelling*.

**Accessory Structure.** A non-dwelling structure incidental and subordinate to the main structure, and located on the same property as the main structure.

**Accessory Use.** A use incidental and subordinate to the main use of a property and located on the same property as the main use.

**Acreage, Gross.** The total area within a unit of land.

**Adjacent.** See *Abut*.

**Adjoining.** See *Abut*.

**Administrative Decision.** A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

**Adverse Impact.** Negative affect of some action governed by this Code.

**Affected Person.** Owners of record of real property located within a minimum distance of 100 feet, exclusive of public street and other rights-of-ways, from the property subject to and affected by a decision.

**Agent.** Any person who is authorized to represent or act for any other person.

**Alley.** A public or private way permanently reserved as a secondary means of access to the back or side of a property.

**Alter.** To change, add to, or modify a structure or a use.

**Apartment.** A building or portion thereof, designated for occupancy by three or more families living independently of each other. See *Dwelling, Multi Family Dwelling and Multi Family Complex*

**Arena, Indoor.** A facility intended to enclose spectator sporting events.

**Auto Detailing.** A use designed for cleaning the inside and outside of autos, not including an automated car wash.

**Auto Sales.** Commercial sale of new or used autos.

**Auto and Tire Service.** A commercial business engaged primarily in supplying services generally required in the operation and maintenance of automotive vehicles. Major automotive repairs, painting and body and fender work, are excluded from this definition.

**Automobile Recycling or Wrecking Yard.** A premises used for the long term outdoor storage and sale of used automobile or truck parts.

**Batch Plant, Asphalt.** A heavy industrial use intended for mixing and preparing asphalt and / or other oil-based paving surfacing material requiring large scale preparation.

**Batch Plant, Concrete.** A use intended for mixing and preparing concrete or similar (non oil-based) paving surfacing material requiring large scale preparation.

**Bed and Breakfast.** Provides accommodations plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. A Bed and Breakfast may contain up to 5 rental guest rooms.

**Berm.** A continuous small rise or hill in the ground which is intended to buffer or



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visually screen certain elements of development such as parking areas.

**Block.** An area of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-ways or lines, shore lines or waterways, natural topographical barriers, or corporate boundary lines of a city.

**Boarding or Rooming House.** An owner occupied residence containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

**Buildable Area.** The portion of property that can be used to construct a building. Buildable area is the area excluding yard setbacks, easements, and other legal or physical prohibitions to construction.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Footprint.** The area of a building as measured around its foundation.

**Building Height.** See *Height, Building*.

**Canopy.** A permanent roofed structure which may be free-standing or partially attached to a building for a purpose of providing shelter to patrons in automobiles, and patrons on foot, but shall not mean a completely enclosed structure.

**Capacity.** The maximum level of designated use of any facility, or part thereof, as determined pursuant to the provisions of the City's adopted codes and standards or state statutes.

**Car Wash.** Automated or manual facility whose primary use is the washing of cars.

**Cemetery.** Land dedicated to be used for the burial and honoring of the dead.

**Child Care Center (commercial).** Any registered child care facility which is not a child care home.

**Child Care Home (residential).** Any registered child care facility or certified group child care home where child care is offered in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status. (657A.440).

**Church.** A place or structure having a primary function of providing a place of worship for a known / established non-profit religion or religious institution.

**Clear and Objective.** Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

**Clinic, Animal.** See *Veterinarian*.

**Clinic, Medical-Dental.** See *Office*.

**Club.** Private organization that has limited membership.

**Cluster Development.** Multiple dwellings on a single legal lot; see RDC Section 8.0275 to 8.0287, *Planned Unit Developments*.

**Commercial Amusement Establishment.** Any place where entertainment or amusement is provided, where the public on a commercial basis may observe or join in the activities.

**Common Area.** Land within a development not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. May include complementary structures and improvements.

**Comprehensive Plan.** The Plan and coordinated land use map and policy statements adopted by the City of Redmond pursuant to ORS Chapters 197 and 227 for the Redmond Urban Growth Boundary.

**Conditional Use.** A use which requires a conditional use permit review and approval.

**Conforming.** In compliance with the regulations of the applicable zone designation.

**Construction Plans.** The plans, profiles, cross sections and drawings or reproductions thereof, approved by a registered professional engineer, which show the

## Redmond Code

details of the work to be done on public improvements and facilities.

**Contiguous.** See *Abut*.

**Contiguous Land.** Units of land under the same ownership which abut, irrespective of roadways, easements or rights-of-way.

**Contractor's Yard.** Outdoor area containing contractor equipment or privately owned, not-for-sale supplies.

**Convalescent Home.** See *Nursing Home*.

**Convention Center.** Public, semi-public or privately owned facility whose primary purpose is to accommodate large gatherings of people for events.

**Day Care (commercial).** See *Child Care Center*.

**Day Care (residential; family).** See *Child Care Home*.

**Day Nursery.** See *Child Care Home; Child Care Center*

**Dedication.** The transfer of private property to public ownership upon written acceptance. The term may also be used for dedications to a private homeowners' association.

**Density(ies).** A measurement of the number of dwelling units in relationship to a specified amount of land; density excludes land devoted to street right of way.

**Density Transfer, OSPR / "R" Zone:** The allowance of reduced-sized lots in residential zones in exchange for a specific area of Open Space Park Reserve land which would be dedicated, deeded, or sold to the City of Redmond. Density transfer provisions apply to residentially zoned land immediately adjacent to desired land zoned (or potentially zoned) OSPR / Open Space Park Reserve. The percentage of land area to be credited as 'transfer land' is to be evaluated on a case-by-case basis at the time this provision is desired.

**Developer.** Any person, corporation, partnership, agent of the developer, or other legal entity who creates or proposes to create a land development.

**Development.** Any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city, county or state, including but not limited to buildings or other structures, mining, filling, grading, paving of infrastructure, excavation or drilling operations, landscaping, and storage of materials.

**Discretionary.** A permit action or decision that involves substantial judgment.

**Drainage.** (1) Surface water runoff; (2) the removal of surface water or groundwater from land by drains, grading, or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

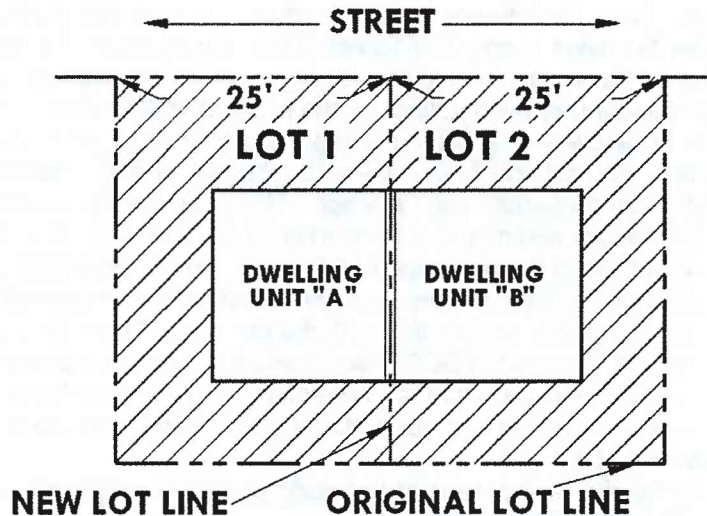
**Drainage Easement.** An easement used for drainage ditches, pipes, or other natural or man-made water conveyance or runoff.

**Duplex.** See *Dwelling, Duplex*.

**Duplex lot.** A lawfully created lot of record containing one dwelling unit of a duplex dwelling structure. See *illustration below*.



## DUPLEX LOT



**Dwelling.** As follows:

Accessory Dwelling Unit. A secondary living unit or separate cottage on a single family lot in a residential zone containing cooking facilities, and meets the dimensional and other requirements of the zoning district in which it is located.

Duplex. Two attached dwelling units when neither is an accessory dwelling.

Guest House. A detached building used as sleeping quarters for guests of the occupants of the main dwelling and having no cooking facilities.

Multi-Family Dwelling. A building on a single lot containing a total of three or four dwelling units.

Multi-Family Complex. A building or group of buildings on a single lot containing a total of five or more dwelling units.

Single Family Dwelling. A detached building containing one dwelling unit and designed for occupancy by one family only, excluding a mobile home.

**Dwelling Unit.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Easement.** A grant of the right to use a parcel of land for specific purposes, but in which ownership of the land is not transferred.

**Egress.** Access point for exiting a building, site or area.

**Equipment, General.** Smaller equipment that is typically used outdoors, such as lawnmowers, weed trimmers, rental trucks and trailers, rototillers, and so forth.

**Equipment, Heavy.** Large equipment including but not limited to backhoes, dump trucks, cranes, bulldozers, semi-truck trailers and their containers, and so forth.

**Exaction.** Contributions, dedications, and/or payments required to mitigate development impacts as an authorized condition for receiving a development permit.

**Exempt Vegetation.** A tree or other plant that is shown by the sun chart accompanying a solar access permit application to cast existing shade on a protected

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area.

**Family.** An individual or two or more persons related by blood or marriage or a group of not more than five persons who need not be related by blood or marriage living together in a dwelling unit.

**Farm Use.** 'Farm Use' means the employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of generating an income by raising, harvesting, and selling crops, or by the feeding, breeding, management and sale of, or the product of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Farm use includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provision of ORS 321, except land used exclusively for growing cultured Christmas trees, or to the construction and use of dwellings customarily provided in conjunction with the farm use. The definition of 'accepted farming practice,' as used in DCC Title 20 and the Redmond Development Code, means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to generate an income and customarily utilized in conjunction with farm use.

**Feasibility Study.** An analysis of a specific project or program to determine whether it can be successfully carried out.

**Floor Area.** The sum of the gross horizontal areas of the floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet.
2. Basement, if the floor above is less than six feet above grade.
3. Uncovered steps or fire escapes.
4. Private garages, carports, or porches.

**Fraternal Organization.** See *Club*.

**Frontage.** That portion of a parcel of property which abuts a dedicated public street or highway or an approved private way (except an alley).

**Garage, Public or Private Parking.** A publicly or privately owned structure having one or more tiers of heights used for the parking of automobiles. Open garages may include parking spaces for customers, patrons, or clients provided said parking spaces are clearly identified as parking spaces for the building or use which is required to provide said space.

**Gas Station, Auto.** Service station having a primary function of providing gasoline to passenger automobiles.

**Gas Station, Card Lock.** Semi or fully automated service station that provides gasoline to persons having the appropriate card to enable fueling; typically intended for auto fleet (commercial vehicle) fueling.

**Gift and Card Shop.** Shop that exclusively sells cards and gifts.

**Grade.** The average level of the finished surface of the ground adjacent to the exterior of a building.

Established Grade. The elevation of the ground or infrastructure as officially established by city authority.

Existing Grade. The surface of the ground or infrastructure at a stated location as it exists prior to disturbance in preparation for a project.

Finished Grade. The final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, or excavating, have been made on the ground surface.



## Redmond Code

**Ground Level Grade.** The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, alley or other public way, the above-ground level should be measured at the elevation of the sidewalk, alley or public way.

**Natural Grade.** The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating.

**Grading.** Any leveling, stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition to create new grades.

**Regular Grading.** Any grading that involves 5,000 cubic yards or less of material.

**Engineered Grading.** Any grading that involves more than 5,000 cubic yards of material, or any filling of land that is intended to provide support for structures and or infrastructure.

**Granny Flat.** See *Dwelling, Accessory Dwelling*.

**Ground cover.** A plant material or non-plant material (e.g., bark chips, mulch, gravel) that is used to cover bare ground.

**Guest House.** A detached building used as sleeping quarters for guests of the occupants of the main dwelling and having no cooking facilities; differs from an Accessory Dwelling.

**Health Club.** A place of business with equipment and facilities for exercising and improving physical fitness.

**Health Spa.** A place of business with equipment and facilities for physical care.

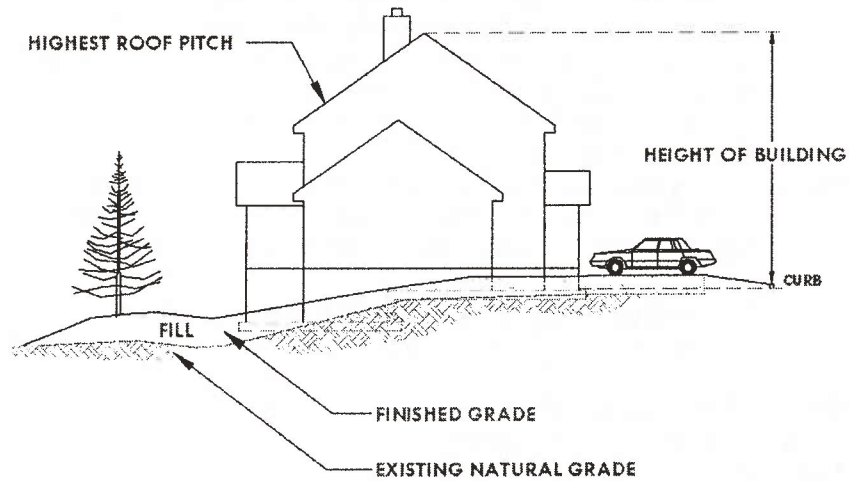
**Hearings Body.** The Community Development Director or designee, Planning Commission, Hearings Officer or City Council.

**Hearing, Initial.** The first hearing authorized and conducted by the Planning Commission, Hearings Officer, or City Council.

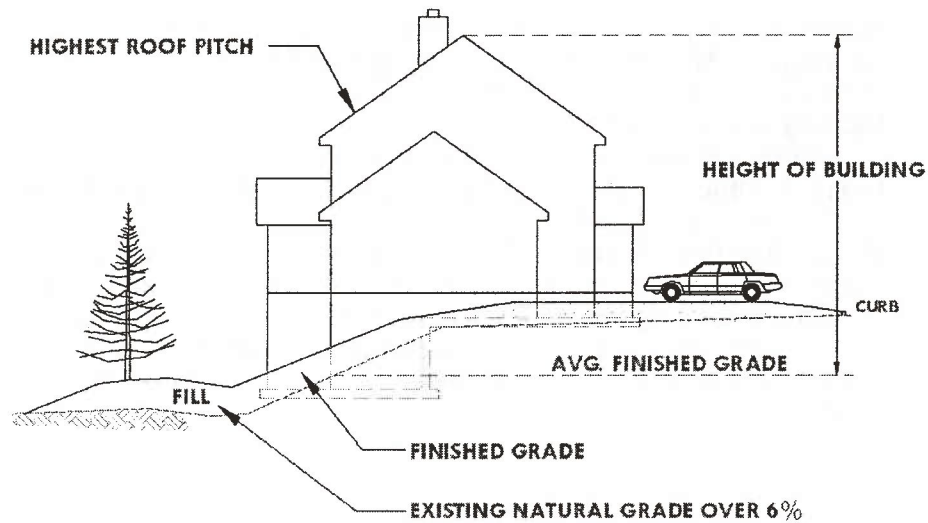
**Hearings Officer.** A planning and zoning hearings officer appointed or designated by the City Council pursuant to ORS 227.165.

**Height, Building.** With natural grade of up to and including 10%, "height of a building" is the vertical distance measured between the elevation of the curb serving the property, and the highest point on the roof. For sites having a natural grade of greater than 10%, "height of a building" is measured from average finished grade to the highest point of the roof, and a maximum of 4 feet of introduced fill is permitted. See *illustrations*.

## Redmond Code



### Measuring Height of Buildings (Average slope = 10% or less)



### Measuring Height of Buildings (Average slope = more than 10%)

4' fill (max.) permitted without a variance

**Highest Shade Producing Point.** The highest shade producing point of the structure two hours before and after the solar zenith on December 21.

**Homeless Shelter.** A building, facility, or portion thereof used by a not-for-profit agency or organization for the purpose of providing sleeping quarters.



## Redmond Code

**Home Occupation.** Any business carried on by a resident of a dwelling as an accessory use within the same dwelling, or in an accessory structure on the same property.

**Hospital.** A facility with an organized medical staff, with permanent facilities that include inpatient beds and with medical services, including physician services and continuous nursing services under the supervision of registered nurses, to provide diagnosis and medical or surgical treatment primarily for but not limited to acutely ill patients and accident victims, to provide treatment for the mentally ill or to provide treatment in special inpatient care facilities.

**Hotel (Motel).** Any building containing six or more guest rooms intended or designed to be used, or that are used, rented or hired out to be occupied, or that are occupied for sleeping purposes by guests.

**Impervious Surface.** Any hard-surfaced area that does not readily absorb or retain water, including but not limited to building roofs, paved parking and driveway areas, sidewalks, and other paved areas.

**Improvement.** Any man-made physical addition to a property affecting the value or use of that property.

**Improvement Agreement.** Any contract, security or agreement that may be required and accepted between the developer and the city to assure that necessary improvements will function as required for a specific period of time. See also *Performance Guarantee*

**Indoor Commercial Recreation.** A room or rooms within an enclosed building which is designated and used for recreational purposes by the public.

**Infill Development.** Development or redevelopment of vacant, parcels of land in otherwise built-up areas.

**Ingress.** Access point for entering a building, site or area.

**Instrument Runway.** A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions. Instrument runways are classed as precision and non-precision instrument runways.

**Intensity of Use.** The range or scale or concentration or degree of impact of use, often measured by floor area ratios, building coverage or traffic generation.

**Interest.** Includes a lot or parcel, share, undivided interest or membership which includes the right to occupy the land over night, and a lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period more than three years. Interest does not include any interest in a condominium as defined by state law or any security interest under a land sales contract, trust deed or mortgage. Interest does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

**Junkyard.** Primary or accessory use of land for the storage, dismantling or selling of castoff or salvage material of any sort in other than the original form in which it was manufactured and/or assembled and not including reconditioned second-hand furniture or fixtures sold from within a walled building.

**Kennel.** A lot or buildings in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation, training or sale.

**Land Division.** The subdividing or partitioning of land for any purpose into lots or parcels, or the creation of lots or parcels for the purpose of sale or lease.

**Landscaping Supply:** Indoor or outdoor sales (wholesale or retail) of bulk items typically associated with landscaping, including (but not limited to) topsoil, mulch,

## Redmond Code

gravel, river rock, fountains, pavers, and so forth.

**Land Use.** The main activity that occurs on a piece of land.

**Livestock.** Domestic farm animals customarily raised or kept on farms for profit or other purposes. Excludes smaller animals traditionally kept as house pets.

**Loading Area.** An off-street space within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials.

**Lodge.** See *Club*.

**Lot.** A lawfully created unit of land that is created by a subdivision of land. See also *Lot of Record*.

Corner Lot. A lot abutting upon two or more streets other than alleys, at their intersection, or upon two parts of the same street, such streets or parts of same street forming an interior angle of less than 135 degrees within the lot line.

Double frontage Lot. An interior lot having frontage on more than one street, or a corner lot having frontage on more than two streets.

Flag Lot. A lot which fronts a public street or road and where access to the street or road is by a private driveway. A lot shall be considered as a "flag lot" if the pole of the flag lot is less than half the width of the average lot width having between 20 and 50 feet of street frontage.

Interior Lot. A lot other than a corner lot.

Irregular Lot. A lot of such a shape or configuration that technically meets the area, frontage and width requirements of these standards but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

Nonconforming Lot. A lot that lawfully existed prior to the enactment of the requirements of these standards, but which does not meet the minimum lot size or lot width requirements.

Through Lot. An interior lot having a frontage on two streets and/or highways, not including an alley. See also *Lot, Double Frontage*.

**Lot Area.** The total horizontal surface area within the property lines of a lot, exclusive of streets.

**Lot Consolidation.** The consolidation of lot lines resulting in fewer lots.

**Lot Coverage.** The percentage of a lot containing the footprint of structures, landscaping or any other measurable surface material.

**Lot Line.** The property line bounding a lot.

Front Lot Line. For a lot other than a corner lot, the lot line abutting a street other than an alley; for a corner lot, a lot line abutting either street other than an alley. In the case of a corner lot, or double frontage lot, the Community Development Department Director or designee shall determine the front lot line. The determination shall be made to provide the necessary public safety and shall be based on street classifications, house and driveway orientation, lot dimensions, and adjacent property use.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.

Side Lot Line. Any lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot or to the lot and an alley; and exterior side lot line is a lot line common to the lot and a street other than an alley.

**Lot Line Adjustment.** The adjustment of common property line(s) or boundaries



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between adjacent lots, tracts, or parcels for the purpose of accommodating a transfer of land. The resulting adjustment shall not create any additional lots, tracts, or parcels and all reconfigured lots, tracts, or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

**Lot of Record.** Any unit of land created as follows:

1. A lot in an existing, duly recorded subdivision;
2. A parcel in an existing, duly recorded major or minor land partition; or,
3. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
4. Any unit of land created by deed description or metes and bounds provided, however, contiguous units of land created by deed description or metes and bounds under the same ownership and not conforming to the minimum parcel size of these standards shall be considered one (1) lot of record.

**Lot Width.** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback.

**Lumber Mill.** Facility having the primary purpose of shaping and cutting raw or partially finished lumber.

**Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, and that is being used for residential purposes. It does not include any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 or any unit identified as a recreational vehicle by the manufacturer.

**Manufactured Home Park.** Any place where two or more manufactured homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**Manufactured Home Subdivision.** A subdivision intended to be occupied exclusively by manufactured homes.

**Manufacturing, Commercial.** Light assembly as a support use to the primary commercial use (i.e., furniture assembly, electronic repair / assembly).

**Manufacturing, Heavy Industrial.** Industrially related manufacturing; typified by use of larger machinery or chemicals; not generally associated with commercial sales other than as a secondary use to the primary industrial use.

**Manufacturing, Light Industrial.** Fully enclosed; manufacturing of items permitted in the respective zone; does not use chemicals or materials which may be toxic or otherwise detectable visually or by odor from neighboring properties.

**Martial Arts Studio:** A place where any art of self defense is taught and/or practiced.

**Master Plan; Master Development Plan.** An overall plan indicating the physical and functional interrelationships between uses and facilities for a project, a series of projects or phased developments occurring over a period of time. Components of a master plan are set forth in RDC 8.0300.

**Ministerial.** A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is a ministerial action.

**Mini Storage.** Securable, "for rent" unit intended to store personal items on a long-term basis.

**Modular Home.** See *Prefabricated House*.

**Monument.** A permanent and fixed survey marker conforming to the requirements established by state law and the regulations of Deschutes County.

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**Multi-family Complex.** See *Dwelling, Multi-family Complex.*

**Multi-family Dwelling.** See *Dwelling, Multi-family.*

**MUTCD:** Manual of Uniform Traffic Control Devices, Federal Highway Administration.

**Non-Conforming Structure or Use.** A lawful existing structure or use at the time these Development Code standards or any amendment thereof becomes effective, which does not conform to the requirements of the zone in which it is located.

**Nursery for Plants.** Enclosed facility intended for commercially growing or distributing plants.

**Nursing Home.** Any home, institution or other structure maintained or operating for the nursing and care of four or more ill or infirm adults not requiring hospital care or hospital facilities.

**Office.** A room, suite of rooms, or portion of a building used for the practice of a profession or for conducting the affairs of a business.

**Open Space.** Land retained as undeveloped land *for use as passive or active recreational area*; land that is developed with park, landscaping, or other non-structural amenities. See also *Usable Open Space.*

**Overlay Zone.** A defined area or district which provides regulations in addition to those regulations in the underlying zones.

**Owner.** Person in whom is vested the ownership, dominion, or title of property; includes contract purchaser.

**Partition.** To divide an area or tract of land into two or three parcels.

**Performance Bond.** A document, acceptable by the city, issued by a surety company, in return for a fee or premium, guaranteeing the performance of the terms and conditions of a development approval.

**Performance Guarantee.** Any security or contract that may be accepted by a municipality as a guarantee that improvements required as part of an application for development are satisfactorily completed. See also *Improvement Agreement.*

**Person.** An individual, firm, partnership, corporation, company, association, syndicate, or any other legal entity, whether he, she or it is acting for himself, herself or itself, or as the servant, employee, agent or representative of another.

**Plat, Final.** The final plan of all or a portion of a subdivision or partition that is presented to the approving authority for final signature and recording in accordance with state law.

**Plat, Tentative.** A plan of all or a portion of a subdivision or partition that is submitted for approval in accordance with state law, and that is not a final plat.

**Precision Machine Shop.** Shop or facility that manufactures, alters or modifies metal parts. Typically applies to computerized machining of tools and parts requiring high precision machining.

**Primary Use.** The most prevalent use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.

**Principal Use.** The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**Printing and Publishing, Retail.** Service commercial use providing printing services available to the general public.

**Printing, Wholesale.** Printing intended to serve retail or other wholesale uses rather than the general public.

**Public Right-of-Way.** A strip of land acquired by dedication, prescription or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer,



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and/or other public utilities or facilities.

