

REDMOND CODE

CHAPTER 8 - DEVELOPMENTAL REGULATIONS

ARTICLE I. - ZONING STANDARDS

INTRODUCTORY PROVISIONS		PAGE
8.0001	Title	1
8.0005	Findings and Declaration.....	1
8.0010	Purpose	1
8.0015	Administrative Terminology and Construction	2
8.0020	Definitions.....	3
8.0025	Compliance with Zoning Provisions.....	17
8.0030	Zoning Permit	17
8.0035	Abrogation and Greater Restrictions	17
8.0040	Interpretation	17
8.0045	Repeal of Standards as Affecting Existing Liabilities.....	18
8.0050	Existing Agreement and Zoning Permits	18
8.0055	Site Plan Review	18
8.0060	Authorization of Similar Uses	18
 ESTABLISHMENT OF ZONES AND DISTRICTS		
8.0065	Establishment.....	19
8.0070	Location of Zones.....	19
8.0075	Zoning Maps.....	19
8.0080	Zone Boundaries	20
8.0085	Zoning of Annexed Areas	20
 RESIDENTIAL USE ZONES		
8.0100	Limited Residential R-1 Zone	21
8.0105	Limited Residential - Planned R-2 Zone	23
8.0110	Limited Residential - Planned R-3 Zone	25
8.0115	General Residential - Planned R-4 Zone.....	27
8.0120	Urban High Density Residential R-5 Zone	30

COMMERCIAL USE ZONES		PAGE
8.0150	Strip-Service Commercial C-1 Zone	33
8.0155	Central Business District Commercial (CBD) C-2 Zone	36
8.0160	Special-Service Commercial C-3 Zone.....	39
8.0165	Limited Service Commercial C-4 Zone.....	42
8.0170	Tourist Commercial C-5 Zone	46
 INDUSTRIAL USE ZONES		
8.0200	Light Industrial M-1 Zone.....	49
8.0205	Heavy Industrial M-2 Zone	52
 FAIRGROUNDS (FG) ZONE		
8.0210	Fairgrounds (FG) Zone.....	55
 OPEN SPACE PARK RESERVE (OSPR) ZONE		
8.0225	Park Reserve - Open Space (OSPR Zone).....	57
 AIRPORT CONTROL ZONE		
8.0230	Special Use Zone - Airport Control.....	61
 PUBLIC FACILITY ZONE		
8.0235	Public Facility (PF) Zone	64
 PARK ZONE		
8.0240	Park Zone.....	66
 AIRPORT ZONE		
8.0245	Airport Zone.....	68
 NEIGHBORHOOD COMMERCIAL DISTRICT		
8.0250	Neighborhood Commercial District (C-N)	70
8.0255	Development Standards	71
8.0260	Procedure.....	72

PLANNED UNIT DEVELOPMENT

PAGE

8.0275 Planned Unit Development District (PUD) 74
8.0280 Development Standards 75
8.0285 Procedure 78
8.0290 Final Development Plan and Program 80

SUPPLEMENTARY PROVISIONS

8.0305 Establishment of Clear Vision Areas 83
8.0310 Measurement of Clear Vision Area 83
8.0315 Minimum Standards for the Construction
or Alteration of Service Stations 83
8.0320 Service Station Abandonment 84
8.0323 Minimum Standards for the Construction or Alteration
Of a Garage or Accessory Structure 86
8.0330 Standards for Manufactured Homes 87
8.0335 Development Standards Along the
Perimeter of the Canyon 87
8.0340 Fences 88
8.0345 Home Occupation 89
8.0350 Standards for Arterial and Collector
Streets 89
8.0360 Temporary Placement of Mobile Homes 90
8.0362 Temporary Placement of Mobile Homes for
Medical Hardship 90
8.0365 Keeping of Livestock 90

PUBLIC WORKS STANDARDS AND SPECIFICATIONS

8.0367 Public Works Standards and Specifications 92
8.0369 Public Infrastructure Replacement 92

SOLAR ACCESS

8.0370 Building Setbacks for the Protection
of Solar Access 94

TOWER & ANTENNA STANDARDS		PAGE
8.0400	Tower & Antenna Standards	96
8.0405	Purpose	96
8.0410	Definitions.....	96
8.0415	General Provisions	97
8.0420	Application Requirements.....	97
8.0425	Approval Criteria.....	98
8.0430	Shared Use of Existing Towers	98
8.0435	Shared use of Existing Tower Sites.....	99
8.0440	Site Size, Tower Setbacks, Visual Impact Criteria 100
8.0445	Guy Setback.....	101
8.0450	Visual Impact.....	101
8.0455	Existing Vegetation.....	102
8.0460	Landscaping	102
8.0465	Accessory Uses.....	103
8.0470	Comprehensive Plan	103
8.0475	Agency Coordination	103
8.0480	Supported Antenna Approval Criteria	103
8.0485	Antenna Height and Setback.....	103
8.0490	Non-Conforming Towers and Antennas	104

OFF-STREET PARKING & LOADING REQUIREMENTS

8.0500	Off-street Parking	105
8.0505	Off-street Parking and Loading.....	107
8.0510	Design and Improvement Standards for Parking Lots	108
8.0515	Parking Table and Diagram.....	109

EXCEPTIONS

8.0550	Exception to Lot Size Requirements	111
8.0555	Exception to Yard Requirements	111
8.0560	Exception to Yard Requirements for Detached Accessory Buildings	111
8.0565	Exception to Building Height Limitations.....	111
8.0570	Divided Tax Lots.....	111
8.0575	Special Exceptions to Lot Size Requirements	111

CONDITIONAL USES

PAGE

8.0600 Authorization to Grant or Deny Conditional Uses 112

8.0605 General Conditions..... 112

8.0610 Permit and Improvements Assurance 113

8.0615 Standards Governing Conditional Uses..... 113

8.0620 Application for a Conditional Use 122

8.0625 Public Hearing on a Conditional Use 122

8.0630 Notification of Action..... 122

8.0635 Time Limit on a Permit for a Conditional Use 122

8.0640 Occupancy Permit 123

8.0645 Performance Bond 123

NON-CONFORMING USES

8.0660 Non-conforming Uses - Continuation of a Non-conforming Use or Structure..... 124

8.0665 Discontinuance of a Non-conforming Use 124

8.0670 Change of a Non-conforming Use 124

8.0680 Destruction of a Non-conforming Use 124

8.0685 Alterations and Repairs 124

8.0690 Non-conforming Construction..... 124

8.0695 Non-conforming Lots of Record..... 125

VARIANCES

8.0700 Authorization to Grant or Deny Variances 126

8.0705 Criteria..... 126

8.0710 Authorization to Grant or Deny Variances to On-site Requirements 126

8.0720 Application for a Variance..... 127

8.0725 Time Limits on Approval of a Variance 127

8.0730 Notification of Action..... 127

AMENDMENTS

8.0750 Authorization to Initiate Amendments 128

8.0755 Zone/Plan Map Amendments 128

8.0760 Criteria for Amendments..... 128

8.0765 Tentative Approval 128

8.0770 Public Hearing on Amendments 128

8.0775 Limitations on Re-applications..... 129

GENERAL PROVISIONS

PAGE

8.0800 Severability 130
8.0805 Enforcement 130
8.0810 Corrections 131
8.0815 Enactment, Emergency Declared 131

PRESERVATION OF HISTORICAL BUILDINGS AND SITES

8.0820 Purpose 132
8.0825 Administration 132
8.0830 Definition 132
8.0835 Designation of Historical Building or Site 133
8.0840 Designation of a Building or Site of Historical
Interest 134
8.0845 Designation of Historical District 134
8.0850 Designation not a Recommendation for Federal
Action 135
8.0855 Exterior Alteration and New Construction 135
8.0860 Demolition-Building Condemnation 136
8.0865 Record of Demolished Historical
Building/Artifacts 138
8.0870 Signs/Plaques 139
8.0875 Redevelopment and Neighborhood Improvement
Projects 139
8.0880 Appeals 139

REDMOND CODE

CHAPTER 8 - DEVELOPMENTAL REGULATIONS

ARTICLE II. - LAND USE PROCEDURES

	PAGE
8.1000 Introduction and Application	140
8.1005 Definitions.....	140
8.1010 Application Requirements.....	141
8.1015 Incomplete Applications.....	141
8.1020 False Statements on Application and Supporting Documents	142
8.1025 Conditions of Approval	142
8.1030 Withdrawal of Application	142
8.1035 Time Computation	142

LEGISLATIVE PROCEDURES

8.1100 Legislative Procedures	143
8.1105 Hearing Required	143
8.1110 Notice	143
8.1115 Initiation of Legislative Changes.....	143
8.1120 Hearings Body.....	143
8.1125 Final Decision.....	143

DEVELOPMENT ACTION

8.1200 Development Action Procedures	144
8.1205 Review of Development Action Applications	144
8.1210 Decision.....	144
8.1215 Review of Development Action.....	144

LAND USE ACTION

8.1300 Review of Land Use Action Applications	145
8.1305 Action on Land Use Action Applications	145
8.1310 Administrative Land Use Decisions with Prior Notice	145
8.1315 Administrative Decision without Prior Notice	146
8.1320 Application and Supporting Documents.....	146
8.1325 Filing of Staff Report for Hearing.....	146
8.1330 Hearings Body.....	146
8.1335 Notice of Hearing.....	146

LAND USE ACTION (continued)

PAGE

8.1340 Contents of Notice 147
8.1345 Limitation on Oral Presentations 148
8.1350 The Hearing Record shall include 148
8.1355 Hearing Procedure 148
8.1360 Land Use Action Decisions..... 149
8.1365 Notice of Decision 149
8.1370 Decision on Plan Amendments and Zone Changes 149
8.1375 Review by Planning Commission and City Council 149
8.1380 Proposed Findings and Conclusions 150
8.1400 Modifications of Approval 150

APPEALS

8.1500 Definitions..... 152
8.1505 Who May Appeal 152
8.1510 Filing Appeals 152
8.1515 Notice of Appeal 152
8.1520 Determination of Jurisdictional Defects 153
8.1525 Transcription Requirement 153
8.1530 Consolidation of Multiple Appeals 153
8.1535 Scope of Review 153
8.1540 Hearing on Appeal..... 154
8.1545 Declining Review..... 154
8.1550 Development Action Appeals 155
8.1560 Withdrawal of an Appeal..... 155

LIMITATIONS ON APPROVALS

8.1600 Limitations on Approvals 156
8.1605 Duration of Approval..... 156
8.1610 Approval Extension..... 156

DECLARATORY RULING

8.1700 Availability of Declaratory Ruling 157
8.1705 Persons who may Apply for a Declaratory Ruling 158
8.1710 Procedures 158
8.1715 Effect of Declaratory Ruling..... 159
8.1720 Interpretation 159

REDMOND CODE

CHAPTER 8 - DEVELOPMENTAL REGULATIONS

ARTICLE III. - SUBDIVISION AND PARTITION STANDARDS

	PAGE
8.2000 Title	160
8.2005 Purpose	160
8.2010 Interpretation	161
8.2015 Construction and Terminology.....	161
8.2020 Definitions.....	161

GENERAL REQUIREMENTS

8.2050 Scope of Regulation	170
8.2055 Minimum Standards	170
8.2060 Sale Prohibited	170
8.2065 Delegation	170
8.2070 Subdivision or Partitions in the OSPR Zone	170

SUBDIVISION APPLICATION PROCEDURE

8.2100 Pre-Application Meeting	171
8.2105 Application Submission	171
8.2110 Scale of Tentative Plan.....	171
8.2115 Informational Requirements	171
8.2120 Master Development Plan	173
8.2125 Approval of Master Development Plan	173
8.2130 Development Following Approval	174
8.2135 Required Findings for Tentative Subdivision Approval	174
8.2140 Improvements Required	175
8.2145 Resubmission of Denied Tentative Subdivision Plans.....	175

FINAL PLAT

8.2200 Submission of Final Plat	176
8.2205 Submission of Final Plan for Phased Development	176

FINAL PLAT (continued)		PAGE
8.2210	Form of Final Plat	176
8.2215	Technical Review of Subdivision Plat	177
8.2220	Conditions of Final Subdivision Plan Approval	177
8.2230	Bond, Cash Deposit or Guarantee	178
8.2235	Final Plat Approval	179
8.2240	Recording of Plat.....	179

LAND PARTITIONING

8.2300	Applicability of Regulations.....	180
8.2305	Filing Procedures and Requirements	180
8.2310	Requirements for Tentative Partition Approval	181
8.2315	Improvement Requirements	181
8.2320	Application Review	182
8.2325	Appeal	182

FINAL MAP

8.2350	Final Partition Plat Filing.....	183
8.2355	Extensions.....	183
8.2360	Requirements	183
8.2365	Special Partitioning Regulations.....	184

LOT LINE ADJUSTMENTS

8.2370	Lot Line Adjustment Regulations.....	185
8.2375	Submission Requirements.....	185
8.2380	Approval Process	185
8.2385	Approval Criteria.....	185
8.2390	Extensions.....	185

DESIGN STANDARDS AND IMPROVEMENTS

8.2400	Compliance Required	186
8.2405	Streets	187
8.2410	Blocks.....	189
8.2415	Lots and Parcels - Size & Shape.....	190
8.2420	Lots and Parcels - General Requirements.....	191
8.2425	General Provisions	192
8.2430	Grading of Building Sites	193
8.2435	Special Setbacks.....	193

IMPROVEMENTS		PAGE
8.2440	Improvement Procedures	194
8.2445	Improvement in Partitions.....	194
8.2450	Acceptance of Improvements	194
 SUPPLEMENTARY PROVISIONS		
8.2460	Traffic Impact Analysis (TIA)	195
8.2465	City of Redmond Access Management Standards.....	196
8.2470	Transportation Impact Analysis	197
 STREET DEDICATIONS		
8.2500	Application.....	198
8.2505	Minimum Design Standards	198
8.2510	Procedure.....	198
 ADMINISTRATIVE PROVISIONS		
8.2600	Form of Petitions, Applications and Appeals	199
8.2605	Hearings	199
8.2610	Variances	199
 GENERAL PROVISIONS		
8.2700	Penalties.....	200
8.2705	Violation Declared a Nuisance	200
8.2710	Civil Relief	200
8.2715	Administration of Standards	200
8.2720	Severability.....	200

REDMOND CODE

CHAPTER 8 - DEVELOPMENTAL REGULATIONS

ARTICLE IV. - SITE AND DESIGN REVIEW STANDARDS

	PAGE
8.3000 Purpose and Intent	201
8.3005 Applicability of Site Design and Review.....	201
8.3010 Exceptions.....	201
8.3015 Procedure.....	201
8.3020 Site Improvement	201
8.3025 Plans Required	202
8.3030 Special Studies, Investigations and Reports	205
8.3035 Design Review Criteria	205
8.3040 Master Plans	217

REDMOND CODE

CHAPTER 8 - DEVELOPMENTAL REGULATIONS

ARTICLE V. - SIGN STANDARDS

	PAGE
8.4000 Title	218
8.4005 Purpose	218
8.4010 Terminology.....	218
8.4015 General Definitions.....	218
8.4020 Specific Definitions	219

GENERAL PROVISIONS AND PROCEDURES

8.4050 General Provisions	223
8.4055 Sign Permit.....	224
8.4060 Procedure.....	224
8.4065 Sign Measurement	224
8.4070 Permit Exceptions	225

EXEMPT, TEMPORARY AND PROHIBITED SIGNS

8.4100 Exempt Signs	226
8.4105 Temporary Signs	227
8.4110 Prohibited Signs	228

SIGNS PERMITTED BY ZONES

8.4150 Signs Permitted in the OSPR Zone	230
8.4155 Signs in Residential Zones	230
8.4160 Signs Permitted in General Commercial. Zones.....	231
8.4165 Signs Permitted in the Central Business District Commercial C-2 Zone	232
8.4170 Signs for Business Complex or Shopping Center.....	233
8.4175 Signs Permitted in Industrial Zones.....	233

SIGNS REGULATED BY CLASS

8.4200 Wall Signs	235
8.4205 Roof Signs.....	235
8.4210 Free-Standing Signs.....	235
8.4215 Ground Mounted Signs.....	236

SIGNS REGULATED BY CLASS (continued)		PAGE
8.4220	Projecting Signs	236
8.4225	Awnings and Canopy Signs.....	237
8.4230	Marquee Signs	237
8.4235	Directional Signs	237
8.4240	Billboards.....	238
8.4245	Billboards: Number Allowed	238

MAINTENANCE, CONSTRUCTION & SAFETY STANDARDS

8.4300	Maintenance.....	239
8.4305	Wind Loads	239
8.4310	Design	239
8.4315	Seismic Loads	239
8.4320	Combined Loads	239
8.4325	Allowable Stresses	240
8.4330	Anchorage and Supports.....	240
8.4335	Clearance from High Voltage Power Lines.....	240
8.4340	Clearance from Fire Escapes, Exits or Standpipes	241
8.4345	Electric Sign Construction	241

PERMITTED MATERIALS/ILLUMINATION

8.4400	Permitted Materials	242
8.4405	Illumination	243

INSPECTION AND ENFORCEMENT

8.4450	Inspection	244
8.4455	Enforcement	244

NON-CONFORMING AND ABANDONED SIGNS

8.4500	Non-Conforming Signs	245
8.4505	Special Requirements for Non-Conforming Signs	245
8.4510	Abandoned Signs	245

VARIANCES

8.4550	Variance Application.....	246
8.4555	Time Limit on a Permit for a Variance	246

HISTORICAL SIGNS

8.4600 Application 247
8.4605 Site and Design Review 247

APPEALS

8.4650 Appeals 248

SPECIAL PROVISIONS

8.4700 Fees 249
8.4705 Severability 249
8.4710 Penalties..... 249
8.4715 Interpretation 249
8.4720 Violation Declared a Nuisance 249

REFERENCE UPDATE

ARTICLE I - ZONING STANDARDS

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
94-04	5/24/94	Amend Redmond Code to add Chapter 8 - Development Regulations.	7/94
94-31	12/13/94	Amend Section 8.0505, exempting C-2 zone from required parking.	12/94
95-07	2/28/95	Amend Section 8.0225, removing public parks and trails from Conditional Uses Permitted.	3/95
95-15	6/13/95	Amend Section 8.0315, to exempt the C-2 zone from the 10 foot setback for service station canopy.	6/95
95-19	6/13/95	Amend Section 8.0155 to remove Subsection (5)(g), solar setback standards in the C-2 zone.	6/95
95-16	6/27/95	Amend Section 8.0615 to add standards for bed and breakfast facilities to standards governing Conditional Uses.	7/95
95-17	6/27/95	Amend Sections 8.0100-8.0120, to add bed and breakfast as a conditional use in the residential zones.	7/95
95-20	6/27/95	Amend Section 8.0335, Development Standards Along the Perimeter of the Canyon, to change Subsection (3) to read 100 feet of the canyon rim.	7/95
95-37	11/14/95	Adding Section 8.0380, Temporary Placement of Mobile	12/95

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
		Homes for Medical Hardship.	
95-38	11/14/95	Amending Section 8.0200, permitting hotels as a Conditional Use and Section 8.0615, Standards for hotels in the M-1 zone.	12/95
95-34	12/12/95	Adding Secitons 8.0067, 8.2400 and 8.2405 (4) adding Public Works Standards and Specifications to the Development Code.	12/95
96-06	2/13/96	Amending Sections 8.0015, 8.0305, 8.0310, and 8.4020 to revise standards for Clear Vision Area requirements.	2/96
96-07	2/13/96	Amending Section 8.0340, Fences, relating to C-1, M-1 and M-2 fence height requirements.	2/96
96-11	2/27/96	Amending Section 8.0020, Definitions, relating to Hotels and Motels.	3/96
96-17	5/14/96	Amending Section 8.0325, deleting Subsection (10) relating to standards for multi-family dwellings.	12/96
96-18	5/14/96	Amending Section 8.0355, removing Section 8.0355, relating to public park dedication/park fund.	12/96
97-09	3/11/97	Amending Section 8.0155, Central Business District, adding provisions for residential units in the C-2 Zone.	3/97
97-12	3/25/97	Amending Section 8.0500, Parking Standards relating to bowling alleys.	4/97

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
97-18	4/8/97	Amending Section 8.0020, Definitions, relating to multi-family dwellings and multi-family dwelling complex.	4/97
97-19	4/8/97	Amending Sections 8.0100; R-1, Limited Residential; 8.0105, R-2 Limited Residential; 8.0110, R-3 Limited Residential; 8.0115, R-4 General Residential-Planned and 8.0120, R-5 Urban High Density Residential, amending the accessory uses.	5/97
97-19	4/8/97	Adding Section 8.0323 relating to garage provisions and accessory structures.	5/97
98-06	2/20/98	Amending Section 8.0335, Development Standards along the perimeter of the canyon.	3/98
98-20	4/28/98	Amending Section 8.0370, Setbacks for Solar Protection Standards and removing Section 8.0375, Solar Access Permit.	5/98
98-21	5/12/98	Amending Section 8.0110, Limited Residential - Planned R-3 Zone to add professional offices or retail sales as a conditional use.	6/98
98-23	5/12/98	Amending Section 8.0340, Fence Standards.	6/98
98-43	11/24/98	Amending Section 8.0500, relating to Parking Standards and a change of use in a building.	12/98
1999-04	1/26/99	Repealing Sections 8.0275-8.0295, Planned Unit Development and replacing them with the same sections, new language.	1/99

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
1999-11	2/9/99	Amending Seciton 8.0165, C-4 Zoning, relating to rear yard setbacks in the C-4 zone.	3/99
1999-12	2/9/99	Amending Section 8.0635, Time Limit on a Permit for a Conditional Use, relating to extensions of land use approvals.	3/99
1999-16	3/9/99	Amending Section 8.0120, Subsection 5(c), relating to the required lot area for multi-family dwellings.	3/99
2001-01	1/9/01	Adds mini-storage developments as a Conditional Use in the R-4 zone.	2/01
2001-17	6/26/01	Adds mortuaries as a Conditional Use in the R-2 zone.	6/01
2001-19	7/24/01	Adds sections 8.0235, Public Facilities Zone standards, 8.0240 Park Zone standards and 8.0245 Airport Zone standards	8/01
2002-16	11/26/02	Adds public sewage, water, transportation system facilities/utilities and developed access points into the Dry Canyon Trail identified & approved in the Comprehensive Plan, Water & Sewer Master Plan, Transportation System Plan, or Public Facilities Plan as permitted outright. Allows use to be permitted as a conditional use if not identified & approved in these plans.	12/02
2002-20	12/10/02	Clarifies professional offices allowed in the C-1 zone	12/02
2002-18	11/26/02	Clarifies Planned Unit "mixed-use"	1/03

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
2003-08	3/11/03	Allows 100' buildings in certain areas of the C-2	4/03
2004-21	11/9/04	Increases height limit in the C-3 zone from 40 feet to 60 feet.	11/04
2004-17	11/23/04	Eliminates various code language including sections 8.0300 and 8.0325; also section (13) of 8.0615 of standards governing conditional uses	12/04

CHAPTER 8 - DEVELOPMENTAL REGULATIONS

ARTICLE I. - ZONING STANDARDS

INTRODUCTORY PROVISIONS

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

8.0005 **Findings and Declaration.** It is hereby found and declared: That each use of land has its own particular influence on other land uses and on the city of which it is a part and indirectly on areas outside of the city; that this influence can be detrimental when land uses are uncontrolled, improperly placed, unduly concentrated or prematurely developed; that zoning is one of the tools available for putting the "Redmond Urban Area Comprehensive Plan" into effect in an orderly manner and for assuring the optimum relationships between the various land uses, between the groups of uses or zones herein created or between private uses and the public interest; that these standards have been created after full consideration of the character of the City and for particular uses and patterns of development; and that the regulations contained herein are necessary to accomplish the purposes set forth below.

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

Redmond Code

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.

(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 County to insure access to solar energy by reasonably regulating interests in property within the City, as authorized under ORS 227.090 through 227.195, ORS 92.044, and ORS 105.880 through 105.895, 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.

8.0015 **Administrative Terminology and Construction.**

(1) Terminology. As used herein:

(a) The word "City" shall mean the City of Redmond, Oregon; the words "City Council" and "Council" shall mean the City Council of the City of Redmond; the words "Planning Commission" and "Commission" shall mean the jointly appointed Urban Area Planning Commission; the words "Planning Director", "City Attorney", "City Recorder", "City Manager", and "Public Works Superintendent" shall mean the Planning Director, City Recorder, City Attorney, City Manager and Public Works Superintendent for the City of Redmond.

(b) The word "building" includes the word "structure". The term "building site" includes the word "lot" and the word "plot." The word "used" also includes "designed, intended or arranged to be used." The word "erected" also includes "constructed", "reconstructed", "altered", "placed" or

Redmond Code

"moved". The term "land use" also includes "building use" and "use of building".

(2) Construction. Words used in the present tense include the future tense; words used in the singular include the plural and words used in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the masculine shall include the feminine and neuter.

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

Abut: Contiguous to; for example, two lots with a common property line. Abut does not apply to buildings, uses, or properties separated by public right-of-way, rivers, or canals.