**Public Use.** A structure or property intended or used for a public property is or may be devoted, and to which all other uses on the premises are accessory.

**Public Way.** Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or other wise permanently appropriated to the public for public use and that has a clear width and height of not less than 10 feet.

**Quasi Judicial Action.** A decision or action of a public body that involves substantial discretion or judgment in applying the standards and criteria of this Code.

**Recreational Vehicle.** Temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicles include travel trailer, truck camper, and motor home.

**Recreational Vehicle Park.** A parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles, tents or other camping facilities, as temporary living quarters for recreation or vacation purposes.

**Recreational Vehicle Site.** A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other camping unit on a temporary basis. The site may include individual use areas for picnic tables, fire pits, private parking, and other private uses.

**Recycling Collection Center.** Center used as a collection point for household or other types of residential recycling.

**Recycling Use.** Alteration of a material or commodity for re-use. Includes but is not limited to recycling aluminum, glass, paper and plastic.

**Replat.** An amendment to a recorded plat.

**Research and Development Facility, General.** Establishment primarily engaged in industrial or scientific research including limited product testing; does not include medical research.

**Research and Development Facility, Medical.** Medically related research; use of biohazardous chemicals subject to DEQ regulations.

**Reserve Strip.** "Reserve Strip" means a strip of land usually a minimum of one foot in width, reserved across the end of a street or alley terminating at the boundary of a subdivision, or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

**Residential Facility.** A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (ORS 197.660)

**Residential Home.** A residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (ORS

## Redmond Code

197.660)

**Residential Use.** Occupancy such as a human dwelling or lodging place.

**Retail, Bulky.** Large retail items including furniture, cars, etc.

**Retail, Medical Supply.** Shop that specializes in goods and commodities relating to care and rehabilitation of medical patients.

**Ridge Line (building).** The top of a roof at its highest elevation.

**Road.** A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. See also *Street*.

**Rock Crushing, Permanent.** Use of facility or site to crush rock as an ongoing operation. Could involve imported or on-site rock, and may involve transporting crushed rock to other sites.

**Rock Crushing, Temporary.** Use of a site to crush rock on a temporary basis. Must involve on-site rock only, but may involve transporting said crushed rock to an off-premises site. Crushing shall be incidental to primary use on the site.

**School.** A place for teaching, demonstration or learning.

**Semi-Public Use.** A structure or use intended or used for a semi-public purpose by a church, lodge, club or any other non-profit organization.

**Setback.** The distance between the vertical face of a structure and a property line.

**Site Improvement.** Landscaping, paving for pedestrian and vehicle ways, outdoor lighting, recreational facilities, etc., added to a site.

**Slope.** The amount of deviation of a surface from the horizontal, usually expressed as a percentage or by degrees.

**Start of Construction.** The first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation.

**Story.** The portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building within the upper surface of the top-most floor and ceiling or roof above.

**Street.** A public or private way, other than an alley, that is created to provide primary vehicle access for persons to one or more lots, parcels, areas or tracts of land. See also *Road*.

Arterial Street (Major). A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterial streets.

Arterial Street (Minor). A street with a high volume of traffic that collects and distributes traffic to and from collector streets.

Collector Street. A restricted access street supplementary to the arterial street system used or intended to be used principally for the movement of traffic between arterial and local streets.

Cul-de-sac. A street having one end open to traffic and the other end terminating in a vehicle turnaround.

Dead End Street. A street having only one end open to traffic, and the other end terminating in a "stub out".

Frontage Road. A street parallel and adjacent to a collector or arterial providing access to abutting properties.

Local Street. A street intended primarily for access to abutting properties.

Roadway. That portion of a street developed for vehicular traffic.

**Structure.** Any combination of materials forming any construction the use of which requires a foundation. The word structure shall be construed as though followed by the words "or part thereof."



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**Structural Alteration.** Any change to the supporting members of a structure including foundation, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

**Subdivide Land.** To divide land into four or more lots within a calendar year.

**Subdivision and Subdivided Lands.** Please refer to ORS 92.010(16).

**Subdivider.** Any person who causes land to be subdivided.

**Thrift Store.** Retail use that vends second-hand (used) items including clothing and furniture.

**Townhouse.** A single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**Tract, Private / Public.** A piece of land set aside in a separate area for dedication to the public, a homeowner's association, to other entity (e.g. open space, recreation facilities, sensitive lands, etc.).

**Truck Stop.** Fueling facility that also provides food, washing facility and other amenities whose primary clientele is semi truck drivers and rigs.

**Unbuildable Area.** An area in which a structure could not be built as a permitted use under existing development standards for the area according to the Redmond Development Code.

**Urban – Rural Interface.** *Definition to be added at a later date.*

**Usable Open Space.** Areas that contain natural or man-made vegetation that are physically accessible year-round for use by the general public, or by specific groups or persons within a defined project boundary or physical area (such as within a Planned Unit Development). Water surfaces such as ponds or canals; canyon walls, and other areas that are not physically accessible year-round to the general public are not to be counted as part of the required "usable open space area".

**Use.** The purpose to which land and/or any structure or improvement thereon is or is proposed to be put. The word "use" is synonymous with the terms "land use" and "use of land" unless the context clearly indicates otherwise.

**Utilities.** Public or private infrastructure which includes but is not limited to sewer, water, electric, telephone, natural gas and cable television.

**Utility Facility.** Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing its products or for the disposal of cooling water, waste, or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding sewer, water, gas, telephone and power local distribution lines and similar minor facilities allowed in any zone.

**Vehicle Storage and Towing Yard.** Lot for storage of parking tow-a-way's, impound yard, and storage lot for autos, trucks, busses, and R.V.'s.

**Veterinary Clinic.** A facility in which medical care is provided to animals.

**Warehouse.** Storage space for household or commercial goods within an enclosed building without direct access to individual storage spaces. Excludes wholesale distribution and storage, and vehicular storage.

**Wholesale Distribution.** An establishment engaged in the bulk sales or storage of goods with distribution and storage facilities without direct public access. Includes "contractor supplies".

**Yard.** An open space on a lot which is unobstructed from the ground up, except as otherwise provided in these standards.

## Redmond Code

**Yard, Front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

**Yard, Rear.** A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

**Yard, Side.** A yard between side lot lines and measured horizontally at right angles from the side lot line to the nearest point of a building.

**Zero Lot Line.** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

**Zero Lot Line Subdivision.** A type of subdivision utilizing zero lot lines between units and providing for potential individual ownership of each lot.

### **8.0025 Compliance with Zoning Provisions.**

1. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as these standards permit.
2. No dimensional requirement of these standards shall be violated after its terms become effective unless specifically provided for herein.
3. No lot area, yard, or other open space which is required by these standards for one use shall be used as the required lot area, yard, or open space for another use.

**8.0030 Zoning Permit.** Prior to the construction, alteration or change of use of any structure or lot for which a zoning permit but not a building permit, is required, a zoning permit for such construction, reconstruction, alteration, or change of use of any structure or lot shall be obtained from the Planning Department.

**8.0035 Abrogation and Greater Restrictions.** It is not intended by these standards to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

**8.0040 Interpretation.** Where the conditions imposed by any provision of these standards are less restrictive than comparable conditions imposed by any other provisions of these standards or by any ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

**8.0045 Repeal of Standards as Affecting Existing Liabilities.** The repeal of any zoning standard contained herein shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such zoning standards, unless a provision of these standards shall so expressly provide, and such provisions repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability, and for the purpose of authorizing the accusation, prosecution, conviction, and punishment of a person or persons who violated the repealed provisions or part thereof prior to the effective date of these standards.

**8.0050 Existing Agreement and Zoning Permits.** This does not repeal, abrogate, or impair any existing easements, covenants, deed restrictions, zoning permits such as preliminary plat and partition approvals, conditional use permits, non-conforming use permits, temporary use permits, special exceptions, for building permits.

### **8.0055 Site Plan Review.**

1. No building, grading, parking, land use, sign or other required permit shall be issued



## Redmond Code

for a use for which a site plan is required by the Redmond Site and Design Review Standards until such time those requirements are met.

2. Non-compliance with a final approved site plan pursuant hereto shall be a zoning standards violation.

**8.0060 Authorization of Similar Uses.** The Community Development Director or Planning Commission may determine that a use not specifically listed in the allowed uses of a zone shall be included among the allowed uses; this determination shall be made by Declaratory Ruling process. A similar use determination shall be decided based on the following criteria:

1. The use is similar in character to one or more of the principal uses permitted;
2. The traffic generated on such use is similar to one or more of the principal permitted uses;
3. The use is not first permitted in a less restrictive zoning district; and
4. The use is consistent with the comprehensive plan. Conditions of approval may be required to assure the proposed use is consistent with the purpose of the applicable zone and comprehensive plan.

**8.0065 Establishment of Zones and Districts.** For the purpose of these standards, the following zones and their purposes are hereby established:

**R-1 Limited Residential Zone.** To provide low density residential neighborhoods for single family residences on larger lots.

**R-2 Limited Residential Zone.** To provide low density residential neighborhoods for primarily single family residences on larger lots and duplexes on corner lots.

**R-3 Limited Residential Zone.** To provide medium density residential neighborhoods with a mix of single family residences, duplexes and some conditionally permitted multi-family residential development.

**R-4 General Residential Zone.** To provide high density residential neighborhoods with a mix of single family residences, duplexes and some conditionally permitted multi-family residential development. Limited commercial uses such as offices are also conditionally permitted where compatible with surrounding development.

**R-5 High Density Residential Zone.** To provide high density residential neighborhoods with an emphasis on multi-family development and smaller lot single family and duplex developments. Limited commercial uses such as offices are also conditionally permitted where compatible with surrounding development.

**RMU Residential Neighborhood Mixed Use Zone.** *Standards to be created / added later.*

**UH-10 Residential Holding Zone.** To retain large undeveloped or under developed land areas for future urban development; to act as a holding category and is considered agricultural in nature as it will allow agricultural uses to continue operation until such time as urbanization takes place. Land in the UH-10 Holding Zone requires annexation, a zone change and/or a comprehensive plan amendment before urban development can occur. Master plans are required before development can occur.

**C-1 Strip Service Commercial Zone.** To create and preserve areas suitable for commercial uses and services primarily oriented to automobile traffic, requiring extensive outdoor display and storage, and support of the central business district or principal downtown shopping area. In general, this zone shall be applied to those areas already existing and desirable to retain and for those areas that, because of new and/or changing traffic patterns, should be developed for such purpose. In addition, this zone allows for high density residential development in these areas where such development will not adversely affect commercial development in the zone as a whole.

## Redmond Code

**C-2 Central Business District Commercial Zone.** To create and preserve areas suitable for commercial uses and services on a broad basis to serve as the central shopping or principal downtown area for the City. In general, this zone shall be applied to the town "center" already existing and desirable to retain, and to abutting and adjacent areas necessary to serve population growth. In any event, no other C-2 Zone shall be established until there is demonstrated need for such action; no two C-2 Zones shall be established in such relationship to each other that they cannot act as one center.

**Downtown Design Overlay Zone.** Standards to be added.

**C-3 Special Service Commercial Zone.** To create and preserve areas suitable for special commercial uses and services and compatible non-commercial uses, and on a broad basis to serve as a center for emergency services such as medical-health care for the City. The zone should also encourage the location of uses which provide close and easy access for that sector of the population which is in most need of such services such as the elderly and maintain the quiet and low-intensity use atmosphere deemed preferential for such uses.

**C-4 Limited Service Commercial Zone.** To retain the general character of the limited strip type commercial that presently exists in that area encompassed by this zone, and to provide for a lower intensity of heavily auto-related business while maintaining an attractive appearance in the area of the western entry to the City; such entry being a high use route for visitors to the area.

**C-5 Tourist Commercial Zone.** To provide for commercial uses primarily oriented to travelers and tourists in locations complimentary to existing facilities and future major transportation facilities and to provide incentive for public and private investments in traveler and tourist related complexes.

**M-1 Light Industrial Zone.** To provide for light industrial uses such as light manufacturing, research, transportation facilities and similar uses which have a limited impact on surrounding properties and are compatible with clean non-polluting industries along with limited office and commercial activities which support these light industrial uses.

**M-2 Heavy Industrial Zone.** To promote the economic diversification by allowing a wide range of industrial and heavy commercial uses and providing sufficient land for industries that have a more pronounced impact on the urban environment because of noise, smoke, air and other emissions or because of traffic and other operating characteristics associated with these industries. The M-2 zone also allows for heavy commercial uses in areas where previous subdivisions of land and current ownership patterns have resulted in separate ownerships of small lots in the M-2 Zone area and cannot, therefore, be readily used for industrial purposes.

**FG Fairgrounds Zone.** To allow for development of the Deschutes County Fairgrounds and related facilities.

**OSPR Open Space Park Reserve Zone.** To preserve and provide for open space areas of natural, scenic, historical or geological significance and to provide areas for recreational development and use, both passive and active. The OSPR zone also provides for private development appropriate with the goals and master plan for the canyon and the transfer of development rights to areas suitable for higher density development.

**Airport Zone.** To protect the airport from encroachment of incompatible, non-airport and non-aviation uses.

**AC Airport Control Zone.** In order to provide for the safety and use of land coincident with the airport and prevent man-made or natural objects from encroaching into necessary aviation airspace, certain airport control zones are created which



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include all of the land lying within transitional surfaces, conical surface, instrument approach surface, non-instrument approach surfaces and horizontal surface. These zones are established as indicated on the official zoning map for existing runways and future modifications thereto, Roberts Field, or any other airport that may be constructed necessitating aviation controls which will affect land within the corporate limits of Redmond.

**PF Public Facilities Zone.** To provide for public facility uses such as wastewater treatment facilities, water storage reservoirs, well sites, public schools, and Public Works Administration facilities.

**Park Zone.** To provide for public park uses such as playgrounds, ball fields and open space.

**8.0070 Location of Zones.** The boundaries of the zones listed in these standards shall be as indicated on the City of Redmond Zoning Map of 1980 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments pursuant to this section and shall be adopted by reference.

**8.0075 Zoning Maps.** A Zoning Map or Zoning Map Amendment adopted by Section 8.0070 of these standards or by an amendment to said section shall be prepared by authority of the Planning Commission or be a modification by the City Council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of adoption of the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the County Clerk, the office of the City Manager and the Planning Department as long as these standards remain in effect.

**8.0080 Zone Boundaries.** Unless otherwise specified, Zone Boundaries are section lines, subdivision lines, lot lines, center lines of streets, alleys, canal or railroad rights-of-ways, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or such lines extended. Whenever any uncertainty exists as to the boundary of a zone as shown on the Zoning Map or amendment thereto, the following regulations shall control:

1. Where a boundary line is indicated as following a street, alley, canal or railroad right-of-way, it shall be construed as following the center line of such right-of-way.
2. Where a boundary line follows or approximately coincides with a section, lot or property ownership line, it shall be construed as following such line.
3. If a zone boundary as shown on the Zoning Map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 200 feet from the mapped zone boundary. In cases where such adjustment would require exceeding 100 feet, the decision of zoning in compliance with the Comprehensive Plan shall be determined by the Commission.
4. Where a public street, alley, canal, or railroad right-of-way is officially vacated, the zoning regulations applicable to abutting property on each side of the center line of such right-of-way is officially vacated, the zoning regulations applicable to abutting property on each side of the center line of such right-of-way on each respective side thereof. If the right-of-way is vacated in total to one property owner, the zoning of that abutting property shall apply to the total vacated property.

**8.0085 Zoning of Annexed Areas.** An area annexed to the city shall be zoned in compliance with the zoning classification in compliance with the Comprehensive Plan, as

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determined by the City.

### RESIDENTIAL USE ZONES

- 8.0100 **Limited Residential R-1 Zone.**
- 8.0105 **Limited Residential R-2 Zone.**
- 8.0110 **Limited Residential R-3 Zone.**
- 8.0115 **General Residential R-4 Zone.**
- 8.0120 **High Density Residential R-5 Zone.**
- 8.0125 **Residential Neighborhood Mixed Use RMU Zone.**
  
- 8.0130 **Urban Holding UH-10 Zone.** In a UH-10 zone the following regulations shall apply:
  - 1. Uses Permitted Outright. In an UH-10 Zone, the following uses are permitted outright:
    - A. Single family dwelling, including a manufactured home
    - B. Accessory uses and structures
    - C. Home occupation subject to 8.0345
    - D. Farm use as defined in 8.0020
    - E. Operation, maintenance and piping of existing irrigation systems operated by an Irrigation District
    - F. Municipal utility facilities
    - G. Accessory buildings customarily provided in conjunction with farm use
    - H. Alteration, restoration or replacement of a lawfully established dwelling
  - 2. Conditional Uses Permitted. In an UH-10 Zone, the following uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645:
    - A. Commercial horse stable
    - B. Non-municipal utilities constituting radio, television and wireless tower, non-municipal utility station or substation
    - C. Kennel or animal hospital
    - D. Commercial activities that are in conjunction with farm use
    - E. Farm stands
    - F. Bed and breakfast inn
    - G. A manufactured home to be used for a medical hardship.
      - i. The manufactured home shall be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident.
      - ii. The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists.
      - iii. The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the conditional use permit application.
      - iv. Permits granted under DCC 20.12.030(D) shall be required to meet any applicable Oregon Department of Environmental Quality review and removal requirements as a condition of approval.
  - 3. Accessory Uses. In an UH-10 Zone, there shall be the following limitations on accessory uses:
    - A. Must meet the requirements set forth in the Supplementary Provisions, Section 8.0300.
  - 4. Lot Size. In an UH-10 Zone, the minimum lot size shall be as follows:
    - A. Lot area shall be a minimum of 10 acres. Such lots shall have a minimum average width of 300 feet and minimum depth of 330 feet.
  - 5. Yards. In an UH-10 Zone, the minimum yard requirements shall be as follows:



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- A. The front yard shall be a minimum of 50 feet from the existing street right of way line or the ultimate street right of way as adopted on the Comprehensive Plan or Official Map, except that any lot of record less than one acre in size and lawfully created prior to the effective date of the City's UH-10 zone shall have a minimum front yard of 30 feet. Permanent structures located along future collector and arterial streets shall comply with Section 8.0350 to preserve future right of ways.
  - B. A side yard shall be a minimum of ten feet from the foundation to the property line.
  - C. A rear yard shall be a minimum of 50 feet from the foundation to the property line.
  - D. The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.
6. Height of Buildings. In an UH-10 Zone, no building shall exceed a height of 30 feet.
  7. Off-Street Parking and Loading. In an UH-10 Zone, off-street parking shall be provided in accordance with the provisions of Section 8.0500 of these standards.
  8. Signs. In an UH-10 Zone, the sign limitations shall be as follows:
    - A. One non-illuminated nameplate or home occupation sign not exceeding one and one-half square feet in area for each dwelling unit; or
    - B. One non-illuminated temporary sign not exceeding six square feet in area; or
    - C. One non-illuminated sign not exceeding 25 square feet in area said sign shall be set back at least 10 feet from a property line.
  9. Special Provisions. In a UH-10 Zone, there shall be the following special provisions:
    - A. All public improvements required in conjunction with any land use development permitted under Redmond Code Section 8.0130 shall conform to the adopted City of Redmond's Public Works Standards & Specifications, dated September 1995, and amended thereafter, as set forth in Section 8.0367.
  10. Master Plan. The development and approval of a master plan subject to the provisions of RDC 8.0300 is required as a condition of annexation or no later than prior to or concurrent with rezoning from UH-10 to other City zoning districts.
  11. Exception to Master Plan Requirement. Approval of a development plan may be granted without going through a master planning process. This can occur for any parcel that is not designated for housing use in the framework plan provided site approval is secured through a PUD process, unless the land is to be used for a public use, such as for a park or school or some other public facility. Land that lies in an area planned for residential use may only obtain development approval without going through a master planning process when:
    - A. The parcel is less than 10 acres in size;
    - B. The site development plan conforms with the density guidelines established for the area in the framework plan;
    - C. The submission includes a local street plan that complies with street spacing and connectivity requirements in the Redmond TSP and showing street connectivity and bike/pedestrian system connectivity to adjacent planned and unplanned residential areas;
    - D. Significant Goal 5 resources, as defined in Redmond Comprehensive Plan, Chapter 5, are identified and managed in accordance with Redmond's Goal 5 resource protection program.
    - E. The parcel can be annexed to the City of Redmond.
    - F. The development application meets all other required elements for one of the City's land use planning approval processes.

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**8.0135 Table A, Residential Zones, Uses Permitted.** The following uses are allowed outright or conditionally in each of the Residential zones as follows:

LAND USE:	ZONE:					COMMENTS
	R-1	R-2	R-3	R-4	R-5	
<b>Residential Uses:</b>						
Accessory Building:						
Sheds, shops, garages	O	O	O	O	O	Detached; includes greenhouse, workshops
Guest House	C	C	C	O	O	No kitchen; uses main houses' sewer & water
Accessory Dwelling Unit	C	C	C	O	O	Uses main houses' sewer & water; has kitchen
Accessory Use	O	O	O	O	O	Includes Home Occupations
Apartments						See Multi-Family Complex / Dwelling
Bed and Breakfast	C	C	C	C	C	
Boarding or Rooming House					C	
Cluster Development				C	C	
Cottage Development		C*	C	C	C	*Cottages only in R-2 zone / limited to single story
Condominium						State regulated
Duplex						*Duplexes not allowed on R-2 lots unless they were platted prior to Nov. 9, 2006. Lots created before this date desiring duplexes are subject to conditional use review and approval, and shall be on lots of 10,000 s.f.+ **Duplexes in the R-3 zone are permitted on corner lots of 10,000 s.f. or more / with conditional use approval.
Duplex Lot		C*	C**	O	O	
Manufactured Home				O	O	See Single Family Dwelling
Manufactured Home Park			C	C	C	
Manufactured Home Subdivision			O	O	O	Subject to compliance w/ applicable ORS
Multi Family Complex (5 + units)				C	O	
Multi Family Dwelling (3 & 4 plex)				C	O	
Nursing and Convalescent Facility				C	C	More than 15 people
Planned Unit Development				C	C	
Residential Care Facility				C	O	Defined in and regulated by ORS
Residential Care Home	O	O	O	O	O	Defined in and regulated by ORS
Single Family Dwelling	O	O	O	O	O	
Townhouse						Allowed in Cluster Dev's & PUDs (zero lot line)
<b>Non-Residential Uses:</b>						
Church, Religious Institution	C	C	C	C	C	
Community Center (private)	C	C	C	C	C	
Community Pool (private)	C	C	C	C	C	
Farm Use, Farming	O	O	O	O	O	
Mini Storage				C		7 ac. min., must front major arterial & access a collector, subject to Site Design and Cond Use review per 8.0615 (17)
Multi-Use Trail	O	O	O	O	O	
Livestock	O	O	O	O	O	Subject to livestock provisions, section 8.0365
Office			C	C	C	Only when previously established in R-3 as 'office'
Retail			C			Only when previously established in R-3 as 'retail'
School (private)	C	C	C	C	C	Public schools are zoned 'PF'
Tennis Court (private)	O	O	O	O	O	
Utility Facility	C	C	C	C	C	

All "R" zones are subject to density transfer provisions. See 8.0020, "Definitions", *Density Transfer*, and

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8.0367, "OSPR / 'R' Zone Density Transfer Provisions.

**8.0140 Table B, Minimum Standards.** The following minimum standards apply in each of the Residential zones as follows:

Standard:	Zone:				
	R-1	R-2	R-3	R-4	R-5
<b>Minimum Lot size - Square Feet</b>					
Single Family	9,000	9,000	7,500	6,000	6,000
Duplex	NA	<sup>D</sup> 10,000	<sup>A</sup> 10,000	7,500	7,500
Duplex Lot			4,250	3,750	3,750
Multi-family Dwelling add per unit	NA	NA	NA	7,500/2 units 1,250	7,500/2 units 1,250
Multi-family Complex	NA	NA		7,500+	7,500+
Studio add per additional unit				750	250
1 Bedroom add per add'l unit				1,000	500
2 Bedroom add per add'l unit				1,500	1,000
3 Bedroom add per add'l unit				2,250	1,550
4 Bedroom add per add'l unit				2,500	1,850
<b>Maximum Density (1 unit per # s.f.)</b>				3,000	2,500
<b>Minimum Setback Distance <sup>c</sup></b>					
Front	15	15	15	15	15
Interior Side	<sup>B</sup> 5/10	<sup>B</sup> 5/10	<sup>B</sup> 5/10	<sup>B</sup> 5/10	5
Street Side	15	15	15	15	15
Rear	20	20	20	20	5
Garage	20	20	20	20	20
<b>Maximum Building Height</b>	30	30	30	40	40
<b>Minimum Street Frontage</b>					
Standard Street	50	50	50	50	50
Cul-de-sac	30	30	30	30	30
Flag Lot	20	20	20	20	20
Duplex lot (non flag or cul de sac)	N/A	N/A	25	25	25

<sup>A</sup> Duplexes permitted only on corner lots

<sup>B</sup> Interior side yards must provide a minimum of 5 feet on one side and 10 feet on the other side for single family and duplex residences. Where alley access is provided, both interior side yards may be reduced to 5'. Exceptions to this 10' setback are allowed (1) when the lot was created prior to the adoption of this standard (November 9, 2006); or (2) on cul de sac lots; or (3) on flag lots, or (4) parcels created by partition.

<sup>c</sup> Does not include solar setbacks, which are calculated separately

<sup>D</sup> Duplexes only allowed on legally created lots of adequate size / created prior to November 9, 2006, otherwise prohibited.

N/A = "not allowed"

All distances shown are measured in feet.



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**COMMERCIAL USE ZONES**

- 8.0150 **Strip-Service Commercial C-1 Zone.**
  - 8.0155 **Central Business District Commercial (CBD) C-2 Zone.**
  - 8.0160 **Special-Service Commercial C-3 Zone.**
  - 8.0165 **Limited Service Commercial C-4 Zone.**
  - 8.0170 **Tourist Commercial C-5 Zone.**
  - 8.0175 **Downtown Design Overlay Zone.** The defined Downtown Design Overlay District shall adopt by reference the Downtown Architectural Design Standards in the adopted 2006 Downtown Action Plan Update, and all standards established in the C-2 Central Business District Commercial Zone.
1. Downtown Design Overlay area defined: As shown on the City of Redmond adopted Zoning Map.

**INDUSTRIAL USE ZONES**

- 8.0180 **Light Industrial M-1 Zone.**
- 8.0185 **Heavy Industrial M-2 Zone.**
- 8.0190 **Table C, Uses Permitted.** The following uses are allowed outright or conditionally in each of the Commercial and Industrial zones as follows:

LAND USE:	ZONE:							COMMENTS:
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	
<b>Residential:</b>								
Apartments								See Multi family dwellings and complexes
Bed and Breakfast	C	C	C	C				
Boarding House	C	C	C	C	C			
Caretaker / Watchman	C			C	C	C	O	Must live on site
Condominium								State regulated
Homeless Shelter	O	C				O		
Manufactured Home Park	C			C				
Multi Family Complex	O*/C	C	C	C				*Outright N of Maple / E of Canal in the C-1 zone
Multi Family Dwelling	O*/C	C	C	C				*Outright N of Maple / E of Canal in the C-1 zone
Planned Unit Development								
Res. Use above ground floor		O		O				
Res. Use on ground floor < 25%		O		O				Not in front of bldg, or as non-watchman
Residential care facility		C	C	C				Only permitted where MFR's are allowed
Residential care home			O					Only permitted where SFR's are allowed
<b>Eating and Drinking</b>								
Bakery (retail / sit down)	O	O	O	O	C	O	O	
Bar, Lounge, Tavern, Nightclub,	O	O	C	O	C	O	O	
Café, Restaurant (sit-down), Diner, Brew Pub	O	O	O	O	O	O	O	Deli's are listed under "retail uses"
Café, Restaurant, Espresso (Drive-through)	O	O	O	O	O	O	O	Deli's are listed under "retail uses"
<b>Entertainment</b>								
Amusement Park	C				C			
Arena for Indoor Sport Events	O	C		C	C			Larger than indoor commercial recreational use
Driving Range	O				O			
Golf Course					O			
Indoor Commercial Recreation	O	O		O	O	C	C	
Miniature Golf, "Pitch & Putt"	O				O			
Outdoor Commercial Recreation	C	C		C	C			
Walk-in Movie Theater	O	C		O	C			

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LAND USE:	ZONE:							COMMENTS:
	C-1	C-2	C-3	C-4	C-5	M-1	M-2	
<b>Automobile, Trucks, RV's:</b>								
Auto Detailing	O	O		O		O		No auto body work permitted as "detailing"
Auto Painting, Auto Body Work	O					O	O	
Auto Repair	O	C		C		O	O	Defined in part by some on-site auto storage
Auto Sales (new and used); Auto Rentals	O	C		O				
Auto Service	O	C		O			O	Includes auto lube shops ('same day' service)
Boat or RV Sales and Service	O			O				Includes motorcycles, ATVs, other rec vehicles
Car Wash	O	C		O	O	O	O	Steam cleaning permitted in the industrial zones
Card Lock Gas Station	O					O	O	
Gas Station	O	O		C	O			
Tire Sales and Service	O	C		O				
Truck Stop	O					O	O	
Truck Terminal						O	O	
Vehicle Storage / Towing Yard						O	O	Includes impound yards, auto fleets
<b>Industrially Related Uses</b>								
Aircraft Service, Maintenance						O	O	
Auto Wrecking, Recycling						C	O	
Bakery, Wholesale Distribution	C					O	O	
Batch Plants (Asphalt / Concrete)							O	
Commercial Manufacturing (Retail Support, Craftsmen)	O	O		O		O	O	Must be fully enclosed in the "C" zones that permit this use
Concrete & Conc. Products, Stone-cutting							O	
Dump, Landfill							C	
Enclosed Warehousing and Manufacturing						O	O	Up to 50% retail allowed in Industrial zones
Junkyard							O	'Auto Wrecking Yard' is a separate category
Landscaping Supply (Bulk)						O	O	Outdoor storage of bulk landscaping material
Lumber Mill							O	
Manufacturing (Heavy Industrial)							O	
Manufacturing (Light Industrial)						O	O	Subject to DEQ requirements and neighborhood compatibility
Medical Research Facility			C			O	O	Excludes research using biohazardous materials
Precision Machine Shop	C			C		O	O	Must be fully enclosed in the "C" zones that permit this use
Retail Uses in support of primary Industrial Use						O	O	Must be less than 50% of the gross floor area
Rock Crushing / Recycling						C	O	
Slaughterhouse							O	
Tanning, Curing, Storing of Hides							O	
Wholesale Printing and Distribution						O	O	
Wood Product Mfr'g and Assembly						O	O	
<b>Offices and Office Products</b>								
Office	O	O	O	O	O	C		
Office Service and Supplies	O	O	O	O	O			
Offices related to Industrial Use						O	O	
Printing, Publishing	O	O	O	O	O	O		
Telemarketing, Call Center	O	O	O	O	O	C		
<b>Public and Semi Public Uses</b>								
Agricultural Uses								All ag. uses permitted under other categories
Churches, Religious Institutions	C	C	C	C	C	C		
Convention Center	O	O		O	O			
Hospital			O					
Lodge, Club, non-profit / frat. Org.	C	C	C	C	C	C		
Park, Public or Private	O	O	O	O	O	O	O	



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LAND USE:	ZONE:							COMMENTS:
Parking Garage, Public or Private	O	O	O	O	O	C	C	
Public Transportation Station	O	O	O	O	O	C	C	
<b>Public and Semi Public Uses (Con't)</b>								
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>C-5</b>	<b>M-1</b>	<b>M-2</b>	
RV Park, Public or Private	O			C	O			
Schools, Public or Private	C	C	C	C	C	C		
Utility Facility	C	C	C	C	C	C	C	
<b>Retail Uses</b>								
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>C-5</b>	<b>M-1</b>	<b>M-2</b>	
Bicycle Sales and Service	O	O		O	O			
Bulky Retail (including furniture)	O	O		O				Excludes Equipment and Heavy Equipment Also called Building Supplies (non-landscaping)
Contractor Supplies (enclosed)	O	O		O				
Contractor Supplies (outdoors)	O	C		C				
Delicatessen	O	O	O	O	O			
Drug Store, Pharmacy	O	O	O	O	O			
Equipment Sales, Service & Rental	O	C		C				Excludes Heavy Equipment Sales and Service
Florist	O	O	O	O	O			
Gallery, Studio	O	O		O	O			
General Retail	O	O		O	O			
Gift / Card Shop	O	O	O	O	O			
Grocery Store, Market	O	O		O	O			
Hardware Store	O	O		O	O			
Heavy Equipment Sales	O					O	O	Only permitted w/primary service use in M zones
Heavy Equipment Service	C					C	O	
Heavy Equipment Storage (outdoor)							O	
Medical Supplies (Retail)	O	O	O	O				
Mobile / Mfr'd Home Sales & Service	O			C				
Novelty, Specialty, Variety Store	O	O	C	O	O			Incl. music, art supply, electronic equipment, sporting goods Non storage-related; for retail sales
Outdoor Merchandise Display, Other	O	C		O				
Pet Shop	O	O		O	O			
Plant Nursery	O			O	O			
Thrift Store - <sup>1</sup>	O	O	O	O	O			
<sup>1</sup> Screen drop-off area from streets / neighboring uses; drop off area must be securable.								
<b>Service Commercial Uses</b>								
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>C-5</b>	<b>M-1</b>	<b>M-2</b>	
Appliance and Computer Repair	O	O		O				Includes stereos, electronic equipment, residential appliances
Bank, Financial Institution	O	O		O	C			
Beauty & Barber Shops and Salons	O	O	O	O	O			
Contractor Service	O			O		O	O	Enclosed within a building (except in M2 zone); includes equipment rentals and sale Incl. outdoor storage of equipment and building supplies Formerly "Day Nursery"
Contractor's Yard	C					C	O	
Child Care Home, Center	C	C	C	C	C	C		
Dry Cleaner (drop off only)	O	O		O	O			
Dry Cleaner (full service)	O	C		C				
Gym, Fitness Center, Spa	O	O		O	O			
Kennel	C			C		O	O	
Laundromat	O	O		O	O			
Mini Storage	O			O		O		
Mortuary, Funeral Home	O	O	O		O			
Motel, Hotel	O	O		O	O	C		
Printing and Copying Store	O	O		O	O			
Veterinarian	O			O			O	Fully enclosed in C zones; no outdoor kennels

**8.0195 Table D, Minimum Standards.** The following minimum standards are required in each of the Commercial and Industrial zones as follows (all distances are measured in feet):

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	C-1	C-2	C-3	C-4	C-5	M-1	M-2
<b>Minimum Yard Setbacks</b>							
Front							
Local Street	10		10	10	10	10	10
Collector	25		25	25	25	25	25
Arterial	50		50	50	50	50	50
Interior Side							
Standard					<sup>D</sup> 5	<sup>F</sup> 10-15	<sup>F</sup> 10-15
Adjacent to R-Zone	25		25	25			
Street Side							
Local Street	10		10	10	50	10	10
Collector	25		25	25	50	25	25
Arterial	50		25	50	50	50	50
Rear							
Interior					<sup>D</sup> 5	10	10
Local Street	10		10	10	50	10	10
Collector	25		25	25	50	25	25
Arterial	50		25	<sup>C</sup> 25/50	50	50	50
Adjacent to R-Zone	25		25	25			
Adjacent to alley	<sup>A</sup> 10/25		<sup>A</sup> 10/25	<sup>A</sup> 10/25			
<b>Maximum Building Height</b>	60	<sup>B</sup> 60/100	60	60	60	60	60
<b>Minimum Street Frontage</b>							
Standard Street	50	50	50	50	50	50	50
Cul-de-sac	30	30	30	30	30	30	30
<b>Minimum Landscaping</b>							
	15%	5%	15%	15%	15%	15%	15%
<b>Lot Coverage Maximum</b>							
Non-commercial use	50%	50%		50%	50%	75%	75%
Use adjacent to residential						<sup>E</sup> 60%	<sup>E</sup> 60%
<b>Minimum Lot Size</b>							

\*The minimum lot size shall be determined based on demonstration of the ability to develop the site in accordance with the zone standards, off-street parking standards, Site & Design Review Standards, landscaping requirements and other applicable Development Code provisions without adverse impact to water and land resource quality and adjoining properties.

\*Residential uses permitted in Commercial zones shall be subject to the density standards for the R-5 zone.

<sup>A</sup> A rear yard abutting an alley shall be 25 feet from the property line to foundation when the alley is used to service the commercial establishment and 10 feet in other cases.

<sup>B</sup> Buildings between 60 feet and 100 feet in height require Conditional Use Permit approval except between Deschutes Avenue and Forest Avenue from the alley between 6th and 7th Street to 9th Street, within this area the maximum 100 foot height limit is permitted outright.

<sup>C</sup> Rear yards along the north side of Highland Avenue/Highway 126 between SW 23rd and SW 27th Streets shall have a minimum arterial setback of 25 feet. All other rear setbacks adjacent to arterials shall be 50 feet.

<sup>D</sup> The minimum setback between a structure and an existing use in the C-5 zone shall be 5 feet from the property line and 10 feet from any adjacent structure on the subject site or adjacent property.

<sup>E</sup> No use located in an industrial zone adjacent to or across the street from a residential zone shall exceed 60% of the lot area including buildings, storage or facilities, and off-street parking and loading. Most of the landscaping required on industrial lots that abut residential zones is permitted in between the industrial use / residential uses.

<sup>F</sup> The minimum side yard in an industrial zone shall be 10 feet for 1 and 2 story buildings and 15 feet for 3 story buildings.



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**OTHER ZONES**

- 8.0200 Fairgrounds FG Zone.
- 8.0205 Park Reserve Open Space (OSPR) Zone.
- 8.0210 Public Facility PF Zone.
- 8.0215 Park Zone.

8.0220 **Table E, Permitted Uses.** The following land uses are permitted outright or conditionally in each respective zone:

LAND USE:	ZONE:					COMMENTS:
	FG	OSPR	PF	Park	Airport	
<b>Residential:</b>						
Homeless Shelter			C			
Single Family Dwelling	O	C				In conjunction with a use permitted by this section, or a caretaker residence or in OSPR with approved density transfer.
<b>Farm Uses:</b>						
Grazing of livestock and horses		O				
Production of crops		O				
Livestock stabling	O					
Other Farm Uses		C				
<b>Non Residential Uses:</b>						
Parks, trails, reserve areas		O		O/C		Outright when previously approved as a Master Plan by Planning Commission and City Council
Public Facilities incl. Cemetery		O/C	O/C	O/C		Outright only when approved in the Comp Plan or Other Public Facilities Plan for OSPR and Park Zones. Conditional use if adjacent to "R" zone (applies to the PF zone only)
Expo Center, Arenas	O					
Plaza, Amphitheater for Outdoor events	O					
Campground for use during events	O					
Recreational facilities		C				
Museum, theater, community center		C				
Commercial accessory to permitted use						
RV Park						
<b>Airport:</b>						
Airfields					O	
General Aviation					O	
Passenger Terminal Complexes					O	
Air Cargo and Maintenance Facilities					O	
Support Facilities (Airlife, Fire, etc)					O	
Any use complimentary to Aviation					O	

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**8.0225 Table F, Minimum Standards.** The following minimum standards are required in each respective zone (all distances are measured in feet):

<b>Minimum Setbacks/Yards - Feet</b>	<b>FG</b>	<b>OSPR</b>	<b>PF</b>	<b>Park</b>	<b>Airport</b>
Front	10	<sup>D</sup> 25	10	10	10
Local Street	35	40	25	25	25
Collector	50	40	50	50	50
Arterial					
Interior Side					
Standard	10	20	<sup>F</sup> 10-15	<sup>F</sup> 10-15	<sup>F</sup> 10-15
Adjacent to R-Zone	25	25	25		
Street Side					
Local Street	10	25	10	10	10
Collector	25	25	25	25	25
Arterial	50	50	50	50	50
Rear					
Interior	10	20	10	10	10
Local Street	10	25	10	10	10
Collector	25	25	25	25	25
Arterial	50	50	50	50	50
Adjacent to R-Zone	25	25	25	25	25
<b>Maximum Building Height - Feet</b>	<sup>A</sup> 60	25	60	40	See AC zone
<b>Minimum Street Frontage - Feet</b>					
Standard Street	50	50	50	50	50
Cul-de-sac	30	30	30	30	30
<b>Minimum Landscaping</b>	15%	15%	15%	15%	15%
<b>Lot Coverage Maximum</b>			75%		
Non-commercial use					
Use adjacent to residential			<sup>E</sup> 60%		
<b>Minimum Lot Size/Other</b>	<sup>B</sup> *	<sup>C</sup> *	*	<sup>G</sup> *	*

\*The minimum lot size shall be determined based on demonstration of the ability to develop the site in accordance with the zone standards, off-street parking standards, Site & Design Review Standards, landscaping requirements and other applicable Development Code provisions without adverse impact to water and land resource quality and adjoining properties.

<sup>A</sup> Unless applicant provides written documentation from the Fire Department that the structure will not exceed the capability of available fire-fighting equipment.

<sup>B</sup> Except for annual fair, any activity of use anticipated to generate 500 or more pm peak traffic trips shall not be permitted unless approved by the City in conjunction with traffic impacts mitigation including but not limited to alternate transportation routes to serve the use, and/or provision of ODOT and City approved temporary traffic control.

<sup>C</sup> Partitions or subdivisions require Master Plan for entire site in accordance with Conditional Use Permit criteria. Density transfer provisions may also apply from Canyon OSPR zone property.

<sup>D</sup> Setbacks may be reduced to 20 feet or increased to a minimum of 60 feet during the Site & Design Review process.

<sup>E</sup> No use adjacent to or across the street from a residential zone shall exceed 60% of the lot area including buildings, storage or facilities, and off-street parking and loading.

<sup>F</sup> The minimum side yard shall be 10 feet for 1 and 2 story buildings and 15 feet for 3 story buildings.

<sup>G</sup> The minimum size for parks shall be 2,500 square feet to 2 acres for a mini-park, 3 to 5 acres for neighborhood parks and 5+ acres for community parks.



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### 8.0230 Special Use Zone - Airport Control AC Zone.

1. Purpose and Applicability. The purpose and applicability of the AC Zone is:
  - A. In order to provide for the safety and use of land coincident with the airport and prevent man-made or natural objects from encroaching into necessary aviation airspace, certain airport control zones are created which include all of the land lying within transitional surfaces, conical surface, instrument approach surface, non-instrument approach surfaces and horizontal surface.
  - B. These zones shall be established as indicated on the official zoning map for existing runways and future modifications thereto, Roberts Field, or any other airport that may be constructed necessitating aviation controls which will affect land within the corporate limits of Redmond.
2. AC Sub-Zone Classifications and Designation. In an AC Zone, the following zones are hereby created:
  - A. Conical zone AC/C
  - B. Horizontal zone AC/H
  - C. Precision instrument approach zone AC/P-1A
  - D. Non-precision instrument approach zone AC/NO-1A
  - E. Visual approach zone AC/VA
  - F. Transition zone AC/T
3. Sub-Zone Coverage. AC Sub-Zone coverage requirements shall be as follows:
  - A. Conical Zone (AC-C). That area below the conical surface which commences at the periphery of the horizontal surface and extends outward and upward at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
  - B. Horizontal Zone (AC/H). That area below the horizontal surface, which surface is 150 feet above the established air port and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
    1. 5,000 feet for all runways designated as utility or visual
    2. 10,000 feet for all other runwaysShould a 5,000 feet arc be encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.
  - C. Precision Instrument Approach Zones (AC/PIA). Those areas below the precision instrument approach surface; which surface begins at the end of the primary surface with a width of 1,000 feet and extends outward 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 and expanding to a far end surface width of 16,000 feet.
  - D. Non-Precision Instrument Approach Surface. Areas below the non-precision instrument approach surface, which surface begins at the end of the primary surface with a width of 500 feet and extends upward and outward 10,000 feet at a slope of 34 to 1 and expanding to a width of 4,000 feet with visibility minimum as low as three-fourths of a statute mile and to 2,000 feet for a utility runway with a non-precision instrument approach.
  - E. Visual Approach Zones (AC/VA). Those areas lying below the visual approach surface which surface begins at the end of the primary surface with a width of 250 feet for utility runways having only visual approaches; and a width of 500 feet for other than utility runways having only visual approaches and expanding to a width of 1,250 feet for a utility runway or 1,500 feet for other than utility runways.
  - F. Transition Zones (AC/T). Those areas below the transitional surfaces, which surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the

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primary surface for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

4. Height Limitations.
  - A. In AC Sub-zones, no structure or tree shall be erected, altered, allowed to grow not be maintained in any sub-zone to a height in excess of the height limit herein established for such sub-zones. Such height limitations are determined for the conical and horizontal zones from the airport elevation. The runway and elevations are the basis for the height limitations for the approach surfaces. The height limitations for the transitional zones are based on adjacent runway elevations and the peripheral elevations of the approach, horizontal, and conical surfaces.
  - B. Excepted height limitations, nothing in these standards shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to heights permitted under Sections 8.0100-8.0230; provided, that such tree or structure shall not exceed height limits provided in this section.
  - C. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.
5. Use Restrictions. Notwithstanding any other provisions of these standards, no use may be made of land within any AC zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.
6. Hazard Marking and Lighting. If necessary and advisable to effectuate the purpose of the AC Zone and be reasonable in the circumstances, the owner of any structure or tree which constitutes a hazard to aviation shall be required to permit the city, at its own expense to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

**8.0235 Airport Zone.** In an Airport Zone, the following regulations shall apply:

1. Purpose. The purpose of the Airport Zone is:
  - A. To protect the airport from encroachment of incompatible, non-airport and non-aviation uses.
2. Uses Permitted Outright. In an Airport Zone, the following uses and accessory uses are permitted subject to the provisions of subsection (4) of this section:
  - A. Airfields
  - B. General Aviation Facilities
  - C. Passenger Terminal Complexes
  - D. Air Cargo/Airline Maintenance Facilities
  - E. Support Facilities including Aircraft Rescue and Firefighting (ARFF) facilities.
  - F. Any compatible use which compliments aviation uses.
3. Limitations on Use.
  - A. All uses must meet local, state and federal environmental standards relating to noise, smoke, odor, water, sewage, air emissions, dust and hazardous waste.
  - B. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
  - C. All parking and loading demand created by any use permitted by this section shall be accommodated on the subject premises entirely off-street.



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- D. No use permitted by this section shall require the backing of traffic onto a public street or road right-of-way for access to any use on the premises thereof.
4. **Dimensional Standards.** In an Airport Zone, the following dimensional standards shall apply:
- A. The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading, and as deemed necessary by the Hearings Body to maintain air, water and land resource quality and to protect adjoining and area land uses.
- B. The minimum building setback between a structure and an arterial street shall be 50 feet unless a greater setback is required for compliance with the Comprehensive Plan policies or criteria, and 25 feet from a collector.
- C. The right-of-way between the property line and the edge of the improved street shall be landscaped and maintained by the contiguous property owner in accordance with the provisions of the Site and Design Review Standards.
5. **Yards.** Except as provided by Sections 8.0550-8.0575, in an Airport Zone, the minimum side yard shall be 10 feet from the foundation for one and two story buildings and 15 feet from the foundation for three story buildings; and front and rear yards shall be a minimum of 10 feet or as approved by the Hearings Body.
6. **Height of Buildings.** In an Airport Zone, all building shall meet the requirements set forth in the Airport Control (AC) zone.
7. **Off-Street Parking and Loading.** In an Airport Zone, off-street parking and loading.

### **8.0275 PLANNED UNIT, CLUSTER AND COTTAGE DEVELOPMENTS**

1. The purpose of the **Planned Unit Development (PUD)** is as follows:
- A. To provide a greater flexibility in development of land;
- B. To encourage a variety in the development pattern within residential and industrial zones within the community;
- C. To encourage a creative approach in land development and for a consistent and interesting architectural theme within each development;
- D. To identify and encourage mixed uses in a total area which could not otherwise be efficiently and aesthetically developed as an integrated whole;
- E. To encourage developers to use a creative approach in land development;
- F. To conserve natural land features;
- G. To facilitate a desirable aesthetic and efficient use of open space;
- H. To create public and private common open spaces; and,
- I. To provide flexibility in the location of improvements on lots.
2. The purpose of **Cluster (CLD) and Cottage (COD) Developments** is as follows:
- A. To provide a greater flexibility in the development of land on sites that may be too small or not desirable for a Planned Unit Development;
- B. To provide housing types that respond to changing household sizes and ages (e.g., retirees, single person households, small families);
- C. To provide opportunities for ownership of dwelling units;
- D. To encourage a creative approach in land development and for a consistent and interesting architectural theme within each development;
- E. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards; and,
- F. To provide guidelines to ensure compatibility with surrounding land uses.
3. Any PUD, CLD or COD exceeding 9 lots shall be reviewed and decided by a Hearings Body, and any PUD, CLD or COD may be required to be decided at a public hearing at the discretion of the Community Development Director or designate.