Access: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Access Core Area: The boundaries of this area shall be as follows: the northern boundary shall be a line running east-west 1200' north of Maple Avenue; the western boundary shall be the dry canyon; the southern boundary shall be Highland Avenue and the eastern boundary shall be the Burlington Northern Railroad line.

Accessory Use or Structure: A use or structure incidental and subordinate to the main use of residential property and located on the same lot as the main use accessory uses include a pergola greenhouse, hot house, swimming pool, enclosed patio, wood shed, and quarters for domestic animals maintained as part of the residence. A home occupation is also an accessory use.

Affected Persons: Includes those owners of record of real property located within a minimum distance of 300 feet, exclusive of public street and other rights-of-ways, from the property subject to a permit required by these zoning standards.

Airport elevation: The highest point on the usable landing area, which elevation is datum to establish the elevation of the horizontal surface.

Airport hazard: Any structure, tree or use of land which obstructs the air space required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

Airport Reference Point (A.R.P.): A point established as the approximate geographic center of the airport landing area and so designated.

Alley: A street 20 feet in width which affords only a secondary means of access to property.

Alter: A change, addition, or modification in construction or occupancy of a building or a structure.

Apartment: A building or portion thereof, designated for occupancy by three or more families living independently of each other.

Automobile Service Station: A retail place of business engaged primarily in the sale

Redmond Code

of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work, are excluded except where such uses are otherwise permitted.

Automobile and Trailer Sales Area: An open area other than street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

Automobile Wrecking Yard: A premises used for the long term outdoor storage and sale of used automobile or truck parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

Basement: A story partly underground. A basement shall be counted a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining ground.

Boarding House: A building or portion thereof, other than a hotel, where meals or lodging or both are provided for compensation for more than four persons, but not to exceed twenty persons.

Building: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, Community: A building for civic, social, educational, cultural and recreational activities of a neighborhood or community group or association and not operated primarily for gain.

Building, Existing: Any building upon which construction was lawfully begun prior to the effective date of these standards or the effective date of amendments to these standards may be completed, and thereafter shall be considered an existing building.

Building Height: The vertical distance measures between the average level of the finished ground surface adjacent to the building and the uppermost point of the building excluding only those features which may exceed the district height limits. (see figure 1).

Building, Main: A building in which is conducted a principal or main use of the building site on which it is situated.

Building Site: A parcel of land occupied or to be occupied by a principal use and accessory uses and/or a building or group of buildings, which parcel complies with all the requirements of these zoning standards relating to building sites.

Building Site, Average Width: That figure obtained by dividing the total area of the parcel of land by the maximum depth of such parcel measured in the general direction of side lines.

Redmond Code

Carrying Capacity: Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land and water resources.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

Clear Vision Area: A triangular area, two sides of which are measured from the corner intersection of the street curb or location where street curb would be located if the right-of-way were developed to full City standards (ignoring any corner radius) for a distance of twenty-five (25) feet. The third side is a line across the corner of the lot adjoining the non-intersecting ends of the other two sides.

Clinic, Medical-Dental: Single or multiple offices for physicians, surgeons, dentists, chiropractors and osteopaths or other medical practitioners.

Clinic, Animal: A business establishment in which veterinary services are rendered domestic pets and stock on an outpatient basis.

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.

Commercial Residential Use: A building, portion of a building, or group of buildings designed or used for human occupancy such as a duplex or apartment. A mobile home park is not included in this definition.

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

Condominiums: A type of residential development utilizing zero lot lines, individual ownership of units and common ownership of open spaces and other facilities, and which are regulated in part, by State Law (ORS 91.010 and 91.657). Condominiums shall be reviewed in the same manner as either a duplex, multi-family dwelling, multi-family complex or as a Planned Unit Development. Provided, however, any development involving four acres or more shall be reviewed as a Planned Unit Development.

Contiguous Land: Parcels of land under the same ownership which abut, irrespective of roadways, easements, or other right-of-ways.

Cross Section: A profile of the ground surface perpendicular to the center line of a street, stream, or valley bottom.

Drive-in: An establishment dispensing food and/or drink and catering to customers who remain, or leave and return to their automobile for consumption of said food or drink on the premises;

Dwelling: A building or part thereof designed for and/or used for residential occupancy and containing one or more dwelling units.

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

Redmond Code

Dwelling, Duplex or Two Family: A detached building containing two dwelling units.

Dwelling, Multi-Family: A building or group of buildings on a single lot containing three or four dwelling units.

Dwelling, Multi-Family Complex: A building or group of buildings involving five or more dwelling units on a single lot.

Dwelling, Seasonal: A dwelling unit, including a mobile home, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one family for recreational or seasonal purposes only.

Dwelling Unit: Means one or more rooms constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Easement: A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

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 area.

Existing: Existing at the time of application.

Family: An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

Farm Use: The employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money 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 provisions of ORS Chapter 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. As used in this definition and these standards, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

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:

Redmond Code

- (a) attic space providing headroom of less than seven feet.
- (b) basement, if the floor above is less than six feet above grade.
- (c) uncovered steps or fire escapes.
- (d) private garages, carports, or porches.
- (e) accessory water towers or conning towers.
- (f) accessory off-street parking or loading spaces.

Frontage: All property fronting on one side of a street and measured along the street line, between intersecting streets or between a street and a right-of-way, water-way, end of a dead-end of city boundary.

Garage, Private Parking: A structure having one or more tiers of heights used for the parking of automobiles for tenants, employees, or owners of the property for which the parking spaces contained in or on said garage are required by these standards and are not open for use by the general public.

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

Garage, Repair: A building used for the care and repair of motor vehicles, including major and minor work such as body and fender work or engine and transmission overhaul, and incidental storage or parking of vehicles.

Grade (ground level): 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.

Group Care Home: Any private or public institution maintained and operated for the care, boarding, housing, or training of four or more physically, mentally or socially handicapped or delinquent elderly or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption to such persons. An example would be a nursing home.

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

Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Height of Buildings: The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the center height between the highest and lowest points on other types of roofs.

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

Redmond Code

Historic Area: Lands with sites, structures and objects having local, regional, statewide, or national historical significance.

Home Occupation: any lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling, or in an accessory building on the same or adjacent property, with limited retail sales or sales accessory to service.

Hospitals: Institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two or more non-related individual humans suffering from illness, injury, or deformity, or where obstetrical or other healing, curing and/or nursing care is rendered over a period exceeding 24 hours.

Hospital, Animal: A building together with animal runs, in which veterinary services, clipping, bathing, boarding, and other services are rendered to animals and domestic pets.

Hotel (Motel): A facility offering transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

Indoor Recreational Area: A room or rooms within an enclosed building which is designated and used for recreational purposes by the public and/or occupants of a residential development. Activities provided for within an indoor recreational area may include, but are not limited to the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance floors, tennis or handball courts, and games, such as pool, ping pong, shuffleboard, etc.

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.

Junk: As used in these standards the term "junk" shall include storing in yards and open spaces for unreasonable periods inoperable or abandoned motor vehicles or parts thereof, inoperable or abandoned machinery or parts thereof, broken or discarded furniture and household equipment, waste or discarded materials and other similar objects.

Junkyard: Primary or accessory use of more than 200 square feet 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.

Landing Area: The area of the airport used for the landing, taking off, or taxiing of aircraft.

Landscape or Landscaping: To improve by landscape architecture or gardening.

Livestock: Domestic animals of types customarily raised or kept on farms for profit

Redmond Code

or other purposes.

Livestock Feeding Yard (Feedlot): An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing.

Livestock Sales Yard: An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

Loading Space: 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 and which space has direct access to a street or alley.

Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required; such lot shall have frontage on a public street, or easement approved by the Planning Commission or City Council. A lot may be:

(a) A single lot of record;

(b) A combination of complete lots of record, or complete lots of record and portion of lots of record;

(c) A parcel of land described by metes and bounds; provided that in case of division there shall have been approval given to said division by the Commission under the conditions set forth in the Subdivision & Partition Standards.

Lot Area: The total horizontal area within the lot lots of a lot, exclusive of streets and easements of access to other property.

Lot, Corner: A lot abutting on two or more streets, other than an alley, at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot Coverage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot, Interior: A lot other than a corner lot with only one frontage on a street.

Lot Line: The property line bounding a lot.

Lot Line, Front: For an interior 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, the Planning director 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

Lot Line, Rear: The lot line or lines 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.

Lot Line, Side: Any lot line or lines not a front or rear lot line. An interior side lot line

Redmond Code

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 of Record: Any unit of land created as follows:

- (a) A lot in an existing, duly recorded subdivision;
- (b) A parcel in an existing, duly recorded major or minor land partition; or,
- (c) 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
- (d) 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 Measurements:

(a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

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.

Modular Home: See Prefabricated House.

New Construction: Any structure for which the "start of construction" commenced on or after the effective date of these standards.

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

Redmond Code

Northern Lot Line: For the purposes of Section 8.0370 - "Building Setbacks for the Protection of Solar Access," the northern lot line shall be the northerly edge of the lot on which an applicant's structure is located, unless directly north of the lot is an unbuildable area, in which case Northern Lot Line means the northerly edge of the buildable area.

Nursery, Day: An institution, establishment or place in which are commonly received at one time three or more children not of common parentage under the age of 14 years for a period or periods not exceeding 12 hours for the purpose of being given board, care and training apart from parents or guardians for compensation or reward.

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.

Open Space: Consists of lands used for agricultural or other open space uses, and any land area that would, if preserved and continued in its present use: conserve and enhance natural or scenic resources; protect air or streams or water supply; conserve landscaped areas, such as public or private golf courses, that reduce pollution and enhance the value of abutting or neighboring parks or other open space, enhance recreation opportunities, preserve historic, geological and archeological sites; promote orderly urban development; and minimize land-use conflicts.

Owner: The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll or County Recorder's records.

Parcel: A unit of land that is created by a partitioning of land.

Parking Area, Private: Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by these standards and not open space for use by the general public.

Parking Area, Public: Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designed or otherwise identified for use by the general public, either free or for remuneration. Public areas may include parking lots which may be required by these standards for retail customers, patrons and clients.

Parking Space: A clear, off-street area for the temporary parking or storage of one automobile, having all-weather surface of an average width not less than eight and one-half feet and an average length of not less than eight and one-half feet in height when within a building or structure; such parking space shall have easy access to a street or alley, and be a driveway having all-weather surface.

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Planned - Unit Development: The development of an area of land as a single entity

Redmond Code

for a number of dwelling units or a number of uses, according to a plan, density, lot coverage or required open space to the regulations otherwise required by these standards.

Potential Structure: For purpose of solar access protection, a potential structure is any structure or building that could be built as a permitted use in a particular location under existing development standards under the existing Redmond Urban Area Comprehensive Plan.

Prefabricated House: A sectional or factory built house to which wheels may or may not be attached for the purpose of moving it to a home site where it is affixed to real property on a permanent foundation.

Primary Surface (Runway): A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- (a) 250 feet for utility runways having only visual approaches
- (b) 500 feet for utility runways having non-precision instrument approaches.
- (c) for other than utility runways the width is:
 1. 500 feet for visual runways having only visual approaches.
 2. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths of a statute mile.
 3. 1,060 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile and for precision instrument runways.

Primary Use: The first 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.

Productive Solar Collector: A solar collector that provides no less than (a) 10 percent of a building's annual total energy requirements; or (b) 50 percent of a building's annual water heater requirements.

Protected Area: The specific area for which solar access is provided during specific hours and dates under these standards.

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

Recreation Camps or Resorts: An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, and other

Redmond Code

similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee.

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, camping 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 either a recreational vehicle, tent or other camping unit on a temporary basis. The site includes individual use areas for picnic tables, fire pits, private parking, and other private uses.

Residential Use: A structure or use for occupancy as a human dwelling or lodging place such as a single family, two family, and multi-family dwellings, duplex, apartments, boarding, lodging or rooming houses, mobile home parks, and labor camps.

Retirement Center: A building or group of buildings, containing separate dwelling units designated for and occupied principally (at least one occupant of each dwelling unit) by persons over the

age of 60 years; excluding convalescent and nursing care as a function of the center.

Right-of-Way: The area between the boundary lines of a street, road or other easement.

Road or Street: 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, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

Alley. A narrow way primarily for vehicular service access to the back or side of properties abutting a street.

Arterial. A restricted access street of substantial continuity which is primarily a traffic artery for inter-communication among large areas, and so designated by the City of Redmond.

Bicycle Route. A right-of-way for bicycle traffic.

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

Cul-de-sac. A short street having one end open to traffic and terminated by a vehicle turn-around.

Dead-end Street. A minor street with only one outlet.

Redmond Code

Frontage Road. A minor street parallel and adjacent to a major arterial providing access to abutting properties, but protected from and protecting through traffic.

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

Stubbed Street. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

Roadway: That portion of a street or road right-of-way developed for vehicular traffic.

Runway: The paved surface of an airport landing strip.

School: A place for teaching, demonstration or learning. However, unless otherwise qualified, the word "school" means a place for primarily academic instruction equivalent to what is commonly known as kindergarten, grade school, junior high school, high school, college, or a combination of them.

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.

Service Station: Any lot used in the normal course of business primarily for the retail sale of motor vehicle fuel and lubricants for delivery on the premises.

Shade: Protection from shade for a specific area during specific hours and dates, but not including protection from shade caused by exempt vegetation.

Solar Access Permit: The instrument issued by the County which limits the size of non-exempt vegetation on certain lots in the vicinity of a recorded solar collector.

Solar Collector: Any object that uses solar radiation for a useful purpose, including but not limited to windows, walls, roofs and collectors.

Solar Heating Hours: The hours and dates during which solar access is provided.

Stable, Private: A detached accessory building for the keeping of horse owned by the occupants of the premises and which are not kept for remuneration or profit.

Stable, Public: A stable other than a private stable.

Start of Construction: Means 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. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installations on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, "start of construction" means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivision, "start of construction"

Redmond Code

is the date on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Story: That 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 included between the upper surface of the top-most floor and ceiling or roof above.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street: The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designation.

Street Frontage: That portion of a building site that has a common line with a street right-of-way line, and said street frontage is designated as the front property line.

Structure: A combination of materials forming any construction the use of which requires location on the ground or attachment to something having location on the ground. The word "structure" shall be construed as though followed by the words "or part thereof."

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.

Subdivision and Subdivided Lands: Improved or unimproved land or lands divided, or created into interest or sold under an agreement to be subsequently divided or created in interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided interests, or four or more other interests. "Interest," as referred to herein, includes a lot, or unit, a share, undivided interest, or membership, which includes the right to occupy the land overnight, and 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 of more than three years. "Subdivide land" does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot however must be sold as platted and recorded.

Substantially Shaded: Less than 80 percent of the available solar insulation is available during winter solar heating hours to either the south roof and/or wall of an existing or potential structure.

Sun Chart: A photograph or photographs, taken in accordance with the Planning Director's guidelines, which plots the position of the sun during each hour of the day and each month of the year relative to a protected area. The sun chart shall contain at a minimum:

- (a) Solar Altitude in 10 degree increments;
- (b) Solar azimuth measured from true south in 15 degree increments;

Redmond Code

(c) If the solar collector is less than 20 feet wide, the southern skyline as seen from the center point of the lower edge of the protected area, and if the collector is more than 20 feet wide, the southern skyline as seen from the two end points and from the center point of the lower edge of the protected area; and

(d) A clear delineation of the existing objects which cast shadows on the protected area, including hills, structures, and deciduous and evergreen vegetation.

Trailer: Any portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, and which does not fall within the definitions of Vacation Trailer, Mobile Home, or Prefabricated House. This definition includes boat trailers, bunk trailers, portable schoolrooms, and industrial, commercial or public offices and accessory uses.

Trailer, Park: A plot of ground upon which two or more travel trailers occupied for dwelling or sleeping purposes is located, regardless of whether a charge is made for such accommodations.

Trailer, Travel: See Vacation Trailer.

Trailer, Vacation: A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels having sleeping, cooking and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence.

Travelers' Accommodations: Any establishment having rooms or apartments rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.

Unbuildable Area: An area in which a structure could not be built as a permitted use under existing development standards for the area under the existing Redmond Urban Area Comprehensive Plan.

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

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.

Utility Runway: A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in

Redmond Code

instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

Winter Solar Heating Hours: The time period extending two hours before and after the solar zenith on December 21.

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

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 Subdivision: A type of residential subdivision utilizing zero lot lines between dwelling units and providing for 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.

Redmond Code

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 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 Planning Commission may rule that a use not specifically listed in the allowed uses of a zone shall be included among the allowed uses. However, this section does not authorize the inclusion in a zone of a use which is of the same general type and similar to a use specifically listed in another zone.

Redmond Code

ESTABLISHMENT OF ZONES AND DISTRICTS

8.0065 **Establishment.** For the purpose of these standards, the following zones are hereby established:

<u>Section</u>	<u>Zones and Districts</u>	<u>Abbreviated Designation</u>
8.0100	Limited Residential Zone	R-1
8.0105	Limited Residential Zone	R-2
8.0110	Limited Residential Zone	R-3
8.0115	General Residential Zone	R-4
8.0120	High Density Residential Zone	R-5
8.0150	Strip-Service Commercial Zone	C-1
8.0155	Central Business District Commercial Zone	C-2
8.0160	Special Service Commercial Zone	C-3
8.0165	Limited Service Commercial Zone	C-4
8.0170	Tourist Commercial Zone	C-5
8.0200	Light Industrial Zone	M-1
8.0205	Heavy Industrial Zone	M-2
8.0225	Open Space-Park Reserve Zone	OSPR
8.0230	Airport Control Zone	AC
8.0250	Neighborhood Commercial District	C-N
8.0275	Planned Unit Development District	PUD

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.

Redmond Code

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, upon annexation, assume the zoning classification in compliance with the Comprehensive Plan, as determined by the City.

Redmond Code

RESIDENTIAL USE ZONES

8.0100 **Limited Residential R-1 Zone.** In an R-1 zone the following regulations shall apply:

(1) Purpose. The purpose of the R-1 Zone is:

(a) to encourage, promote and protect the character of neighborhood residential areas having a suitable environment for urban and suburban family life.

(b) intended for application only to those areas having facilities available to support the expected density and to carry out the above stated purpose.

outright: (2) Uses Permitted Outright. In an R-1 Zone, the following uses are permitted

(a) single family dwelling

(b) accessory uses and structures subject to Sections 8.0300-8.0375

(c) guest homes

(d) farming subject to restrictions on livestock

(e) manufactured homes subject to Section 8.0330

(3) Conditional Uses Permitted. In an R-1 Zone, the following uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645.

(a) public or semi-public uses

(b) two family dwellings on corner lots, providing the parcel is 10,000 square feet in area

(c) utility facility

(d) schools

(e) planned unit development district as set forth in Section 8.0275

(f) neighborhood commercial as set forth in Section 8.0250

(g) day nurseries

(h) bed and breakfast subject to Section 8.0615

(4) Accessory Uses. In an R-1 Zone, there shall be the following limitations on accessory uses:

(a) Must meet the requirements set forth in the Supplementary Provisions, Section 8.0323.

(5) Lot Size. In an R-1 Zone, the minimum lot size shall be as follows:

(a) Lot area shall be a minimum of 9,000 square feet. Such lots shall have a minimum average width of 30 feet and minimum depth of 100 feet.

(b) For properties subject to the density transfer provisions of the OSPR Zone, the lot sizes may vary, depending on the number of units transferred from said zone.

Redmond Code

(6) Yards. In an R-1 Zone, except as provided in Sections 8.0550-8.0575 of these standards, the minimum yard requirements shall be as follows:

(a) front yard shall be a minimum of 15 feet measured from the foundation of a building, structure or portion thereof used for dwelling purposes and 25 feet from the foundation of a building, structure or portion thereof used as a garage and the street right-of-way. The garage setback may be reduced to a minimum of 20' for single family residential uses.

(b) A side yard shall be a minimum of five feet from the foundation to the property line, except that on corner lots the side yard on the street side shall be a minimum of 15 feet from the foundation to the property line.

(c) A rear yard shall be a minimum of 20 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.

(7) Height of Buildings. In an R-1 Zone, no building shall exceed a height of 30 feet.

(8) Off-Street Parking and Loading. In an R-1 Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515 of these standards.

(9) Keeping of Livestock. See Supplementary Provisions Section 8.0365.

Redmond Code

8.0105 **Limited Residential - Planned R-2 Zone.**

In an R-2 Zone, the following regulations shall apply:

(1) Purpose. The purpose of the R-2 zone is:

(a) Provide areas of planned development that recognize and enhance areas of scenic quality and view amenities.

(b) Provide areas for highly compatible types of residential development and high livability.

(2) Uses Permitted Outright. In an R-2 Zone, the following uses are permitted

outright:

(a) single family dwelling

(b) two family dwellings providing the parcel is 10,000 square feet in

area

(c) accessory uses and structures subject to Sections 8.0300-8.0375

(d) guest houses

(e) farming subject to restrictions on livestock

(f) manufactured homes subject to Section 8.0330

(3) Conditional Uses Permitted. In an R-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645:

(a) public or semi-public uses

(b) multi-family dwelling or complex

(c) condominium

(d) nursing home, convalescent or retirement home

(e) utility facility

(f) school

(g) planned unit development district

(h) neighborhood commercial district

(i) day nurseries

(j) bed and breakfast subject to Section 8.0615

(k) mortuary when the subject property is adjacent to a cemetery and adjacent to a minor arterial.

(4) Accessory Uses. In an R-2 Zone, there shall be the following limitations on accessory uses:

(a) Must meet the requirements set forth in the Supplementary Provisions, Section 8.0323.

(5) Lot Size. In an R-2 Zone, the minimum lot size shall be as follows:

(a) For a single family dwelling the minimum lot area shall be 9,000 square feet.

(b) For a two family dwelling, the lot area shall be a minimum of

Redmond Code

10,000 square feet.

(c) For a multi-family dwelling, the lot area shall be a minimum of 10,000 square feet plus 1,250 square feet for each dwelling unit over two.

(d) For a multi-family complex, the lot area shall have a minimum area of 7,500 square feet for the first unit plus, for each additional unit the minimum square footage is based upon the number of bedrooms per dwelling unit in the following table:

Studio or Efficiency	1000 square feet
1 Bedroom	1250 square feet
2 Bedrooms	1800 square feet
3 Bedrooms	2250 square feet
4 Bedrooms	2500 square feet

Provided that the overall density shall not exceed one dwelling unit per 4,000 square feet of lot area.

(e) Each lot shall have a minimum street frontage of 50 feet except for lots fronting on a cul-de-sac turn around, said frontage may be reduced to 40 feet. This frontage shall be measured at the front yard setback.

(f) For properties subject to the density transfer provisions of the OSPR Zone, the lot sizes may vary, depending on the number of units transferred from said zone.

(6) Yards. Except as provided in Sections 8.0550-8.0575, in an R-2 Zone, the minimum yard requirements shall be as follows:

(a) A front yard shall be a minimum of 15 feet from foundation buildings, structures or portions thereof used for dwelling purposes and 25 feet from foundation of buildings, structures or portions thereof used as a garage and the street right-of-way. The garage setback may be reduced to a minimum of 20' for single family residential uses.

(b) A side yard shall be a minimum of five feet from the foundation to the property line, except that on corner lots the side yard on the street side shall be a minimum of 15 feet from foundation to the property line.

(c) A rear yard shall be a minimum of 20 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.

(7) Off-Street Parking and Loading. In an R-2 Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

(8) Height of Buildings. In an R-2 zone, no building shall exceed a height of 30 feet, except as limited by Section 8.0335.

(9) Keeping of Livestock. See Supplementary Provisions Section 8.0365.

Redmond Code

8.0110 **Limited Residential - Planned R-3 Zone.** In an R-3 Zone, the following regulations shall apply:

(1) Purpose. The intent of the R-3 Zone is to recognize the existing residential character of the area and provide compatible types of new residential development. In the undeveloped areas it is the intent of the R-3 Zone to provide some flexibility in housing types where community services are or will be available.

(2) Uses Permitted Outright. In an R-3 Zone, the following uses are permitted outright:

- (a) single family dwelling
- (b) two family dwellings
- (c) accessory uses and structures subject to Sections 8.0330-8.0375.
- (d) guest houses
- (e) farming subject to restrictions on livestock
- (f) a duplex lot in an approved duplex lot subdivision
- (g) manufactured homes subject to Section 8.0330

(3) Conditional Uses Permitted. In an R-3 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645:

- (a) public or semi-public uses
- (b) multi-family dwelling or complex
- (c) condominium
- (d) nursing home, convalescent or retirement home
- (e) utility facility
- (f) planned unit development district
- (g) neighborhood commercial district
- (h) day nurseries
- (i) bed and breakfast subject to Section 8.0615
- (j) professional offices or retail sales within 100 feet of a C-2 zone, when the subject property has formerly been established as a commercial use. (Revised 6/98)

(4) Accessory Uses. In an R-3 Zone, there shall be the following limitations on accessory uses:

- (a) Must meet the requirements set forth in the Supplementary Provisions, Section 8.0323.