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4. Throughout sections 8.0275 to 8.0287, the term "Development" shall mean a Planned Unit, Cluster, or Cottage Development.
5. The uses shown in 8.0275 (8) are permitted in residential Planned Units, Cluster, and Cottage Developments.
6. Every PUD, CLD and COD is subject to land use review and approval. Approval of such developments may dispense with the requirement for further land use review approval if the design review standards and criteria have been fully considered and approved in connection with the application, and when complete elevations, floor plans, and site / landscape plans are submitted concurrently with the proposal for each structure, and for all developed land within the development.

If the entire development is not submitted initially, each structure requiring a building permit, monument signage, fencing / walls, or any portion of land (developed or otherwise) *within each phase* is subject to Site Design review. If a developer desires to have specific buildings or portions of land within a phase evaluated for Site Design at a later date, then a separate Site Design application may be required for each individually platted lot under consideration at the discretion of the CDD Director. The Director may also require individual reviews within a Development to be sent back to the decision-making body at a public hearing at his/her discretion.

7. Land Use review fees shall be as follows:
  - A. Subdivision fee - based on the number of new lots created; as established for a subdivision.
  - B. Conditional Use fee – minimum fee for a conditional use permit.
  - C. Site Design Review fee – minimum fee for Site Design review.
  - D. Hearing fee – as established by City Council.
8. A residential PUD shall consist of at least two of the three following housing types.
  - A. Single family dwellings and duplexes.
  - B. Multi family dwellings and complexes (over two dwelling units per structure).
  - C. Townhouses
9. In addition to the required two housing types, a residential PUD shall contain one of the following uses.
  - A. Permitted commercial uses compatible with and related to the PUD, including but not limited to service commercial, retail, and eating and drinking establishments; see 8.0275 (8a).
  - B. Public or semi-public uses excluding required park and open space areas.
  - C. Community recreation facilities, including but not limited to golf course, gymnasium, recreation room / clubhouse; pool and related structures. Excludes "Class C" amenities as described in 8.0280(2)(c).
  - D. Offices
  - E. Agricultural uses as defined in 8.0275 (8a).

**Table 8a. Uses Permitted.** The following uses are permitted in Planned Developments:

Land Use	Residential PUD	Cluster Devel	Cottage Devel	Comments
Accessory Dwelling	X	X		Subject to RDC section 8.0325
Accessory Structure	X	X	X	Includes sheds, storage bldgs, res. garages
Apartments	X	X		Called "Multi Fam. Dwellings / Complexes"
Appliance and Computer Repair	X	X		Incl. stereos, electronic equip, res. appliances
Beauty and Barber Shops & Salon	X	X		



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Land Use	Residential PUD	Cluster Devel	Cottage Devel	Comments
Bed and Breakfast	X	X		
Bicycle Sales and Service	X	X		
Café, Restaurant (sit down), Diner	X	X		
Caretaker, Watchman living on-site	X	X		
Child Care, Day Nursery	X	X		
Church, Religious Institution	X	X		
Complex, Multi Family (over 4 dwellings)	X	X		30% parking reduction ok for senior facilities State regulated
Condominium				
Driving Range	X	X		
Drug Store, Pharmacy	X	X		
Dwelling, Duplex	X	X		
Dwelling, Multi Family (incl. 3 & 4 plex)	X	X		
Dwelling, Single Family	X	X	X	
Equestrian facilities	X	X		Subject to 8.0365, Livestock
Feed Store, Ag Supplies	X	X		Only as part of an equestrian facility
Florist	X	X		
Gallery, Studio	X	X		
General Retail	X	X		
Gift / Card Shop	X	X		
Golf Course	X	X		
Greenhouse	X	X		
Grocery Store, Deli, Market	X	X		
Gymnasium, Fitness Center, Spa	X	X		
Hardware	X	X		
Indoor Commercial Recreation	X	X		
Lodge, Club, Non-Profit/Frat Org.	X	X		
Miniature Golf, "Pitch and Putt"	X	X		
Novelty, Specialty, Variety	X	X		Incl. music/art supply, electr. equip., sporting
Office	X	X		
Outdoor Commercial Recreation	X	X		
Park (public or private)	X	X	X	E.g., playgrounds, rec / centers, pools, etc.
Parking Garage (public or private)	X	X	X	Private only; common area maintained by HOA
Pet Shop	X	X		
Plant Nursery	X	X		
Printing and Copying Store	X	X		
Public Transportation Station	X	X		
Res. Use other than Ground Flr	X	X		
Residential Care Facility	X	X		Only permitted where MFRs are allowed
Residential Care Home	X	X		Only permitted where SFRs are allowed
RV Park (public or private)	X	X		
RV Storage	X	X	X	For resident use only; HOA maint. req'd
Schools (public or private)	X	X		
Single Family / Mfg'd Home	X	X		
Stable, Public or Private	X	X		
Townhouse	X	X		
Utility Facility	X	X		

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10. The following exceptions to City standards may be allowed through the PUD approval process without a variance:
- A. Minimum lot sizes.
  - B. Yard setbacks, except perimeter yard requirements.
  - C. Permitted land uses (PUD and CLD only).
  - D. Grid street spacing standards.
  - E. Street frontage requirements on public roads.
  - F. Connection to public utilities, subject to review and acceptance by City Engineering.
  - G. Landscaping requirements, as stated herein.
  - H. Solar setback standards (residential PUDs only, and only on lots that are not along the northern border of the development).
  - I. Street and right of way widths on non-grid streets.
  - J. Sidewalk placement and size standards.
  - K. Changes to an approved Plan, when the requested change is so minor that the CDD Director or designate determines that it would be appropriate for an administrative decision. Examples of minor changes include, but are not limited to: (1) a reduction in the overall number of lots, (2) minor architectural changes to approved buildings, (3) changes to phases that do not impact public facilities or change the number of approved phases, (4) changes that result in a reduction of impacts (i.e. reduced traffic flows), or (5) changes that are required to protect or increase public safety.

**8.0280 Development Standards.**

1. Planned Unit, Cluster and Cottage Developments shall be established only on parcels of land which are sized as follows:

Residential PUD	–	No minimum size.
Cluster Development	--	1 acre minimum to 4 acre max.
Cottage Development	--	No minimum size.*

\*4 cottage minimum per development

2. The following standards apply to each type of development unless otherwise specified. In the case that these standards conflict with other standards within Article I, III or IV of the Redmond Development Code, these standards shall take precedence.

A. Densities.

Zone	Residential PUD	Cluster	Cottage
R-1	Not allowed	Not allowed	Not allowed
R-2	Not allowed	Not allowed	4 to 9 units / acre
R-3	Not allowed	Not allowed	4 to 10 units / acre
R-4	5 to 12 units / acre	5 to 12 units / acre	5 to 12 units / acre
R-5	8 or more units / acre	8 or more units / acre	8 or more units / acre

B. Setbacks, Height, Parking, Lot Size Requirements. The following standards shall apply:

1. Perimeter Setbacks Required for Residential PUDs, Cottage and Cluster Developments.

<u>Street Classification:</u>	<u>Perimeter Setback Distance*:</u>
Private / local streets	Underlying zone requirements
Collector streets	20' setback



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Arterial streets

20' setback

\* *Setbacks* shown are the minimum requirement; measured from foundation of any building requiring a building permit to the nearest property line. Foundation includes anchors for posts / supports where structurally related.

### C. Design Requirements

Feature	Res. PUD	Cluster	Cottage
Building Height	Underlying zone	Underlying zone	25 feet
Lot area	No minimum	No minimum	No minimum
Lot width	No minimum	No minimum	No minimum
Lot depth	No minimum	No minimum	No minimum
Floor area	No maximum	No maximum	1000 s.f./300 s.f. exempt for garage
Open space:	Based on class of amenity	Based on size of parent site	500 s.f. per each dwelling unit
Setbacks:			
Perimeter:	20' when abutting an arterial or collector street (along perimeter <sup>1</sup> ); underlying zone in all other cases	Same as PUD	Same as PUD
Front:	10' to house 20' to garage	Same as PUD	No minimum
Side (corner lot)	No minimum; clear vision areas apply	No minimum	No minimum, but 10' required between bldgs
Side (non corner lot)	No minimum	No minimum	No minimum, but 10' required between bldgs
Rear	No minimum	No minimum	No minimum, but 10' required between bldgs
Commercial Use	20 feet <sup>3</sup>	20 feet <sup>3</sup>	Not allowed
Solar	Northern perimeter only	Northern perimeter only	Northern perimeter only
Non permeable surface area	Varies accord. to open space requirements	Varies accord. to open space requirements	60% of parent property (max.)
Bldg coverage	No maximum	No maximum	40% of parent property (max.)
Parking:			
Residential	2 spaces / d.u.	2 spaces / d.u.	2 spaces / cottage
Commercial	Per Table I	Per Table I	Not applicable

<sup>1</sup> From residences underlying zone setbacks apply to street setbacks. Setbacks to common areas are determined at the discretion of the Hearings Body.

<sup>2</sup> Not exempt from arterial, collector or local street setbacks where applicable.

### D. Open Space, Park, and Common Area.

1. For Developments, "open space" means land area which can be physically accessed and used by occupants and users of the development for scenic, landscaping, or open recreational purposes within the development.
2. Open Space Land Area Requirements.

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- a. For all residential PUDs, the required land area<sup>1</sup> used as open space, park, or common area shall be determined by the type of amenities added by the developer. The Hearings Body shall be the final determiner of the interpretation to be given to this section. The Hearings Body may reduce the total open space requirement at their discretion if the quality of the amenities proposed warrants consideration for such a reduction.

The amenity categories and subsequent required open space areas are as follows:

<u>Class:</u>	<u>Amenity:</u>	<u>Total Land Area Req'd:</u>
C	Trails, natural vegetation, small play structures, landscaping	15% of gross PUD land area
B	Rec. center*, developed park**, pool, tennis courts, rec rooms, clubhouse, and similar	12.5% of gross PUD land area
A	Golf course, equestrian facility***, large recreational facilities	10% of gross PUD land area

\*Recreation center size shall be 1,500 square feet minimum. Additional recreation center(s) may be sized based on individual phases. If multiple buildings are needed, then site locations in later phases may be required. Gymnasiums or other fitness-related uses qualify. Other similar uses may be substituted at the discretion of the Hearings Body.

\*\*Developed park shall contain irrigated landscaping, play equipment or meeting room facility (fully enclosed) large enough for most of the residents of the Development to use for events when the Development is fully built out, or by phase when the project is phased. Other similar facilities may be substituted at the discretion of the Hearings Body.

\*\*\*Equestrian facility means a facility used to board / stable and exercise horses. The Hearings Body shall determine whether proposed facility meets the intent of a Class A amenity.

- b. For all cluster developments, the required land area<sup>1</sup> used as open space, park or common area shall be 30% of the net land area (minus roads).
- c. For all cottage developments, the required land area<sup>1</sup> used as open space or common area shall:
1. Be a minimum of 500 square feet per cottage.
  2. Abut 100% of the cottages in the development.
  3. Have cottages abutting on at least 2 sides.
  4. Cottages shall:
    - (a) Be oriented around and have the main entry taken from the common open space.
    - (b) Be within 60 feet walking distance from the common open space.

<sup>1</sup> Required land area means the total acreage of the project, excluding roads that will be dedicated through the development approval process.



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3. Open Space – General Information.
- a. Public and private roads shall not be considered as open space.
  - b. Development plans shall assure that natural features of the land are preserved and landscaping is provided, or a finding shall be made by the Hearings Body that preservation of significant natural feature(s) is not feasible. Waterways located on the property may be considered as open space for the development.
  - c. The Hearings Body may require at its discretion the dedication of park land or open space to the City.
  - d. All common areas, open space areas, and landscaped rights of way shall undergo Site Design review concurrently with the development review, and are subject to Design Review standards for landscaping, with the exceptions noted herein.
  - e. Canyon rim / face, and other non-accessible open space may be considered as "open space". However, if these areas are not physically accessible by the users of the Development for recreational purposes, up to half of such non-accessible land area, measured on the horizontal, may be counted towards the required area for open space. Full area credit may only be allowed wherever such features are completely accessible to occupants of the development.
  - f. Up to 10% of the required open space / common area / landscaped areas may be left in a natural and non-irrigated state at the discretion of the Hearings Body, however this shall not apply to any required landscaped screening or landscaped strips abutting public or private roads. If the development has a significant natural feature in excess of the 10% allowance, the Hearings Body may allow additional natural feature open space credit.

- E. Construction Standards. In each Development, all provisions of the International and Uniform Building Code, and International Fire Code incorporating Oregon Fire Code amendments shall apply and control design and construction of improvements, except as specifically varied as provided within these standards. City Standards and Specifications shall apply unless a deviation is granted by the Hearings Body as set forth in section 8.0280(f)(ii) herein.

1. Townhouse Development Standards.
- a. Definition. Townhouse - a single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.
  - b. Design Standards. Townhouses within PUDs or Cluster Developments shall have the following design characteristics:
    - 1. Entries. Each townhouse shall have individual entries distinguished by porches, porticos, or stoops of at least 40 square feet.
    - 2. Parking. Individual garages shall be provided, and shall be accessed from an alley or, if on a corner lot, from the street other than that which has the primary entrance to

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- the unit.
3. Architectural theme. Each townhouse shall have an architectural theme that is consistent with the over all development, and which is carried on all sides of the building.
  4. Unbroken spans. At least three architectural features shall be added to buildings having vertical or horizontal spans more than 32' in length, including rooflines. Choices of these required features include (but are not limited to) oriel or bay windows, trellises, staggered roof heights or pitches, cupolas, decorative trim, and stone or brick embellishments. The developer may choose a different architectural feature subject to the approval by the Hearings Body.
  5. Bay Windows and Balconies. Upper stories should be articulated with features such as bay / oriel windows and balconies.
  6. Repetition in design. Identical units are prohibited. Variation in design shall be achieved through variations in facades, floor levels and architectural treatments; variation in colors, roof pitches and shapes, and variations in ornamental trim used on buildings.
  7. Yards.
    - i. Each townhouse shall have a private yard having at least 300 square feet in area.
    - ii. Yards shall not be considered as part of the required open space in each Development.
    - iii. Front yards shall be visually open to the street. They may contain either a fence not exceeding four feet in height and which is visually open, or may contain a landscaped berm not exceeding two feet in height (but not both), and may contain a hedge or other landscaping material so long as it does not obscure the front yard or entrance to the building or dwelling. For purposes of this provision, where a side yard of a corner lot is adjacent to a street, the side yard is subject to the same standard as a front yard.
    - iv. Each townhouse shall abut open space on at least one side of the townhouse whenever possible.
- c. Separation between structures. Each townhouse shall be separated by other buildings, including other townhouse structures, by at least 15 feet. This separation may be increased by the Hearings Body with a finding that the structures proposed will not provide adequate solar access to neighboring existing or proposed structures. However, this setback distance may be decreased with a finding that the orientation of the townhouse will not adversely impact any existing or proposed neighboring structure.
1. Perimeter setbacks required for Planned Developments



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- supersede this setback criterion.
2. Solar setback standards shall not apply to townhouses that are internal to the development, and which are not located along the northern property line of the Development.
  2. Non Residential Off-Street Parking and Loading. In residential PUDs and Cluster Developments, off-street parking and loading space for all non-residential uses shall be limited to 80% of the minimum standards of Table I of the Redmond Development Code. All non-residential parking and loading areas shall be screened from view from roads and residences, and shall be located behind structures where feasible. All parking lots shall be accessed from interior roads or alleys within the planned unit development unless the Hearings Body determines that this is not feasible.
  3. Signage.
    - a. Monument or entrance signage shall be reviewed with initial Design Review and integrated into the overall building and Site Design or separately at the discretion of the developer. If other similar signage is proposed separately from the overall development, then it shall require sign permit review at the time of submittal.
    - b. All entrance or monument signage within or adjacent to a PUD, CLD or COD related to the Development shall integrate the Development theme into the design of the signage.
    - c. All entrance or monument signage shall conform to the requirements within each respective zone, and with RDC Article V, "Signs".
    - d. In a Residential PUD, CLD or COD, other than the entrance signs, no signs shall be visible from adjacent residential properties.
    - e. Monument signs may be incorporated into the fence or wall design subject to design review approval.
  4. Commercial Use Limitations within Residential Developments.
    - a. No commercial buildings shall exceed 4,000 square feet of commercial floor area. An exception to this area standard may be granted by the Hearings Body if the building is related to required recreational facilities.
    - b. Commercial structures visible from properties beyond the Residential Development shall be designed so as to imitate residential building design, mass and scale.
    - c. Commercial land area excluding recreational facilities shall be limited to 5% of the gross area of the development.
  5. Streets and Utilities.
    - a. All construction of streets and utilities within developments shall be required to comply with City Standards and Specifications at the discretion of the Hearings Body if recommended by the City Engineer, except that the Hearings Body can grant exceptions to specific Standards and Specifications as follows:
      1. Street width
      2. Right of way width
      3. Sidewalk width / placement

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- b. The City may require those streets needed for traffic circulation under the provisions of the Redmond Transportation Plan and the City grid street standards (8.0367) to be public streets.
  - c. The applicant shall provide to the City easements for all public utilities (sewer and water) on the subject property subject to acceptance by the Engineering Division. If required, all public easements may need to be dedicated without reservation, also at the discretion of the Redmond Engineering Division.
6. Landscaping.
- a. Within residential developments, landscaping shall be provided for 15% of all commercial areas and related parking lots.
  - b. A portion of the landscaping shall be provided on the property to visually screen larger commercial and multi family residential uses from adjoining single family and duplex property.
  - c. Street Trees. Street trees shall be placed adjacent to all public and private roads within all types of Developments, as specified within Article IV of the Redmond Development Code. However, street trees along alleys and private internal driveways are not required.
7. Fences and Walls. The perimeters of all residential Developments shall incorporate a decorative fence or wall, between 4 feet and 6 feet in height, containing building materials and/or design features that are used in, or complement, the structures within the Development.
- a. Approval of any perimeter fencing or wall is discretionary to the Hearings Body, and may be required to be modified based on the specific design submitted for review.
  - b. Perimeter fencing, not facing streets, may be waived by the Hearings Body. If a perimeter fence is required, the Hearings Body can consider a vegetative screen in lieu of a fence. All such fencing shall comply with RDC 8.0340, "Fencing".
8. General Development Design Requirements.
- a. The total minimum number of dwelling units of all combined zones within a Residential PUD, CLD or COD may be located anywhere within the Development subject to Hearings Body approval, and subject to all applicable setbacks and regulations established herein.
  - b. All Development parking lots shall be screened from view from public or private streets (excluding driveways of 20' width or less), and from all residences by a screen of no less than 3' in height. Screening shall not exceed a height of 4'.
  - c. Parking lot screening shall be achieved by either landscaping or fencing, or a combination of each.
  - d. All parking spaces shall be paved, and shall meet the parking space standards within Tables H and I, and all applicable code standards.
  - e. If detached parking structures are proposed, the following shall apply:
    - 1. Pitched roofs are required on all parking structures, and shall be no less than a 4:12 pitch.
    - 2. Paint color and building materials shall be consistent with the design of the dwelling closest to the structure.

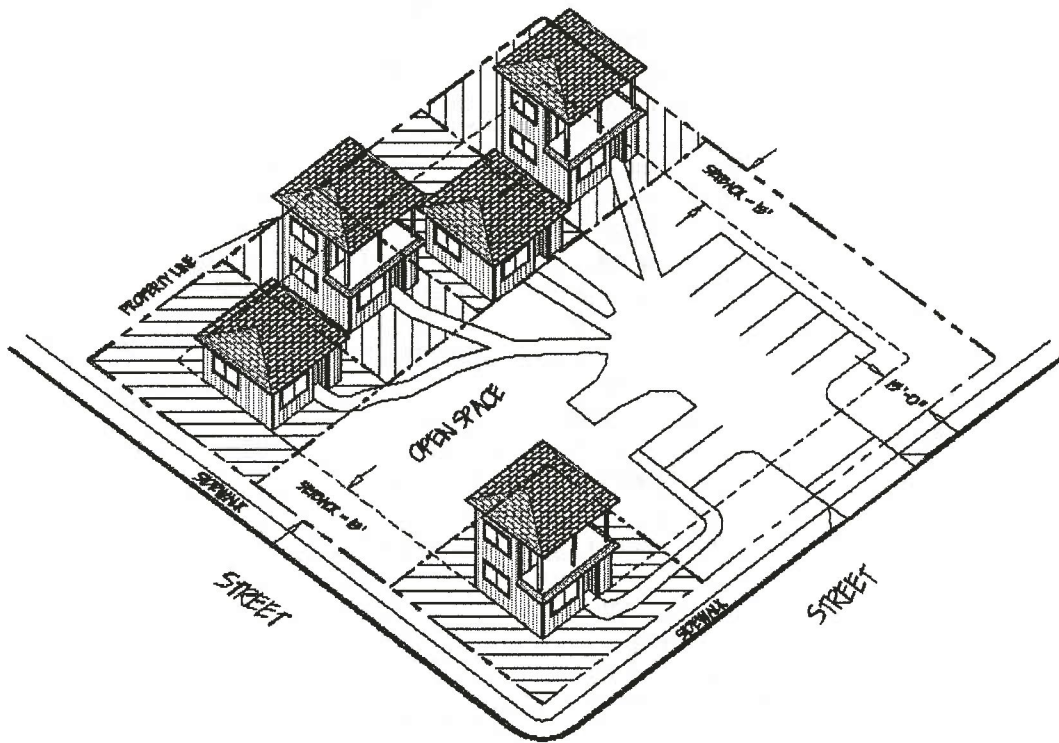


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- f. Accessory dwelling units, when allowed in the underlying zone, are permitted subject to Supplementary Provisions section 8.0325. Accessory dwelling units are prohibited in Cottage developments.
  - g. Community or Recreation Buildings. A Development may contain community building(s) or recreation center(s) that are clearly incidental in use or size and related to the dwelling units. Such buildings shall be located on the same parent parcel of the development, and shall be comm only owned by the residents.
  - h. Existing Non-Conforming Structures. An existing attached or detached single family dwelling that is incorporated in to a Development may be permitted to remain, and at the discretion of the Hearings Body may be considered as an existing non-conforming residence subject to all non-conforming structure requirements within the RDC.
  - i. Uses permitted within CLDs and CODs are limited to the uses described within 8.0275 (8).
  - j. Architectural Theme. An architectural theme is required for all structures within any Development. The theme shall be continued on all elevations for each building, and onto the entire site (including but not limited to lighting, fencing, access ory structures and signage) as is applicable based on the specific theme chosen by the developer. For assurance of ongoing compliance, an Architectural Review Committee (ARC) shall be created for each Development through the CC&R's for each Development. The ARC shall be formed for the purpose of reviewing future changes and additions to structures including fencing and trim within the development, which shall be self-regulating following the Ci ty approval of each structure within the development, as stated within the CC&R's.
  - k. Usable Open Space. All required open space within any planned developm ent shall be 'usable' as passive or active recreational land without sharing the space as a combined use with non recreational uses, including (but not limited to) drainage retention.
9. Supplementary Design Standards for Cottage Developments.
- a. Floor Area Requirements. To ensure that the overall size (including bulk and mass of cottage structures and Cottage Developments) remain smaller and incur less visual impact than standard sized single family dwellings, given the allowed densities of cottage developments, the following floor areas apply:
    - 1. Maximum Floor Area. The total floor area of each cottage shall not exceed 1000 square feet. Garages up to 300 square feet shall be exempt from the calculation of total floor area for cottages. Garages shall not face or front a public or private street.
    - 2. Main Floor Area. The main floor area for cottages is up to 1000 square feet. The area of the interior stairway serving a second floor may be considered as "main floor

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- area”.
3. Stories. Two-story cottages shall only have up to a maximum of 350 square feet on an upper floor where two story cottages are permitted. Cottages are limited to one story in the Limited Residential R-2 Zone.
  4. Cottage Square Footage May Not be Increased. The total square foot area of a cottage dwelling unit shall not be increased. A note shall be placed on the title to the property, and within the required CC&R's, for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage, or for the duration of City cottage regulations.



- b. Yards. Private open space shall be a minimum of 300 s.f. of private, contiguous, usable open space adjacent to each dwelling unit, for the exclusive use of the cottage resident. Private open space shall be oriented toward the common open space as much as possible.
- c. Porches. Cottages shall have a roofed porch at least 80 square feet in size with a minimum dimension of eight feet on any side. Porches are not included within floor area calculations.
- d. Required Parking Distance from Cottages. All required parking for Cottage Developments shall be located within 100 feet of the cottage that it serves.
- e. Parking Lot Standard. Parking lots for Cottage Developments may not exceed 6 parking spaces per lot.



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- f. Parking Prohibited in Front. Parking spaces and lots are prohibited within any front yard setback area.
- g. Parking Between Cottages. Parking spaces are allowed between or adjacent to structures only when served by an alley or driveway, and located near the rear of the structure.
- h. Required Parking. Guest parking for cottages shall be provided at a ratio of 1 space per 2 cottages.
- i. Architectural Theme. The theme shall be continued on all elevations for each building, and onto the entire site (including but not limited to lighting, fencing, accessory structures and signage) as is applicable based on the specific theme chosen by the developer. Each Development shall have a consistent architectural theme for all buildings within the Development on all sides of each building. The Homeowners Association shall incorporate CC&R's that address exterior remodels that occur after the initial approval of the Development, and shall assure that architectural consistency is maintained over the life of the Development.
- j. Paved walkways or sidewalks are required internally to a Cottage Development site, and shall connect cottages with parking areas; accessory buildings shall be connected with the corresponding cottages and other walkways or pathways, and all cottages shall be connected with open space.
- k. Accessory structures in cottage developments are limited to storage buildings that may be up to 80% of the smallest cottage, and to parking structures or garages that may contain up to 6 parking spaces on the interior. All accessory structures in cottage developments shall have an architectural theme that matches the theme of the cottages.

### 8.0285 PUD, CLD and COD Development Review Submittal Procedure.

1. The following plans and information are required for Planned Unit, Cluster and Cottage Development review:
  - Conceptual development plan
  - Site plan, landscape plan, typical building elevations, typical floor plans
  - Grading and drainage plan
  - A burden of proof statement addressing all standards and criteria that cannot be graphically addressed on the required plans
  - Fire flow analysis, prepared by a professional engineer
  - Traffic impact study, if required by the City
  - *Draft CC&R's, including creation of a Homeowner's Association*
  - *Environmental Impact Study, if required by the City*
  - 'Will serve' letters from all vital utility providers.
  - Model, either electronic or physical, at the discretion of the CDD Director or designate. If required, the model may show either a portion of the buildings within the development, or the entire development, at the discretion of the Director or designate.
2. The following information shall be shown on the site plan, and/or conceptual development plan, and/or landscape plan submitted for each Development review:

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- A. Identification and description. Proposed name of the development, legal description, names and address of applicant and designers of the development; scale of plan; date of plan preparation; and north arrow.
  - B. Existing Conditions. Topographic lines at one or two foot contour intervals; water courses; natural features including rock outcroppings, ponds / marshes and wooded areas; existing streets or other public and private right of way locations including distance to centerlines; railroad lines, utility right-of-ways and easements; parks and other public open spaces, all existing structures and their uses, permanent easements; property boundaries and owners within one hundred feet of the development excluding roads; existing sewers, water mains, easements, culverts and other underground facilities within and adjacent to the development indicating pipe sizes, grades, manholes and their locations, and land ownership.
  - C. Proposed land uses and residential densities where applicable.
  - D. Proposed building envelopes; all non-permeable surface coverage on site (square footages and percentages).
  - E. Circulation pattern of vehicular and pedestrian traffic internal and adjacent to the proposed development.
  - F. Parks, common areas and open space; land area square footages and percentages shall be shown.
  - G. Proposed on and off street parking.
  - H. Lighting plan (non "porch light" only) – shall comply with RDC 8.0330.
  - I. Street tree plan and indicator of type of automatic irrigation system to be used for all irrigated landscaping.
  - J. Lot and tract sizes for all lots within the development. All critical dimensions shall be shown for all newly created lots.
  - K. Perimeter setback line around outer boundary of development.
  - L. Phasing schedule of project.
  - M. Perimeter fencing or wall.
3. The burden of proof statement shall contain the following information in addition to other requirements of the Hearings Body:
- A. Proposed ownership pattern.
  - B. Operation and maintenance responsibilities (neighborhood easements, common areas, condominiums, coops, neighborhood associations, etc.).
  - C. Description of all waste disposals
  - D. Lighting (including compliance with RDC 8.0330).
  - E. Adequacy of water supply, including a fire flow analysis demonstrating adequate fire flow.
  - F. General time table by phase (if not shown on site plan).
  - G. Applicable review criteria and standards that cannot be shown on a tentative plat or site / landscape plan, such as neighborhood compatibility compliance, and adequacy of facilities and services.
  - H. Architectural theme(s) to be used, and explanation of the formation of an architectural review committee for all future improvements that occur within the development.
  - I. Draft CC&R's explaining the creation of a Homeowner's Association, and the ongoing maintenance of all common areas, open space, and privately owned infrastructure.
4. Review Process. All planned developments, including PUDs, Cluster and Cottage developments, must undergo the following review procedures.



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- A. **Step One – Preliminary Meeting.** The applicant shall set up a meeting with Staff to review the conceptual idea with the development. The applicant shall provide typed notes from the meeting for Step Two.
- B. **Step Two – Conceptual Plan Review.** The applicant shall prepare a conceptual plan for review and comment by the Hearings Body. This Plan shall contain general locations of all structures; open space and recreational amenities; vehicular, bicycle and pedestrian accesses and networks, including compliance with or variances from the City's grid street standards; land uses; types and densities of housing; and architectural or design character.

The Hearings Body shall provide general feedback to the applicant based on the submitted plan. The applicant is encouraged to incorporate the Hearings Body's comments into the design of the Planned Development.

A fee may be required for the Conceptual Plan Review process. If required, this fee shall be applied in its entirety to the step three / land use review of the application once submitted if the submitted Planned Development application is substantially similar to the Conceptual Plan.

- C. **Step Three – Land Use Review.** Following the review of the Conceptual Plan by the Hearings Body, the applicant shall submit the Planned Development application for review and decision. This process is subject to all rules governing land use processes in Oregon.
  - 1. **Consistency with Conceptual Plan.** The Planned Development submitted is encouraged to be substantially consistent with the Conceptual Plan and incorporates the Hearing Body's comments. Substantial consistency is achieved when the general locations of all structures; open space and recreational amenities; vehicular, bicycle and pedestrian accesses and networks; land uses; types and densities of housing; and architectural or design character generally match the Conceptual Plan and the Hearing Body's comments.
  - 2. **Staff Recommendation to Hearings Body.** When the application packet submitted has been deemed complete by the Community Development Department, the City shall review the material submitted and prepare a staff recommendation to the Hearings Body containing the following information in addition to such other requirements of the Redmond Development Code:
    - a. A map showing the existing and proposed zoning of the subject property and all adjoining properties.
    - b. Staff report identifying the consistency of the proposed development with the Comprehensive Plan and Conceptual Plan; compliance with all applicable zoning, conditional use, subdivision, site design review, and (when applicable) sign standards of the City of Redmond and all applicable codes, standards and requirements for a Planned Unit, Cluster or Cottage Development.
  - 3. **Review.** The Hearings Body shall hold a public hearing in accordance with the provisions of Article II, "Land Use Procedures" to decide the Development request. For developments of up to 10 units, the CDD

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Director may allow an administrative review and decision.

4. Decision. Upon review at the public hearing or administratively as stated herein, or any continuance thereof, the Hearings Body may approve the proposed development, require changes thereto, or deny the proposed development in accordance with Article II of the Redmond Development Code.
5. Appeals. The decision of the Hearings Body may be appealed in the manner provided for in Article II, "Land Use Procedures".

**8.0287 Amending a Planned Unit, Cluster or Cottage Development.** Changes to approved Developments may occur subject to the requirements within this section. Such changes shall be reviewed by the Hearings Body that approved the original Development. The Hearings Body may specify other types of changes that they wish to delegate to the Planning Staff.

1. Types of Changes to Approved Developments.
  - A. Any changes to phasing that do not adversely impact the installation or operation of public or private.
  - B. Any changes to phasing that affects the timing of required public improvements requires review and approval.
  - C. Adding or removing land requires an Amendment review and approval. A replat may be required if the underlying land has already been platted.
  - D. Changing the Lot Layout Pattern or changing the type or location of approved uses within the Development. This includes converting lots from one type of dwelling to another, and requires an Amendment review and approval. A replat may be required if the affected property has already been recorded.
  - E. Changes to Approved Land Uses or changes to the approved buildings in which the uses are located. Any change(s) to the approved land uses or to the structures which have been approved, other than single family dwellings or duplexes, within a Development requires an Amendment review and approval.
  - F. Any substantive changes to CC&R's, or similar documents or agreements that directly affect the governing of the Development require an Amendment.
  - G. The Development approval is transferable to new owners and interests; however, the new owners and interests are fully bound by the original approval and any modification or amendment thereto.
  - H. Any change not listed herein can be requested through an Amendment application process. At the discretion of the Planning Manager, a specific change may be permitted through an administrative decision process provided that findings can be made that the requested change does not substantively alter the Hearing Body's initial or original approval, that all parties to the original decision or modification thereof receive notice of the change, and that the Hearings Body is notified of the change. Changes to the approved Master Plan that change the character of the development, create the potential of having an adverse impact on property owners within or adjacent to the Development or potentially affect the public or private utilities shall be reviewed by the Hearings Body that originally approved the Master Plan. In all cases, buildings, land or facilities requiring final Site Design Approval shall be reviewed by a Hearings Body, minor changes to the Site Design approval may be administrative.
2. A Development Amendment is a land use action subject to all requirements for a land use action as specified in Article II (Procedures). An Amendment is subject to appeal.
3. Master Plan Required: The developer / owner shall submit three copies of a new and complete Master Plan that clearly depicts and explains all approved changes to the



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Development, pursuant to RDC section 8.0300. This includes, but is not limited to lot patterns, additional land, changes in phasing, changes in use, changes in utility or street locations, density, signage, lighting and any other change to the original or modified plan.

### SUPPLEMENTARY PROVISIONS

- 8.0300 Master Plan.** A Master Plan is required either as a condition of or prior to annexation, or after annexation but prior to or concurrent with rezoning from Urban Holding-10 to other City zoning districts. The Master Plan shall not create excessive demand on public facilities and services required to serve the development, and shall not conflict with existing public access easements within or adjacent to the development. The specific requirements for this type of Master Plan are as follows:
1. **Applicability.** This section applies to all properties proposed for annexation or rezoning from Urban Holding-10 on or after the date of the adoption of this ordinance.
  2. **Purpose.** The purpose of Master Plans is to provide:
    - A. Orderly and efficient development of the City.
    - B. Compatibility and/or transitions with adjacent developments and the character of the area.
    - C. A complementary mix of uses and activities.
    - D. An interconnected transportation network – streets, bicycle routes, and pedestrian trails – within the master plan area and to existing and planned City streets, routes and trails.
    - E. A range of housing choices.
    - F. A range of open spaces and recreation facilities.
    - G. Public and semi-public facilities and services.
    - H. Preservation of historic buildings, scenic views, and natural resources to the greatest extent possible.
    - I. Transitions or buffers between urban development and rural areas.
    - J. Implementation of Redmond's Comprehensive Plan.
  3. **Procedures for Review.**
    - A. **General.** There are two required steps to master plan review and approval. Unless the Community Development Director determines that the application should be consolidated for both conceptual and final review in accordance with subsection 2, below, the procedure requires separate review and approval of a conceptual master plan and final master plan by the Planning Commission. A site specific development application may be considered concurrently with an application for final master plan approval as provided in subsection 2(b) below.
    - B. **Consolidated review.**
      1. Conceptual and final master plan. An applicant may request and the Community Development Director may determine that it is appropriate to consolidate conceptual and final master plan review. The Community Development Director shall base the determination on consideration of the following factors: (i) whether the two-step review would be redundant; (ii) whether the two-step review would serve any public purpose; (iii) there are a limited number of issues involved in a proposed master plan area in relation to the review procedures and standards; and (iv) there is a significant community interest that the project would serve. The Community Development Director shall inform the applicant during the pre-application stage whether consolidation will be permitted.

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2. Other development review applications. An applicant may request and the Community Development Director may determine that an application for development within a master plan area may be considered concurrent with final master plan review or a consolidated review. In order to be eligible for concurrent consideration, a development application must meet all applicable requirements of this Code for submittal of complete applications.
  3. Community Development Director's Determination. The Community Development Director's determination regarding the consolidated conceptual and final master plan review is appealable as provided in Section 8.1500 to 8.1560 of this Code.
- C. Steps Required: Unless consolidated in accordance with subsection 2 above, two steps are required for the review and approval of an application for a master plan:
- Step 1 – Conceptual Master Plan Hearing before the Planning Commission.
1. Purpose: To determine if application meets standards for a master plan.
  2. Standards of review: These standards for master plans; Amendments (Section 8.0760), and any other applicable standards.
  3. Planning Commission action: Approve, approve with conditions, or deny conceptual master plan.
- Step 2 – Final Master Plan Public Hearing before the Planning Commission.
1. Purpose: To determine if application meets the standards for a final Master Plan.
  2. Standards of review: These standards for master plans; Amendments (Section 8.0760), and any other applicable standards.
  3. Planning Commission action: Approve, approve with conditions, or deny final Master Plan.
- D. Review criteria for Master Plans
1. General. In the review of an application for a conceptual Master plan and a final Master plan, the Planning and Zoning Commission and City Council shall consider the following:
    - a. Whether the proposed Master Plan is generally consistent with the Framework Plan and is consistent with the Comprehensive Plan in terms of land use, density, transportation systems and networks, and open space.
    - b. Whether the proposed Master Plan is generally suitable for the area in which it is proposed, considering existing and planned neighborhoods, shopping and employment areas; and natural resources and hazards.
    - c. Whether the proposed Master Plan is functionally integrated with existing developed or planned areas.
  2. Whether the proposed development implements the following elements:
    - a. Walkable and bikeable urban development. The Plan provides a complete street network and integrated trail system within the master planned area with links / connections to existing and planned trail facilities.
    - b. Interconnected streets. Streets shall be integrated within the master planned area and to adjoining existing neighborhoods or planned areas consistent with adopted city transportation policies and regulations for applicable street classifications.



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- c. Housing types and densities. The Plan provides for a mix of housing types and densities, such as single family detached and attached dwellings in multi-plexes, townhouses, and multi-family apartments.
- d. Open spaces, greenways, recreation. The Master Plan includes useable open spaces with recreation amenities within walking distance, and integrated and connected greenways throughout the master planned area and to the larger community. Parks and plazas should be provided to create public gathering places, and significant geological features such as rock outcroppings, stands of native trees, and similar features should be preserved and incorporated into the master plan.
- e. Diverse mix of activities. A variety of uses will be provided within walking and biking distance or a short drive from homes. The uses may include residential, public or semi-public, open space, commercial, employment, and similar uses and activities.
- f. Canal trails. If canals are present in the area proposed for the master plan, the plan should incorporate multi-use trails at least 10 feet wide along both sides of the canal, subject to the Central Oregon Irrigation District's review and approval. Pedestrian amenities such as benches and trash receptacles shall also be identified and provided at logical locations.
- g. Public art is encouraged at prominent locations within master planned areas.
- h. Scenic views. Scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock should be identified and preserved to the greatest degree possible. Streets, public buildings, and common or public open spaces should be located and oriented to capture and preserve scenic views for the public.
- i. Environmentally friendly and energy efficient design is encouraged to be incorporated in all facets of the Master Plan, such as the planting of native, drought-resistant landscaping to provide shade and to minimize water usage.
- j. Urban – rural interface. Urban development shall interface with rural areas through open space buffers or through transitions from higher density development to lower density development at the urban fringe, or other appropriate and equivalent transitional elements.
- k. Integrated design elements. Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct place in the community, and unique character of the specific area in which the Master Plan is proposed in order to advance Redmond's *Great Neighborhoods* policies.

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- E. Master Plan Submittal Requirements and Approval Process. The Master Plan shall include, but not be limited to the General Submission Requirements of the submittal requirements set forth in the City's application form and the elements described below. The difference between concept and final master plans is the level of detail.

General Submission Requirements. The applicant shall submit an application containing all of the general information below:

1. Concept Master Plan Submission
  - a. Plan Objectives. A narrative shall set forth the goals and objectives of the master plan.
  - b. Plan Area and Context. A map of the plan area and surrounding vicinity shall set the context for the master plan. A list of all affected properties with ownership, parcel size, etc. and other information that is pertinent to the plan shall be provided.
  - c. Conceptual Site Plan/Land Use Diagram. The land use diagram shall generally indicate the distribution and location of planned land uses for the master plan area, including plans for park and open space and community facilities. The plan shall show proposed comprehensive plan designations and overall density including density calculations showing gross and net units per acre.
  - d. Significant Resources Inventory. An inventory of significant natural resources, scenic and historic resources, and open space areas, including those identified on the City's adopted inventory and those that have the potential to qualify for protection under the City's resource protection program. When significant resources are present, the concept master plan shall generally describe how a management plan to protect resource sites and provide general buffers between the sites and adjacent uses.
  - e. Parks, Open Space, Recreation Facilities. Generally identify land suitable for park and recreation use in accordance with the Park and Recreation Master Plan (Park Plan), and generally describe the intended use and function for each park, open space, and/or recreation facility.
  - f. Air, Noise, and Water Resources. Identify air, noise and water resources that may be impacted by planned development and address how adverse impacts will be avoided or mitigated in compliance with applicable local, state, and federal regulations.
  - g. Natural Hazard Areas. Provide an inventory (map and narrative) of areas subject to natural hazards.
  - h. Site Design and Development Standards. Generally describe the proposed site design and development standards if they are different from normal City standards.
  - i. Transportation Analysis and Diagram. Prepare a general transportation plan for streets, bicycle routes, and pedestrian paths. On- and off-street parking shall also be identified in the master plan.



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- j. Public Facilities Analysis and Diagram. The plan shall include a conceptual layout of public facilities (including at least sanitary sewer, water, and storm drainage) needed to support the land use diagram.
  - k. Phasing. A concept schedule indicating the approximate dates when construction of the master plan's various phases are expected to be initiated and completed.
  - l. Specific studies or reports prepared by qualified professionals may be required by the Community Development Director, Planning Manager, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.
  - m. Urban Design. Generally describe how the urban design elements (streets, civic spaces, signage, and architecture) are integrated and coordinated throughout the neighborhood to establish a coherent and distinct place in the community and a unique character of the area in which the Master Plan is proposed. Master plans shall be developed consistent with the urban design principals outlined in the most current version of the City of Redmond *Master Planning Guidelines* that have been prepared by the Community Development Department and approved by the Redmond Urban Area Planning Commission.
  - n. Urban – Rural Interface. Urban development shall interface with rural areas through mechanisms such as open space buffers or transitions from higher density development to lower density development at the urban fringe, or other appropriate and equivalent transitional elements.
2. Final Master Plan Submission
- a. Final Site Plan/Land Use Diagram. The land use diagram shall indicate in detail the distribution and location of planned land uses for the master plan area, including plans for parks and open space and community facilities. The plan shall show proposed comprehensive plan designations and zoning.
  - b. Significant Resources Inventory. An inventory of significant natural resources, scenic and historic resources, and open space areas, including those identified on the City's adopted inventory and those that have the potential to qualify for protection under the City's resource protection program. When significant resources are present, the master plan shall include a specific management plan to protect resource sites and provide adequate buffers between the sites and adjacent buildings and uses.
  - c. Parks, Open Space, Recreation Facilities. Designate lands for park and recreation uses in accordance with the Park and Recreation Master Plan (Park Plan), and specifically describe the intended use and function for each park, open space, and/or recreation facility.
  - d. Air, Noise, and Water Resources. If air, noise and/or water resources will be adversely impacted by the planned development, the Final Master Plan shall address how these

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- impacts will be avoided or mitigated in compliance with applicable local, state, and federal regulations.
- e. Natural Hazard Areas. The Master Plan will describe and map how areas subject to natural hazards, particularly steep slopes will be protected and/or incorporated into the planned area.
  - f. Site Design and Development Standards. The applicant shall describe the proposed site design and development standards if they are different from normal City standards.
  - g. Residential Uses. The residential component of the Master Plan shall address the mix of housing types, sizes (lots and structures) and densities, and describe how the proposed residential uses meet or exceed the housing density objectives for the area as identified in the Redmond Urban Framework Plan.
  - h. Employment Areas. If mixed use centers or employment areas are proposed, the Final Master Plan shall describe the types of uses (e.g., office, retail, service, restaurant, high density residential, etc.), locations, and integration with surrounding areas.
  - i. Transportation Analysis and Diagram. Prepare a detailed transportation plan for streets, bicycle routes, and pedestrian paths. On- and off-street parking shall also be identified in the master plan. If required by the City Engineer, prepare a traffic impact analysis in compliance with the state transportation planning rule and a local street plan that is consistent with street spacing and connectivity guidelines in the Redmond Transportation System Plan (if necessary). The master plan shall show the proposed classification for all streets, and the location of all approved TSP improvement projects and any capital improvements related to the project that may need to be added to the TSP. In addition, the master plan shall show proposed bicycle routes and pedestrian facilities and trails, and how streets, bike routes, and pedestrian facilities will connect with adjacent urban areas and be extended to adjacent unplanned urban areas. Typical street cross-sections shall be shown unless approved city street cross sections are used. On- and off-street parking shall also be addressed in the master plan.
  - j. Public Facilities Analysis and Diagram. The plan shall include a layout of public facilities (including at least sanitary sewer, water, and storm drainage) needed to support the land use diagram. The Public Facilities Analysis should address overall capacities and funding strategies for public facilities and must be consistent with the city's adopted Public Facility Plan (PFP) and related facility master plans, including improvements related to the plan that may require amending the PFP.
  - k. Public, Semi/Quasi-Public Buildings. Identify if and where public and/or semi-public buildings are located in the neighborhood, such as public or private schools, and community centers.



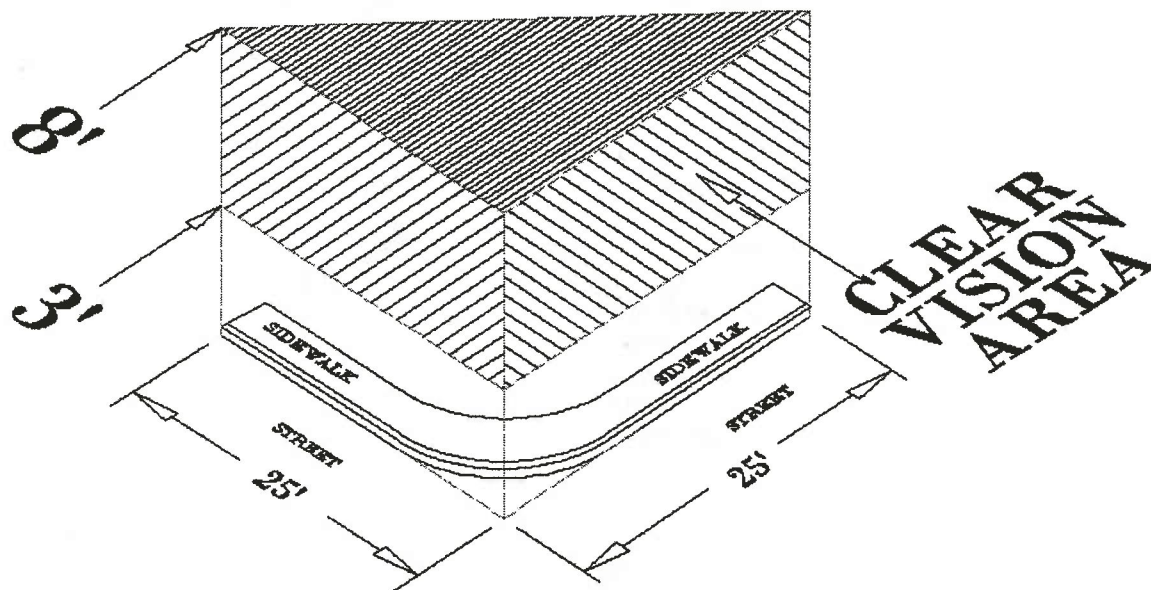
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- I. Phasing. A schedule indicating the approximate dates when construction of the master plan is developed and its various phases are expected to be initiated and completed.
  - m. Specific studies or reports prepared by qualified professionals may be required by the Community Development Director, Planning Manager, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.
  - n. Urban Design. The applicant shall generally describe how the urban design elements (streets, civic spaces, signage, and architecture) are integrated and coordinated throughout the neighborhood to establish a coherent and distinct place in the community and a unique character of the area in which the Master Plan is proposed. Master plans shall be developed consistent with the urban design principals outlined in the most current version of the City of Redmond *Master Planning Guidelines* that have been prepared by the Community Development Department and approved by the Redmond Urban Area Planning Commission.
  - o. Urban – Rural Interface. Urban development shall interface with rural areas through open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall be transitioned from higher density development to lower density development at the urban - rural interface, or other appropriate and equivalent transitional elements.
- F. Implementation. Upon approval of a Final Master Plan, all subsequent development located within the master plan boundaries shall follow the approved master plan.
- G. Amendment/Modification to Final Master Plan. Any modifications to the approved master plan shall be subject to the standards and procedures in Article II, "Modifications", and subject to the review criteria contained in this section.
- H. Expiration of Master Plan. An approved Master Plan shall be subject to the requirements of Section 8.1605 of this Code concerning expiration.