(5) Lot Size. In an R-3 Zone, the minimum lot size shall be as follows:

- (a) For a single family dwelling the minimum lot area shall be 7,500 square feet.
- (b) For a two family dwelling, the lot area shall be a minimum of 8,500 square feet. For a duplex lot in an approved duplex lot subdivision, the lot

Redmond Code

area for each lot shall be a minimum of 4,250 square feet.

(c) For a multi-family dwelling, the lot area shall be a minimum of 10,000 square feet plus 1,250 feet for each dwelling unit over two.

(d) For a multi-family complex the lot area shall have a minimum area of 7,500 square feet for the first unit, plus, for each additional unit the minimum square footage is based upon the number of bedrooms per dwelling unit in the following table:

Studio or Efficiency	1000 square feet
1 Bedroom	1250 square feet
2 Bedrooms	1800 square feet
3 Bedrooms	2250 square feet
4 Bedrooms	2500 square feet

Provided that the overall density shall not exceed one dwelling unit per 4,000 square feet of lot area.

(e) Each lot shall have a minimum street frontage of 50 feet except for lots fronting on a cul-de-sac turn around said frontage may be reduced to 40 feet. This frontage shall be measured at the front yard setback.

(f) For properties subject to the density transfer provisions of the OSPR Zone, the lot sizes may vary, depending on the number of units transferred from said zone.

(6) Yards. Except as provided in Sections 8.0550-8.0575, in an R-3 Zone, the minimum yard requirements shall be as follows:

(a) A front yard shall be a minimum of 15 feet from foundation buildings, structures or portions thereof used for dwelling purposes and 25 feet from foundation of buildings, structures or portions thereof used as a garage and the street right-of-way. The garage setback may be reduced to a minimum of 20' for single family residential uses.

(b) A side yard shall be a minimum of five feet from the foundation to the property line, except that on corner lots the side yard on the street side shall be a minimum of 15 feet from foundation to the property line.

(c) A rear yard shall be a minimum of 20 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.

(7) Off-Street Parking and Loading. In an R-3 Zone, off-street parking and loading shall be provided in accordance with the provisions of 8.0500-8.0515.

(8) Height of Buildings. In an R-3 Zone, no building shall exceed a height of 30 feet, except as limited by Section 8.0335.

(9) Keeping of Livestock. See Supplementary Provisions Section 8.0365.

Redmond Code

8.0115 **General Residential - Planned R-4 Zone.**

In an R-4 Zone, the following regulations shall apply.

(1) Purpose. The intent of the R-4 Zone is to recognize and enhance areas of scenic quality and view amenities. It is further the intent of the zone to allow some flexibility in housing types to provide view amenities to all income levels.

(2) Uses Permitted Outright. In an R-4 Zone, the following uses are permitted outright:

- (a) farming subject to restrictions on livestock
- (b) single family dwelling
- (c) two family dwelling
- (d) manufactured homes subject to Section 8.0330.
- (e) accessory uses and structures subject to Sections 8.0300-8.0360.
- (f) a duplex lot in an approved duplex lot subdivision.

(3) Conditional Uses Permitted. In an R-4 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645.

- (a) multi-family dwelling or complex
- (b) mobile home park
- (c) public or semi-public use
- (d) day nursery or kindergarten
- (e) hospital, nursing home, convalescent or retirement home
- (f) golf course
- (g) utility facility
- (h) condominium
- (i) schools
- (j) planned unit development district
- (k) neighborhood commercial district
- (l) overnight use for recreational vehicles within a mobile home park subject to Section 8.0615.
- (m) bed and breakfast subject to Section 8.0615
- (n) mini-storage subject Section 8.0615 (17)

(4) Accessory Uses. In an R-4 Zone, there shall be the following limitations on accessory uses:

- (a) Must meet the requirements set forth in the Supplementary Provisions, Section 8.0323.

(5) Lot Size. In an R-4 Zone, the minimum lot size shall be as follows where there is both a public water and sewer system provided:

- (a) For a single family dwelling, the lot area shall be a minimum of 6,000 square feet.

Redmond Code

(b) For a two family dwelling, the area shall be a minimum of 7,500 square feet. For a duplex lot in an approved duplex lot subdivision, the lot area for each lot shall be a minimum of 3,750 square feet.

(c) For a multi-family dwelling complex the lot area shall be a minimum of 7,500 square feet plus 1,250 square feet for each additional dwelling unit up to four units.

(d) For a multi-family dwelling complex, the lot area shall have a minimum area of 7,500 square feet for the first unit plus the minimum unit square footage based upon the number of bedrooms per dwelling unit in the following table:

Studio or Efficiency	750 square feet
1 Bedroom	1000 square feet
2 Bedrooms	1500 square feet
3 Bedrooms	2250 square feet
4 Bedrooms	2500 square feet

Provided that the overall density shall not exceed one dwelling unit per 3,000 square feet of lot area.

(e) Each lot shall have a minimum street frontage of 50 feet except for lots fronting on a cul-de-sac turn around upon which said frontage may be reduced to 40 feet. This frontage shall be measured at the front yard setback.

(6) Yards. Except as provided in Sections 8.0550-8.0575, in an R-4 Zone, the minimum yard requirements shall be as follows:

(a) A front yard shall be a minimum of 15 feet from the foundation of a building, structure or portion thereof used for dwelling purposes and 25 feet from the foundation of a separate building, structure or portion thereof used as a garage or other non-residential use and street right-of-way. The garage setback may be reduced to a minimum of 20' for single family residential uses.

(b) A side yard shall be a minimum of five feet from the foundation to the property line, except that on corner lots the side yards on the street side shall be a minimum of 15 feet.

(c) A rear yard shall be a minimum of 20 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.

(7) Height of Buildings. In an R-4 Zone, no building shall exceed a height of 40 feet, except as limited by Section 8.0335.

(8) Off-Street Parking and Loading. In an R-4 Zone, off-street parking and

Redmond Code

loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

(9) Keeping of Livestock. See Supplementary Provisions Section 8.0365.

(10) Trans America Bike Route. No land use action or permit shall be allowed on adjacent lands to the Trans America Bike Route that will unduly affect the purpose of the bike route.

(11) That area known as Casper Mobile Acres located approximately between 9th and 5th Street, N.E., Antler and Evergreen Streets, Tax Map 15-13-15BA in Redmond, will be zoned R-4 until June 31, 1996, or sooner, if deed restrictions for non-residential uses are removed, at which time it will be rezoned to Industrial (M-1), in accordance with the Redmond Comprehensive Plan. Mobile Homes shall be the only permitted use in Casper Mobile Acres.

Redmond Code

8.0120 **Urban High Density Residential R-5 Zone.**

In an R-5 Zone, the following regulations shall apply:

(1) Purpose. This district is intended to provide for high density multiple-family developments in locations close to shopping service, transportation or public open space, and in appropriate locations to provide a transitional use area between residential areas and other less restrictive districts. The professional and office uses are included conditionally to enhance the function of this district in transitional areas and to encourage this transaction in a more residential character.

(2) Uses Permitted Outright. In an R-5 Zone, the following uses are permitted outright:

- (a) single family dwelling
- (b) two family dwelling
- (c) multi-family dwelling
- (d) multi-family dwelling complex (e) condominiums
- (f) a duplex lot in an approved duplex lot subdivision
- (g) manufactured homes subject to Section 8.0330
- (h) accessory uses and structures subject to Sections 8.0300 – 8.0360

(3) Conditional Uses Permitted. In an R-5 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645:

- (a) boarding house
- (b) day nursery
- (c) hospital, nursing home, home for the aged
- (d) medical or dental clinic
- (e) public or semi-public use
- (f) utility facility
- (g) professional offices
- (h) school
- (i) planned unit development district
- (j) neighborhood commercial district
- (k) video store; provided that this use can only be located on property adjacent to commercially zoned areas and located on an arterial or collector street. This use shall be subject to Site & Design review.
- (l) Sports facilities under 3,500 square feet located on an arterial or collector street and across from a commercial zone subject to Site & Design review.

(m) bed and breakfast subject to Section 8.0615

(4) Accessory Uses. In an R-5 Zone, there shall be the following limitations on accessory uses:

Redmond Code

(a) Must meet the requirements set forth in the Supplementary Provisions, Section 8.0323.

(5) Lot Size. In an R-5 Zone, where there is both a public water and sewer system provided, the minimum lot size shall be as follows:

(a) For a single family dwelling, the lot area shall be a minimum of 6,000 square feet.

(b) For a two family dwelling, the lot area shall be a minimum of 7,500 square feet. For a duplex lot in an approved duplex lot subdivision, the lot area for each lot shall be a minimum of 3,750 square feet.

(c) For a multi-family dwelling or condominium the lot area shall be a minimum of 7,500 square feet plus 1,250 square feet for each dwelling unit over two but less than five. (3/99)

(d) For a multi-family dwelling complex, the lot area shall have a minimum of 7,500 square feet for the first unit plus the minimum square footage based upon the number of bedrooms per dwelling unit in the following table:

	Land Area <u>1st & 2nd Floor</u>	Land Area <u>3rd Floor and above</u>
Studio or Efficiency	650 square feet	250 square feet
1 Bedroom	900 square feet	500 square feet
2 Bedrooms	1250 square feet	1000 square feet
3 Bedrooms	1850 square feet	1550 square feet
4 Bedrooms	2100 square feet	1850 square feet

provided that the overall density does not exceed one dwelling unit per 2,500 square feet of lot area.

(e) Provided, however, housing exclusively designated for the elderly may have a density not to exceed 2,000 square feet of lot area per dwelling unit. Housing allowed under this provision shall be used by elderly persons exclusively. For the purpose of this subsection, an elderly person is a person sixty years or older. Any change in the use of housing allowed hereunder shall require a conditional use permit.

(f) Each lot shall have a minimum street frontage of 50 feet, except lots fronting on a cul-de-sac turn around said frontage may be reduced to 40 feet. This frontage shall be measured at the front yard setback.

(g) For properties subject to the density transfer provisions of the OSPR Zone, the lot sizes may vary, depending on the number of units transferred from said zone.

(6) Yards. In an R-5 Zone, except as provided in Sections 8.0550-8.0575, the minimum yard requirements shall be as follows:

Redmond Code

(a) A front yard shall be a minimum of 15 feet from the foundation of a building, structure or portion thereof used for dwelling purposes and 25 feet from the foundation of a separate building structure or portion thereof used as a garage or other residential use to the street right-of-way. The garage setback may be reduced to a minimum of 20' for single family residential uses.

(b) A side yard shall be a minimum of 5 feet from the foundation to the property line except on corner lots. The side yards shall be increased ½ foot for each foot by which the building height exceeds 15 feet.

(c) A rear yard shall be a minimum of 5 feet from the foundation to the property line. A rear yard shall be increased by ½ foot for each foot by which the building height exceeds 15 feet.

(d) The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.

(7) Height of Buildings. In an R-5 Zone, no building shall exceed a height of 40 feet.

(8) Off-Street Parking and Loading. In an R-5 zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

(9) Special Yards and Distances Between Buildings. Special yards and distances between buildings shall be provided as follows:

(a) An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width.

(b) Except for single family dwellings on one lot, the distance between principal buildings shall be at least one half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.

(10) Trans-America Bike Route. No land use action or permit shall be allowed on adjacent lands to the Trans-America Bike Route that would unduly affect the purpose of the bike route.

Redmond Code

COMMERCIAL USE ZONES

8.0150 **Strip-Service Commercial C-1 Zone.** In a C-1 Zone, the following regulations shall apply:

(1) Purpose. The purpose of the C-1 Zone is:

(a) 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.

(b) 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.

(c) To allow for high density residential development in these areas where such development will not adversely affect commercial development in the zone as a whole.

(2) Outright Uses. In a C-1 Zone, the following uses and their accessory uses are permitted outright:

(a) automotive sales and service including auto repair, gasoline service stations, truck shops and car washes

(b) boat, trailer and recreational vehicle sales and service; and sporting goods

(c) mobile home sales and service

(d) motel, resort, restaurant, café, tavern and similar travelers accommodations and entertainment business, including drive-in restaurants, and tourist-related retail

(e) building supply and warehousing, lumber supply and storage, and construction related businesses

(f) farm and other heavy equipment sales and service

(g) grocery, general merchandise, hardware and other retail trade establishments; including outside and storage and display

(h) plant nursery and greenhouse operation, and landscaping supply and service

(i) laundry, dry cleaning establishment, self-service laundry

(j) bank or other financial institution

(k) printing, publishing or other business supply business including photography and newspapers

(l) veterinary clinic or kennel

(m) offices for professional services such as doctors, dentists, accountants, banking, communications, attorney, and similar services.

Redmond Code

(n) commercial recreation or entertainment facility including drive-in theater, golf courses, pitch'n-putt, driving range and other such uses

(o) commercial mini-storage and dispensing

(p) indoor sports arena, gymnasiums, auditoriums, physical culture studios

(q) commercial activity directly serving agriculture

(r) multi-family dwellings and multi-family dwelling complexes in that part of the C-1 Zone that lay east of Canal Boulevard and north of Maple Avenue. Development shall be in accordance with the R-5 Zone standards and Section 8.0325.

(3) Conditional Use Permitted. In a C-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645 of these standards, and subsection (4) of this section:

(a) multi-family dwelling complex or mobile home park

(b) the resumption of a residential use as the use has been previously conducted

(c) manufacturing of non-toxic type where the only retail sales outlet for the product produced is on the premises

(d) public utility service, equipment and storage yards

(e) transportation and tour terminals

(f) public and semi-public use

(g) mortuary or funeral home

(h) planned unit development district

(i) utility facility

(j) living quarters necessary to the operation of a commercial enterprise or for custodians of commercially used properties requiring extensive outdoor storage

(l) recreational vehicle parks

(4) Dimensional Standards. In a C-1 Zone, the following dimensional standards apply:

(a) dimensional standards shall be determined by requirements set forth by the Commission relative to off-street parking and loading, access permitted outside display areas, landscaping and other customer environment facilities or improvements, and requirements relative to construction safety standards. No use or accessory use thereof, however, shall be permitted which will project into or over a street right-of-way or create a hazard to vision clearance at a street-to-street or street-to-alley intersection.

Redmond Code

(b) no building shall exceed a height of 60 feet

(c) non-commercial uses permitted by this section shall not exceed 50% lot coverage

(d) landscaping shall cover 15% of the lot area

(5) Yards. Except as provided in Sections 8.0550-8.0575, in a C-1 Zone, the minimum yard requirements shall be as follows:

(a) a front yard shall be a minimum of 50 feet from the foundation to the street right-of-way of an arterial, 35 feet to a collector, and 10 feet to a local street.

(b) a side or rear yard abutting a residential zone shall be a minimum of 25 feet from the foundation to the property line or as allowed by the Planning Commission.

(c) a side or rear yard abutting a local street shall be a minimum of 10 feet from the foundation to the property line, 25 feet if abutting a collector, and 50 feet to an arterial street.

(d) a rear yard abutting an alley shall be 25 feet from the foundation to the property line when it is to be used in servicing the commercial establishment, and 10 feet in other cases.

(e) the setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.

(6) Off-Street Parking and Loading. In a C-1 Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

(7) Trans-America Bike Route. No land use action or permit shall be allowed on adjacent lands to the Trans-America Bike Route that would unduly affect the purpose of the bike route.

Redmond Code

8.0155 **Central Business District Commercial (CBD) C-2 Zone.** In a C-2 Zone, the following regulations shall apply:

(1) Purpose. The purpose of the C-2 Zone is:

(a) 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.

(b) 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.

(2) Uses Permitted Outright. In a C-2 Zone, the following uses and their accessory uses are permitted outright:

(a) Offices for professional services such as doctors, dentists, accountants, banking, communications, attorney, and similar services

(b) Retail trade establishments such as grocery, variety, drugs, clothing, home furnishings, hardware, sporting goods and specialty shops, does not include drive-in type businesses such as auto, truck, boat and trailer sales, tire stores and similar type uses

(c) Service commercial businesses such as clothes cleaning, beauty and barber shops, home furnishing repair, shoe and other apparel repair, and similar type businesses; does not include auto service and repair

(d) Entertainment type businesses such as cafes, taverns, restaurants, including drive-in restaurants. Fraternal service offices shall be included.

(e) Governmental service offices such as welfare, employment, veteran services, and similar personal type services

(f) Newspapers, printing shops, duplicating processes

(g) Financial and business service establishments such as banks, savings and loan, printing and publishing, and similar type businesses

(h) Public or private parking lots or facilities

(i) Hotels and Motels

(j) Development of software for word processors and computers; assembly of office equipment or similar types of equipment; wholesale and retail sales thereof.

(3) Conditional Uses Permitted. In a C-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645 of these standards, and subsection (4) of this section:

Redmond Code

- (a) automobile sales and service including auto repair.
- (b) automobile service stations or garages, car washes or laundries, other than those utilizing automatic or steam cleaning equipment.
- (c) commercial bakeries.
- (d) commercial amusement establishments, such as bowling alleys, skating rinks, pool halls, etc.
- (e) electrical, plumbing and furniture upholstering shops, provided that all materials are kept and all activities are conducted entirely within a building.
- (f) equipment sales and rental yards, and other yards where retail sales products are displayed in the open, only when contiguous to and abutting a C-1 Zone.
- (g) funeral homes, undertaking parlors and mortuaries.
- (h) gymnasiums, physical culture studios and reducing salons.
- (i) multi-family dwellings of more than six units.
- (j) public use or semi-public use.
- (k) transportation and tour terminals, travel agencies.
- (l) the resumption of a residential use as the use has been previously conducted.
- (m) nursery or kindergarten, day care center.
- (n) planned unit development district.
- (o) utility facility.
- (p) Residential use other than the ground floor.
- (q) Residential use on the ground floor when the use is secondary to the commercial use. Residential units shall not be located in the front of the building or occupy more than 25% of the ground level floor area.

(4) Dimensional and Setback Standards. In a C-2 Zone, the following dimensional and setback standards shall apply:

- (a) Dimensional and setback requirements shall be determined by requirements set forth by the Planning Commission relative to off-street parking and loading, places permitted outside display areas, landscaping and other requirements relative to construction safety standards. No use or accessory use thereof, however, shall be permitted which will project into or over a street right-of-way or create a hazard to vision clearance at a street-to-street or street-to-alley intersection.
- (b) No building shall exceed a height of 100 feet within the area between Deschutes Avenue and Forest Avenue and between the alley between 6th and 7th Streets and 9th Street. In all other areas zoned C-2, the maximum building height is 60'.
- (c) Non-commercial uses permitted by this section shall not exceed 50% lot coverage.

Redmond Code

(5) Use Limitations and Requirements. In a C-2 Zone, the following use limitations shall apply:

(a) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for drive-in windows, display of merchandise along the outside wall of the building not extending more than three feet from the wall, the outside display of merchandise during a merchants or community sponsored promotional sale, or the outside display of merchandise confined to an area or facility designed for such purpose and approved by the Commission.

(b) All employees parking demand created by any use permitted under the provisions of this section shall be accommodated for entirely by off-street parking and limited to an area or facility, public or private, designated for such use.

(c) No use permitted by this section shall require the backing of traffic onto a public street right-of-way to accommodate access to any use or the premises thereof.

(d) Uses in excess of 20,000 square feet of retail sales floor area shall provide customer restroom facilities.

(e) Landscaping shall cover 5% of the lot area.

(f) Uses permitted by this section involving drive-in window service shall be limited to access locations which will not create traffic hazards, cross traffic patterns, or require additional curb cuts on a street recognized as an arterial or collector.

(6) Off-Street Parking and Loading. In a C-2 Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515. Redevelopment of 2nd and 3rd floor uses as the use has been previously conducted shall be exempt from the parking requirements.

(7) Trans-America Bike Route. No land use action or permit shall be allowed on adjacent lands to the Trans-America Bike Route that will unduly affect the purpose of the bike route.

Redmond Code

8.0160

Special-Service Commercial C-3 Zone.

In a C-3 Zone, the following regulations shall apply:

(1) Purpose. The purpose of the C-3 Zone is:

(a) 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.

(b) 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.

(c) The zone should maintain the quiet and low-intensity use atmosphere deemed preferential for such uses.

(2) Uses Permitted Outright. In a C-3 Zone, the following uses and their accessory uses are permitted outright subject to the provisions of this section:

(a) medical or dental clinics and offices

(b) hospital, nursing, convalescent or retirement home

(c) multi-family dwelling complexes limited to the aged, 55 years and older

(d) government offices

(3) Conditional Uses Permitted. In a C-3 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645 and this section:

(a) offices for accountants, bookkeepers, attorneys, engineers, real estate, etc.

(b) studios and galleries for artists, photographers, interior decorators

(c) single or two family dwelling

(d) multi-family dwelling not limited to the aged

(e) retail trade including grocery, variety, drugs, specialty shops, florist, gift shops, etc.

(f) service commercial including laundry, beauty and barber shops, shoe repair, etc.

(g) restaurant or café

(h) mobile home park

(i) public or semi-public use

(j) planned unit development district

(k) resumption of a residential use as the use had been previously conducted

(l) utility facility

(4) Minimum Lot Size and Dimensional Standards. In a C-3 zone, the

Redmond Code

following minimum lot size and dimensional standards shall apply:

(a) Commercial/non-residential uses. Dimensional requirements shall be determined by requirements set forth by the Commission relative to off-street parking and loading, access, permitted outside display areas, landscaping and other customer environment facilities or improvements and requirements relative to construction safety standards. No use or accessory use thereof, however, shall be permitted or create a hazard to vision clearance at a street-to-street or street-to-alley intersection.

(b) No building shall exceed a height of 60 feet.

(c) Residential uses. The standards set forth in the R-5 Zone for density shall be used in determining residential development in the C-3 zone.

(d) Provided, however, housing exclusively designated for the elderly may have a density not to exceed 2,000 square feet of lot area per dwelling unit. Housing allowed under this provision shall be used by elderly persons exclusively. For the purposes of this subsection, an elderly person is a person sixty years or older. Any change in the use of housing allowed here-under shall require a conditional use permit

(e) Landscaping shall cover 15% of the lot area.

(5) Use Limitations. In a C-3 Zone, the following use limitations shall apply:

(a) All parking demand created by any permitted use under the provisions of this section shall be accommodated on the subject premises entirely off-street.

(b) No use permitted by this section shall require the backing of traffic onto a public or private street, road, or alley right-of-way any use or the premises thereof.

(c) Landscaping and vegetative or other screening may be required to protect abutting or area land uses and increase the attractiveness of the area.

(6) Yards. In a C-3 Zone, except as provided in Sections 8.0550-8.0575, the minimum yard requirements shall be as follows:

(a) A front yard shall be a minimum of 50 feet from the foundation to the street right-of-way of an arterial, 25 feet to a collector and 10 feet to a local street.

(b) A side or rear yard abutting a residential zone shall be a minimum of 25 feet from the foundation to the property line.

(c) A side or rear yard abutting a local street shall be a minimum of 10 feet from the foundation to the property line, and 25 feet if abutting a collector or arterial street.

(d) A rear yard abutting an alley shall be 25 feet from the foundation

Redmond Code

to the property line when it is to be used for servicing the commercial establishment, and 10 feet in other cases.

(e) The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.

(7) Off-Street Parking and Loading. In a C-3 Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

(8) Trans America Bike Route. No land use action or permit shall be allowed on adjacent lands to the Trans America Bike Route that will unduly affect the purpose of the bike route.

Redmond Code

8.0165 **Limited Service Commercial C-4 Zone.**

In a C-4 Zone, the following regulations shall apply:

(1) Purpose. The purpose of the C-4 Zone is:

(a) 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 at the west entry to the City.

(b) To maintain 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) To maintain 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.

(2) Uses Permitted Outright. In a C-4 Zone, the following uses and their accessory uses are permitted subject to the provisions of subsection (6) of this section:

(a) offices for professional services such as doctors, dentists, real estate, insurance, accountants, banking, communications, attorneys, and similar services

(b) retail trade establishments such as grocery, variety, drugs, clothing, home furnishings, hardware, sporting goods and specialty shops; does not include drive-in type businesses such as auto, truck, boat and trailer sales, tire stores and similar type uses.

(c) service commercial businesses such as clothes cleaning, beauty and barber shops, home furnishing repair, shoe and other apparel repair, and similar type businesses; does not include auto service and repair

(d) entertainment type businesses such as cafes, taverns and restaurants including drive-in restaurants. Fraternal organization uses shall be included.

(e) governmental service offices such as welfare, employment, veteran services, and similar personal type services.

(f) financial and business service establishment such as banks, savings and loan, printing and publishing and similar type businesses.

(g) newspapers, printing shops, duplicating processes.

(h) public or private lots or facilities.

(i) nurseries and garden supply stores provided all outside storage and display is adequately screened.

(j) plumbing, electrical, building contractor and other construction related businesses; provided there is no outside storage (i.e. the business is wholly enclosed within a building).

(k) motels.

(l) small animal veterinary clinic wholly enclosed within a building.

Redmond Code

(m) tour, travel and ticket agencies.

(3) Conditional Uses Permitted. In a C-4 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645 and this section:

(a) automotive sales and service including auto repair, gasoline service stations, truck stops and car washes.

(b) boat, trailer and recreational vehicle sales and service; and sporting goods.

(c) mobile home sales and service.

(d) commercial recreation or entertainment facility including drive-in theater, golf course including pitch 'n-putt and driving range, bowling alley, skating rinks, pool halls, etc.

(e) mortuary or funeral home.

(f) multi-family.

(g) multi-family dwellings complex or mobile home park.

(h) the resumption of a residential use as the use has been previously conducted.

(i) public utility service, equipment and storage yards.

(j) indoor sports arenas, gymnasiums, auditoriums, physical culture studios.

(k) food lockers, ice storage and dispensing.

(l) commercial mini storage facilities.

(m) equipment sales, service and rental yards; used car lots and other yards where retail products are displayed in the open.

(n) public or semi-public use.

(o) planned unit development district.

(p) utility facility.

(q) living quarters necessary to the operation of a commercial enterprise or for custodians of commercially used properties requiring extensive outdoor storage.

(4) Dimensional Standards. In a C-4 Zone, the following dimensional standards shall apply:

(a) Dimensional requirements shall be determined by requirements set forth by the commission relative to off-street parking and loading, access permitted outside display areas, landscaping and other customer environment facilities or improvements, and requirements relative to construction safety standards. No use or accessory use thereof, however, shall be permitted which will project into or over a street right-of-way or create a hazard to vision clearance at a street-to-street or street-to-alley

Redmond Code

intersection.

(b) No building shall exceed a height of 60 feet

(c) Non-commercial uses permitted by this section shall not exceed 50% of lot coverage.

(d) Landscaping shall cover 15% of the lot area

(5) Yards. In a C-4 Zone, except as provided in Sections 8.0550-8.0575, the minimum yard requirements shall be as follows:

(a) A front yard shall be minimum of 10 feet from the foundation to the street right-of-way as adopted on the City Comprehensive Plan for a local street, 25 feet for a collector street, and 50 feet for an arterial street.

(b) A side or rear yard abutting a residential zone shall be a minimum of 25 feet from the foundation to the property line.

(c) A side or rear yard abutting a local street shall be a minimum of 10 feet from the foundation to the property line, 25 feet on a collector, and 50 feet on an arterial. Provided, however, a rear yard along the north side of Highland Ave. (Hwy. 126), between S.W. 23rd and S.W. 27th shall be a minimum of 25 feet on an arterial.

(d) A rear yard abutting an alley shall be 25 feet from the foundation to the property line when it is to be used for servicing the commercial establishment, 10 feet in other cases. (3/99)

(6) Use Limitations. All uses permitted by this Section shall be subject to the following limitations:

(a) All parking and loading demand created by any use permitted under the provisions of this section shall be accommodated on the subject premises entirely off-street.

(b) No use permitted by this section shall require the backing of traffic onto a public or private street, road or alley right-of-way to accommodate access to any use on the premises thereof.

(c) No use shall require backing of traffic onto a public right-of-way to accommodate access.

(d) All parking and loading demands created by any use shall be accommodated on subject premises entirely off-street.

(e) Landscaping and vegetative or other screening may be required to protect abutting or area land uses and to increase the attractiveness of the area.

(f) Uses permitted by this section involving drive-in window service shall be limited to access locations which will not create traffic hazards, cross traffic patterns, or require additional curb cuts on a street recognized as an arterial or collector.

Redmond Code

(7) Off-Street Parking and Loading. In a C-4 Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

(8) Trans-America Bike Route. No land use action or permit shall be allowed on adjacent lands to the Trans-America Bike Route that will unduly affect the purpose of the bike route.

Redmond Code

8.0170 **Tourist Commercial C-5 Zone.** In a C-5 zone, the following regulations shall apply:

(1) Purpose. The purpose of the C-5 Zone is:

(a) to provide for the concentration of commercial uses primarily oriented to the traveler and tourist section in locations complimentary to existing facilities and future major transportation facilities.

(b) To provide incentive for public and private investments in traveler and tourist related complexes.

(2) Uses Permitted Outright. In a C-5 Zone, the following uses and their accessory uses are permitted outright subject to the provisions of Subsection (6) of this section:

(a) public or private park, playground, golf courses, pitch 'n' putt golf, miniature golf, and similar recreational facilities excluding a golf driving range and amusement park.

(b) automobile, truck and recreation vehicle gasoline service station.

(c) eating or drinking establishment, including a drive-in restaurant, provided that for any establishment serving alcoholic beverages the primary business shall be a café or restaurant.

(d) beauty or barber shops.

(e) public or semi-public use.

(f) general merchandise, grocery store, or delicatessen.

(g) artist, book, music or photography store or gallery.

(h) laundromats or clothes cleaning establishments.

(i) drug, sundry variety or hobby store.

(j) rock shop, gift shop, or specialty shop.

(k) sporting goods and bait shop.

(3) Conditional Uses Permitted. In a C-5 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645 of these standards.

(a) recreation vehicle sales and service including boats, travel trailers, motorcycles, snowmobiles, etc.

(b) convention center

(c) drive-in center

(d) any complex involving 3 or more of the uses permitted outright

(e) car washes

(f) banks, financial institutions, professional and business offices

(g) public and semi-public use

(h) travelers accommodation facilities including hotels, motels, campgrounds, overnight travel parks, and recreational vehicle parks.

Redmond Code

- (l) commercial amusement establishment such as bowling alleys, skating rinks, pool halls, etc.
- (j) gymnasiums, physical culture studios and reducing salons
- (k) indoor sports arenas, auditoriums and theaters
- (l) caretaker or commercial owner/operated residence
- (m) children's day nursery
- (n) planned unit development district
- (o) utility facility

(4) Dimensional Standards. In a C-5 Zone, the following dimensional standards shall apply:

(a) Dimensional requirements shall be determined by requirements set forth by the Commission relative to off-street parking and loading, access, permitted outside display areas, landscaping and other customer environment facilities or improvements, and requirements relative to construction safety standards. No use or accessory use thereof, however, shall be permitted which will project into or over a street right-of-way or create a hazard to vision clearance at a street-to-street or street-to-alley intersection.

(b) No building shall exceed a height of 60 feet.

(c) Non-commercial uses permitted by this section shall not exceed 50% lot coverage.

(d) Landscaping shall cover 15% of the lot area.

(5) Yards. In a C-5 Zone, the minimum yard requirements shall be as follows:

(a) The minimum building setback from the building foundation to a street right-of-way line shall be 50 feet unless a greater setback is required for compliance with the Comprehensive Plan.

(b) The minimum setback between a structure and an existing use permitted by this section shall be five feet from the property line and at least 10 feet from a structure on the adjoining property, or adjoining structure may be permitted

(c) The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.

(6) Use Limitations. In a C-5 Zone, the following limitations shall apply to all permitted uses:

(a) All parking demand created by any use permitted under the provisions of this section shall be accommodated on the subject premises entirely off-street; minimum standards for off-street parking requirements shall be in accordance with the provisions of these standards.

(b) No use permitted by this section shall require the backing of traffic

Redmond Code

onto a public or private street, road or alley right-of-way to accommodate access to any use on the premises thereof.

(7) Off-Street Parking and Loading. In a C-5 Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

Redmond Code

INDUSTRIAL USE ZONES

8.0200 **Light Industrial M-1 Zone.**

In an M-1 Zone, the following regulations shall apply:

(1) Purpose. The purpose of the M-1 Zone is:

(a) 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.

(b) To allow for office space and limited commercial activity which supports the light industry set forth in subsection (a) and is compatible with those industries.

(2) Uses Permitted Outright. In an M-1 Zone, the following uses and accessory uses are permitted subject to the provisions of subsection (4) of this section:

- (a) Electronics firms
- (b) Secondary wood products (e.g. furniture, toys)
- (c) Manufacturing of recreation/sporting goods equipment
- (d) Precision machine shops
- (e) Manufacturing of medical and dental and orthopedic equipment
- (f) Wholesale printing and publishing facilities and distribution centers
- (g) Corporate headquarters and business offices directly related to light industry
- (h) Aircraft service, maintenance and aviation related industry
- (i) Energy related manufacturing, research and development
- (j) Manufacturing of photographic equipment
- (k) Mail order companies
- (l) Medical research facilities
- (m) General research and development facilities
- (n) Transportation terminals and travel agencies
- (o) Freightling or trucking yards and terminals
- (p) heliports, airfields and land strips
- (q) Wholesale distribution and sales; wholesale bakeries and/or laundries
- (r) Manufacturing, fabricating, processing, packaging or storage, repairing and warehousing which are conducted within an enclosed building except for uses listed as a conditional use in the M-1 Zone or listed as an outright or conditional use in the M-2 Zone
- (s) Eating and drinking establishments
- (t) Incidental and necessary services such as child care facilities and

Redmond Code

recreational facilities for persons working in an M-1 Zone when conducted within an integral part of a main structure and having no exterior display or advertising

(u) Retail sales incidental and subordinate to a permitted use

(3) Conditional Uses Permitted. In an M-1 Zone, the following uses and accessory uses are permitted when authorized within Sections 8.0600-8.0645 and subsection (5) of this section:

(a) Public or semi-public use

(b) Living quarters necessary to the operation of an industrial enterprise or for watchmen or custodians of industrially used properties

(c) Planned unit development district, including industrial condominiums and related business offices

(d) Utility facility

(e) Business offices unrelated to light industry

(f) Hotels

(4) 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 service processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone or a street or highway by a permanently maintained, sight obscuring fence at least six feet high or sight obscuring landscape.

(d) All parking and loading demand created by any use permitted by this section shall be accommodated on the subject premises entirely off-street.

(e) No use permitted by this section shall require the backing of traffic onto a public street or road right-of-way, excluding alleys, to accommodate access to any use on the premises thereof.

(f) Access for properties accommodating uses permitted in the M-1 Zone shall conform to the City of Redmond's access policy. If necessary to meet this requirement, permitted uses shall provide for shared access.

(g) Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.

Redmond Code

(5) Dimensional Standards. In an M-1 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) Landscaping shall cover a minimum of 15% of the lot area.

(d) 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.

(e) No use permitted by this section which is located adjacent to or across the street from a residential zone shall exceed more than 60% of the land area designed or intended for such use including buildings, storage or facilities and required off-street parking and loading area.

(6) Yards. Except as provided by Sections 8.0550-8.0575, in an M-1 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.

(a) The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.

(7) Lot Coverage. In an M-1 Zone, buildings shall not cover more than 75 percent of the lot.

(8) Height of Buildings. In an M-1 Zone, no building shall exceed a height of 60 feet.

(9) Off-Street Parking and Loading. In an M-1 Zone, off-street parking and loading shall be provided in accordance with provisions of Sections 8.0500-8.0515.

Redmond Code

8.0205
apply:

Heavy Industrial M-2 Zone. In an M-2 Zone, the following regulations shall

is:

(1) Purpose and Applicability. The purpose and applicability of the M-2 Zone

(a) To provide sufficient lands for industries that have a more pronounced impact on the urban environment than industrial uses allowed in the M-1 Zone because of noise, smoke, air and other emissions or because of traffic and other operating characteristics associated with these industries.

(b) To promote the economic diversifications in the Redmond Urban Area by allowing a wide range of industrial and heavy commercial uses including industries allowed in the M-1 Zone.

(c) To promote 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.

(2) Uses Permitted Outright. In an M-2 Zone, the following uses and their accessory uses are permitted subject to the provisions of subsection (4) of this section:

(a) A use permitted as outright or conditional in an M-1 Zone.

(b) Concrete or concrete products manufacturing.

(c) Lumber manufacturing or wood processing.

(d) Petroleum and plastic products and shaping or distribution.

(e) Stone cutting and shaping for construction, ornamental and/or monumental purposes.

(f) Incidental and necessary services for persons working in an M-2 Zone when conducted within an integral part of the main structure and having no exterior display or advertising.

(g) Repair garages, body and fender works, paint and upholstery shops.

(h) Contractor's yards including material and equipment, or sale or rental of the same.

(i) Lumber yards and building material yards, including concrete and asphalt mixing.

(j) Manufacturing of mobile homes, recreational vehicles and manufactured homes.

(k) Trucking of freighting yards or vehicle storage yards.

(3) Conditional Use Permitted. In an M-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 8.0600-8.0645 and subsection (4) of this section:

Redmond Code

- (a) Asphalt plants, concrete crushing and redi-mix operations
- (b) Brick and pottery factories
- (c) Chemical manufacturing or storage, including farm chemicals
- (d) Dumping, disposal, incineration or reduction of refuse or waste matter
- (e) Glue manufacturing
- (f) Reduction, refining, smelting or alloying of metals, petroleum products or ores
- (g) Slaughter houses
- (h) Steel and boiler works, fabrication, assembly and storage of structural steel products, foundries and machine shops
- (i) Storage, curing, tanning of raw, green or salted hides or skins
- (j) Wrecking yard or junkyard
- (k) Living quarters necessary to the operation of an industrial enterprise or for watchmen or custodians of industrially-used property
- (l) The resumption of a residential use as the use has been previously conducted where such use has been discontinued
- (m) Utility facility

(4) 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 service processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone or a street highway by a permanently maintained sight obscuring landscape.
- (d) All parking and loading demand created by any use permitted by this section shall be accommodated on the subject premises entirely off-street.
- (e) No use permitted by this section shall require the backing of traffic onto a public street or road right-of-way, excluding alleys, to accommodate access to any use on the premises thereof.
- (f) Access for properties accommodating uses permitted in the M-2 Zone shall conform to the City of Redmond's access policy. If necessary to meet this requirement, permitted uses shall provide for shared access.
- (g) Building entrances or other openings adjacent to a residential or

Redmond Code

commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use of value of the adjacent property.

(5) Dimensional Standards. In an M-2 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) Landscaping shall cover a minimum of 15% of the lot area.

(d) 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 & Design Review Standards.

(e) No use permitted by this section which is located adjacent to or across the street from a residential zone shall exceed more than 60% of the land area designed or intended for such use, including buildings, storage or facilities and required off-street parking and loading area.

(6) Yards. Except as provided in Sections 8.0550-8.0575, in an M-2 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.

(a) The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.

(7) Lot Coverage. In an M-2 Zone, buildings shall not cover more than 75 percent of the lot.

(8) Height of Buildings. In an M-2 Zone, no building shall exceed a height of 60 feet.

(9) Off-Street Parking and Loading. In an M-2 Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

Redmond Code

FAIRGROUNDS (FG) ZONE

8.0210 **Fairgrounds - FG Zone** In the F-G zone, the following regulations shall apply:

Zone is: (1) Purpose and Applicability. The purpose and applicability of the F-G

(a) To allow for development of the Deschutes County Fairgrounds and related facilities.

(b) This zone shall only be applied to the siting of the Deschutes County Fairgrounds.

accessory uses are permitted: (2) Uses Permitted Outright. In a F-G Zone, the following uses and their

(a) Exhibits compound, including facilities for vendor's booths, auctions, banquets and receptions.

(b) Livestock compound including facilities for housing and stabling animals, fair, RV Storage and temporary storage for all RV's and mobile homes.

(c) Rodeo arena and riding area, including events such as horse shows and livestock shows.

(d) Special events, including, but not limited to, car racing, tractor pulling contests, concerts, demolition derby, shows, circuses, dances, conventions, etc.

(e) Expo center, including facilities for food service and dining, auctions, trade shows, conventions, music and entertainment.

(f) Center plaza, including food and beverage booths, administration and information services.

(g) Amphitheater.

(h) Manager's residence, including as manufactured home subject to Section 8.0330.

(i) Carnival grounds.

(j) Campgrounds for use during events.

(k) RV parks

apply: (3) Limitations on Use. In the F-G Zone, the following limitations shall

(a) All uses authorized in the zone are subject to Section 8.0055, Site Plan Review.

(b) All parking and loading demand created by the use shall be accommodated entirely on the subject property.

(c) Excepting the annual fair, any activity or use in the zone for which more than 500 vehicles are anticipated during peak traffic hours (4-6

Redmond Code

p.m.) shall not be permitted unless traffic impacts are mitigated. Mitigation may include, but is not limited to, limiting or regulating the use so as to be consistent with the function, capacity, LOS or safety of the facilities (e.g. Yew Avenue interchange); by providing alternate transportation routes to serve the use; or by the provisions of temporary traffic control systems as approved by the Oregon Department of Transportation (ODOT) and the City of Redmond Police Department (City). The mitigation measures shall be coordinated with ODOT and the City.

(4) Dimensional Standards. No requirements.

follows:

(5) Yards. In the F-G Zone, the minimum yard requirements shall be as

(a) The front yard shall be a minimum of 10 feet.

(b) The side yard shall be a minimum of 10 feet.

(c) The rear yard shall be a minimum of 10 feet.

(d) The setback from the northern lot line shall meet the solar setback requirements in Section 4.035.

(6) Lot Coverage. No requirements.

(7) Height of Buildings. No building or structure shall exceed a height of 60 feet unless the applicant provides written documentation from the fire department that the building does not exceed the capability of the available fire-fighting equipment.

(8) Off-Street Parking and Loading. In the F-G Zone, off-street parking and loading shall be provided in accordance with Article V.

(9) Signs. Signs shall conform to Article V.

Redmond Code

OPEN SPACE PARK RESERVE (OSPR) ZONE

8.0225 **Park Reserve - Open Space (OSPR) Zone.** In an OSPR Zone, the following regulations shall apply:

Zone is: (1) Purpose and Applicability. The purpose and applicability of the OSPR

(a) to preserve and provide for open space areas of natural, scenic, historical or geological significance.

(b) to provide areas for recreational development and use, both passive and active, in appropriate locations in the canyon, by the public and private sectors.

(c) to provide 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.

(2) Uses Permitted Outright. In an OSPR Zone, the following uses are permitted outright:

(a) grazing of livestock and horses

(b) production of crops

(c) public parks and trails or reserve areas of natural, historical or geological significance

(d) public sewage, water, transportation system facilities/utilities, and developed access points to the Dry Canyon Trail that have been previously identified and approved in the Comprehensive Plan, Water and Sewer Master Plans, Transportation System Plan, and/or Public Facilities Plan.

(3) Conditional Uses Permitted. In an OSPR Zone, the following uses are permitted when authorized in accordance with the provisions of the Canyon Park Master Plan and Sections 8.0600-8.0645; provided, however, subsections (a), (c) through (e) and (g) herein shall only be allowed in or within one hundred (100) feet of an enhancement area, as defined by the Canyon Master Plan:

(a) other farms uses as defined in ORS Chapter 215.203 but not including those uses listed in ORS Chapter 215.213

(b) public sewage and water, transportation system facilities/utilities, and developed access points to the Dry Canyon Trail that have not been previously identified and approved in the Comprehensive Plan, Water and Sewer Master Plans, Transportation System Plan, and/or Public Facilities Plan.

(c) public or private recreational facilities, including golf, swimming, tennis and country clubs

Redmond Code

(d) public or private museums, civic theaters, botanical gardens and community centers

(e) a single-family dwelling customarily provided in conjunction with a use permitted by this section

(f) the transfer of single and multi-family development and neighborhood commercial uses in accordance with the density transfer provisions of this section

(g) incidental and subordinate commercial accessory uses including eating and drinking, retail trade, entertainment and service commercial

(4) Property Development Standards. In an OSPR Zone, the following property development standards shall apply:

(a) Land Divisions. No partitions or subdivisions of property shall be allowed prior to approval of a master plan for development of the entire parcel in accordance with the provisions of Sections 8.0600-8.0645.

(b) Lot Size. Lots shall be of a sufficient size to accommodate the use without exceeding maximum setbacks and providing sufficient area for required off-street parking and servicing.

(c) Setbacks.

1. Front Yard - no structure shall be located closer than forty feet from an arterial or collector street or road right-of-way and twenty-five feet from any local service street or road right-of-way.

2. Side and Rear Yard - no structure shall be located closer than twenty-feet from any side or rear property line.

3. The above setbacks may be increased to a maximum of 60 feet or decreased to a minimum of 20 feet during the site & design review process

4. Height - no structure shall exceed twenty-five feet in height.

(5) Density Transfer Provisions. The transfer of the allowable density of residential and commercial uses from the canyon OSPR Zone to adjacent residential zones shall be as provided in this section.

(a) Minimum Development District Size. Development rights shall not be transferred to any parcel less than four acres of contiguous lands unless the Hearings Body finds that a smaller sized property is suitable for such transfer due to its unique character or by it being qualified as an isolated problem area.

(b) Residential Density. The number of dwelling units eligible for transfer shall be computed by dividing the gross site area within the OSPR Zone by the density allowed under the zoning effective immediately prior to the establishment of the initial OSPR Zoning. This allowed density would

Redmond Code

then be added to the allowable density of the underlying zone to the parcel to which the density was to be transferred. This total allowed density would then be allocated only to that portion of the total site area not within the OSPR Zone and only when in compliance with this and other sections of this code.

(c) Compatibility with Neighborhood. The development plan and program submitted by the developer as provided in these standards shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to ensure compatibility with the Comprehensive Plan and character of the neighborhood. In applying this section, the following shall apply:

1. The Hearings Body may impose additional criteria reasonably necessary to protect the character and integrity of adjoining properties.

2. The Subdivision Review Committee may require variations in the lot size dimensions to provide for lower density at the perimeter of the property to protect the integrity of adjacent developments.

(d) Site Development Standards. All provisions of the zoning, subdivision, site and design, signs and improvement standards, and building codes shall apply and control design and construction of improvements except as specifically varied by the Hearings Body as provided for in this section.

(e) Park Land Dedication. At the time of final plan approval for a density transfer development, the property within the canyon zone may be dedicated to the City for public park purposes in lieu of any park system development charges. In the alternative, the owner may maintain said property as open space or for agricultural use. In the event the owner or a successor in interest retains the property, said owner shall be responsible for the park dedication requirements set forth in Section 8.0355 of these standards.

(f) Procedures. Any proposal for a density transfer development of subdivision shall follow the conditional use procedures, site design review procedures, and any applicable subdivision or partitioning requirements.

(6) Limitations on Conditional Uses. In addition to the standards and conditions that may be attached to the approval of a conditional use as provided by Sections 8.0600-8.0645, the following limitations shall apply to a use under Sections 8.0660-8.0695, or establishment of publicly owned sewerage and water system facilities:

(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

Redmond Code

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 OSPR Zone shall be denied if the height of any structures or buildings unduly affect the natural and scenic features of the area.

(7) Additional Standards.

(a) 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 set forth in Exhibit "B" which is incorporated herein by reference.
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.

(b) 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.

Redmond Code

AIRPORT CONTROL ZONE

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

is:

(1) Purpose and Applicability. The purpose and applicability of the AC Zone

(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

follows:

(3) Sub-Zone Coverage. AC Sub-Zone coverage requirements shall be as

(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 airport 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 runways

Should 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

Redmond Code

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 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

Redmond Code

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.

Redmond Code

8.0235 **Public Facility - PF Zone.**

In a PF Zone, the following regulations shall apply:

(1) Purpose. The purpose of the PF Zone is:

(a) To provide for public facility uses such as wastewater treatment facilities, water storage reservoirs, well sites, public schools, and Public Works Administration facilities.

(2) Uses Permitted Outright. In a PF Zone, all public uses and accessory public uses are permitted outright when surrounded by any commercial or industrial zones.

(3) Conditional Uses Permitted. In a PF Zone, all public uses and accessory public uses are permitted when authorized within Sections 8.0600-8.0645 and subsection (5) of this section when they are adjacent to any residential zone.

(4) 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 service processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone or a street or highway by a permanently maintained, sight obscuring fence at least six feet high or sight obscuring landscape.

(d) All parking and loading demand created by any use permitted by this section shall be accommodated on the subject premises entirely off-street.

(e) No use permitted by this section shall require the backing of traffic onto a public street or road right-of-way- of-way, to accommodate access to any use on the premises thereof.

(f) Access for properties accommodating uses permitted in the PF Zone shall conform to the City of Redmond's access policy. If necessary to meet this requirement, permitted uses shall provide for shared access.

(g) Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.

Redmond Code

(5) Dimensional Standards. In a PF 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) Landscaping shall cover a minimum of 15% of the lot area.

(d) 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.

(e) No use permitted by this section which is located adjacent to or across the street from a residential zone shall exceed more than 60% of the land area designed or intended for such use including buildings, storage or facilities and required off-street parking and loading area.

(6) Yards. Except as provided by Sections 8.0550-8.0575, in a PF 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.

(a) The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.

(7) Lot Coverage. In a PF Zone, buildings shall not cover more than 75 percent of the lot.

(8) Height of Buildings. In a PF Zone, no building shall exceed a height of 60 feet.

(9) Off-Street Parking and Loading. In a PF Zone, off-street parking and loading shall be provided in accordance with provisions of Sections 8.0500-8.0515.

Redmond Code

8.0240 **Park - Park Zone.**

In a Park Zone, the following regulations shall apply:

(1) Purpose. The purpose of the Park Zone is:

(a) To provide for public park uses such as playgrounds, ball fields and open space.