**8.0305 Establishment of Clear Vision Areas.** Clear vision areas are measured as follows: starting at the edge of pavement or curb lines at the intersection of two vehicular ways, and measuring along each edge of pavement for the distance shown below; this will result in an angle. The end points projecting from the vertex of the angle are then connected, forming a triangle. The area within the triangle is the horizontal clear vision area. The vertical clear vision area is the area above the triangle, between 3' and 8' in height.

Clear vision distances shall be as follows:

1. At an intersection of two streets having 90 degree angles at the intersection, the minimum distance shall be 25 feet.
2. At traffic circles, acute or obtuse angles, and other non-conventional intersections of two streets, the clear vision area may be determined by the Hearings Body or City Engineer. However, the clear vision area shall make every attempt to incorporate the 25' line of sight distance as is stated in (1).
3. All other vehicular intersections, the minimum clear vision distance shall be 15'.



**ILLUSTRATION – STREET TO STREET CLEAR VISION AREA**

**8.0310 Exceptions to Clear Vision Areas.** The following are exempt from clear vision area compliance:

1. Post or column
2. Tree trunk (clear of branches or foliage)
3. Safety signage
4. Telephone or power poles

**8.0315 Construction or Alteration of Gas or Card-lock Stations.** Any gas or card-lock stations which are constructed or undergo major alteration subject to the parameters of RDC sections 8.3005 and 8.3010 shall conform as follows:

1. Minimum lot size for gas or card lock stations:
  - A. The minimum lot size for station sites shall be 10,000 square feet on a corner lot and 12,000 square feet on any other lot.
  - B. The minimum street frontage on a corner lot shall be 100 feet.
  - C. The minimum street frontage for station sites on other than a corner lot shall be 120 feet.
  - D. The minimum lot depth shall be 100 feet.

**8.0320 Gas, Card-Lock, or Fuel Container Abandonment.** Any change of use proposed for any facility containing underground or above ground fuel containers shall provide verification from DEQ that all tanks have been removed, or have been disabled and decontaminated. Verification of removal and/or decontamination shall occur prior to any building permit being issued for construction or for a change of use.



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**8.0321 Canopy Standards.** For any use or structure proposing an overhead canopy, the following standards shall apply:

1. **Definition.** A permanent roofed structure which may be free-standing or partially attached to a building for a purpose of providing shelter to patrons in automobiles, and patrons on foot, but shall not mean a completely enclosed structure.
2. **Setbacks.** Canopy setbacks shall be measured from the edges of the canopy structure closest to the respective property lines, and shall meet the setback requirements of the underlying zone, with the exception of the C-2 zone where there are no required setbacks. The canopy structure shall be set back not less than 10 feet from any property line.
3. **Lighting.** All lighting directly or indirectly associated with a canopy shall be recessed from direct view from any public or private road, and from all neighboring properties.
4. **Stacking Distance.** See RDC section 8.0322, "Stacking Room".

**8.0322 Stacking Room.** For any use that has drive-up service, the following shall apply.

1. **Car length.** For this purpose, a car length is deemed to be 20'.
2. **Standards.** The following shall apply to all on-site stacking room, which is required for any type of drive-up service:
  - A. For any single window, gas pump, or other drive up use that is singular in nature (other than espresso stands or fast food pickup windows) requiring one drive aisle, the minimum stacking room including the pickup location shall be 5 car lengths.
  - B. For two or more pick up windows, gas pumps, or other drive up uses, the minimum stacking room shall be 4 car lengths for each window, pump or similar use.
  - C. For any fast food use (excluding espresso stands), the required stacking room per drive up window is 7 car lengths.
  - D. The required stacking room for any espresso stand, coffee kiosk, or similar use, is 3 car lengths per pick up window.
  - E. Any use that is not identified herein shall incorporate the minimum standard (5 car lengths), or, the Hearings Body may at their discretion allow for reduction in the amount of required stacking room with the finding that the use will not require the minimum stacking distance.
  - F. At no time shall stacked cars conflict with any required parking, on-site access, or required loading / unloading area on or adjacent to the site.
  - G. Any proposed stacking area immediately adjacent to any residence shall incorporate a 6' tall solid wall as a sound barrier between the commercial use and residence.

**8.0323 Minimum Standards for the Construction or Alteration of a Detached Accessory Structure (non-dwelling).**

1. The maximum lot coverage for any accessory structures requiring a building permit shall be no more than a total of 35% of the lot size. A Conditional Use Permit is required for the construction of any accessory structure or garage which is over 1,500 sq. ft. or over 80% of the size of the residence, whichever is less.
2. Any accessory structure other than the vehicular opening of a garage shall be set back at least 5 feet from any property line, except as otherwise required by clear vision.
3. Accessory structures requiring a building permit shall meet all solar requirements.
4. Detached accessory structures shall not be located in any required front or side yard setback.

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5. Vehicle entrances into detached garages or carports shall be set back no less than 20' from any alley.

**8.0325 Accessory Dwelling Units and Guest Houses.** Accessory Dwelling Units (ADU's) and Guest Houses, when allowed in the underlying zone, are permitted subject to the following. The terms "accessory dwelling unit" and "guest house" are used synonymously herein except for the size limitations, and are listed as separate and distinct uses in Table A; guest houses shall not contain kitchens.

1. The size of a stand-alone accessory dwelling unit shall be no less than 300 square feet in gross floor area and no more than 800 square feet in gross floor area, but shall not be more than 50 percent of the floor area of the primary dwelling unit. Guest houses shall be no less than 300 square feet in gross floor area and no more than 1200 square feet in gross floor area.
2. If the accessory dwelling unit is located above a garage, the ADU may not exceed the footprint of the garage.
3. Each accessory dwelling unit shall have 1 parking space in addition to the two parking spaces required for the primary dwelling unit.
4. Either the main residence or the accessory dwelling unit must be owner occupied.
5. An accessory dwelling unit must be able to function as a separate dwelling unit. This includes the following:
  - A. The accessory dwelling unit must be separately accessible from the exterior. An interior entrance to the primary residence may be approved, pursuant to review and acceptance by the Community Development Director or designate;
  - B. The accessory dwelling unit must have separately accessible utilities. This does not preclude shared services;
  - C. The accessory dwelling unit shall contain a kitchen containing, at a minimum, an oven, a stove with two burners, a sink, and a refrigerator with a minimum of 6 cubic feet of capacity and a freezer; and,
  - D. The accessory dwelling unit shall contain a bathroom containing, at a minimum, a sink, a toilet, and a shower.
6. The finished floor height of an accessory dwelling unit shall be entirely above the natural or finished grade, whichever is higher, on all sides of the structure.
7. An accessory dwelling unit shall be located within the dimensional requirements of the zone district in which the property is located.
8. If the entrance is accessed via stairs, a covered porch or other sufficient means of preventing snow and ice from accumulating on the stairs shall be provided.
9. Accessory dwelling units shall be developed in accordance with the requirements of this title which apply to residential development in general. These include, but are not limited to, all applicable International Building and Fire Code requirements related to adequate natural light, ventilation, fire egress, fire suppression, and sound attenuation between living units. This standard may not be varied.

**8.0330 Exterior Lighting.** Within all zones, the following lighting standards apply to all exterior lighting:

1. All lighting shall be downcast.
2. At no time shall lighting on private property shine into neighboring residences, or onto public streets.
3. Security lighting is not exempt from these provisions.
4. Lighting in the canyon, or within 25' of the canyon rim, may be subject to Site Design review at the discretion of the Community Development Director or Planning Commission.



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### 8.0335 Development Standards Along the Perimeter of the Canyon.

1. The following rules apply to any development within 100 feet of the canyon rim:
  - A. Any dwelling or accessory structure shall be less than twenty-four (24) feet in height and setback at least twenty-five feet from the Canyon rim;
  - B. No existing trees within 25 feet of the canyon rim, over 3" caliper measured 3 feet above ground level are removed from the site or, if removed, are replaced by a equal number of tree(s) that are at least 2" caliper measured 3' above ground level;
  - C. Development shall maintain the natural appearance of the canyon rim; no alteration of the rock formation portion of the canyon rim is permitted;
  - D. No fence is constructed within ten (10) feet of the Canyon rim;
  - E. All lots fronting on the Canyon rim shall be a minimum of 9,000 square feet;
  - F. No deck, patio or structure requiring a building permit may be constructed within ten (10) feet of the Canyon rim;
  - G. Lighting shall be met subject to 8.0330, "Exterior Lighting".
2. Site and Design Review Is Required for the following Development Along Redmond Dry Canyon.
  - A. Any structure exceeding 24' height, or is located within 25' of the Canyon rim;
  - B. Any porch, deck, awning, or other portion of a structure that requires a building permit and is within 10' of the Canyon rim;
  - C. Any fence within 10' of the Canyon rim;
  - D. Any structure not governed by section (A)(1) located in a side or rear yard area adjacent to the Canyon rim .
  - E. Decks or patios shall be setback from the Canyon rim the same number of feet as the height of the deck or patio from the ground.

### 8.0340 Fences.

1. In any residential zone, a fence, lattice work, screen or wall, other than a retaining wall, not more than six feet in height may be located in any required front yard, and no more than eight feet in height in any required side or rear yard. Provided however, in those areas designated for clear vision, the restrictions set forth in Sections 8.0305-8.0310 shall apply. (Revised 6/98) (Note: the International Building Code indicates that fences in excess of six feet in height require a building permit, and may need to be professionally engineered).
2. In a C-1 Commercial Zone, any PF Public Facility Zone, Park Zone, and in both Industrial Zones, the maximum height of a fence shall not exceed 8 feet. Provided however, in those areas designated for clear vision, the restrictions set forth in Sections 8.0305-8.0310 shall apply. (Revised 6/98)
3. For any development undergoing land use review, any wood or vinyl fence bordering a street exceeding a span of 25' in length shall incorporate other architectural elements such as stone, brick, rock, or varied usage of wood.
4. The following fences shall be exempt from height restrictions set forth herein:
  - A. Any security fencing around a public or quasi-public utility or entity including the Airport perimeter.
  - B. Fences related to a park or school use including (but not necessarily limited to) tennis courts, driving ranges and ball fields.
  - C. Any fence exempted under (4) herein that is in excess of 20 feet in height shall require conditional use permit review and approval, and a public hearing.
5. At no time shall fence heights exceed 4' when the fence fronts a public road or street.

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6. Fences fronting public streets shall provide one gate, opening, or other site access for emergency services use.

**8.0345 Home Occupation.** When permitted as an accessory use the following limitations shall apply to home occupations:

1. The home occupation is to be secondary to the main use of the property as a residence.
2. No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the City. Such structural alterations shall not detract from the outward appearance of the building as a residence.
3. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
4. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.
5. No exterior storage or display shall be permitted.
6. Exterior signs shall be limited to those permitted in the zone in which the home occupation is located. There shall be no other exterior indication of the home occupation.
7. There shall be no retail sales from the premises.
8. A home occupation which creates a nuisance because of noise, smoke, dust, gas or the generation of excessive vehicle traffic is prohibited.

**8.0350 Design Standards for all Residential Structures and Sites fronting both public or private streets and alleys.**

1. The front doors and front facade of all primary dwelling units shall face a public or private street.
2. At least one yard facing a public or private street shall provide a gate, opening, or other access for emergency service use.
3. For all residential lots served by alleys and fronting a public or private street, addresses shall be clearly visible from the street rather than from the alley.

**8.0360 Placement of a Temporary Residence.** A temporary residence may be placed on a site in conjunction with the issuance of a building permit for a period of six months following the date of issuance. A property owner may apply for a permit allowing such placement by filing an application with the Community Development Director on a form provided by the Planning Department. The Community Development Director shall issue said permit but may attach conditions deemed necessary to minimize the impact of the placements on the adjacent properties. The Community Development Director may also grant an additional six months for the permit if the applicant can establish the extension is necessary.

**8.0362 Placement of Temporary Residences for Medical Hardship.** A temporary residence shall be allowed as an additional dwelling due to a medical hardship under the following restrictions:

1. The temporary residence shall be placed within 100 feet of the main dwelling.
2. The temporary residence shall be connected to the same sewage facility as the main residence where applicable.



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3. The applicant shall renew the permit on an annual basis and the Community Development Director shall review permits issued at any time and may revoke the permits when they are found to not be needed for the original purpose.
4. The applicant shall provide a letter from a physician documenting the need for the temporary residence.
5. The temporary residence must be removed within 90 days after termination of the permit.
6. The temporary residence must meet all the required setbacks.
7. If the temporary residence is visible from any adjacent property, site obscuring, screening shall be required.

**8.0365 Keeping of Livestock.** The keeping of livestock in any residential zone that permits the keeping of livestock shall be subject to the following limitations:

1. Livestock excluding horses may not be kept on lots having an area of less than 20,000 s.f.
2. The required area for horses shall be 10,000 square feet for one horse, 20,000 square feet for two horses, and 5,000 square feet for each additional horse.
3. Cows, goats, and sheep shall have a fenced corral or pasture with a usable area of at least 10,000 square feet per animal.
4. The number of chickens, fowl, and/or rabbits shall not exceed one for each 500 square feet of property.
5. The keeping of colonies of bees is prohibited
6. Animal runs or barns, chicken or fowl pens shall be located on the rear half of the property not closer than 50 feet from any residence off of the subject property.
7. Animals, chickens, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof containers.
8. No enclosure for horses cows, goats, sheep or other livestock shall be located closer than 50 feet to a dwelling off of the subject property.
9. Fences used for enclosing livestock shall be kept in good repair and be at least four feet in height.

**8.0366 Trans America Bike Route.** No land use action or permit shall be allowed on adjacent lands to the Trans America Bike Route that will adversely affect the function of the bike route.

**8.0367 OSPR / "R" Zone Density Transfer Provisions.** *Standards to be added.*

**8.0370 Building Setbacks for the Protection of Solar Access.**

1. Purpose. The purpose of this Section is to provide as much solar access as feasible during the winter solar heating hours to existing or potential buildings by requiring all new structures to be constructed as far south on their lots as is necessary and feasible.
2. Standards.
  - A. All new structure or addition to existing residential structures shall meet the following standards except those mentioned in (3) (b) below: (Revised 6/98)
    1. South Wall Protection Standard. The south wall protection standard is established in Appendix A, and all new structures or additions shall meet this standard if feasible. If it is not feasible due to physical constraints of the lot, including but not limited to rock outcroppings, septic systems, existing legal restrictions, or lot dimensions as

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determined by the Community Development Director, then the structure or addition must be located as far to the south on the lot as feasible and must meet the standards set forth in (b) below.

2. South Roof Protection Standard. All new structures or additions to existing structures shall meet the standard for south roof protection set forth in Appendix B.
3. Exceptions. The south roof protection standard shall not apply only if the applicant establishes:
  - a. that the structure cannot be located on the lot without violating the requirements contained in Appendix B ; and
  - b. that the structure is built with its highest point as far to the south as feasible; and
  - c. that the structure is a single family residence with its highest point less than or equal to 16 feet in heights; or , if not a single family residence;
  - d. that it is a permitted use for the lot.
3. Exemptions:
  - A. Property which is zoned commercial or industrial shall be exempt from meeting the solar setback. That portion of residential property abutting commercial or industrial property, shall be exempt from meeting the solar setback requirements.
  - B. All new residential lots, when approved through the subdivision, PUD or partition process, shall be exempt except when along the northern property line of the fully phased master plan.
  - C. The governing body may exempt from the provisions of this Section any area in which it determines that solar uses are not feasible because the area is already substantially shaded due to heavy vegetation, steep north facing slopes, and any area or zone in which taller buildings are planned.
  - D. The Community Development Director shall exempt a structure from the provisions of this Section if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Community Development Director. Notice of the proposed exemption shall be sent to the affected property owner(s). Any exemption may be appealed by the affected property owner(s) in accordance with Section 8.1105.

## TOWER AND ANTENNA STANDARDS

**8.0400 Title.** The City of Redmond Tower and Antenna Standards are contained in Sections 8.0400 through 8.0490 herein inclusive.

**8.0405 Purpose.** The purpose of these standards is to provide reasonable and necessary regulations for the erection of towers and antennas in order to:

1. Minimize the visual impacts of towers and antennas through careful design, siting, and screening.
2. Allow for the reasonable siting of towers and antennas necessary to meet the functional requirements of the broadcast industry and the public and private utilities.
3. Provide for the reasonable siting of non-commercial transmitting and receiving antennas for the recreational benefits of the citizens.
4. Avoid potential damage to adjacent properties from tower failure, and falling ice through proper engineering and careful siting of towers.



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5. Protect residential and commercial property values through careful siting and screening of towers in order to maintain views and provide maximum visual buffering.
6. Protect the functions and safety of the Redmond Municipal Airport by adherence to Federal Aviation Regulations (FAR) Part 77, Oregon Aeronautics Division's Administrative Rule 738-70-010 through 738-70-260, "Physical Hazards to Air Navigation," and the Redmond Airport Master Plan.

### 8.0410 Definitions.

1. Antenna. Any device used solely for the purpose of radiating waves into space or receiving them from space.
2. Overall Height. The combined height of an antenna and tower or the total height of a supported antenna from ground level.
3. Supported Antennas. Any fixed or remote portion of a radio, television or microwave facility used for transmission or receiving of waves from and into space and supported by or mounted on a building. The antenna(s) will be supported by or mounted on a structure that will adequately support the antenna. These may include existing towers, power transmission poles, street or parking light poles, water reservoirs, buildings, or other structures of an adequate height to meet the applicant's requirements.
4. Tower. Any structure or structures self supporting whose primary purpose of which shall be for transmitting or receiving airwave signals. Such facilities shall include, but not be limited to VHF and UHF television towers, AM and FM radio towers, two way radio and common carrier towers, cellular telephone towers, fixed point microwave towers, and satellite ground receiving dishes.
5. View Corridor. The route that directs the public or an observer's attention when looking toward an object of significance to the community, including the Cascade Mountains, Smith Rock, and historic buildings.

### 8.0415 General Provisions.

1. Non-commercial antennas and towers shall be subject to the following regulations:
  - A. Antennas and towers in conformance with the underlying zones height requirements shall not be located in any front yard and shall be subject to the underlying zone setback requirements.
  - B. Antennas and towers exceeding the underlying zones height requirements but not exceeding 70 feet in height shall not be located in any front yard and shall be subject to the provisions of Section 8.0440 herein. Review of all such proposals shall be administrative and comply with the provisions of Section 8.1010.
  - C. Any antennas and towers exceeding 70 feet in height shall conform with the provisions of these standards and shall be allowed only as a conditional use.
2. Commercial receiving and transmitting towers and antennas under 125 feet in overall height shall be allowed in all zones within the city as a conditional use subject to special approval criteria.
3. Commercial towers over 125 feet are allowed as a conditional use in only the M -1 and M-2 zones.
4. Residential satellite ground receiving dishes are allowed outright in any zone, shall not be located in any front yard, and shall be painted a neutral color that blends in to the greatest extent possible with the immediate surroundings.

**8.0420 Application Requirements.** An application for approval of a conditional use for a commercial tower or antenna shall contain at least the following:

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1. Site plan or plans to scale specifying the location of tower(s), antenna(s), guy anchor (if any), transmission building and/or other accessory uses, access, parking, fences, landscaped areas and adjacent land uses. Such plan shall demonstrate compliance with all applicable requirements of these standards.
2. Landscape plan to scale indicating size, spacing and type of plantings required.
3. Report from a professional engineer documenting the following for towers exceeding 50 feet in overall height.
  - A. Tower height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A scale cross-section of the tower structure shall be included, indicating proposed dimensions.
  - B. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated.
  - C. Evidence of structural integrity of the tower structure as required by the Building Official.
  - D. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.
  - E. Ice hazards and mitigation measures which have been employed, including increased setbacks and/or de-icing equipment.
  - F. Specific design and reconstruction plans showing how the shared use provisions of these standards will be met. This is required only in the event that the applicant intends to reinforce or reconstruct the tower so as to meet the shared use requirements of these standards. The applicant shall show the additional capacity of the tower including the approximate number and types of antennas. The applicant shall also describe any limitations the tower may have for accommodating other uses (such as radio frequency interference, mass, height frequency or other characteristics). The applicant shall describe technical options available that might overcome those limitations and any reasons why those options were not chosen. The approval authority shall approve those limitations if they cannot be overcome by reasonable means.
4. Evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites to construct a tower for the proposed antenna.
5. Written approval from the FCC for the operation of transmission facilities.

### COMMERCIAL TOWERS

**8.0425 Approval Criteria.** Commercial towers may be allowed in any zone based on findings from the following approval criteria that are set forth in Sections 8.0430 - 8.0490.

**8.0430 Shared Use of Existing Towers.**

1. The applicant shall pursue shared towers or structures that can meet engineering standards to adequately support the transmission and receiving range of the antenna being proposed. A new tower shall not be permitted unless the applicant he or she has made a good faith effort to substantially demonstrate that no existing or planned tower approved after the effective date of these standards can accommodate the applicant's proposed antenna described below:
  - A. The applicant shall contact the owners of all existing or planned towers approved after the effective date of these standards, of an overall height roughly equal to or greater than the overall height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.



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- B. Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application to include a response into the application when filed.
  - C. Failure of a listed owner to respond shall not be relevant to the approval authority if a timely, good faith effort was made to obtain one. However, where an existing or planned tower approved after the effective date of these standards is known to have capacity for additional antennas of the sort proposed, based on the decision regarding such tower, the application for a new tower shall not be complete until the owner of the existing or planned tower responds. Such response is to be required as a condition of approval.
  - D. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.
2. The applicant shall request the following information from each owner contacted:
- A. Identification of the site by location, tax lot number, existing uses and tower height.
  - B. Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight and other relevant data about the proposed antenna.
  - C. Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required.
  - D. If structurally able, would shared use by such existing tower be precluded for reasons related to interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
  - E. If shared use is possible based on (c) and (d) above, the fee an owner of an existing tower would charge for such shared use.
  - F. Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower.

**8.0435 Shared Use of Existing Tower Sites.** A new transmission tower shall not be approved on a lot where no similar tower exists unless the applicant makes a good faith effort to substantially demonstrate that the proposed tower cannot be located on the site of an existing or planned tower approved after the effective date of these standards as described below.

- 1. The applicant shall contact the owners of all existing or planned tower sites approved after the effective date of these standards, containing sufficient area to accommodate the proposed tower and support elements. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
- 2. Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application to include a response into the application when filed.
- 3. The applicant shall request the following information from each owner contacted:
  - A. Identification of the site by location, tax lot number, area, existing uses, and topographic, forest and other significant natural features.

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- B. Whether each such site could accommodate the tower proposed by the applicant without changing the existing or proposed structure. To enable the owner to respond, the applicant shall provide each owner with the dimensional characteristics of the proposed tower and other relevant data.
  - C. Whether each such site could accommodate the tower proposed by the applicant if either or both the existing or proposed tower was structurally or otherwise changed. If changes due to structural or RF interference would be required, the owner shall specify in general terms what those changes are.
  - D. If shared use is possible based on (b) and (c) above, the fee an owner would charge for such shared use.
4. Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site.

### **8.0440 Site Size, Tower Setbacks, Visual Impact Criteria.**

#### **1. Tower Setbacks**

- A. The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line. Such setback shall be sufficient to provide an adequate vegetative, topographic or other buffer, as provided in these standards and to protect adjoining property from the potential impact of tower failure and ice falling from the tower.
- B. A site is presumed to be of sufficient size when it provides a setback of 5 feet on the side, 20 feet in the rear and 25 feet in the front yard. An additional setback equal to 100 percent of the overall height of the tower above grade between the base of the tower to any abutting property, may be required if the applicant fails to submit a petition indicating approval of the tower siting from 100% of all abutting property owners.

#### **2. Visual impact**

- A. All residential and commercial towers and antennas exceeding the underlying zones height requirements shall have a notification of area of 250 feet from the tower site.
  - B. Towers and antennas both residential and commercial shall to the greatest extent possible reduce the visual impact and negative effects on property values within the notification area or to adjacent properties.
3. Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.
4. Structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required.
5. A tower shall be so placed as to avoid any possible entanglement with electrical power lines in the event of collapse.

### **8.0445 Guy Setback.**

- 1. For a guyed structure, the site shall be of a size and shape sufficient to provide an adequate setback from a guy anchor to any property line, public property or public street in addition to the size required to comply with Section 8.0440 above. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view of the anchor assembly from such adjoining properties.



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2. A site is presumed to be of sufficient size when it provides a setback of at least 5 feet between a guy anchor and any abutting property including public property and streets.
3. A guy anchor may be located on an adjoining property when:
  - A. the owner of the adjoining property on which it is to be placed authorizes it in writing, and
  - B. the guy anchor meets the requirements of (1) or (2) above as to all other adjoining property lines.
4. Guy anchors may be located within required landscape areas.
5. A guy from a tower which was previously approved under any ordinance may be extended to an adjacent site if the guy anchor will comply with the terms herein, as determined by the Community Development Director.

**8.0450 Visual Impact.** The applicant shall demonstrate that the tower can be expected to have the least visual impact on the environment, taking into consideration technical, engineering, economic and other pertinent factors. The blocking or impairing of views from other properties shall be taken into consideration in the siting of a tower. The siting shall be made to minimize the effect on all view corridors. Towers clustered on the same site shall be of similar height and design, whenever possible. Towers shall be painted and lighted as follows :

1. Towers 200 feet or less in overall height shall be metal and have a galvanized finish or be painted silver. If there is heavy vegetation in the immediate area, such towers shall be painted green from base to treeline, with the remainder painted silver or given a galvanized finish.
2. Towers more than 200 feet in overall height shall be metal and be painted in accordance with regulations of the Oregon State Aeronautics Division.
3. Towers shall be illuminated as required by the Oregon State Aeronautics Division. However, no lighting shall be incorporated if not required by the Aeronautics Division or other responsible agency.

**8.0455 Existing Vegetation.** Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed and vegetation to be replanted to replace that lost.

**8.0460 Landscaping.** Landscaping at the perimeter of the property which abuts any public right of way, residences, public parks or areas with access to the general public other than the owner of such adjoining property shall be required as follows:

1. For commercial towers 100 feet or less in overall height, a buffer area not less than 25 feet wide shall commence at the property line. For all properties proposed for commercial towers abutting developed residential or commercial properties, a site obscuring fence or vegetative screen shall be provided (within that buffer area) six feet in height. Properties abutting undeveloped residential or commercial zoned properties may be required to initiate improvement agreements with the city for the required landscaping.
2. For commercial towers more than 100 feet in overall height, a buffer area not less than 40 feet wide shall be provided at the property line. For all properties proposed for commercial towers abutting developed residential or commercial properties a fence or vegetative screen shall be provided within the buffer area six feet in height.
3. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

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4. In lieu of these standards, the hearings body may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved in (1) and (2) above, except as lesser requirements are desirable for adequate visibility for security purposes.
5. Continued maintenance of all landscaping is required and deemed the applicants responsibility.

**8.0465 Accessory Uses.** Accessory uses shall include only such buildings and facilities necessary for transmission function and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, nor other similar uses not necessary for the transmission function. Accessory uses shall conform to all other applicable standards of the underlying zone. Accessory uses may include studio facilities for emergency broadcast purposes or for other special, limited purposes found by the Community Development Director, not to create significant additional impacts.

**8.0470 Comprehensive Plan.** The proposed use shall comply with all comprehensive plan policies.

**8.0475 Agency Coordination.** The applicant for a commercial tower over 150 feet in over all height shall provide the following information in writing from the appropriate responsible official:

1. A statement from the Federal Aviation Administration that the application has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or a statement that no compliance with Part 77 is required.
2. A statement from the Oregon State Aeronautics Division that the application has been found to comply with the applicable regulations of the Division, or a statement that no such compliance is required.
3. A statement from the Federal Communications Commission that the application complies with the regulations of the Commission or a statement that no such compliance is necessary.

**8.0480 Supported Antenna Approval Criteria.** Supported antennas exceeding the underlying zone height requirement for commercial use may be allowed as a conditional use in any zone. Such use within or abutting any residential zone or C-2 zone shall additionally comply with the following approval criteria:

**8.0485 Antenna Height and Setback.**

1. The overall height of the antenna and tower shall not exceed twice the height of the supporting structure.
2. A setback shall be provided equal to 50 percent of the height of the antenna above the roof between the base of the antenna and the roof line.

**8.0490 Non-Conforming Towers and Antennas.** Towers and antennas in existence on the effective date of these standards which are not in conformance with the provisions of these standards shall be regarded as non-conforming uses. Any change in use of a site using a tower or antenna shall require full compliance with the provisions of these standards. Any alterations to a tower and antenna for the purpose of repair, maintenance, reconstruction or modifications without enlargement shall be allowed for



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and deemed non-conforming.

### OFF-STREET PARKING & LOADING REQUIREMENTS

**8.0500 Off-Street Parking.** Parking space requirements are based on the following standards according to the use (note: all required handicapped parking is in addition to parking standards within these charts). Manufacturing, warehousing, and other industrial uses may base the number of required parking spaces on the number of employees. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.

Land Use	Standard
<i>Residential</i>	
Apartments	2 sp / D.U.*; 1 sp / Mgr, 1 sp / 5 D.U.'s*
Bed and Breakfast	1 space per bedroom
Boarding House	1 space per bedroom
Caretaker, Watchman living on-site	2 spaces per dwelling unit
Cottage Developments	2 spaces per cottage
Guest Houses / Access. Dwellings	1 space per dwelling unit
Homeless Shelter	1 space per room, or 1 space per employee
Multi Family Complex (over 4 D.U.s)	2 sp / D.U.*; 1 sp / Mgr, 1 sp / 5 D.U.'s*
Multi Family Dwelling (incl. 3 & 4 plex)	2 sp / D.U.*
Res. Use other than Ground Flr	2 spaces per dwelling unit
Res. Use, Ground Flr < 25%	2 spaces per dwelling unit
Resid. Care Facility (6 or more residents)	1 space per each 2 rooms
Resid. Care Home (5 or less residents)	2 spaces
Single Family Dwelling	2 spaces per dwelling unit
Townhouse	2 spaces per dwelling unit
*Dwelling Unit	
<i>Commercial / Industrial</i>	
Amusement Park	20 spaces per acre
Arena (Indoor Sports)	1 space per 4 seats
Auto Sales (New and Used) & Rentals	1 space per sales office or cubicle
Auto Service	1 space per service bay
Bulky Retail (incl. RVs, Furniture)	1 space per 600 s.f. of retail floor area
Child Care, Day Nursery	1 space per employee; designated pickup area req'd
Commercial, Service, Repair	1 space per 600 s.f. of retail floor area
Contractor's Yard	1 sp per employee or 1 space per 200 s.f. of office area
Driving Range	1 space per driving cage + 1 space per employee
Eating and Drinking Establishment	1 space per 100 s.f. of public floor area
Equipment Rental	1 space per 600 s.f. of retail floor area
Equipment Sales and Service	1 space per 600 s.f. of retail floor area
Espresso Stand or Booth	1 space per employee
Golf Course	100 space per 18 holes / 50 spaces per 9 holes
Gymnasium, Fitness Center, Spa	1 space per 300 s.f. public use floor area
Industrial, General	1 space per 800 s.f.
Industrial, Service related	1 space per 800 s.f.
Kennel	1 space per employee, plus 2 spaces for public
Manufacturing and Assembly	1 space per 600 s.f.

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Land Use	Standard
Mini Storage	1 space per employee, plus 3 guest spaces
Mobile / Mfgr'd Home Sales & Service	Interior aisles must be paved/used for unloading 1 space per 600 s.f. of office area
Mortuary or Funeral Home	1 space per employee, plus 4 spaces for public
Motel, Hotel	1 space per room, plus 1 space for mgr
Office	1 space per 300 s.f. of net office floor area
Recreation, Indoor Commercial	1 space per 4 seats
Recreation, Outdoor Commercial	20 spaces per acre
Retail, General	1 space per 200 s.f. of retail floor area
Shopping Center	1 space per 250 s.f. of floor area For centers w/ 5+ tenant spaces & mixed uses
Telemarketing / Call Center	1 space per employee, plus 5 guest spaces
Theater, Walk-in	1 space per 4 seats
Truck Stop	1 space per 100 s.f. eating area (or 1 space per employee if no food is served)
Veterinarian	2 spaces per DVM
Warehouse	1 space per 1000 s.f.
<i>Public and Semi-Public Uses</i>	
Church, Religious Institution	1 space per 4 seats
Convention Center	1 space per 4 seats
Hospital	1.75 space per employee, plus 1.5 spaces per bed (offices / outpatient stalls are calculated separately)
Lodge, Club, Non-Profit/Frat Org.	1 space per 4 seats
Park (public or private)	5 spaces per acre
Public Transportation Station	1 space per 1000 s.f. (enclosed)
RV Park (public or private)	1 auto + 1 RV space for each desig. RV place + 5 guest spaces (each RV space shall be at least 30' long)
Schools (public or private):	
Elementary	3 spaces per classroom
Middle School	4 spaces per classroom
High School	8 spaces per classroom
College	1 sp. per employee + 1 sp. per each 2 students
Trade School, Adult Training	1 sp. per employee + 1 sp. per each student
Utility Facility	1 space

**8.0505 Off-Street Parking and Loading.** General provisions are as follows:

1. The provisions and maintenance of off-street parking and loading spaces is the continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is sited, thereby increasing off-street parking or loading requirements, this section must then be complied with. Businesses within the Central Business District (C-2 zone) shall be exempt from this provision if there is an existing building on the subject site that prevents the addition of on-site parking. Expansions of buildings in the C-2 zone however must comply with this section.
2. Requirements for types of buildings and uses not specifically listed in these standards shall be determined by the Community Development Director or Hearings Body based upon the requirements for comparable uses listed.



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3. In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the net floor area requirements of the several uses computed separately.
4. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided that satisfactory legal evidence is presented to the City in the form of deeds, leases or contracts to establish the joint use.
5. Off-street parking spaces for dwellings shall be located on the same parcel with those dwellings, or written contract of agreement shall be provided to the City that expressly permits shared use of parking areas which are off site.
6. All required parking spaces shall be located not farther than 300 feet from the building or use they are required to serve, measured in a straight line from the building.
7. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
8. In any zone, every building having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales, a hotel, a hospital, a mortuary, a laundry, dry cleaning establishment, or other uses similar requiring the receipt or distribution by vehicles or materials or merchandise, shall provide one off-street loading berth, plus one additional loading berth for each additional 20,000 square feet of gross floor area. Each loading berth shall be provided with paved access, driveways and surfacing in the same manner as for off-street parking, except that each space shall be 10 feet wide and 22 feet long with a height clearance of at least 14 feet. A sight-obscuring screen, berm, or landscaping shall conceal all loading areas from view from public streets or roads.
9. Interior loading docks, or loading areas or docks located inside buildings, shall be considered as being screened when securable by a powered overhead door that totally encloses the opening for vehicles being loaded / unloaded.
10. Loading and unloading of merchandise, equipment, etc. shall not be permitted from public streets or roads.

### **8.0510 Design and Improvement Standards for Parking Lots.** The design and improvement standards for parking lots are:

1. **Vehicle Parking Space Sizes and Bicycle Parking Requirements.**
  - A. Each regular sized parking space or stall shall be governed by the requirements of Section 8.0515, and shall have a minimum width of 9 feet and a minimum length of 20 feet; must be individually accessible, paved, and shall be continuously maintained by the property owner.
  - B. If desired by the applicant / owner, each compact parking space or stall shall be a minimum width of 8 feet and a minimum length of 18 feet.
  - C. A maximum of 20% compact spaces is permitted as required parking.
  - D. A securable parking space shall be provided for bicycles for each new commercial use. Credit for 1 vehicular parking space shall be given for each 5 bicycle parking spaces (up to 10 bicycle parking spaces / 2 vehicular parking spaces credit possible). However, parking lots containing less than 10 vehicular spaces are not eligible for credits, and at no time shall a lot subject to credits contain less than 10 vehicular spaces. Also, bicycle spaces shall not take up more than 20% of the required parking under any circumstance.

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2. Except for parking in connection with single family or duplex dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to any dwelling shall be screened with a sight-obscuring fence or planted screen of not less than three feet in height.
3. Parking spaces between pavement and landscaping shall be contained by a bumper rail or by a curb which is at least four inches high and which is set back a minimum of one and one-half feet from the property line.
4. Exterior Artificial lighting of any type shall not shine or create glare in any dwelling, property, or onto any public right of way.
5. Access aisles shall be of sufficient width to permit easy turning and maneuvering. In no case shall access aisles be less than 20' in width. Any access aisle less than 24' in width shall provide "no parking / fire lane" striping or signage, or curbs painted red for "no parking". Further, any access aisle being used as backup room for parking spaces shall be no less than 24' wide.
6. Except for dwellings not required to undergo land use review, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
7. Service drives to off-street parking areas and internal access aisles shall be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. Pedestrian pathways shall be clearly differentiated from vehicular drive aisles on site and may be required to be physically separated from vehicular drives or aisles to ensure pedestrian safety. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.
8. Driveways shall have a minimum vision clearance area as described within RDC section 8.0305 and 8.0310, "Clear Vision areas".
9. The following standards shall apply to parking within industrial zones:
  - A. Parking shall not be allowed within 10 feet of a front or side yard property line.
  - B. Parking shall not be allowed on collectors or arterials when industrial zoning is contiguous to said street.

**8.0515 Parking Table and Diagram.** The following table and diagram provides the minimum dimensions of public or private parking areas based on the diagram on the same page where "A" equals the parking angle, "B" equal the stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the stall distance at bay side, "F" equals the minimum clear bay width and "G" is the maximum permitted decrease in clear aisle width for private parking areas.

**PARKING TABLE**

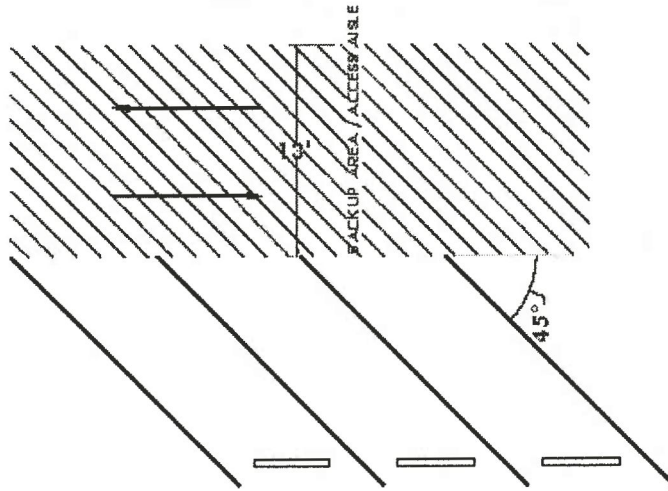
A	B	C	D	E	F	G
PARALLEL	0"		12.0	22.0	20.0	2
20°	8'0"	13.6	11.0	23.4	24.6	1
	8'6"	14.1	11.0	24.9	25.1	
	9'0"	14.6	11.0	26.3	25.6	
	10'0"	15.5	11.0	29.2	26.5	
30°	8'0"	16.0	11.0	16.0	27.0	1
	8'6"	16.4	11.0	17.0	27.4	
	9'0"	16.8	11.0	18.0	27.8	
	9'6"	17.3	11.0	19.0	28.3	
	10'0"	17.7	11.0	20.0	28.7	



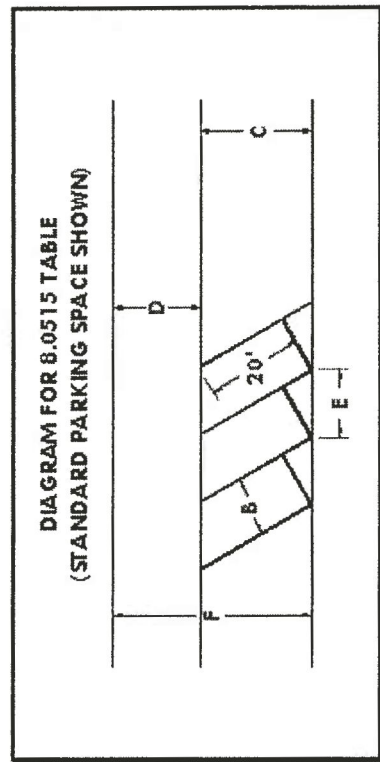
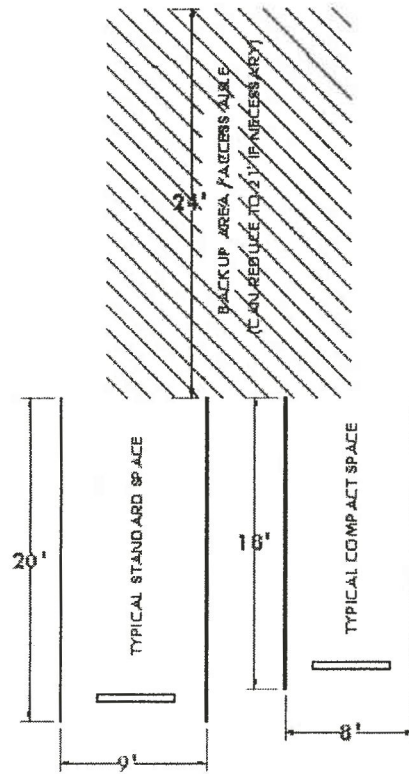
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A	B	C	D	E	F	G
45°	8'0"	18.4	14.0	11.3	32.4	3
	8'6"	18.7	13.5	12.0	32.2	
	9'0"	19.1	13.0	12.7	32.1	
	9'6"	19.4	13.0	13.4	32.4	
	10'0"	19.8	13.0	14.1	32.8	
60°	8'0"	19.7	19.0	9.2	38.7	3
	8'6"	20.0	18.5	9.8	38.5	
	9'0"	20.3	18.0	10.4	38.3	
	9'5"	20.5	18.0	11.0	38.5	
	10'0"	20.8	18.0	11.5	38.8	
70°	8'0"	19.8	20.0	8.5	39.8	3
	8'6"	20.1	19.5	9.0	39.6	
	9'0"	20.4	19.0	9.6	39.4	
	9'6"	20.6	18.5	10.1	39.1	
	10'0"	20.9	18.0	10.6	38.9	
80°	8'0"	19.2	25.0	8.1	44.2	3
	8'6"	19.3	24.0	8.6	43.3	
	9'0"	19.4	24.0	9.1	43.4	
	9'6"	19.5	24.0	9.6	43.5	
	10'0"	19.6	24.0	10.2	43.6	
90°	8'0"	18.0	26.0	8.0	44.0	3
	8'6"	18.0	25.0	8.5	43.0	
	9'0"	18.0	24.0	9.0	42.0	
	9'6"	18.0	24.0	9.5	42.0	
	10'0"	18.0	24.0	10.0	42.0	

**PARKING SPACE AND ACCESS AISLE STANDARDS  
45° PARKING**



**PARKING SPACE AND ACCESS AISLE STANDARDS  
90° PARKING**



**EXCEPTIONS**

**8.0550 Exception to Lot Size Requirements.** If a lot or the aggregate of contiguous lots or parcels platted prior to the effective date of these standards has an area or dimension which does not meet the requirements of these standards, the lot or aggregate



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holdings may be put to use permitted subject to the other requirements of the zone in which the property is located. Lots that are pre-existing in residential zones that are below the minimum size for a single family dwelling shall be limited to one single family dwelling per lot.

- 8.0555 Exception to Yard Requirements.** The Hearings Body may increase the yard requirement when a yard abuts a street which the City has designated for future widening. The Hearings Body may permit a lesser front yard requirement if structures on abutting lots do not meet the front yard requirements of the zone in which it is located.
- 8.0560 Exception to Yard and Height Requirements for Detached Non-Habitable Accessory Buildings.** Detached accessory buildings shall be located not less than 50 feet from the front line and shall not project into the required side yard on the street side of a corner lot. Where no alley exists, accessory buildings shall be located not less than six feet from the rear lot line, but in no event may a structure encroach on a public utility easement. Where an alley does exist, accessory buildings shall be located not less than five feet from the rear lot line or alley. The following standards shall apply:
1. All such structures shall meet all clear vision standards.
  2. All such structures shall not exceed a height of 30 feet.
  3. Setbacks for garages and carports next to alleys shall be as follows:
    - A. 20' when garage door or carport opening faces the alley
    - B. 5' when garage door or carport opening does not face the alley
- 8.0565 Exception to Building Height Limitations.** Except for the aviation requirements set forth in Section 8.0230, the following types of structures or structural parts are not subject to the building height limitations prescribed in Sections 8.0100-8.0295: chimneys, church spires, belfries, domes, monuments, fire and hose towers, observation towers, flag poles, air traffic navigational equipment, cooling towers, elevator shafts and other similar projections. Prior to construction of these structures or structural parts, a site plan shall be required in accordance with Site & Design Review Standards unless exempted by Code, or at the discretion of the Community Development Director or Hearings Body.
- 8.0570 Divided Legal Lots and Parcels.** A single legal lot or parcel of record may be considered as a divided lot or parcel for the purposes of these standards if it is divided by a major irrigation canal, railroad, or major topographic feature, or by a city, county, state or federal road. No right-of-way width less than 50 feet shall constitute an effective division. A newly divided lot or parcel that is sought due to the constraints established herein must be created through the partition or subdivision process. If the land division is the result of a city condemnation, then no planning fee shall be assessed.
- 8.0575 Special Exceptions to Lot Size Requirements.**
1. Any parcel of land or portion thereof which is to be dedicated to a public or semi-public entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by these standards.

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2. For partitions involving parcels located in residential areas platted before the effective date of the current minimum lot size standards and abutting lots or parcels of substandard size under the current minimum lot size standards, an exception to the minimum lot size in the zone may be allowed if the following criteria are met:
  - A. The minimum lot size for a parcel created pursuant to this exception shall be equal to or greater than the smallest lot area of the lots or parcels abutting the parent parcel.
  - B. The exception provides for adequate provision of light, air and privacy to abutting properties. This section does not exempt solar setbacks from being applied for any lot created under these provisions (where applicable).
  - C. The exception provides for the preservation of natural features, where appropriate.
  - D. The exception will have minimal adverse impact on the livability, value or development of abutting properties and the surrounding area.

### CONDITIONAL USES

**8.0600 Authorization to Grant or Deny Conditional Uses.** Uses designated herein as conditional uses may be permitted upon authorization by the Hearings Body in accordance with the standards and procedures established in this article. Before approving an application for a conditional use the Hearings Body shall find the following criteria are either met, can be met by observance of conditions, or are not applicable:

1. The proposed use will be consistent with the Comprehensive Plan, the zoning ordinances and other applicable ordinances and standards of the City.
2. The location, size, design, and operating characteristics of the proposed use will have minimal adverse impact on the livability, value, or approximate development of abutting properties and the surrounding area.
3. The proposed use will not exceed operational capacity of City infrastructure including sewage system, water system or the transportation system.
4. That the proposed use will not conflict with, diminish, or substantially adversely affect the character and nature of the established neighborhood in which it is located.