(2) Uses Permitted Outright. In a Park Zone, the following uses and accessory uses are permitted subject to the provisions of subsection (4) of this section:

(a) Reserve areas of natural, historical or geological significance.

(b) Public parks that were part of a Master Plan which was previously reviewed for conformance with the Redmond Comprehensive Plan and approved by the Redmond Urban Area Planning Commission and the Redmond City Council.

(c) public sewage, water, transportation system facilities/utilities, and developed access points to the Dry Canyon Trail that have been previously identified and approved in the Comprehensive Plan, Water and Sewer Master Plans, Transportation System Plan, and/or Public Facilities Plan.

(3) Conditional Uses Permitted. In a Park Zone, the following uses and accessory uses are permitted when authorized within Sections 8.0600-8.0645 and subsection (5) of this section:

(a) Public Parks which have not been previously reviewed for conformance with the Redmond Comprehensive Plan and approved by the Redmond Urban Area Planning Commission and the Redmond City Council.

(b) Public sewage, water, transportation system facilities/utilities, and developed access points to the Dry Canyon Trail that have not been previously identified and approved in the Comprehensive Plan, Water and Sewer Master Plans, Transportation System Plan, and/or Public Facilities Plan.

(4) 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) No use permitted by this section shall require the backing of traffic onto a public street or road right-of-way- of-way, to accommodate access to any use on the premises thereof.

(d) Access for properties accommodating uses permitted in the Park Zone shall conform to the City of Redmond's access policy. If necessary to

Redmond Code

meet this requirement, permitted uses shall provide for shared access.

(5) Dimensional Standards. In addition to the normal setbacks in the zone, in a Park Zone, the following dimensional standards shall apply:

(a) The minimum size for parks shall be:

A. Mini-Parks - 2,500 square feet to 2.5 acre

B. Neighborhood Parks - 3 to 5 acres

C. Community Parks - 5+ acres

(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.

(6) Yards. Except as provided by Sections 8.0550-8.0575, in a Park 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.

(a) The setback from the northern lot line shall meet the solar setback requirements in Section 8.0370.

(7) Height of Buildings. In a Park Zone, no building shall exceed a height of 40 feet.

(8) Off-Street Parking and Loading. In a Park Zone, off-street parking and loading shall be provided in accordance with provisions of Sections 8.0500-8.0515.

Redmond Code

8.0245

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.

(d) No use permitted by this section shall require the backing of traffic onto a public street or road right-of-way, to accommodate 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.

Redmond Code

(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 shall be provided in accordance with provisions of Sections 8.0500-8.0515.

Redmond Code

NEIGHBORHOOD COMMERCIAL DISTRICT

8.0250

Neighborhood Commercial District (C-N).

(1) Purpose. The purpose of the Neighborhood Commercial District is:

(a) To create areas suitable for commercial activities which supply goods and services to a residential or working population on a frequent need or convenience basis. This district will normally be supplemented by the general business activities and broad services available in a Central Business District within a reasonable accessible radius.

(b) This district shall be located in areas easily accessible to the population it is intended to serve. The area of each zone shall, in general, be only large enough to contain the stores and services found to be actually necessary to serve a given area but shall be large enough to provide a grouping of stores and services. The effect shall be strategically located centers rather than scattered commercial spots. Wherever possible, the zone shall be of such size and shape as will accommodate a compact shopping center. "Strip" or "spot" zoning is to be avoided.

(2) Adoption of Neighborhood Commercial District:

Property may be designated neighborhood commercial in accordance with the provisions of this section; provided that the Hearings Body adopts the development plan for such property in accordance with this section and Sections 8.0600-8.0645.

(3) Permitted Uses:

- (a) grocery store, delicatessen, meat market, or bakery
- (b) clothes cleaning establishment or laundromats
- (c) drug store
- (d) nurseries and garden supply stores provided all outside storage and display is adequately screened
- (e) beauty and barber shops
- (f) a complex of three or more uses
- (g) a use providing for outside open storage or display

(4) Development Improvement Prohibited Pending Compliance. No excavating, grading, construction, improvement or building permits therefore shall be authorized or issued within the neighborhood commercial district pending compliance with the following:

- (a) Full compliance with all provisions of this section and Sections 8.0600-8.0645, including execution and filing of all documents required herein.
- (b) Full compliance with the development plan.

Redmond Code

(5) Design Review Required. Property in a C-N District is subject to the provisions of the Site & Design Review Standards; provided, however, that a conditional use permit granting approval to the property as a C-N District may dispense with the requirement for further application for Site & Design Review approval if all of the standards and criteria have been fully considered and approved in connection with the conditional use permit.

8.0255 **Development Standards.**

(1) In General. To insure effective development of the City, the following development standards are adopted as part of the neighborhood commercial chapter in addition to all other development standards provided for in these standards and in the Subdivision & Partition Standards. In cases of conflict between standards set forth herein and other parts of the City Code, these sections shall control unless the Hearings Body grants a variance from said standards in the approval of the final plan or subdivision plat as provided in these standards.

(2) Compatibility with Neighborhood. The development plan and program submitted by the developer as provided in these standards shall present an organized arrangement of buildings, parking facilities landscaping and fencing to insure compatibility with the Comprehensive Plan and character of the neighborhood.

(3) Use Limitations.

(a) No use shall be permitted which exceeds 4,000 square feet of retail sales floor area and an accompanying equal amount of storage area, or a total square footage of 8,000 square feet in conjunction with single business enterprise and on any single premises.

(b) No use shall be permitted unless directly served by a collector street.

(c) All parking demand created by any use permitted under the provisions of this section shall be accommodated on the subject premises entirely off-street; minimum standards for off-street parking requirement shall be in accordance with the provisions of these standards.

(d) No use permitted by this section shall require the backing of traffic onto a public or private street, road or alley right-of-way to accommodate access to any use of the premises thereof.

(e) There shall not be more than one access from properties accommodating uses permitted by this section per each 300 feet of street frontage. If necessary to meet this requirement, permitted uses shall provide for shared access.

(f) All uses permitted in this zone shall be screened from abutting residential uses by densely planted trees and shrubs or sight obscuring

Redmond Code

fencing.

(g) No use shall be permitted if it will cause sound, noise, vibration, odor or flashing perceptible without instruments more than 200 feet from the boundaries of the originating premises.

(h) No use shall be permitted to operate for business between the hours of 11:00 p.m. and 7:00 a.m. except as approved by the Hearings Body.

(4) Dimensional Standards.

(a) No use permitted by this section, including buildings, storage areas or facilities, and required parking area, shall exceed more than 70% of the land area designed for such use.

(b) The minimum building setback from a street right-of-way line shall be 25 feet unless a greater setback is required for compliance with the Comprehensive Plan criteria or policies.

(c) The minimum setback between a structure and property line abutting a residential lot shall be five feet.

(d) The minimum setback between a structure and an existing use permitted by this section shall be three feet from the property line and at least ten feet from a structure on an adjoining property, or joined as a single structure.

(e) The maximum building height for any structure permitted in conjunction with a use permitted by this section shall be 35 feet.

(f) In no case shall a use permitted by this section be permitted on a lot or parcel less than minimum lot area set forth in the adjoining or area zones, and in no case shall the minimum lot area be less than 7,500 square feet.

(g) The maximum lot area is 20,000 square feet.

(h) Landscaping shall cover 15% of the total lot area.

(5) Off-Street Parking and Loading. In a C-N Zone, off-street parking and loading shall be provided in accordance with the provisions of Sections 8.0500-8.0515.

8.0260

Procedure.

(1) In General.

(a) An owner of property desiring to develop a neighborhood commercial district shall submit a development plan to the Hearings Body of the City of Redmond together with the appropriate filing fee. For the purpose of this section, "owner" shall mean and include any public body, corporation or holder of a written option to purchase said property.

(2) Proposed Development. The development plan shall show in detail, the

Redmond Code

following in addition to other requirements of the Hearings Body:

- (a) proposed land use
- (b) building types and coverage of real property
- (c) circulation pattern of vehicular and pedestrian traffic
- (d) parking
- (e) landscaping

(3) Planning Staff Report. Upon filing of the development plan and receipt of the initial filing fee, the Planning Director and Superintendent of Public Works shall review the development plan and shall prepare for submission to the Hearings Body a planning staff report containing the following information in addition to such other information as is pertinent:

- (a) a map showing the existing zoning of the subject property and adjoining properties within or without the boundaries of the City of Redmond
- (b) existing land use map of the area within 1,000 feet of the subject property
- (c) report comments on consistency of the proposed neighborhood commercial development with the Comprehensive General Plan, and the zoning and subdivision standards of the City of Redmond and a prospective effect of said development on the immediate neighborhood.

(4) Hearings Body Review.

(a) Following receipt by the Hearings Body of the Planning Director's report on the development plan, the Hearings Body shall hold a public hearing in accordance with the provisions of Article II of these standards.

(b) Upon review of the public hearing, or any continuance thereof, the Hearings Body may approve the plan, require amendment and modification thereto, or reject said application in accordance with this section and Sections 8.0600-8.0645.

(5) Appeals. The decision of the Hearings Body regarding the development plan, may be appealed in the manner provided for in Article II of these standards.

Redmond Code

PLANNED UNIT DEVELOPMENT

8.0275 **Planned Unit Development District (PUD).**

(1) Purpose. The purpose of the Planned Unit Development District is to provide a greater flexibility in development of land; to encourage a variety in the development pattern of the community; encourage mixed use in a total area which could not otherwise be efficiently and aesthetically developed as an integrated whole; encourage developers to use a creative approach in land development; conserve natural land features; facilitate a desirable aesthetic and efficient use of open space; create public and private common open spaces and provide flexibility in the location of improvements on lots. The Planned Unit Development District is not intended to be simply a means of avoiding normal zoning requirements for a single use in a particular area.

(2) Adoption of Planned Unit Development District. Any property residentially zoned may be designated as a Planned Unit Development District in accordance with the provisions herein; provided that the Hearings Body adopts the final development plan for such property in accordance with this section. All P.U.D.s shall meet the Conditional Use decision criteria set forth in Section 8.0600.

(3) Permitted Uses. The following uses may be permitted in a Planned Unit Development District:

1. Single family dwellings
2. Multi-family dwellings and duplex
3. Public and private non-profit parks and playgrounds, community centers and recreation facilities
4. Common public and private open spaces
5. Hiking and riding trails
6. Private non-commercial clubs, such as golf, swimming, tennis, and country clubs
7. Residential accessory uses
8. Recreational vehicle storage areas limited to use by the developments occupants
9. Bakeries
10. Banks
11. Barber or beauty shops
12. Bicycle shops
13. Clothing stores or tailor shops
14. Clothes cleaning establishments
15. Eating or drinking establishments
16. Drug stores or pharmacies

Redmond Code

17. Florist shops
18. Medical or dental clinic or offices
19. Business or professional offices
20. Educational institutions
21. Day care providers
22. Retirement homes
23. Civic theaters
24. Churches
25. Groceries
26. Video rentals

(4) Design Review Required. All development within a PUD district is subject to the provisions of the Site & Design Review Standards. Approval of a PUD may dispense with the requirement for further application for Design Review approval if the design review standards and criteria have been fully considered and approved in connection with the PUD application.

8.0280 **Development Standards.**

(1) Minimum development district size. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purposes of this article. A planned development shall not be established on less than ten acres of contiguous land unless the Hearings Body finds that property of less than ten acres is suitable as a planned unit development district by virtue of its unique character, topography or landscaping features, or by virtue of its qualifying as an isolated problem area as determined by the Hearings Body.

(2) Compatibility with Neighborhood. The development plan and program submitted by the developer as provided in this article shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to insure compatibility with the Comprehensive Plan and character of the neighborhood. Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of the development. The city at the time of approval of the final plan or subdivision plat within a planned unit development may require the developer to provide special or oversized sewer lines, water lines, roads and streets or other service facilities to serve the planned unit development.

(3) Residential Density. The minimum number of dwelling units required in a Planned Unit Development shall be derived as follows:

Redmond Code

(a) Determine gross development land area. For the purpose of density calculations, deduct out dedicated parks and landscaped right-of-way.

No maximum densities.

1. R-1 --- 2 units per acre
2. R-2 --- 2 units per acre
3. R-3 --- 4 units per acre
4. R-4 --- 5 units per acre
5. R-5 --- 7 units per acre

(b) The total minimum number of dwelling units of all combined zones within the P.U.D. may be distributed at the developers option throughout the P.U.D.

(4) Peripheral Yards. Along the periphery of any planned unit development zone, a yard at least as deep as that required by the front yard regulations of each underlying zone shall be provided on the periphery of the Planned Unit Development, unless the Hearings Body determines that equal protection will be accorded adjoining properties in varying the yard requirements. Open space may serve as peripheral yards and/or buffer strips to separate one planned residential district from another if the Hearings Body interprets such a dual purpose use of the land to be in compliance with this section. This peripheral yard requirement does not apply on abutting streets or alleys.

(5) Open Space. Open space within a planned unit development means the land area to be used for scenic, landscaping, or open recreational purposes within the development. Open space shall be adequate for the recreational and leisure needs and use of the occupants and users of the planned unit development. To the maximum extent possible the development plan and program shall assure that natural features of the land are preserved and landscaping is provided. In addition a minimum of 10% of the gross land area shall be designated for open space, dedicated park, or landscaped right-of-way. In order to insure that open space will be permanent, dedication of the development right to the City of Redmond may be required.

(6) Construction Standards. All provisions of the Zoning Standards, Subdivision & Partition Standards, Site & Design Review Standards, Sign Standards, Standards and Specifications and the Building Code shall apply and control design and construction of improvements within the planned unit development except as specifically varied as provided for Section 8.0275.

(7) Height Requirements. No building or structure shall exceed the height requirements of the underlying zone.

(8) Lot Requirements. The following minimum lot requirements shall be observed:

- (a) Lot Area: No requirements

Redmond Code

- (b) Lot Width: No requirements
- (c) Lot Depth: No requirements
- (d) Front Yard: The front yard shall be a minimum of 10 feet. Garage will be setback a minimum of 20 feet and at least 5 feet from the front of the house.
- (e) Side Yard: No requirements
- (f) Rear Yard: No requirements
- (g) Lot Coverage: No requirements
- (h) Solar Setback: The solar setback as prescribed in Section 8.0370.

(9) Non Residential Off-Street Parking and Loading. Off-street parking and loading space for all non-residential uses shall be required to be limited to 80% of the minimum standards of Section 8.0500 to 8.0515 of the Redmond Development Code. All parking shall be screened from view and behind structures. All parking lots shall be accessed from interior roads or alleys within the planned unit development.

(10) Limitations.

(a) No buildings shall exceed 4,000 square feet of commercial floor area. Commercial structures visible from properties exterior to the Planned Unit Development shall be designed so as to imitate residential building mass and scale. Commercial land area shall be limited to 5% of the gross area of the development.

(b) Signage shall be reviewed with Design Review and integrated into the overall building and Site Design. Other than the Planned Unit Development entrance signs no signs shall be visible from adjacent residential properties.

(c) Street and Utilities

1. All construction of streets and utilities within planned unit developments shall comply with the City standards and specifications.

If private streets are proposed, the applicant shall provide clear notice in the declaration of protective covenants, conditions and restrictions to purchasers that the City will not maintain or repair said roads and that the cost of such repair and maintenance shall be borne by the homeowner's association.

2. The City may require those streets needed for traffic circulation under the provisions of the Redmond Transportation Plan and the City grid standards (8.0367) to be public streets.

3. The applicant shall provide to the City easements for all public utilities (sewer and water) on the subject property.

(d) Landscaping shall be provided for 15% of all the commercial areas

Redmond Code

and any parking lots. A portion of the landscaping shall be provided on the property to buffer larger uses from adjoining residential property.

(e) Street trees shall be placed on all residential streets spaced no more than 30 feet apart.

(11) Planned unit developments shall provide a mixture of single family dwelling units with duplex dwelling units or multi-family dwelling units or multi-family complexes. Planned unit developments shall have developed public or private non-profit parks or playgrounds, or community centers or recreation facilities. They may also include retail commercial uses and professional offices.

(12) Planned unit developments shall create public and/or private open spaces.

(13) Planned unit developments must conserve natural land features, if any exist.

8.0285 **Procedure.**

(1) In general.

(a) any owner of real property desiring to develop a planned unit development shall submit a preliminary development plan and program to the Community Development Director of the City of Redmond. For the purpose of this section "owner" shall mean and include any public body, corporation or holder of a written option to purchase property. Such preliminary development plan and program shall consist of a preliminary plan in schematic design and a written program jointly containing the following information:

(b) identification and description - proposed names of planned unit development, location by legal description, names and address of applicant and designers of the planned unit development; scale of plan (1 inch to 100 feet); date of plan and program; and north point.

(c) existing conditions - contours at an interval of one foot for ground slopes less than five percent (5%), two feet contour intervals for ground slopes between five percent (5%) and ten percent (10%), five feet contour intervals for ground slopes exceeding ten percent (10%) location and direction of all water courses; natural features, such as rock outcropping, marshes, wood areas, etc.; location and names of all existing or prior platted streets or other public ways, railroad and utility right-of-ways, parks and other public open spaces, permanent buildings and structures and their uses, permanent easements and city boundaries within five hundred feet of the development; existing sewers, water mains, culverts and other underground

Redmond Code

facilities within the development, indicating pipe sizes, grades, manholes and their exact location; and the land ownership.

(2) Proposed Development. A preliminary plan shall show the following in addition to other requirements of the Hearings Body:

- (a) proposed land uses and densities
- (b) building types and coverage of real property
- (c) circulation pattern of vehicular and pedestrian traffic internal & adjacent to the proposed development
- (d) parks, playgrounds, open spaces
- (e) proposed on and off street parking

The preliminary written program shall contain the following information in addition to other requirements of the Hearings Body:

- (a) proposed ownership pattern
- (b) operation and maintenance proposal (neighborhood easements, condominiums, coops, neighborhood associations, etc.)
- (c) waste disposal facilities
- (d) lighting
- (e) water supply, public transportation, community protection, shopping
- (f) general time table of development
- (g) names and addresses of the proposed design team for preparation of the final plan.

(3) Staff Review. Upon filing of the preliminary development plan and program and receipt of the initial filing fee, the Community Development Director shall review the preliminary development plan and program and shall prepare for submission to the Hearings Body a planning staff report containing the following information in addition to such other information as is pertinent:

- (a) a map showing the existing zoning of the subject property and adjoining properties within or without the boundaries of the City of Redmond
- (b) existing land use map of the area within 1,000 feet of the subject property
- (c) report comments on consistency of the proposed planned unit development with the Comprehensive Plan, the zoning standards, and the subdivision standards of the City of Redmond and a prospective effect of said planned unit development on land use, traffic, City services, etc.

(4) Hearings Body Review. Following receipt by the Hearings Body of the Community Development Director's report upon the preliminary development plan and program, the Hearings Body shall hold a public hearing in accordance with the provisions of

Redmond Code

Sections 8.1000-8.1610.

(5) Decision. Upon review at the public hearing, or any continuance thereof, the Hearings Body may approve the principal of the preliminary plan and program, require amendment and modification thereto, or reject said planned unit development in accordance with this section and Sections 8.0600-8.0645.

(6) Appeals. The decision of the Hearings Body regarding the preliminary plat and program may be appealed in the manner provided for in Sections 8.1000-8.1610.

8.0290 **Final Development Plan and Program.**

(1) Time Limit for Filing. Upon acceptance in principle by the Hearings Body or acceptance in principle with modifications required by the Hearings Body of planned unit development the owner-applicant shall file with the Planning Director within one year of the preliminary approval of the Hearings Body a final development plan and program. The Community Development Director may grant an extension for filing an additional 180 days upon request by owner-applicant. In addition, the developer may submit such additional data as may be required by the subdivision code of the city seeking contemporaneous approval of the subdivision plat with approval of the final plan and program.

(2) Required information. The final development plan and program shall contain the following information:

(a) Land Use:

1. a land use plan indicating all proposed uses within the planned unit development
2. all areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or otherwise dedicated or reserved to the public
3. open space that is to be maintained and controlled by the owners of the property and their successors in interest available for the recreational and leisure use of the occupants and users of the planned unit development.

(b) Contours and drainage:

1. contours as they will be after development
2. drainage systems and sanitary sewers and treatment facilities as required.

(c) Circulation:

1. A street system and lot design with appropriate dimensions. A subdivision plat if the land is to be subdivided shall comply with this requirement.

Redmond Code

2. a traffic flow map showing circulation patterns within and adjacent to the proposed development. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern shall be shown.

3. location and dimension of pedestrian walkways, malls and foot and horse trails.

(d) Parking and Loading:

1. location, arrangement, number, and dimension of automobile garages, parking spaces and the widths of aisles, bays, and angle of parking.

2. location, arrangement, and dimensions of truck loading spaces and docks.

(e) Architectural sketches: The developer shall submit preliminary architectural sketches depicting the types of buildings and their location on lots. The sketches shall also depict the general height, bulk, and type of construction and proximity of structures on lots.

(f) Landscaping: Developer shall submit a preliminary landscaping plan depicting tree plantings, ground cover, grades, slopes, screen plantings and fences, etc., and showing existing trees in excess of twelve inches in diameter measured four feet from ground level and showing the location of trees to be removed by the development.

(g) Program Elements: The written program shall contain the following elements:

1. table showing the total number of acres and their distribution by use, the percentage designated for each dwelling type and for non-residential uses, including off-street parking, streets, parks, playgrounds, schools, and open spaces as shown in the proposed development plan.

2. table showing the over all density of the proposed residential development and showing density by dwelling types.

3. drafts of appropriate restrictive covenants and all other documents providing for the maintenance of any public open spaces and recreational areas not dedicated to the city including agreements by property owners associations, dedicatory deeds, or reservations of public open spaces.

4. a time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction and type of structure.

5. the stages for development of private and public facilities

Redmond Code

planned.

6. written consent of all persons owning any interest in the real property within the planned unit development to the final development plan and program.

7. such other information as the Hearings Body may require.

(3) Hearings Body Review. Upon receipt and review by the Planning Director of the final development plan and program, the Hearings Body at a regular public meeting shall either:

(a) consider the final development plan and program as being in compliance with the requirements and intent of these standards with its recommendation that the planned unit development district be established on the property in question,

(b) continue the public hearing to a date certain and refer the final development plan to the Planning Director with recommendations as to amending the proposed development plan and program,

(c) disapprove the final development plan and program as inconsistent with the approved preliminary plat and program.

(4) Appeals. The decision of the Hearings Body regarding the development plan may be appealed in the manner provided for in Sections 8.1000-8.1610.

(5) Filing of approved final plan and program. Following approval, the owner-applicant shall file with the Community Development Department of the City of Redmond, a final development plan and program together with all documents approved as to form by the City Attorney relating to dedication, improvements, maintenance agreements, covenants, deed restrictions, and by laws of neighborhood associations, cooperatives, and improvement of the district.

SUPPLEMENTARY PROVISIONS

8.0305 **Establishment of Clear Vision Areas.** In all zones, on all corners of all building sites adjacent to the inter-section of two streets or of a street and an alley, within a triangle formed by the street curb of such building site (ignoring any corner radius) and a line drawn between points on such street lines at designated distances from the intersection thereof, there shall be no fence, wall, hedge, or building higher than three feet nor any obstruction to vision other than a post column or tree trunk (clear of branches or foliage) between a height of three feet and a height of eight feet above the level of the curb, or of the level of the above mentioned point of intersection if the streets are sloping.

8.0310 **Measurement of Clear-Vision Area.** A clear vision area shall consist of a triangular area two sides of which are lines measured from the corner intersection of the street curb lines for a distance specified in this regulation, or, where the curb lines have rounded corners, the lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish clear vision areas within the city:

- (1) At an intersection of two streets, the minimum distance shall be 25 feet.
- (2) At all other intersections, including street to alley and street to private driveway intersections, the minimum distance shall be 15 feet.

8.0315 **Minimum Standards for the Construction or Alteration of**

Service Stations. Any service station which is constructed or undergoes major alteration after the effective date of these standards shall conform as follows:

(1) Location. No portion of any service station shall hereafter be constructed within 1,500 feet of any part of a building housing another service station, except where such other service station is abandoned and subject to removal under this section.

(2) Minimum lot size:

(a) the minimum lot size for a service station site 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 the major traffic carrying street of a corner lot shall be 100 feet

(c) the minimum street frontage for a service station site on other than a corner lot shall be 120 feet

(d) the minimum lot depth shall be 100 feet.

Redmond Code

(3) Setbacks. With the exception of the C-2 zone, where there are no required setbacks, the service station and the edge of any attached or free standing canopies on the service station property shall be set back not less than 10 feet from any property line.

(4) Screening:

(a) when property used for a service station abuts on property used for residential purposes, there shall be placed along the boundary between the residential property and the service station a solid wall or fence 6 feet high, or as an alternative, an evergreen hedge at least 4 feet high and capable of attaining a height of 6 feet

(b) any area used for the storage of trash or other waste shall be screened by a solid wall or fence which prevents the said objects from being visible from any public street or sidewalk.

(5) Landscaping. There shall be landscaping on at least 4 percent of the service station lot. Landscaping shall be approved during site plan review as set forth in these standards.

(6) Lighting:

(a) lighting shall be illumination, direction, color, and intensity as not to create a nuisance on adjacent property or to create a traffic hazard

(b) wiring for the business and its signs and out door light fixtures shall be underground.

(7) Major alteration. "Major alteration" shall include any improvement expansion or structural changes which do not constitute ordinary upkeep or minor repairs.

(8) Off-street parking. An off-street parking space shall be provided for the employees and operators of the service station.

(9) Permitted activities. A service station may engage in the following activities which are incidental to its use as a service station: the sale and installation of motor vehicle accessories, motor vehicle repairs, and any other sale, service, or activity customarily provided by service stations.

8.0320 **Service Station Abandonment.**

(1) Abandonment. Whenever a service station is not in use as a service station for a continuous period of twelve months, all structures and facilities above and below the ground located on the lot which were connected with the operation of the service station shall be removed, unless said structures are converted to another use as allowed by the Planning Commission. It shall be the primary responsibility of the owner of the improvements to comply with these standards. In the event that the owner of said real property fails to comply, the City may remove the improvements and make the costs of said removal a lien against the property. Operation for at least 90 consecutive days shall be

Redmond Code

required to interrupt a continuous twelve month period.

(2) All service stations which are unused for twelve months as provided above are hereby declared to be nuisances and subject to abatement as hereinafter provided.

(3) Inspections. The City Engineer shall, at his discretion, make periodic inspections; and when a service station has been found not to be in use as a service station for a period of 12 consecutive months, the following persons shall be notified of the requirements to be met under these standards:

- (a) the record owner of the real property
- (b) the oil company that last supplied petroleum products to the station
- (c) the last operator of the station.

(4) Notice. The following shall be satisfactory notice under this section:

(a) a notice shall be prominently posted on the premises where the station is located directing the owner or person in charge of the station to comply with these standards.

(b) at the time of posting, the recorder shall cause a copy of the notice to be forwarded by registration or certified mail, postage prepaid, to the persons named above

(c) the notices shall contain:

1. a description of the real property, by street address or otherwise, on which the service station is located

2. a description of the removal work necessary to comply with these standards

3. a direction to comply with the requirements contained in said notice within 30 days from the date of notice

4. a statement that unless the required is done, the city may do it, that the cost thereof shall be a lien against the property, and that failure to so perform may result in court prosecution

5. a statement that the owner or other person in charge of the property may appeal the directive contained in the notice by notifying the recorder in writing within 10 days from the date of the notice.

(d) Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of mailing and posting.

(e) an error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or such other person shall not make the notice void, and in such a case the posted notice shall be sufficient.

(5) An order of the City Engineer may be appealed by filing a written notice

Redmond Code

with the recorder within 10 days after the order is received or refusal communicated. The appellant and the City Engineer shall be granted a hearing before the Council, and action taken by the Council after the hearing shall be final.

8.0323 Minimum Standards for the Construction or Alteration of Garage or Accessory Structure. The maximum lot coverage for garages and accessory structures 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.

Redmond Code

8.0330 Standards for Manufactured Homes.

- (1) The manufactured home must be multi-sectional and enclose at least 1,000 square feet;
- (2) The manufactured home must be located not more than 12 inches above grade on an excavated and back-filled foundation which is enclosed at the perimeter;
- (3) The manufactured home must have a pitched roof, with a minimum of a 3 foot in height for each 12 foot in width.
- (4) Exterior siding and roofing must be similar in color, material and appearance to that used on dwellings in the community or on surrounding dwellings;
- (5) The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the state building code; and
- (6) The manufactured home must have a garage or carport.

8.0335 Development Standards Along the Perimeter of the Canyon.

(A) Development Standards Along the Perimeter of the Canyon. A single family dwelling less than twenty-four (24) feet in height (i.e. one story) is permitted outright within 100 feet of the Redmond Dry Canyon rim if the dwelling meets the following:

- (1) Single family dwelling, less than twenty-four (24) feet in height, setback at least twenty-five feet from the Canyon Rim;
- (2) 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;
- (3) The Canyon Rim remains in a natural state (i.e. no fill or alteration is permitted);
- (4) No fence is constructed within ten (10) feet of the Canyon Rim;
- (5) The lot is at least 9,000 square feet in size;
- (6) No deck and/or patio, requiring a building permit, is constructed within fifteen (15) feet of the Canyon Rim;
- (7) No accessory structures and/or outdoor storage is proposed in the rear yard;
- (8) Manufactured homes shall not be permitted within 100 feet of the Canyon rim;
- (9) All other applicable standards of the zone district are met; and
- (10) Lighting shall not glare onto neighboring properties or shine into the Canyon. (Revised 2/98)

(B) Site and Design Review Development Standards Along the Perimeter of the Redmond Dry Canyon. All developments that do not comply with subsection A above require Site Design Review if the development, or any portion thereof, is located within 100 feet of the Canyon Rim. The following standards apply:

Redmond Code

- feet;
- (1) All lots fronting on the Canyon rim shall be a minimum of 9,000 square feet;
- rim;
- (2) Manufactured homes shall not be permitted within 100 feet of the Canyon rim;
- (3) All development within 100 feet of the Canyon rim shall maintain the natural appearance of the canyon rim; consideration shall be given to site landscaping, specifically the retention of native vegetation, no fill or alteration of the canyon rim is permitted;
- (4) All existing trees, within 25' of the canyon rim, having a 3" caliper measured 3' above grade or greater shall be preserved or replaced with trees having a 2" caliper measured 3' above grade;
- (5) All dwellings and buildings shall be setback a minimum of twenty (20) feet from the Canyon Rim;
- (6) The construction of the residence and accessory buildings do not unduly distract from the natural appearance of the Canyon, the natural vegetation of the area and/or the Canyon Rim by virtue of color, design, mass of building or associated accessory buildings and structures. In the case of conflict, the developer shall mitigate impacts on the Canyon by the use of planting screens, fencing and incorporating appropriate design features to minimize conflict(s);
- (7) Decks or patios shall be setback from the canyon rim the equivalent number of feet as the height of the deck or patio from the ground;
- (8) Proposed fences shall not be permitted within 10 feet of the canyon rim;
- (9) No outdoor storage in the rear yard;
- (10) No accessory structures in the rear yard and as specified in (6) above;
- and
- (11) Lighting shall not glare onto neighboring properties or shine into the Canyon. (Revised 2/98)

8.0340 **Fences.**

(1) 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, 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)

(2) In a C-1, Commercial Zone, M-1 and M-2, Industrial Zones, the maximum

Redmond Code

height of a fence shall not exceed 8 feet. If a site obscuring fence between 6 and 8 feet is erected, Site and Design Review shall be required.

8.0345 **Home Occupation.** When permitted as an accessory use the following limitations will be conditions:

(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 Hearings Body. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to 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 **Standards for Arterial and Collector Streets.** Industrial and commercial developments fronting on, siding on, adjacent to or creating arterial or collector streets shall comply with the following standards:

(1) Front or side yard setback areas and right-of-way areas between the proposed curb and edge of pavement shall be landscaped and maintained in accordance with development plan requirements of the Redmond Site & Design Review Standards. Landscape features can include techniques such as berms, walls, fences, loading or unloading areas and all other unsightly or unmanageable areas shall be totally screened from view from arterials or collectors. Natural, aesthetically pleasing areas within the setback area or wherever practical with the public right-of-way shall be left natural and incorporated into the development theme for the balance of the landscape area. Median

Redmond Code

strips in arterials shall be maintained by the City but may be required as part of developer improvements when development plan approval is requested. Installation of a total width median strip would be the minimum requirements in such cases. Median strips shall have a minimum width of 20' but may also be wider as required during development plan review and approval.

8.0360 Temporary Placement of Mobile Home. A mobile home 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 Planning Director on a form provided by the Planning Department. The Planning Director shall issue said permit but may attach conditions deemed necessary to minimize the impact of the placements on the adjacent properties. The Planning Director may also grant an additional six months for the permit if the applicant can establish the extension is necessary.

8.0362 Temporary Placement of Mobile Homes for Medical Hardship.

(1) A mobile home unit shall be allowed as an additional dwelling due to a medical hardship under the following restrictions:

(a) The mobile home shall be placed within 100 feet of the main dwelling.

(b) The mobile home shall be connected to the same sewage facility as the main residence. The sewage system must be adequate to accommodate the additional dwelling.

(c) The applicant shall renew the permit on an annual basis and the Planning Director shall review permits issued at any time and may revoke the permits when they are found to not be in compliance.

(d) The applicant shall provide a letter from a physician.

(e) The mobile home must be removed within 90 days after termination of the permit.

(f) The mobile home must meet all the required setbacks.

(g) If the mobile home is visible from any adjacent property, site obscuring, screening shall be required.

(h) The property for which the mobile home is to be placed shall be a minimum of 1 acre in size.

8.0365 Keeping of Livestock. The keeping of livestock in residential zones shall be subject to the following limitations where permitted:

(a) Livestock may not be kept on lots having an area of less than 20,000 square feet.

Redmond Code

(b) One horse shall have a fenced corral or pasture with a usable area of at least 10,000 square feet; two horses, at least 20,000 square feet; and each additional horse, at least 5,000 square feet.

(c) Cows, goats, and sheep shall have a fenced corral or pasture with a usable area of at least 10,000 square feet per adult animal (over six months of age).

(d) The number of young chickens, fowls, and/or rabbits, shall not exceed one for each 500 square feet of property. The number of young chickens, fowl, and/or rabbits (under the age of six months), allowed on the property at any time shall not exceed three times the allowable number of chickens, fowl and/or rabbits over the age of six months.

(e) The number of colonies of bees allowed on a lot shall be limited to one colony for each 1,000 square feet of lot area.

(f) Animal runs or barns, chicken or fowl pens, and colonies of bees shall be located on the rear half of the property line not closer than 50 feet from any residence.

(g) 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 receptacles.

(h) No enclosure for horses cows, goats, sheep or other livestock shall be located closer than 50 feet to a dwelling.

(l) Fences erected in connection with the keeping of livestock shall be kept in good repair and shall be at least four feet in height.

PUBLIC WORKS STANDARDS AND SPECIFICATIONS

8.0367 **Public Works Standards and Specifications.**

(1) All public improvements required in conjunction with any land use development permitted under the City of Redmond Development Code shall conform with the City of Redmond Public Works Standards and Specifications dated December 1995 and as amended by the City Council.

(2) The street system for any land use development shall also conform with the following design parameters:

(a) It is City Standard to develop through public streets at a spacing of approximately 660 feet. The purpose is to provide a street grid pattern of through streets to facilitate traffic movement. Street designs shall conform to topography and other existing natural and man-made conditions. Illustrative examples of other conditions include the dry canyon, main COID canal, Highway 97, and the Burlington Northern Railroad tracks.

(b) In general, a street network is comprised of streets classified from lower order (local) to higher order (arterials). The spacing of a proper grid pattern has principal arterials (Hwys. 97 and 126) spaced at ≥ 2 miles, minor arterials at 1 mile, collectors at 0.25-0.50 mile, and local streets at 660 feet. It is the City standard to adhere to this grid spacing as topography and other existing natural and man-made conditions allow.

(c) All proposed streets, alleys and pedestrian pathways shall connect to other streets within a development and to existing and planned streets outside the development. Streets should serve parks, schools or other public lands within a neighborhood. Local streets shall align and connect with other streets when crossing collectors and arterials.

(d) New local streets should connect with existing local streets and collectors, and in certain special cases arterial streets. Cul-de-sac streets shall be permitted only where no feasible connection with an adjacent street exists, or if the local street connection would be to a higher order street (arterial) and the function of that higher order street may be diminished. If cul-de-sac streets represent more than 10 percent of the total land miles in a development, the subdivider shall be required to demonstrate that alternative internal circulation layouts (minimizing cul-de-sacs) are infeasible.

8.0369 **Public Infrastructure Replacement.**

(1) **Definitions**

Owner: The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property.

Redmond Code

Lot: Any legal lot of record

Infrastructure: Those improvements which are or will be owned and maintained by the City. Such improvements include but shall not be limited to curbs and sidewalks, sewer and water services, sewer and water mains and appurtenances, streets and right-of-way monumentation.

City: City of Redmond.

(2) Prior to receiving a final building inspection approval from the City, the owner of such lot where damaged, destroyed, or altered infrastructure has occurred or where infrastructure is missing shall repair, replace or furnish said infrastructure to a condition acceptable to the City in accordance with current Standards and Specifications or as acceptable to the City Engineer.

(3) If the final building inspection approval is inadvertently issued prior to repairs or replacements of any damaged, destroyed, altered or missing infrastructure, the lot owner shall remain responsible for such repair, replacement, or furnishing or required improvements.

(4) If a lot owner does not repair, replace or furnish the infrastructure as required by this ordinance within 30 days after written notice to do so, the City may repair, replace, or furnish the infrastructure as required and shall have the right to compensation from the lot owner for such cost. If a lot owner does not pay the cost within 30 days after receiving a bill from the City, the City shall have a lien on the owner's lot for such costs plus 12% per annum interest thereon from the date the City's bill to the lot owner. The City may foreclose its lien as allowed by ORS Chapter 87 for construction liens or may file an action against the lot owner. On foreclosure or legal action, the City shall be entitled to recover its attorney's fees at trial and appellate levels. (Added 4/25/00)

Redmond Code

SOLAR ACCESS

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)

(i) 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 determined by the Planning 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.

(ii) 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.

(iii) 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

(i) 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;

(ii) 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.

Redmond Code

(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 Planning 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 Planning 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.

Redmond Code

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.

(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.

DEFINITIONS

8.0410 **Definitions.**

Overall Height. The combined height of an antenna and tower or the total height of a supported antenna from ground level.

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.

Tower. Any structure or structures self supporting for the sole purpose of 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.

Antenna. Any device used solely for the purpose of radiating waves into space or receiving them from space.

Redmond Code

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:

(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.

Redmond Code

(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 by the Planning Director that the following approval criteria are met:

8.0430 **Shared Use of Existing Towers.**

(1) A new tower shall not be permitted unless the applicant makes 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.

(b) Such contact shall be made in a timely manner; that is, sufficiently

Redmond Code

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

Redmond Code

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.

(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

Redmond Code

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.

(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

Redmond Code

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.

(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,

Redmond Code

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 Planning Director, not to create significant additional impacts.

8.0470 Comprehensive Plan. The proposed use shall comply with all comprehensive plan policies identified as applicable by the Planning Director.

8.0475 Agency Coordination. The applicant for a commercial tower over 150 feet in overall 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.

Redmond Code

(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 and deemed non-conforming.

Redmond Code

OFF-STREET PARKING & LOADING REQUIREMENTS

8.0500 **Off-Street Parking.** At the time a building is constructed, enlarged, or there is a change of occupancy, off-street parking space shall be provided as set forth in this section. When square feet are specified, the area measured shall be the gross floor area of the building but shall exclude any space within a building devoted to off-street parking or loading. 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. (Revised 12/98)

(1) Residential Uses

One family dwelling or mobile home	Two spaces per dwelling unit on a single lot.
Two family dwelling	Two spaces per dwelling unit on a single lot.
Multi-family dwelling	Spaces equal to 1.5 times the number of dwelling units; where fractioned, next highest full unit; plus one additional space for owner or manager and one space per five dwelling units for guests, trailer and boat storage; except in the case of complexes restricted to the aged, the number of spaces may be reduced by 30%.

(2) Commercial Residential Uses

Motel or hotel	One space per guest or suite, plus one space for the owner or manager.
Club or lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, etc.
Rooming or boarding house	One space for each guest room.

(3) Institutions

Convalescent hospital, nursing home, rest home, sanitarium	One space per two beds for patients or residents.
--	---

Redmond Code

Library, museum, art gallery	One space per 250 square feet of gross floor area.
Hospital	Spaces equal to 1.5 times the number of beds; where fractioned, next highest full unit.
(4) <u>Places of Public Assembly</u>	
Church	One space per four seats in the main auditorium.
Community swimming pool	One space per 40 square feet of pool area.
Elementary or junior	One space per classroom, plus one space per administrative employee or one space per four seats in the auditorium or assembly room.
High School	One space per classroom, plus one space per administrative employee, plus one space for each six students or one space per four seats in the main auditorium.
Other auditorium or meeting room	One space per 60 square feet of gross floor area.
(5) <u>Commercial Amusements</u>	
Stadium, arena, theater etc.	One space per four seats.
Bowling establishment	Five (5) spaces per alley.
Dance hall or skating rink	One space per 100 square feet of gross floor area.
(6) <u>Commercial</u>	
Retail store	One space per 200 square feet of gross floor area.
Service or repair shop, retail business handling bulky merchandise	One space per 600 square feet of gross floor area.

Redmond Code

such as automobiles
and furniture

Business or
professional

One space per 300 square feet of
office of gross floor area.

Bank

One space per 400 square feet of gross floor
area.

Eating or drinking
establishment

One space per 100 square feet
of gross floor area.

Mortuary

One space per four seats in the chapel.

(7) Industrial

Industrial, manufac-
turing, research and
freight and terminal
uses

One space per employee, if possible
to determine; otherwise one space
per 800 square feet of gross
floor area.

Wholesale establishment
warehouse or bulk
storage

One space per employee, if possible
to determine, otherwise one space
per 1,000 square feet of gross floor area.

8.0505 **Off-Street Parking and Loading.** Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths. Off-street parking areas used to fulfill the requirements of these standards shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:

(1) The provisions and maintenance of off-street parking and loading spaces is a 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 put, 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 upon finding that there is inadequate site area to accommodate the required parking. This does not however, exempt the business from any fees associated with the required parking.

(2) Requirements for types of buildings and uses not specifically listed in these standards shall be determined by the Hearings Body based upon the requirements

Redmond Code

for comparable uses listed.

(3) In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street shall be the sum of the 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. Other 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.

(6) 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.

(7) In any zone in connection with every building or part thereof hereafter erected and 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, there shall be provided and maintained at least one off-street loading berth, plus one additional such 20,000 square feet. Said loading berth shall be provided with 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.

(8) 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) Each parking space or stall shall be governed by the requirements of Section 8.0515, and in no case have less than a minimum width of 8 feet and a minimum length of 18 feet but in any case must have at least a total area of 144 square feet, must be individually accessible, be paved, and be adequately maintained.

(2) Except for parking in connection with dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than five feet in height except where vision clearance is

Redmond Code

required.

(3) Parking spaces along the outer boundaries of a parking lot 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) Artificial lighting which may be provided shall not shine or create glare in any residential zone or on any adjacent dwelling.

(5) Access aisles shall be of sufficient width to permit easy turning and maneuvering.

(6) Except for single-family and duplex dwellings, 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 shall be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. 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 formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.

(9) The following standards shall apply to parking within industrial zones:

(a) Parking shall not be allowed within the front yard or side yard setback areas.

(b) Parking shall not be allowed on collectors or arterials when industrial zoning is contiguous to said street.

(c) All parking areas shall be limited to 60 spaces plus access--additional required parking shall be separated by 5' landscaped strips except for access. The 60 parking spaces shall be referred to as a cluster of parking.

8.0515 **Parking Table and Diagram.** Parking table. The following table 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.

Redmond Code

PARKING TABLE

A	B	C	D	E	F	G
P A R A L L E L	'0"		12.0	22.0	20.0	2
20°	8'0" 8'6" 9'0" 10'0"	13.6 14.1 14.6 15.5	11.0 11.0 11.0 11.0	23.4 24.9 26.3 29.2	24.6 25.1 25.6 26.5	1
30°	8'0" 8'6" 9'0" 9'6" 10'0"	16.0 16.4 16.8 17.3 17.7	11.0 11.0 11.0 11.0 11.0	16.0 17.0 18.0 19.0 20.0	27.0 27.4 27.8 28.3 28.7	1
45°	8'0" 8'6" 9'0" 9'6" 10'0"	18.4 18.7 19.1 19.4 19.8	14.0 13.5 13.0 13.0 13.0	11.3 12.0 12.7 13.4 14.1	32.4 32.2 32.1 32.4 32.8	3
60°	8'0" 8'6" 9'0" 9'5" 10'0"	19.7 20.0 20.3 20.5 20.8	19.0 18.5 18.0 18.0 18.0	9.2 9.8 10.4 11.0 11.5	38.7 38.5 38.3 38.5 38.8	3
70°	8'0" 8'6" 9'0" 9'6" 10'0"	19.8 20.1 20.4 20.6 20.9	20.0 19.5 19.0 18.5 18.0	8.5 9.0 9.6 10.1 10.6	39.8 39.6 39.4 39.1 38.9	3
80°	8'0" 8'6" 9'0" 9'6" 10'0"	19.2 19.3 19.4 19.5 19.6	25.0 24.0 24.0 24.0 24.0	8.1 8.6 9.1 9.6 10.2	44.2 43.3 43.4 43.5 43.6	3
90°	8'0" 8'6" 9'0" 9'6" 10'0"	18.0 18.0 18.0 18.0 18.0	26.0 25.0 24.0 24.0 24.0	8.0 8.5 9.0 9.5 10.0	44.0 43.0 42.0 42.0 42.0	3

Redmond Code

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 holdings may be put to use permitted subject to the other requirements of the zone in which the property is located.

8.0555 **Exception to Yard Requirements.** The Planning Commission may increase the yard requirement when a yard abuts a street which the City has designated for future widening. The Planning Commission may permit a lesser front yard requirement if structures on abutting lots does not meet the front yard requirements of the zone in which it is located.

8.0560 **Exception to Yard Requirements for Detached 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.

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, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flag poles, radio and television towers, masts, arterials, cooling towers, elevator shafts and other similar projections. Prior to construction of these structures or structural parts, a site plan must be reviewed and approved in accordance with Site & Design Review Standards.

8.0570 **Divided Tax Lots.** A single tax lot of record may be considered as a divided parcel for the purposes of these standards if it is effectively subdivided 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.

8.0575 **Special Exceptions to Lot Size Requirements.** 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.

Redmond Code

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 proposal will be consistent with the Comprehensive Plan and the objectives of the zoning standards and other applicable policies of the City.

(2) The location, size, design, and operating characteristics of the proposal will have minimal adverse impact on the livability, value, or approximate development of abutting properties and the surrounding area.

(3) The proposal will not place an excessive burden on sewage, water supply, parks schools, or other public facilities including traffic flows in the area.

8.0605 **General Conditions.** In addition to the standards and conditions set forth in a specific zone, this article, and other applicable regulations, in permitting a new conditional use or the alteration of an existing conditional use, the Hearings Body may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the City as a whole. 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 restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.

(2) Establishing a special yard or other open space or lot area or dimension.

(3) Limiting the height, size, or location of a building or other structure.

(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.

(6) Designating the size, location, screening, drainage, surfacing, or other improvement of 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 its shielding.

(9) Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

(10) Designating the size, height, locations, and materials for a fence.

(11) Protecting and preserving existing trees, vegetation, or other significant

Redmond Code

natural resources.

(12) Other conditions necessary to permit the development of the City in conformity with the intent and purpose of these standards and the policies of the Comprehensive Plan.

8.0610 Permit and Improvements Assurance. The Hearings Body may require an applicant to furnish the City with a performance bond or such other form of assurance that the Hearings Body deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

8.0615 Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in this section.

(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 wrecking yard or junk yard: In considering a condition use application for an automobile wrecking yard or junk yard, the Hearings Body shall require that it be closed and screened from public view by a sight obscuring and well maintained fence not less than six feet in height. All junk shall remain inside the fence. If applicable, the Hearings Body shall be assured that the proposal is in conformance with applicable State regulations.

(3) Bed and Breakfasts: A bed and breakfast shall comply with the following provisions:

(a) All such uses require Site and Design Review for applicable remodeling or site modifications.

(b) All such uses be in conformance with the Article V, Sign Standards under 8.4100

(c) All such uses may have a maximum of 5 guest units.

(d) All such uses provide evidence of appropriate state and county health and safety approvals.

(e) All such uses provide one parking space per guest suite in addition to the residential use requirement of two spaces.

(f) All such uses provide parking areas to be screened as per design review standards.

(g) All such uses be owner/manager occupied.

(4) Cemeteries: The Hearings Body shall require evidence and shall find that

Redmond Code

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, nursing home, convalescent home, retirement home:

(a) Such uses may be authorized as a conditional use only after consideration of the following factors:

1. Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses and additional lot areas shall be required therefore).
2. Location of the site relative to the service area.
3. Probable growth and need therefore.
4. Site location relative to land uses in the vicinity.
5. Adequacy of access to and from principal streets together with the probable effect on the traffic volumes of abutting and nearby streets.

(b) Such uses or related buildings shall be at least 30 feet from a side or rear lot line.

(c) Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height 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) Clinics, clubs, lodges, fraternal organizations, community centers, and grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities, governmental structures and land uses, parks, playgrounds. In considering the above, the Hearings Body may authorize the conditional use after assurance that the following is to be provided:

- (a) adequate access from principal streets;
- (b) adequate off-street parking;
- (c) adequate building and site design provisions to minimize noise and glare from the building and site.