**8.0605 General Conditions.** In addition to the ordinances set forth in a specific zone, this article, and other applicable standards and criteria used in addressing a new conditional use or the alteration of an existing conditional use, the Hearings Body may impose conditions which it finds necessary to avoid an unacceptable impact and to otherwise protect the best interests of the surrounding area or the City. These conditions may include the following:

1. Limiting the manner in which the use is conducted including restricting the time an activity may take place and establish conditions or restraints that will minimize such environmental effects as noise, vibration, air pollution, glare, and odor. The City may require additional proof from the applicant that quantifies compliance with this requirement at the time of application submittal.
2. Establishing an open space or recreation area.
3. Limiting the height, size, or location of a building or other structure(s).
4. Designating the size, number, location, and nature of vehicle access points.
5. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way, including (but not limited to) lighting and landscaping improvements. Any oversizing of public infrastructure that is required by the City that exceeds minimum City standards may be a candidate for SDC credits at the discretion



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- of the City Engineer or designate.
6. Designating the size, location, screening, landscaping, drainage, surfacing, or other improvement within a parking area or loading zone.
  7. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
  8. Limiting the location and intensity of outdoor lighting and requiring it's shielding from any adjacent properties, or public or private streets and roads.
  9. Requiring diking, screening and/or landscaping of a facility to protect adjacent or nearby property, and designating standards for its installation and maintenance.
  10. Designating the size, height, location, and materials for a fence.
  11. Protecting and preserving existing trees, vegetation, or other significant natural resources.
- 8.0610 Permit and Improvements Assurance.** The Hearings Body may require an applicant to furnish the City with a performance bond, cash deposit, or equivalent deemed necessary to guarantee development in accordance with these standards and the conditions attached in granting a conditional use permit. Such assurance shall be accepted at the discretion of the City Finance Director or designate.
- 8.0615 Standards Governing Conditional Uses.** A conditional use shall comply with the standards and criteria of the zone in which it is located and with the standards and criteria set forth in this section and in sections 8.0600 and 8.0605.
1. Airports, aircraft landing fields, aircraft charter, rental, service, and maintenance facilities not located in an Airport Control Zone: The Hearings Body shall find that the locations and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, nor that the location will unnecessarily restrict existing and future development of surrounding lands as designated by the Comprehensive Plan.
  2. Automobile recycling, wrecking yard or junk yard: In considering a conditional use application for an automobile recycling facility, wrecking yard or junk yard, the Hearings Body shall require that the facility or yard be enclosed and screened from public view by a sight obscuring and well maintained fence not less than six feet in height. All personal property shall remain inside the fence. If applicable, the Hearings Body shall be assured that the proposed use is in conformance with applicable State regulations.
  3. Bed and Breakfasts: A bed and breakfast shall comply with the following provisions:
    - A. All new construction or conversions of existing structures to a Bed and Breakfast require Site and Design Review.
    - B. All such uses are in conformance with the Article V, Sign Standards as is applicable.
    - C. All such uses shall have a maximum of 5 guest suites.
    - D. All such uses shall provide one parking space per guest suite in addition to the residential use requirement of two spaces.
    - E. All such uses provide parking areas to be screened as per design review standards.
  4. Cemeteries: The Hearings Body shall require evidence and shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the subsoil and drainage will not have a detrimental effect of ground water sources or domestic water supplies in the area of the proposed use.
  5. Church, hospital, and other public / semi-public uses:
    - A. Such uses may be authorized as a conditional use only after consideration of

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the following factors:

1. Adequacy of access to and from principal streets together with the probable effect of the traffic volumes on abutting and near by streets, and mitigation of associated impacts.
  - a. Such uses or related buildings shall be at least 30 feet from a side or rear lot line when abutting a residential use.
  - b. Adequate off-street parking.
  - c. Adequate building and site design provisions to minimize noise and glare from the building and site.
- B. Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.
6. Commercial use or accessory use not wholly enclosed within a building. In any zone permitting a commercial use or accessory use not wholly enclosed within a building the use may be permitted as a conditional use subject to the following standards:
  - A. A sight obscuring fence or evergreen hedge may be required by the Hearings Body when in its judgment, such a fence or hedge combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
  - B. In addition to the requirements of the applicable zone, the Hearings Body may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise, or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.
  - C. In order to avoid unnecessary traffic congestion and hazards, the Hearings Body may limit access to the property.
7. A retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone. In any zone permitting a commercial use such as a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone, the use may be permitted as a conditional use subject to the following standards:
  - A. A sight obscuring fence or evergreen hedge may be required by the Hearings Body when in its judgment, such a fence or hedge combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
  - B. In addition to the requirements of the applicable zone, the Hearings Body may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise, or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.
  - C. In order to avoid unnecessary traffic congestion and hazards, the Hearings Body may limit access to the property.
8. Commercial amusement establishment: A commercial amusement establishment may be authorized after consideration of the following factors:
  - A. Adequacy of access from principal streets together with the probable effect on traffic volumes of abutting and nearby streets.
  - B. Adequacy of off-street parking.
  - C. Adequacy of building and site design provisions to maintain a reasonable



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- minimum of noise and glare from the building and site.
    - D. Hours of operation which do not conflict with adjacent residential uses where applicable.
  - 9. **Dog pounds and kennels:** The Hearings Body may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Hearings Body may require a sight obscuring fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.
  - 10. **Hotels in the M-1 Light Industrial Zone:** Hotels may be permitted in the Light Industrial Zone only if the Hotel is
    - A. A minimum of 50 rooms, and
    - B. Adjacent to and accessed from a designated arterial street
  - 11. **Mining, quarrying, or other extraction activity:**
    - A. Plans and specifications submitted to the Hearings Body for approval must contain sufficient information to allow the Hearings Body to consider and set standards pertaining to the following:
      - 1. The most appropriate use of the land;
      - 2. Setback from the property line;
      - 3. The protection of pedestrians and vehicles through the use of fencing and screening;
      - 4. The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants;
      - 5. The prevention of the collection and the stagnation of water at all stages of the operation;
      - 6. The rehabilitation of the land upon termination of the operation.
    - B. Surface mining equipment and necessary access road shall be constructed, maintained, and operated in such manner as to eliminate, as far as is practicable, noise, vibration, or dust which may be injurious or annoying to persons or other uses in the vicinity.
    - C. The comments and recommendations of all appropriate natural resources agencies of the state and federal government shall be sought.
    - D. A rock crusher, washer, or sorter shall not be permanently located closer than 500 feet from a residential or commercial zone.
  - 12. **Manufactured Home Park.** A manufactured home park shall be built to site standards in effect at the time of construction and shall comply with the following additional provisions:
    - A. Evidence shall be provided that the park will be connected to City sewer and water services;
    - B. The space provided for each manufactured home shall be provided with city water and electrical and sewerage connections.
    - C. The number of spaces for manufactured homes shall not exceed nine (9) for each acre of the total area in the manufactured home park.
    - D. A manufactured home shall occupy not more than 40 percent the contiguous space provided for the exclusive use of the occupants of the manufactured homes and exclusive of space provided for the common use of tenants, such as roadway, general use structures, parking spaces, walkways, and areas for recreation and landscaping.
    - E. No manufactured home in the park shall be located closer than 15 feet from another manufactured home or from a general use building in the park. No manufactured home accessory building shall be closer than 10 feet from a

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manufactured home space or other building or structure. No manufactured home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.

- F. A manufactured home permitted in the park shall meet the following standards as determined by an inspection by the Building Official:
1. It shall have a State insignia indicating compliance with Oregon State Manufactured Home Construction Standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.
  2. Notwithstanding deterioration which may have occurred due to misuse, neglect, accident, or other cause, the manufactured home shall meet the State standards for manufactured home construction evidenced by the insignia.
  3. It shall contain not less than 225 square feet of space as determined by measurement of the unit exclusive of any trailer hitch device.
  4. It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.
  5. A manufactured home permitted in the park shall be provided with a continuous skirting.
  6. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
  7. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight obscuring fence or hedge not less than six feet in height. The fence or hedge shall be maintained in a neat appearance.
  8. If the park provides space for 50 or more manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.
  9. If a manufactured home space or permanent structure in a park is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City.
  10. Open Space. A minimum of at least 2,500 square feet plus 150 square feet per manufactured home space shall be provided for a recreational play area, group or community activity. The Hearings Body may require this area to be physically separated from streets, or parking area by a fence or the equivalent, that conforms to fence regulations, but at least 30 inches in height where allowed by fence standards. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacing, or buildings suitable for recreational use. No recreation facility created within a manufactured home park wholly to satisfy the requirements of this section shall be open to, or offered in itself, to the general public.
  11. Parking Space Requirement. Two parking spaces shall be provided for each manufactured home space on the site. In addition, guest parking



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- spaces shall also be provided in every manufactured home park within 200 feet of the manufactured home spaces served and at a ratio of one parking space for each two manufactured home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.
12. All manufactured home parks over 10 acres in size shall be located so as to have access on a street designated as a collector street unless otherwise approved by a Hearings Body.
  13. All manufactured home parks containing a total site area of 20 acres or more shall provide a secondary access to the mobile home park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
  14. Lighting shall be installed along the access ways of the manufactured home park and the recreation area with lights of 100 watts or better or not over 100 feet apart. Wires for service to light poles and trailer spaces shall be underground.
  15. Roadways within the park shall be paved and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 24 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two unit spaces in the park).
  16. No manufactured home park shall be created on a site of less than three acres.
  17. Sidewalks or other approved surfaced pedestrian walkways shall be provided.
  18. Public Park. The developer shall be required to either dedicate land for a public park or pay a sum into a park fund in accordance with the provisions set forth in Section 8.0355 of these standards.
13. Multi-Family Dwelling and Multi-Family Dwelling Complex: A multi-family dwelling and a multi-family complex shall comply with the following provisions:
- A. If such a dwelling or complex or any unit thereof is more than 500 feet from a public fire hydrant or as otherwise required by the uniform fire code, then a new hydrant or hydrants shall be provided at appropriate locations as determined by the Fire Marshal. Such hydrants shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City.
  - B. All such complexes with more than 20 dwelling units shall be located so as to have access on a street designated as a collector unless otherwise approved by the Hearings Body.
  - C. Sidewalks or other approved surfaced pedestrian walkways shall be provided.
14. Recreational Vehicle Park: A recreational vehicle park shall be built to State standards in effect at the time of construction and shall comply with the following provisions:
- A. Use Standards
    1. When in association with a mobile home park, the total number of recreational vehicle spaces with an overnight use shall not exceed 20 percent of the total maximum number of mobile home spaces allowable under these standards.
    2. No recreational vehicle park or overnight use area shall be permitted with access further than 1,000 feet from a designated arterial or collector street or private street of equal paved width. Further, such

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access roads shall be designed and constructed at the maximum design standards for right-of-way and/or pavement width (60 feet/36 feet). A lesser standard of not less than 30 feet may be approved by the hearings body if no street parking is allowed, sufficient off-street parking is provided and only if the proposed park plan is accompanied by an approved maintenance and enforcement management agreement.

3. The design of recreational vehicle parks and overnight use areas shall be subject to site plan review and approval and shall recognize, and have minimal adverse impact on, the neighborhood.
4. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

### B. Design Standards.

1. The maximum density of an RV park shall be 18 units per acre.
2. The space provided for each recreational vehicle site shall be not less than 1,200 square feet, exclusive of any space used for common areas, such as roadways, general use structures, walkways, common parking areas, and landscaped areas.
3. Roadways other than those described 2. above shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 24 feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreational vehicle space. When a service drive provides only secondary access to all abutting recreational sites and those sites are all served by a roadway meeting the above standards, the secondary drive may be reduced to 14 feet if one-way and posted for no parking.
4. Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.
5. A space provided for a recreational vehicle shall be covered with a dust-free crushed gravel, or paved with asphalt, concrete, or similar materials, and be designed to provide runoff of surface water. The portion of the space not occupied by a recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
6. A recreational vehicle space shall be provided with piped, potable water and sewage disposal service. A recreational vehicle staying in the park shall have available water and sewage service provided by the park if the vehicle has equipment needing such service.
7. A recreational vehicle space shall be provided with electric service.
8. Trash receptacles for the disposal of solid waste material shall be provided in convenient locations for the use of guests of the park and shall be of such capacity and number so that there is no accumulation of uncovered trash at any time. Trash shall be removed from the property on a scheduled basis to prevent health hazard or nuisance.
9. No recreational vehicle or any other camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Occupancy and/or placement extending beyond six



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- months in any 12-period shall be presumed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited. Camping units other than recreational vehicles shall be limited to 30-days in any 60-day period.
10. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel, or paved with asphalt, concrete or similar material, providing a dust-free surface.
  11. The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.
  12. Recreational vehicles or other camping units shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, car ports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
  13. The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Community Development Director which will complement the landscape and assure compatibility with the adjacent environment.
  14. Each recreational vehicle park shall set aside along the perimeter of the recreational vehicle park a minimum 10' strip which shall be site obscuring landscaped and used for no other purpose. Additional area for landscaping may be required through the design review process.
15. Radio, television tower, utility station, or substation: Transmitting and receiving towers and antennas are allowed as a conditional use and subject to the requirements set forth in Sections 8.0400-8.0490 of these standards.
16. Schools:
- A. nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight obscuring fence at least four feet but not more than six feet high shall separate the play area from the abutting lots.
  - B. elementary schools should provide a basic site area of five acres plus one additional acre for each 200 pupils of predicted ultimate enrollment.
  - C. secondary schools should provide a basic site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
  - D. there shall be access to all buildings for emergency vehicles.
17. Mini-Storage Developments:
- A. The site shall contain a minimum of seven (7) acres.
  - B. The site shall have frontage on a major arterial.
  - C. The site shall have access only on a minor arterial, major collector or minor collector.
  - D. The maximum lot coverage shall not exceed sixty (60%) per cent of the total lot area.
  - E. No more than one (1) dwelling may be located on the site and the purpose of the dwelling shall be for the operation, maintenance and security of the mini-storage development.

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- F. All outdoor storage of recreational vehicles and/or boats shall be screened from view by a site-obscuring fence, wall, landscaped screening, earthen mounds, hedges, or other designs which will compliment the landscape and assure compatibility with adjacent uses.
  - G. All mini-storage units shall be screened by a site-obscuring fence or landscape buffer.
  - H. All roadways within the mini-storage development shall be a minimum of twenty (20') feet in width and shall be paved.
18. Development in the OSPR zone.
- A. An application for a conditional use other than for a public facility shall be denied if the proposed use is not related to or complimentary to the recreational, historical or scenic resources of the area.
  - B. The Hearings Body may limit changes in the natural grade of land or the alteration, removal or destruction of natural vegetation in order to prevent or minimize erosion, pollution or degradation of the natural attractiveness of the area.
  - C. The Hearings Body may require establishment and maintenance of fire breaks, the use of fire-resistant materials in construction and landscaping; or may attach other similar conditions or limitations that will serve to reduce fire hazards or prevent the spread of fire to surrounding areas.
  - D. An application for a conditional use in an OS PR Zone shall be denied if the height of any structures or buildings unduly affect the natural and scenic features of the area.
  - E. Development of public or private recreational centers or community centers must:
    - 1. Be in or within one hundred feet of an enhancement area as defined on the map.
    - 2. Provide access to a specific parcel from existing routes accessing the canyon or routes designated in the plan maps as set forth within the adopted Canyon Master Plan and Comprehensive Plan for the City of Redmond.
    - 3. Be reasonably accessible for people of all ages and social and economic groups and for all geographic areas of the community.
    - 4. Be coordinated with adjacent open space areas and other land uses so they enhance one another and together contribute to a satisfying park environment.
    - 5. Provide for the preservation or enhancement of natural features, resources and amenities, including views and vistas, canyon walls, native juniper stands and exposed rock outcroppings.
  - F. Except for the development of public facilities and services, it shall be unlawful to fill, discard or store solid wastes of any kind, including but not limited to excavation, tailings, rubbish, auto bodies, junk and other similar materials, to store any materials which are unsightly within the canyon area soil, trees, shrubbery or other natural vegetation.

**8.0625 Public Hearing on a Conditional Use.** A public hearing may be required at the discretion of the Community Development Director for any conditionally permitted use. If required, the hearing shall following the procedure described in Land Use Administrative actions allowed under Article II.



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- 8.0630 Termination of Use.** A conditional use permit approval may have a termination date that indicates when the use is no longer permitted through the conditional use approval. If applied, then such dates shall be specified within the conditions of approval for the Conditionally Permitted Use.
- 8.0635 Time Limit on a Permit for a Conditional Use.** Authorization of a conditional use shall be void after two years or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Community Development Director or Hearings Body may allow extensions as provided in Section 8.1610. (3/99)
- 8.0640 Occupancy Permit.** The Commission may require an "Occupancy Permit" for any conditional use approved pursuant to the provisions of these standards. The Hearings Body shall consider such a requirement for any use authorized by a conditional use permit for which on-site improvements or other such conditions were established by the Hearings Body upon approval of such use. The requirement of an Occupancy Permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Hearings Body. The authority to issue an Occupancy Permit upon compliance with the requirements and conditions of a conditional use permit may be delegated by the Hearings Body to the Community Development Director.
- 8.0645 Performance Bond.** The Hearings Body may require the applicant to furnish the city with a performance bond or other adequate form of assurance to guarantee development in accordance with the standards and conditions attached in granting a conditional use permit.

### NON-CONFORMING USES

- 8.0660 Non-Conforming Uses - Continuation of a Non-Conforming Use or Structure.** Subject to the provisions of this article, a non-conforming use or structure existing prior to the effective date of these standards may be continued and maintained in reasonable repair. A structure conforming with respect to use but non-conforming regarding height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from these standards and does not adversely affect adjacent property or public right of ways.
- 8.0665 Discontinuance of a Non-Conforming Use.**
1. If a non-conforming use involving a structure is discontinued for a period of one year, further use of the property shall conform to these standards; except that previous residential use may be allowed as a conditional use pursuant to Sections 8.0600-8.0645 provided that the conditional use application is filed with the City within one (1) year of the cessation of the non-conforming use.
  2. If a non-conforming use not involving a structure is discontinued for a period of one year and if a conditional use application to allow a residential use is not filed with the City, further use of the property shall conform to these standards.
- 8.0670 Change of a Non-Conforming Use.** If a non-conforming use is replaced by another use, the new use shall conform to all applicable zoning and development standards.

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**8.0680 Destruction of a Non-Conforming Use.** If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 60 percent of fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to the zoning standards and all applicable provisions of the Redmond Development Code.

**8.0685 Alterations and Repairs.**

1. Alteration of a non-conforming use shall be permitted to reasonably continue the use. Alteration of any such use may be permitted when necessary to comply with any lawful requirement for alteration in the use.
2. Any application for the alteration of a use under sub-section (1) above, including, but not limited to, an alteration necessary to comply with a lawful requirement, shall be permitted in accordance with these standards and this section. "Alteration" of a non-conforming use may be allowed when the owner / developer demonstrates that:
  - A. The alteration or change in the use results in less or no greater adverse impact to the neighborhood,
  - B. A change in the structure or physical improvement results in less or no greater adverse impact to the neighborhood.
  - C. There is no adverse impact on any public facility, including right of ways or public easements, located on or adjacent to the property.

**8.0695 Non-Conforming Lots of Record.** Any lot which is smaller than the minimum area required in any zone may be developed and occupied by an allowed use in that zone provided that:

1. The lot is a legal lot of record which includes, but is not limited to: lots in a duly platted and recorded subdivision on or before the effective date of these standards or parcels created by an approved land partitioning prior to the effective date of the subdivision ordinance.
2. The use conforms to all other requirements of that zone, including setbacks, access and any applicable site design requirements.
3. If there is an area deficiency, a permitted residential use shall be limited to a single dwelling unit any may include accessory structures and uses, including home occupations and garages.

## VARIANCES

**8.0700 Authorization to Grant or Deny Variances.** Except as provided for in Section 8.0710, the Community Development Director or Hearings Body may authorize variances from these standards where it can be shown that owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of these standards would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of the property for purposes not authorized within the pertinent district, or to alter any procedural requirements of these standards. In granting a variance, conditions may be attached to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of these standards.

Residential densities, land uses, street frontage requirements for newly created lots, floor area ratios and square footage requirements for dwelling units where regulated, building heights, and variations from required minimum lot sizes (unless excepted by RDC section 8.0575(2)) are not candidates for variance consideration.



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**8.0705 Standards Required to Grant Major Variances.** A major variance may be granted pursuant to the provisions of Section 8.0700 if the applicant can establish the following:

1. That special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings, or structures in the same district.
2. That strict interpretation of these standards would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these standards.
3. That the special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.
4. That granting the variance will be in harmony with the objectives of these standards, and not injurious to the neighborhood or otherwise detrimental to the public welfare.

**8.0710 Standards Required to Grant Minor Variances to On-Site Requirements.** A minor variance under this section shall be no greater than 25% of the requirement from which the variance is sought. The Community Development Director may consider a variance from these standards relating to on site requirements.

1. In the case of a yard variance, the applicant shall show the approval will result in:
  - A. More efficient use of the site.
  - B. Preservation of natural features where appropriate.
  - C. Adequate provisions of light, air, and privacy to adjoining properties.
  - D. Adequate access.
2. In the case of a variance to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the applicant shall show that approval will provide adequate off-street parking in relation to user demand. The following factors may be considered in granting such an exception:
  - A. Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly).
  - B. Opportunities for joint use of nearby off-street parking facilities.
  - C. Availability of public transit.
  - D. Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.
3. For variances to other on site requirements of 25% or less the applicant shall show that approval of the variance will be consistent with the overall objectives of the Comprehensive Plan and zoning standards where applicable and that the variance will have a minimal adverse impact on the livability, value or development of abutting properties and the surrounding area.

**8.0720 Application for a Variance.** A property owner may initiate a request for a variance by filing an application with the Community Development Director using forms prescribed in Article II of these standards. The application shall be accompanied by a plan, drawn to a suitable scale, showing the condition to be varied and the dimensions and arrangement of the proposed development. The application shall be reviewed in the manner provided for in Article II, or, if in conjunction with site plan review, in the manner provided for in the Site & Design Review Standards.

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### AMENDMENTS

- 8.0750 Authorization to Initiate Amendments.** An amendment to the text of these standards, or to a zoning or plan map may be initiated by either City Council, or the Planning Commission. A property owner may initiate a request for a map or text amendment by filing an application with the Community Development Director using the form(s) prescribed by Article II of these standards.
- 8.0755 Zone / Plan Map Amendments.** The Hearings Body shall, within 45 days after filing of a petition by a property owner for a zone change/plan amendment with the Community Development Director, hold a public hearing in accordance with the provisions of Article II. Prior to said hearing the Community Development Director shall refer the proposed amendment to the Planning Commission for their review and a recommendation. The recommendation of the Commission shall be made a part of the record at the hearing.
- 8.0760 Criteria for Amendments.** The burden of proof is upon the applicant. The applicant shall show the proposed change is:
1. In conformity with all applicable State statutes;
  2. In conformity with the State-wide planning goals whenever they are determined to be applicable;
  3. In conformity with the Redmond Comprehensive Plan, land use requirements and policies; and
  4. That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.
- 8.0765 Tentative Approval.** Based on the facts presented at the hearing and the recommendation of the Planning Commission, if the Hearings Body determines that the applicant has met all applicable criteria for the proposed change, the Hearings Body shall give tentative approval of the proposed change. Such approval shall include any conditions, stipulations or limitations which the Hearings Body determines to be necessary to meet the criteria. An appeal of the Hearings Body's decision shall be processed and decided in the manner provided for in Article II of these standards. Upon completion of hearings process, the council shall, by order, effect the zone reclassification of the property. Provided, however, if the applicant fails to abide by the conditions attached to the rezoning the Council may, at a later date, rezone the affected property to its original zoning by order.
- 8.0770 Public Hearing on Amendments.** If a map change is initiated by the Planning Commission or City Council, or if an amendment to the text of these standards is to be considered, the City Council shall hold a public hearing on the proposed change. Notice of the hearing shall be published in a newspaper of general circulation in the City the week prior to the hearing. Before establishing a map change, the Council shall make findings that the proposed change meets the criteria set forth in Section 8.0760. Any change affected under this section shall be by ordinance.
- 8.0775 Limitations on Re-Applications.** No application of a property owner for an amendment to the text of these standards or to the zoning map shall be considered by the Hearings Body within the six month period immediately following a previous denial application; if in the opinion of the Hearings Body, new evidence or a change of circumstances warrant it, however, the Hearings Body may permit a new application.



## GENERAL PROVISIONS

**8.0800 Severability.** The provisions found within this Code are severable. If any section, sentence, clause, or phrase is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Code.

### **8.0805 Enforcement.**

1. Administration. It shall be the duty of the City Manager or an authorized representative to enforce the provisions of these standards pertaining to land use and to the construction, erection, location or enlargement of any structure located within the City of Redmond under the jurisdiction of these standards.
2. Building Permits. No permit shall be issued by the building official for the construction, erection, location or enlargement or change of use of a building, structure or lot that does not conform to the requirements of these standards or any other ordinance, regulation, permit, or land use approval adopted or issued by the City of Redmond.
3. Authority. Whenever necessary to enforce the provisions of these standards, the City Manager or an authorized representative shall have recourse to every remedy provided by law.
4. Violation of these standards as a nuisance. The construction, erection, location, enlargement of use, change in use or use(s) of any structure or property in violation of these standards or those conditions and limitations approved pursuant to the provisions of these standards shall be deemed a nuisance and may be subject to abatement, removal, penalty or other remedy provided in the City of Redmond's nuisance code.
5. Revocation for False Statement. The City Manager or designee may revoke any permit granted pursuant to the provisions of these standards, if it is determined that the permit was issued on account of material false statements contained in the application form or material false representations made at a public hearing. A decision to revoke a permit shall be subject to the procedures established for a Development Action, with the corresponding right of appeal.
6. Revocation for Non-conformance. The City Manager or designee may revoke any permit granted pursuant to the provisions to these standards for failure to comply with those conditions and limitations placed upon the exercise of the permit. A decision to revoke a permit shall be subject to the procedures established for a Development Action, with the corresponding right of appeal. Failure to comply with applicable conditions and limitations may also be subject to abatement, removal, penalty or other remedy provided in the City of Redmond nuisance code.
7. Penalties of Violation.
  - A. A violation of the provisions of these standards is punishable upon conviction by:
    1. A fine of not more than \$100 for each day of violation where the offense is a continuing offense but such fine may not exceed \$1,000.
    2. A fine of not more than \$500 where the offense is not a continuing offense.
  - B. Violations shall be enforced under the provisions of the Redmond Civil Infraction Procedure.

**8.0810 Corrections.** The provisions of this Code may be corrected by the City Manager or designee to cure editorial and clerical errors.