(7) Commercial use or accessory use not wholly enclosed within a building or 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 an residential zone. In any zone permitting a commercial use or accessory use not wholly enclosed within a building or 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 may be permitted a conditional use subject to the following standards:

Redmond Code

(a) A sight obscuring fence or evergreen hedge may be required by the Hearings body when in its judgement, 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 aesthetics 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 minimum of noise and glare from the building and site.

(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 100 units

(b) Adjacent to and accessed from a designated arterial road.

(c) Adjacent to a tourist destination or facility such as the Redmond Airport, Redmond Caves, Deschutes County Fairgrounds.

(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;

Redmond Code

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 located closer than 500 feet from a residential or commercial zone.

(12) Mobile Home Park. A mobile 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 eligible for a certificate of sanitation as required by State law.

(b) The space provided for each mobile home shall be provided with piped potable water, and electrical and sewerage connections.

(c) The number of spaces for mobile homes shall not exceed nine (9) for each acre of the total area in the mobile home park.

(d) A mobile home shall occupy not more than 40 percent the contiguous space provided for the exclusive use of the occupants of the mobile 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 mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home accessory building shall be closer than 10 feet from a mobile home space or other building or structure. No mobile 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 mobile 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 Mobile 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 mobile home shall

Redmond Code

meet the State standards for mobile home construction evidenced by the insigne.

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.

(g) A mobile home permitted in the park shall be provided with a continuous skirting.

(h) There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

(i) 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.

(j) If the park provides space for 50 or more mobile 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.

(k) If a mobile 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.

(l) Open Space. A minimum of at least 2,500 square feet plus 150 square feet per mobile home space shall be provided for a recreational play area, group or community activity. The Hearings Body may require this area to be protected from streets, parking area, or the like, 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 mobile home park wholly to satisfy the requirements of this section shall be open to, or offered in itself, to the general public.

(m) Parking Space Requirement. A parking space shall be provided for each mobile home space on the site. In addition, guest parking spaces shall also be provided in every mobile home park within 200 feet of the

Redmond Code

mobile home spaces served and at a ratio of one parking space for each two mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.

(n) All mobile home parks over 10 acres in size shall be locate so as to have access on a street designated as a collector street.

(o) All mobile 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.

(p) Lighting shall be installed along the access ways of the mobile 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.

(q) 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 20 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).

(r) No mobile home park shall be created on a site of less than three acres.

(s) Sidewalks or other approved surfaced pedestrian walkways shall be provided.

(t) 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) 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 access roads shall be designed and constructed at the maximum design standards for right-of-way and/or pavement width

Redmond Code

(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 20 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

Redmond Code

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.

Redmond Code

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 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, carports, 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 Planning 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.

(14) 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.

(15) 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

Redmond Code

- (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.

(16) 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;
- (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.

8.0620 **Application for a Conditional Use.** A property owner may initiate a request for a conditional use.

8.0625 **Public Hearing on a Conditional Use.** Before the Hearings Body may act on a request for a conditional use, it shall hold a public hearing following the procedure described in Land Use Administrative actions allowed under Article II of these standards are exempt from this section.

8.0630 **Notification of Action.** Within ten days after a decision has been rendered on a request for a conditional use, the Director shall provide the applicant with a written notice of the Hearings Body's action.

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

Redmond Code

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 Planning 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.

Redmond Code

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 with respect to height, setback, or coverage may be altered or extended if the alteration or extension does not further deviate from these standards.

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 resumed as a conditional use pursuant to Sections 8.0600-8.0645.

(2) If a non-conforming use not involving a structure is discontinued for a period of one year, 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 these standards.

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 these standards.

8.0685 **Alterations and Repairs.**

(1) Alteration of a non-conforming use may be permitted to reasonably continue the use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

(2) Any proposal for the alteration of a use under sub-section (1) above, except an alteration necessary to comply with a lawful requirement, shall be permitted as a conditional use subject to the provisions of Article II of these standards, and this section. "Alteration" of a non-conforming use includes:

(a) a change in the use of no greater adverse impact to the neighborhood

b. a change in the structure of physical improvement of no greater adverse impact to the neighborhood.

8.0690 **Non-Conforming Construction.** Nothing in these standards shall require any change in plans, construction, alteration, or designated use of a structure for which a

Redmond Code

building permit has been issued and construction has commenced prior to the adoption of these standards provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two years from the time the permit is issued.

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

(1) the lot was a lot in a duly platted and recorded subdivision on or before the effective date of these standards, or was a parcel created by an approved land partitioning prior to such date

(2) the use conforms to all other requirements of that zone

(3) if there is an area deficiency, residential use shall be limited to a single dwelling unit.

Redmond Code

VARIANCES

8.0700 **Authorization to Grant or Deny Variances.** Except as provided for in Section 8.0710, the Planning 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.

8.0705 **Criteria.** No variance shall be granted pursuant to the provisions of Section 8.0700 unless the applicant can establish:

(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 **Authorization to Grant or Deny Variances to On-Site Requirements.** The Planning Director or, if the variance is reviewed in conjunction with site plan review, the Site and Design Review Commission may authorize a variance from these standards relating to on site requirements (e.g. yards, parking, signs, etc.). Provided, however, that no variance under this section shall be greater than 25% of the requirement from which the variance is sought.

(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; and

Redmond Code

(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; and

(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 Planning 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.

8.0725 Time Limits on Approval of a Variance. Authorization of a variance shall be void after 12 months or after such time less than 12 months as may be specified as a condition of approval unless, when appropriate, a building permit has been issued and substantial construction has taken place.

8.0730 Notification of Action. Within five days after a decision has been rendered on a request for a variance, the Planning Director shall provide the applicant with written notice of the action.

Redmond Code

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 Planning Director using the form(s) prescribed by Article II of these standards.

8.0755 **Zone/Plan Map Amendments.** The Hearings Officer shall, within 45 days after filing of a petition by a property owner for a zone change/plan amendment with the Planning Director, hold a public hearing in accordance with the provisions of Article II. Prior to said hearing the Planning 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 Officer determines that the applicant has met all applicable criteria for the proposed change, the Hearings Officer shall give tentative approval of the proposed change. Such approval shall include any conditions, stipulations or limitations which the Hearings Officer determines to be necessary to meet the criteria. An appeal of the Hearings Officer's decision shall be effected 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.

Redmond Code

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 Officer within the six month period immediately following a previous denial application; if in the opinion of the Hearings Officer, new evidence or a change of circumstances warrant it, however, the Hearings Officer may permit a new application.

Redmond Code

GENERAL PROVISIONS

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

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.

(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 enjoined, abated, or removed.

(5) Revocation for False Statement. The Planning Commission may revoke any permit granted pursuant to the provisions of these standards, if it is determined that the permit was issued on account of false statements contained in the application form or false representations made at a public hearing.

(6) Revocation for Non-conformance. The Planning Commission 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.

(7) Revocation Hearing. No permit shall be revoked without a public hearing held pursuant to the provisions of Article II of these standards.

(8) Who May Request Revocation Hearing. A revocation hearing shall be held by the Planning Commission at the request of an interested person when it has reasonable cause to believe that the provisions of these standards have been violated.

(9) 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.

Redmond Code

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.** These standards may be corrected by order of the City Council to cure editorial and clerical errors.

8.0815 **Enactment, Emergency Declared.** It being deemed by the City Council of the City of Redmond that an emergency exists, these standards shall be in full force and effect from and after its passage and approval by the City Council and Mayor.

Redmond Code

PRESERVATION OF HISTORIC BUILDINGS AND SITES

8.0820 **Purpose.** Districts, buildings, and sites in the City of Redmond having special historic and prehistoric association or significance should be preserved as a part of the heritage of the citizens of the city and for the education, enjoyment, and pride of the citizens, as well as the beautification of the City and enhancement of the value of such property. To that end, regulatory controls and administrative procedures are necessary.

8.0825 **Administration.** This code shall be administered by the Deschutes County Historical Landmarks Commission (Landmarks Commission). The Landmarks Commission shall be appointed by the Deschutes County Board of Commissioners and the mayors of the City in accordance with County Ordinance No. PL-21 and shall act in accordance with County Ordinance PL-21.

8.0830 **Definition.** The following terms are defined as indicated:

(1) Alteration: The word "alteration" shall mean the addition to, removal of or from, or physical modification of any exterior part or portion of a structure and/or building or structure and/or building in a designated historic district. A minor alteration is one which does not affect the historical and architectural significance of the structure or building.

(2) Architectural Significance: The term "architectural significance" shall mean that the structure and/or building or district;

(a) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;

(b) embodies those distinguishing characteristics of an architectural type;

(c) is the work of an architect or master builder whose individual work has influenced the development of the city; or

(d) contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.

(3) Demolish: The word "demolish" shall mean to raze, destroy, dismantle, deface or, in any other manner, cause partial or total ruin of a designated landmark or structure and/or building or a designated landmark or structure and/or building in a historic district.

(4) Exterior: The word "exterior" shall mean any portion of the outside of a designated historic structure and/or building or a structure and/or building in a designated historic district or any addition thereto.

(5) Historical Significance: The term "historical significance" shall mean that the structure and/or building or district;

(a) has character, interest, or value as part of the development, heritage, or cultural characteristics for the city, county, state, or nation;

Redmond Code

- (b) is the site of a historic event with an effect upon society;
- (c) is identified with a person or group of persons who had some influence on society, or
- (d) exemplifies the cultural, political, economic, social, or historic heritage of the community.

(6) Landmarks Commission: This term shall mean the Deschutes County Historical Landmarks Commission.

8.0835 **Designation of Historical Building or Site.**

(1) Upon receipt of a request by the Landmarks Commission to designate a particular building or site within the city limits of Redmond as a historical building or site, or upon direction by the Redmond City Council on its own motion, the City Planning Department shall advise the owner of such building or site and shall fix a date and time for a public hearing before the City Council thereon.

(2) The Planning Department shall notify the Redmond Urban Area Planning Commission and shall transmit a copy of the request to the Landmarks Commission unless such a request has come from the Landmarks Commission.

(3) The Landmarks Commission shall submit its recommendation to the Redmond City Council at least 10 days prior to the public hearing.

(4) At such public hearing, the owner of the property involved, a representative of the Landmarks Commission, and all other interested parties shall be entitled to be heard by the City Council.

(5) Any request for historic designation must be filed with the City Planning Department before the date of application for any building, conditional use, or any other application or permit which might be affected by such historic designation.

(6) If the City Council determines that a building inside the city limits proposed for designation as a historical building has architectural significance or is of historical importance based upon past or present use, the council may designate such building as a historical building.

(7) If the council finds that a particular site had a prior use involving the establishment, growth, or particular incidents relating to the history of the City, the council may designate the same as a historical site.

(8) If any historical building has been demolished or destroyed, the city, on its own motion or upon recommendation of the Landmarks Commission, may remove the historical building designation therefrom.

(9) If the designation is proposed to be removed from any historical building or site for any other reason than set forth in the preceding sentence, then similar notices, recommendations, and hearings shall be held as upon the designation of a building or site as historical building designation of a building or site as historical in the first instance.

(10) A historical or architecturally significant interior space or other portion of

Redmond Code

a building may be designated as a historic building in the same manner as provided in this section; provisions of this code relating to historical buildings shall be applicable to such designated interior space or other portion of a building.

(11) The City Council may make a recommendation regarding any request to designate a particular building or site within the urban growth area as a historical building or site. As used in this section, "urban growth area" is that area outside the City limits but within the urban growth boundary.

(12) At the time of annexation to the city, all designated historical sites within the annexation area shall automatically revert to within city jurisdiction unless a public hearing is held to remove the site from the historical designation.

8.0840 **Designation of a Building or Site of Historical Interest.**

(1) If the City Council finds that a particular site is of historical interest but does not meet the criteria for designation as a historical building or site, the council may designate said building or site as a building or site of historical interest.

(2) Buildings or sites designated as being of historical interest shall not be required to comply with the requirements of this code except in the event of demolition or of major alteration. In this instance, the owner must notify the City within at least ten (10) days prior to said demolition or major alteration and permit the City to take photographs of the site or building.

(3) The City and/or Landmarks Commission may also make recommendations to the owner regarding alternatives to demolition or major alteration which would be detrimental to the building or site designation as being of historical interest.

8.0845 **Designation of Historical District.**

(1) Upon receipt of a request by the Landmarks Commission to designate an area as a historical district or upon direction by the City Council, the Planning Department shall fix a date and time for a public hearing before the City Council thereon.

(2) The Planning Department shall notify owners within the proposed historical district, the Redmond Urban Area Planning Commission, and shall transmit a copy of the request to the Landmark Commission unless such request has been made by the Landmark Commission.

(3) At such public hearing, the owner of the property involved, a representative of the Landmarks Commission and all other interested parties shall be entitled to be heard by the City Council.

(4) If the City Council determines that an area proposed to be designated as a historical district has architectural significance or is of historical importance based upon past or present use, the council may designate such area as a historic district.

(5) If the city Council determines that an area outside the city limits but inside the adopted urban growth boundary is proposed to be designated as a historical district for

Redmond Code

the same reasons, the council may recommend to the Board of County Commissioners that such area be designated as a historical district.

(6) All sites or buildings within a district need not be of historical or architectural significance, provided the district as a whole is of such importance or significance.

(7) If the primary or significant buildings within a historical district have been demolished or destroyed, the City Council, on its own motion, may remove the historical district designation.

(8) If the designation is proposed to be removed from any historical district for any other reason than set forth in the preceding sentence, then similar notices, recommendations, and hearing shall be held as upon the designation of the historical district in the first sentence.

(9) Any request for a historic district designation must be filed with the Landmark Commission before the date of application for any building, conditional use, or any other application or permit which might be affected by such historical designation.

(10) If a designated historical district is within an area of annexation at the time of annexation of the City, that historical district shall automatically revert to within city jurisdiction unless a public hearing is held to remove the historic district designation.

8.0850 Designation not a Recommendation for Federal Action. Nothing in this code nor the designation of a historical district under Section 6 shall be interpreted as a recommendation by the City Council supporting designation of any building or structure as a "Certified Historic Structure" for purposes of Section 191 (d), (1), (b), or (c) of the Federal Tax Reform Act of 1976. No such recommendation or certification shall be made without notice to affected parties and an additional hearing thereof.

8.0855 Exterior Alteration and New Construction.

(1) Except as provided pursuant to Section H, no person may alter any structure in a historic district, designated historic building, or any landmark in such a manner as to affect its exterior appearance, nor may any new structure and/or building be constructed unless a certificate of approval has been issued by the Landmarks Commission and the planning director.

(2) Application for such a certificate shall be made to the Planning Department and shall be referred to the Landmarks Commission for review or hearing.

(a) Minor alterations may be acted upon by the planning director or his/her designee by administrative review.

(3) All applications must be accompanied by appropriate plans and/or specifications.

(4) Any request for a certificate of approval must be filed prior to or in conjunction with an application for any building or land use permit.

Redmond Code

(5) For exterior alterations of structures and/or buildings in a historic district or a designated historic structure and/or building, the criteria to be used by the Landmarks Commission in reaching its decision on the certificate of approval shall include the following:

(a) Provisions of the Redmond Urban Area Comprehensive Plan.

(b) The reasonableness of the proposed alteration and the relationship to public interest in the structure's and/or building's preservation or renovation.

(c) The value and significance of the structure and/or building.

(d) The physical condition of the structure and/or building.

(e) The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture, and materials proposed to be used with an existing structure and/or building.

(f) Other pertinent aesthetic factors as appropriate.

(6) For construction of new structures and/or buildings in a designated historic district, the criteria to be used in the issuance of a certificate of approval shall include the following:

(a) The purpose as set forth in Section 1.

(b) The provisions of the Redmond Urban Area Comprehensive Plan.

(c) The economic effect of the new structure and/or building on the historical value of the district.

(d) The effect of the proposed new structure and/or building on the character of the district.

(e) The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new structure and/or building.

(f) Economic, social, environmental and energy consequences.

(7) All decisions on certificates of approval shall be in writing.

(8) Nothing in this code shall be constructed to prevent the ordinary maintenance or repair (i.e., painting) of exterior architectural features which does not involve a change in design or type of materials unless the building official can certify the repair is required for the public safety because it is an unsafe or dangerous condition.

(9) All decisions concerning the certificate of approval are subject to appeal to the City Council as set forth in Section 12.

NOTE: Design Review Guidelines for Alterations and Additions and Design Review Guidelines for New Construction are hereby made a part of this code as appendices B and C pursuant to Section 7.

8.0860 **Demolition - Building Condemnation.**

(1) If an application is made for the demolition of any designated historic

Redmond Code

structure and/or building or a structure and/or building within a historic district or landmark, the application shall be transmitted, before action is taken, to the Landmarks Commission within seven (7) days of the application.

(2) The Landmarks Commission shall hold a public hearing within thirty (30) days on the acceptance of the application.

(3) The applicant, the owner of the property, and any interested parties shall be entitled to be heard.

(4) In determining the appropriateness for the demolition as proposed in the application, the Landmarks Commission shall consider the following:

(a) All plans, drawings, and photographs as may be submitted by the applicant.

(b) Information presented at a public hearing held concerning the proposed work.

(c) The Redmond Urban Area Comprehensive Plan.

(d) The purpose of this code as set forth in Section 1.

(e) The criteria used in the original designation of the landmark or district in which the property owner under consideration is situated.

(f) The historical and architectural style, the general design, arrangement, materials of the structure and/or building in question or its appurtenant fixtures, and the relationship of such features to similar features of other buildings within the city and the position of the structure and/or building in relationship to public rights-of-way and to other buildings and structures in the area.

(g) The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the structure and/or building which cause it to possess a special character, special historical or aesthetic interest, or value.

(h) Whether delay of the permit will involve substantial hardship to the applicant and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this code.

(i) Economic, social, environmental, and energy consequences.

(5) The Landmarks Commission may approve the demolition request after considering the criteria contained in Section D.

(6) If not appeal is filed, the building official shall issue the permit in compliance with other codes and ordinances of the city.

(7) The Landmarks Commission may suspend the application for a demolition permit if it is determined that, in the interest of preserving historical values, the structure and/or building or landmark should not be demolished and, in that event, issuance of the permit shall be suspended for a period fixed by the commission as follows: The

Redmond Code

Landmarks Commission may invoke a stay of demolition for a period not exceeding thirty (30) days from the date of public hearing. The commission may invoke an extension of the suspension period if it determines that there is a program or project under way which could result in public or private acquisition or relocation of such structure and/or building or site and that there is reasonable ground to believe that such program or project may be successful; then the commission, at its discretion, may extend the suspension period in thirty (30) day increments for an additional period not exceeding ninety (90) days, to a total of not more than one hundred twenty (120) days from the date of acceptance of the demolition permit. During such period of suspension of permit application, no permit shall be issued for such demolition nor shall any person demolish the structure and/or building. If all such programs or projects are demonstrated to the commission to be unsuccessful and the applicant has not withdrawn his application for a demolition permit, the building official shall issue such permit if the permit application otherwise complies with the codes and ordinances of the city.

(8) Action by the Landmarks Commission suspending issuance of a permit for demolition may be appealed to the City Council by the applicant for permit by filing a notice of appeal in the same manner as provided for in Section 13 for appeals.

(9) Before any action is taken to condemn a structure and/or building designated as a historical building or site or any structure and/or building within a designated historic district, the Landmarks Commission shall review the report of the City Building Department and any other city departments relating to the condition of the building and the premises and the extent of its danger, deterioration, or decay. The Landmarks Commission shall report on its review and make a recommendation concerning city action to the City Council before official action of condemnation is instituted.

(10) The Landmarks Commission may identify specific structures and/or buildings within a designated historical district which will be exempt from the provisions of this section governing review of a permit for demolition.

(11) The same procedure as stated in this section shall apply to building extraction.

8.0865 **Record of Demolished Historical Building/Artifacts.**

(1) If a designated historical building is to be demolished, insofar as practicable and as funds are available, the Landmarks Commission shall keep a pictorial and graphic history of the historical building or historical site with additional data as it may obtain.

(2) To the extent funds are available of the Landmarks Commission may obtain donations thereof, the Landmarks Commission shall obtain artifacts from the building or site which it deems worthy of preservation, such as carvings or other materials it deems of artistic or historical importance.

Redmond Code

8.0870 **Signs/Plaques.** The owner of a designated historical building or site or the occupant thereof, with the consent of the owner, may install an identification plaque or sign indicating the name, date architect, or other appropriate information upon the property, provided that the size, material, design, location, and text of such plaque or sign is approved by the Deschutes County Historical Society.

8.0875 **Redevelopment and Neighboring Improvement Projects.**

(1) In any redevelopment project or neighboring improvement project administered by a department of the city or submitted to the City Council for its review and recommendation, the proposed action relating to a designated historical district, building, or site shall be submitted to the Landmarks Commission for its review and recommendation.

(2) A report thereon by the Landmarks Commission shall be filed by the City Council and a copy shall be sent to the appropriate city department.

8.0880 **Appeals.** Appeals from actions of the Landmarks Commission shall be to the Redmond City Council and may be filed by the applicant, the owner, occupant of the site or district concerned, or by any other person who participated in the initial hearing. Appeals must be filed within fifteen (15) days from the date of action by the Landmarks Commission, shall be filed on a form provided by the Planning Department, and shall be accompanied by a fee set for appeals by the Redmond City Council may be appealed to the Land Use Board of Appeals in accordance with rules and procedures established by state law and that board.

REFERENCE UPDATE

ARTICLE II - LAND USE PROCEDURES

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
94-04	5/24/94	Amend Redmond Code to add Chapter 8 - Development Regulations.	7/94
94-30	12/13/94	Amend Sections 8.1305 & 8.1310, time limits on development actions.	12/94
98-01	2/13/98	Adding Section 8.1445, Modifications of Approval	3/98
1999-12	2/9/99	Amending Section 8.1610, Approval Extension, relating to extensions of land use approvals.	3/99
1999-14	3/9/99	Amending Section 8.1430, Decision on Plan Amendments and Zone Changes, relating to the City Council's authority to use a "Resolution of intent to rezone" prior to enacting a zone change or Comprehensive Plan amendment.	3/9/99
1999-31	11/23/99	Adding Section 8.1700, Declaratory Ruling	11/99
2000-19	9/26/2000	Amending Sections 8.1500-8.1530 and adding Sections 8.1535-8.1570	9/2000
2002-03	3/12/2002	Repealing Sections 8.1000 - 8.1720 and replacing new Sections 8.1000 - 8.1720	3/2002

ARTICLE II - LAND USE PROCEDURES

INTRODUCTION AND GENERAL PROVISIONS

8.1000 Introduction and Application.

(1) This title is enacted to provide a uniform procedure for the processing of applications, and determinations by the Planning Division of the City of Redmond Community Development Department under the Redmond Urban Area Comprehensive Plan, land use regulations, subdivision and partition standards and other standards which by their terms incorporate by reference the procedures in this Article. This Article shall be known as the City of Redmond Land Use Procedures.

(2) The provisions of this Article do not apply to the issuance, suspension, or revocation of any building, electrical or plumbing permits except as they relate to Planning Division consideration of permitted uses.

8.1005 Definitions. The following definitions apply to this title:

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

(2) Development action includes decisions that do not require exercise of discretion and are based on clear and objective criteria including the following applications:

- (a) Sign Permits;
- (b) Lot line adjustments;
- (c) Temporary use permits; and
- (d) Other nondiscretionary approvals requiring the application of clear and objective criteria.

(3) Land use action includes any consideration for approval of a quasi-judicial plan amendment or zone change and any consideration for approval of a land use permit. Land use actions include the following applications:

- (a) Conditional Use Permits;
- (b) Alteration or Repair of a Nonconforming Use;
- (c) Variance;
- (d) Text or Map Amendment;
- (e) Declaratory Ruling;
- (f) Subdivision;
- (g) Partition;
- (h) Site and Design Review; and
- (i) Other applications which require the exercise of discretion or policy judgment in applying and/or interpreting applicable criteria.

Redmond Code

(4) Legislative changes generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, zoning standards, or the subdivision & partition standards and changes in comprehensive plan and zoning maps not directly affecting individual property owners.

(5) Property Owner. For the purpose of this section, the term "property owner" shall mean the owner of record or the contract purchaser and does not include a person who holds a security interest.

(6) Quasi-judicial zone change or plan amendment generally refers to a plan amendment or zone change directly affecting individual property owners and that involves the application of existing policy to a specific factual setting. There are three factors that must be analyzed to distinguish the difference between a legislative change and a quasi-judicial change. These three factors are: (1) whether the request is bound to result in a decision, (2) whether the request requires the application of specific criteria, and (3) the size of the area and the number of people affected by the decision. In most cases the conclusion is based on the answer to the third question.

8.1010 **Application Requirements.**

(1) Applications for development actions or land use actions shall:

(a) Be submitted by the property owner or a person who represents in writing that he or she has authority from the property owner as defined herein to make the application;

(b) Be completed on a form prescribed by the Community Development Director or designee;

(c) Be filed with a narrative statement or Burden of Proof, that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making; and

(d) Be accompanied by the appropriate filing fee.

(2) Failure to include any of the required information may lead to a determination that the application is incomplete and may be rejected.

(3) Acceptance of an application indicates only that the application is ready for processing and review.

(4) Applications for uses or development that are not authorized under Section 8.0060 will not be accepted.

8.1015 **Incomplete Applications.**

(1) If an application is incomplete, the Community Development Director or designee shall, within thirty (30) days of receipt of the application, notify the applicant in writing of exactly what information is missing.

Redmond Code

(2) The applicant, should within 14 days of the date of the letter indicate whether the applicant will continue to pursue a decision or withdraw the application.

(3) If the applicant fails to respond within 14 days, at the discretion of the Community Development Director, the city may return the application or continue through to a final decision.

(4) Upon return of the application, the applicant may request a refund of any remaining fees or 50% of the total amount of the fee whichever is greater.

8.1020 **False Statements on Application and Supporting Documents.**

If the applicant or the applicant's representative or apparent representative makes a misstatement of fact on the application regarding property ownership, authority to submit the application, acreage, or any other fact material to the acceptance of the application, and such misstatement is relied upon by the Community Development Director or designee or Hearings Body in making a decision whether to accept the application, the Community Development Director or designee may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

8.1025 **Conditions of Approval.** The City may require conditions of approval to any application as are necessary to assure compliance with applicable criteria as provided under the Redmond Development Code and Comprehensive Plan where applicable. Violation of a condition of approval will be treated as a violation of the Redmond Development Code and is subject to enforcement under Section 8.0805.

8.1030 **Withdrawal of Application.** An application may be formally withdrawn in writing by the property owner, the applicant, or applicant's representative at any time prior to the City's final written decision. Receipt by the City of a written request to withdraw the applications is final. Such request shall include a written statement waiving any statutory rights to pursue a writ of mandamus as provided under state law. A withdrawn application that is resubmitted to the City will be treated as a new application.

8.1035 **Time Computation.** Except as otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday or any day on which the city is not open for business pursuant to city ordinance, in which case it shall also be excluded.

Redmond Code

LEGISLATIVE PROCEDURES

8.1100 **Legislative Procedures.** The following legislative procedures are established. No legislative change shall be adopted without review and approval by the City Council.

8.1105 **Hearing Required.** Public hearings before the Planning Commission or Hearings Officer shall be set at the discretion of the Community Development Director or designee unless otherwise required by State law.

8.1110 **Notice.**

(1) Published notice.

(a) Notice of a legislative change shall be published in a newspaper of general circulation in the City at least ten (10) days prior to each public hearing.

(b) The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

(2) Posted Notice. Individual notice to property owners, as defined in Section

8.1010 (1) herein, shall be provided at the discretion of the Community Development Director or designee.

8.1115 **Initiation of Legislative Changes.** A legislative change may be initiated by application of individuals upon payment of required fees, or by the City Council or the Planning Commission.

8.1120 **Hearings Body.**

(1) The following shall serve as hearings or review body for legislative changes in this order:

(a) The Planning Commission or Hearings Officer.

(b) The City Council.

(2) Any legislative change initiated by the City Council shall be reviewed by the Planning Commission prior to action being taken by the Council.

8.1125 **Final Decision.** All legislative changes shall be adopted by ordinance.

Redmond Code

DEVELOPMENT ACTION

8.1200 **Development Action Procedures.** The following development action procedures are established:

8.1205 **Review of Development Action Applications.**

(1) A development action application may be handled administratively by the Community Development Director or designee without public notice or hearing.

(2) The Community Development Director or designee has the discretion to determine that for the purposes of this title a development action application should be treated as if it were a land use action application.

8.1210 **Decision.**

(1) Development action applications acted upon without notice or hearing should be approved or denied by the Community Development Director or designee within 30 days of acceptance of the application by the Community Development Director or designee.

(2) Notice of a decision shall be provided to the applicant or the applicant's representative and to the Planning Commission and the City Council.

(3) The decision may be appealed in accordance with Sections 8.1500 through 8.1530 herein.

(4) A development action decision becomes final when no further appeal under this title is possible.

8.1215 **Review of Development Action.**

(1) A review of a development action may be initiated by three or more members of the Planning Commission or City Council.

(2) The review shall be initiated in writing within twelve (12) days of the date of the staff decision.

Redmond Code

LAND USE ACTION

8.1300 **Review of Land Use Action Applications.** Land use action_applications shall be reviewed in accordance with the procedure set forth herein.

8.1305 **Action on Land Use Action Applications.**

(1) The Community Development Director or designee may decide upon a land use action application for other than a Comprehensive Plan amendment and zone change administratively either with prior notice, as prescribed under Section 8.1310, or without prior notice, as prescribed under Section 8.1315, or he may refer the application to the Hearings Body for hearing. The Community Development Director or designee should take such action within thirty (30) days of the date the application is accepted as complete. This time limit may be waived at the option of the applicant.

(2) The Community Development Director or designee's choice between or among administrative or hearing procedures to apply to a particular application or determination shall not be an appealable decision.

(3) Zone change and plan amendment applications shall be referred to a hearing before the Hearings Body.

8.1310 **Administrative Land use Decisions with Prior Notice.**

(1) Notice of the application shall be sent within ten (10) days of acceptance of the application to persons and neighborhood associations entitled to notice under Section 8.1335 herein. Such notice shall include all the information specified under Section 8.1340 except for those items specified in Subsections (g) and (j) unless the decision is referred to a hearing.

(2) Any person may comment in writing on the application within fourteen (14) days from the date notice was mailed or a longer period as specified in the notice.

(3) The Community Development Director or designee's decision to approve or deny shall be made within thirty (30) days after an application is accepted as complete. The time limit may be waived by the written consent of the applicant.

(4) Notice of the Community Development Director or designee's decision and the appeal period shall be sent to all parties and to all members of the Planning Commission and the City Council.

(5) The applicant and all persons commenting as provided in this section constitute parties to the administrative decision. Any party can appeal the decision in accordance with Sections 8.1500 through 8.1560 herein.

Redmond Code

8.1315 **Administrative Decision without Prior Notice.** The procedures for administrative decisions without prior notice shall be the same as those set forth in Section 8.1310 herein, except that:

- (1) no prior notice shall be given, and
- (2) the notice of decision shall contain the applicable information required by Section 8.1340 herein.

8.1320 **Application and Supporting Documents.** Except as provided for in Section 8.1370 herein, all documents or evidence relied upon by an applicant for a land use approval shall be submitted to the Planning Division as part of the application and be made available to the public at the time notice is provided under Section 8.1335 herein.

8.1325 **Filing of Staff Report for Hearing.**

(1) At the time an application that in the judgement of the Community Development Director or designee requires a hearing is complete, a hearing date shall be set.

(2) Whenever possible, a draft staff report should be made available fifteen (15) days prior to hearing.

(3) As required by state statute, a copy of the final staff report shall be made available to the applicant, made available to such other persons who request a copy.

(4) Oral or written modifications and additions to the staff report shall be allowed prior to or at the hearing.

8.1330 **Hearings Body.**

(1) At the discretion of the Community Development Director or designee, The following shall serve as the Hearings Body in this order:

- (a) Planning Commission or Hearings Officer.
- (b) City Council.

8.1335 **Notice of Hearing**

(1) Individual Mailed Notice. Except for a legislative action, notice of a hearing shall be provided twenty (20) days prior to the hearing and shall be sent by mail to the following persons:

- (a) The applicant.
- (b) Owners of record of property as shown on the most recent property assessment roll of property located within at least one hundred feet (100') of the property which is the subject of the application. For the purpose of determining property notification, intervening public and private ways and water courses shall not be considered.

Redmond Code

(c) All owners of property located within two hundred fifty feet (250') of the property which is the subject of a Plan Amendment application or zone change application.

(d) For a solar access or solar shade exception application, only those owners of record identified in the application as being burdened by the approval of such an application.

(e) The tenants of a mobile home park when the application is for the re-zoning of any park or all of a mobile home park.

(f) The failure of a property owner to receive mailed notice shall not invalidate any land use approval.

(2) Posted Notice.

(a) Notice of a hearing should be posted by the applicant on the property for twenty (20) days prior to the hearing. Such notice should where practicable, be visible from an adjacent street.

(b) At least twenty (20) days prior to any initial hearing, the applicant shall provide an affidavit attesting to the fact that notice has been posted as recommended by this section.

(3) Published Notice. In addition to notice by mail and posting, notice of a hearing shall be published in a newspaper of general circulation in the city at least ten (10) days prior to the hearing.

8.1340 **Contents of Notice.**

(1) Notice under Section 8.1335 shall:

(a) Describe the nature of the applicant's request and the nature of the proposed uses that could be authorized.

(b) List the criteria from the zoning ordinance and the plan applicable to the application at issue.

(c) Set forth the street address or easily understood geographical reference to the subject property.

(d) State the date, time and location of the hearing or date by which written comments must be received.

(e) State that any person may comment in writing and include a general explanation of the requirements for submission of testimony and the procedures for conduct of testimony.

(f) If a hearing is to be held, state that any interested person may appear.

(g) State that failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Redmond Code

(h) State the name of the City Planner to contact and the telephone number where additional information may be obtained.

(i) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and copies will be provided at reasonable cost.

(j) State that a copy of the staff report will be available for review at no cost at least seven (7) days prior to the hearing and copies will be provided at reasonable cost.

(2) All mailed and published notices for hearings shall contain a statement that recipients may request a copy of the staff report.

8.1345 **Limitation on Oral Presentations.** The Hearings Body may set reasonable time limits on oral testimony.

8.1350 **The Hearings Record shall include.**

(1) A magnetic tape record of the hearing shall be made.

(2) All exhibits presented shall be marked to show the identity of the person offering the exhibit.

(3) All exhibits shall be dated and numbered in the order presented.

(4) When exhibits are introduced, the exhibit number or letter shall be read into the record.

8.1355 **Hearings Procedure.** A hearing shall be conducted as follows:

(1) The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.

(2) A statement by the Hearings Body regarding ex parte contacts, bias, and conflicts of interest shall be made.

(3) Any facts received, noticed or recognized outside of the hearing shall be stated for the record.

(4) Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.

(5) The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward those criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue. State that failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.

Redmond Code

- (6) Order of presentation:
 - (a) Open the hearing.
 - (b) Staff report.
 - (c) Proponents' presentation.
 - (d) Opponents' presentation.
 - (e) Proponents' rebuttal.
 - (f) Opponents' rebuttal may be allowed at the Hearings *Body's* discretion.
 - (g) Staff comment.
 - (h) Questions from or to the chair may be entertained at any time at the Hearings *Body's* discretion.
 - (i) Close of hearing.
 - (j) Deliberation
- (7) The record shall be available for public review at the hearing.

8.1360 **Land Use Action Decisions.**

(1) Approval or denial of a land use action shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria, standards, and facts set forth.

8.1365 **Notice of Decision.** A Hearings *Body's* decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings *Body* to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants.

8.1370 **Decision on Plan Amendments and Zone Changes.**

(1) The City Council shall have final authority to make decisions on all quasi-judicial zone changes and plan amendments. The Planning Commission recommendation to the City Council shall be part of the hearing record.

8.1375 **Review by Planning Commission and City Council.**

(1) Review of a decision by the Community Development Director or designee or a Hearings *Body's* decision may be initiated by not less than three members of either the Planning Commission or the City Council.

(2) The review shall be initiated in writing and delivered to the Community Development Department within twelve (12) days of the date of the mailing of the final written decision of the Community Development Director or lower Hearings *Body*.

(3) Review shall be conducted in the same manner provided for in appeals, except that an appeal fee and transcript shall not be required.

Redmond Code

8.1380 **Proposed Findings and Conclusions.** The Hearings Body may require that any prevailing party draft a set of proposed findings and conclusions.

8.1400 **Modifications of Approval**

1. Modifications

(a) A Modification shall be processed as an Administrative Land Use Action as provided for in Section 8.1300 - 1315. Modifications are requests for revision or deletion of a condition of approval or a change to a site development plan that is the result of changed circumstances, an error in the original decision or inconsistency with the current code. Modifications may only be accepted after 90 days has elapsed from the effective date of the initial land use approval.

(b) The applicant for a modification shall include reasons for the modification and demonstrate that the request is consistent with the provisions of the code and is necessary due to a change of circumstances.

(c) At the discretion of the Community Development Director or designee, modifications to a decision rendered by a Hearings Body shall be processed by the same Hearings Body.

(d) An application as a modification to an approval shall be directed to one or more specific aspects of the approval. The review shall be limited to the criteria applicable to that particular aspect of the proposal.

(e) Proposals that would modify an approval in multiple areas with a scope greater than allowable as a modification shall be treated as an application for a new proposal.

(f) Modifications shall not be accepted in such cases where a variance would be required. (Added 2/98)

2. Alteration to an Approved Plan:

(a) Minor Alteration to an approved Site Plan or Preliminary Plat shall be processed as a Development Action provided for in Section 8.1205. Examples of such alterations include:

(1) Minor shifting of building location such that no setback is violated.

(2) Minor shifting of street alignments or easements which do not add or delete intersections or diminish road connectivity.

(3) Minor amendments to lot lines such that no new lots are created and all lots continue to meet lot size and frontage requirements.

(4) Minor changes to landscaping species or location of plant materials such that there is no change to the aesthetic improvement qualities of the landscaping.

(5) Minor changes to the building design including roof line.

(6) Minor amendments to phasing plans that would have no adverse effect on the phasing of public improvements.

Redmond Code

(b) Proposed changes to an approved Land Use Action shall be submitted in writing to the Community Development Department for approval. The department director shall grant approval to the proposed changes if it is determined that the change does not substantially alter the previous approval previously given, or the final conditions of approval. If the director determines that the proposed change does constitute a substantial alteration or a violation of the conditions the proposal shall be processed as a modification or in the same manner as a new application.

(c) The decision may be appealed in the same manner as provided in Section 8.1500 - 1530.

(d) An Alteration can only be considered if there are non substantive changes in the outward appearance of the development, impact on the surrounding properties is minimal, and the alteration is consistent with the conditions of the original approval and applicable criteria.

Redmond Code

APPEALS

8.1500 **DEFINITIONS: the following definitions shall apply:**

- (1) City Council shall mean the Redmond City Council
- (2) Planning Division shall mean the Planning Division of the Community Development Department of the City of Redmond.
- (3) De Novo Review shall mean that both old and new testimony or information may be presented at the hearing.
- (4) On The Record Appeal shall mean that the review is based only on testimony or information presented at the lower body's proceedings

8.1505 **Who May Appeal.**

- (1) The following persons may file an appeal:
 - (a) A party;
 - (b) In the case of an appeal of an administrative decision without prior notice, a person entitled to notice; and
 - (c) A person entitled to notice and to whom no notice was mailed.
- (2) A person to whom notice is mailed is deemed notified, even if notice is not received.

8.1510 **Filing Appeals.**

- (1) To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Planning Division, accompanied by the required appeal fee, and a transcript of any hearing appealed from.
- (2) The notice of appeal and appeal fee must be received at the offices of the City of Redmond Community Development Department no later than 5 p.m. on the twelfth day following mailing of the decision. Notices of Appeals may not be filed by facsimile machine.
- (3) If the City Council is the hearings body and the City Council declines review, a portion of the appeal fee may be refunded. The amount of any refund will depend upon the actual costs incurred by the City in reviewing the appeal.

8.1515 **Notice of Appeal.** Every notice of appeal shall include:

- (1) A statement raising any issue relied upon for appeal with sufficient specificity to afford the hearings body an adequate opportunity to respond to and resolve each issue in dispute.
- (2) If the City Council is the hearings body, a request for review by the City Council stating the reasons why the City Council should review the lower hearings body's decision.
- (3) If the City Council is the hearings body and de novo review is desired, a request by the applicant for de novo review shall state the reasons why the City Council should provide such review.

Redmond Code

8.1520 Determination of Jurisdictional Defects

(1) Any failure to conform to the requirements of Sections 8.1510 and 8.1515 shall constitute a jurisdictional defect.

(2) Determination of jurisdictional defects in an appeal shall be made by the hearings body to which an appeal has been made.

8.1525 Transcript Requirement.

(1) Except as otherwise provided in this section, the appellants shall provide a complete transcript of any hearing appealed from, from recorded magnetic tapes provided by the Planning Division.

(2) Appellants shall submit to the Planning Division the transcript no later than ten days after the date notice of appeal is filed or within ten days after the hearing tape is mailed or given to the appellant, whichever is later. Unless excused under this section, an appellant's failure to provide a transcript shall cause the City Council to decline to consider the appellant's appeal further and shall, upon notice mailed to the parties, cause the lower hearings body's decision to become final.

(3) An appellant shall be excused from providing a complete transcript if appellant was prevented from complying by: (1) the inability of the Planning Division to supply appellant with a magnetic tape or tapes of the prior proceeding; or (2) defects on the magnetic tape or tapes of the prior proceeding that make it not reasonably possible for Appellant to supply a transcript.

8.1530 Consolidation of Multiple Appeals

(1) If more than one party files a notice of appeal on a land use action decision, the appeals shall be consolidated and noticed and heard as one proceeding.

(2) To the extent its costs are less because multiple appeals are filed, the Planning Division may refund a portion of the appeal fees to the appellants in an equitable manner.

(3) In instances of multiple appeals where separate appellants have asked for a differing scope of review, any grant of de novo review shall control over a separate request for a more limited review on appeal.

(4) In instances of multiple appeals, all appellants shall share equally the costs of providing a complete transcript of any hearing appealed from. (Amended 9/2000)

8.1535 Scope of Review

(1) Before hearings officer or planning commission: The review on appeal before the hearings officer or planning commission shall address all issues properly raised consistent with Section 8.1515 and shall be de novo. Additional issues not expressly provided for in the notice of appeal may be addressed at the discretion of the hearings officer or planning commission.

Redmond Code

(2) Before the City Council:

(a) Review before the City Council, if accepted, shall be on the record.

The City Council may decide on its own to hear a timely filed appealed de novo.

8.1540 **Hearing on Appeal.**

(1) The appellant and all other parties to the decision below shall be mailed notice of the hearing on appeal at least twenty (20) days prior to any de novo hearing or deadline for submission of written arguments as provided in Section 8.1335.

(2) Except as otherwise provided in this chapter, the appeal shall be heard as provided in Section 8.1335 of the Redmond Code.

(3) The order of hearings body shall be as provided in Section 8.1330 of the Redmond Code.

(4) The record of the proceeding from which appeal is taken shall be a part of the record on appeal.

(5) The record for a review on the record shall consist of the following:

(a) A written transcript of any prior hearing or meeting;

(b) All written and graphic materials that were part of the record below;

(c) The hearings body decision appealed from;

(d) Written arguments, based upon the record developed below, submitted by any party to the decision;

(e) Written comments submitted by the planning commission or individual planning commissioners, based upon the record developed below; and

(f) A staff report and staff comment based on the record.

(6) In a review on the record, testimony shall be limited to arguments based on evidence in the record, no new oral or written evidence may be submitted except as otherwise permitted by the City Council.

8.1545 **Declining review.** When there is an appeal of a land use action and the City Council is the hearings body:

(1) The City Council may on a case-by-case basis or by standing order for a class of cases decide at a public meeting that the decision of the lower hearings body of an individual land use action or a class of land use action decisions shall be the final decision of the City.

(2) If the City Council decides that the lower hearings body decision shall be the final decision of the City, then the City Council shall not hear the appeal and the party appealing may continue the appeal as provided by law. In such a case, the City shall provide written notice of its decision to all parties. The decision on the land use application becomes final upon mailing of the City Council's decision to decline review.

(3) The decision of the City Council not to hear a land use action appeal is entirely discretionary.

Redmond Code

8.1550 **Development action appeals.** Notice of the hearing date set for appeal shall be sent only to the applicant. Only the applicant, his or her representatives, and his or her witnesses shall be entitled to participate. Continuances shall be at the discretion of the hearings body, and the record shall close at the end of the hearing.

8.1560 **Withdrawal of an appeal.** An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received. An appeal may be withdrawn under this section regardless of whether other non-filing parties have relied upon the appeal filed by the appellant. (Added 9/2000) Once an appeal is withdrawn, the effective date of the decision will be as provided in the original decision. Where no effective date is provided, any land use decision shall be final as of 21 days from the mailing date of the notice of final decision. Where the decision requires the adoption of an ordinance, the effective date shall be as provided in the language of the ordinance and consistent with the Redmond City Charter.

Redmond Code

LIMITATIONS ON APPROVALS

8.1600 **Limitations on Approvals.** The following limitations on approvals are applicable.

8.1605 **Duration of Approval.** All land use approvals shall be valid for a period of two years, unless a longer duration is granted as part of the approval. The two year period shall run from the date a land use approval is no longer appealable.

8.1610 **Approval Extension.** Extensions beyond two (2) years may be approved by the Community Development Director or designee ,or Hearings Body for periods of one (1) year, up to an aggregate of two (2) additional years provided that; no code changes which may be contrary to the original decision have occurred relative to that proposal, and there has been no new development since the original approval on any adjacent property. Such extensions shall be administrative, in writing, and not subject to appeal. (3/99)

DECLARATORY RULING

8.1700 **Availability of declaratory ruling.**

(1) Subject to the other provisions of this section, there shall be available for the City's comprehensive plan, zoning standards, subdivision and partition standards, site and design standards, sign standards and this Article a process for:

(a) Interpreting a provision of a comprehensive plan or ordinance (and other documents incorporated by reference) in which there is doubt or a dispute as to its meaning or application;

(b) Interpreting a provision or limitation in a land use permit issued by the City or quasi-judicial plan amendment or zone change in which there is doubt or a dispute as to its meaning or application;

(c) Determining whether an approval has been initiated or considering the revocation of a previously issued land use permit, quasi-judicial plan amendment or zone change;

(d) Determining the validity and scope of a nonconforming use; and,

(e) Determination of other similar status situations under a comprehensive plan, zoning ordinance or land division ordinance that do not constitute the approval or denial of an application for a permit.

Such a determination or interpretation shall be known as a "declaratory ruling" and shall be processed in accordance with this section. In all cases, as part of making a determination or interpretation the Community Development Director or designee (where appropriate), or Hearings Body (where appropriate) shall have the authority to declare the rights and obligations of persons affected by the ruling.

(2) A declaratory ruling shall be available only in instances involving a fact-specific controversy and to resolve and determine the particular rights and obligations of particular parties to the controversy. Declaratory proceedings shall not be used to grant an advisory opinion. Declaratory proceedings shall not be used as a substitute for seeking an amendment of general applicability to a legislative enactment.

(3) Declaratory rulings shall not be used as a substitute for an appeal of a decision in a land use action or for a modification of an approval. In the case of a ruling on a land use action a declaratory ruling shall not be available until ninety (90) days after a decision in the land use action is final.

(4) The Community Development Director or designee may refuse to accept and the Hearings Body may deny an application for a declaratory ruling if:

Redmond Code

(a) The Community Development Director or designee, or Hearings Body determines that the question presented can be decided in conjunction with approving or denying a pending land use action application or if in the Community Development Director or designee or Hearings Body's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial plan amendment or zone change or a land use permit not yet filed; or

(b) The Community Development Director or designee or Hearings Body determines that there is an enforcement case pending in district or circuit court in which the same issue necessarily will be decided as to the applicant and the applicant failed to file the request for a declaratory ruling within two weeks after being cited or served with a complaint. The Community Development Director or designee or Hearings Body determination to not accept or deny an application under this section shall be the City's final decision.

8.1705 Persons who may apply for a Declaratory Ruling.

(1) Section 8.1010 notwithstanding, the following persons may initiate a declaratory ruling under this chapter:

(a) The owner of a property requesting a declaratory ruling relating to the use of the owner's property;

(b) In cases where the request is to interpret a previously issued quasi-judicial plan amendment, zone change or land use permit, the holder of the permit; or

(c) In all cases arising under Section 8.1700, the Community Development Director or designee.

(2) A request for a declaratory ruling shall be initiated by filing an application with the Planning Division and, except for applications initiated by the Community Development Director or designee, shall be accompanied by such fees as have been set by the Community Development Department. Each application for a declaratory ruling shall include the precise question on which a ruling is sought. The application shall set forth whatever facts are relevant and necessary for making the determination and such other information as may be required by the Community Development Department.

8.1710. Procedures. Except as set forth in this section or in applicable provisions of the zoning standards, the procedures for making declaratory rulings shall be the same as set forth in this title for land use actions. Where the Planning Division is the applicant, the Planning Division shall bear the same burden that applicants generally bear in pursuing a land use action.

Redmond Code

8.1715. **Effect of declaratory ruling.**

(1) A declaratory ruling shall be conclusive on the subject of the ruling and bind the parties thereto as to the determination made.

(2) Parties to a declaratory ruling shall not be entitled to reapply for a declaratory ruling on the same question.

8.1720. **Interpretation.** Interpretations made under this chapter shall not have the effect of amending the interpreted language. Interpretation shall be made only of language that is ambiguous either on its face or in its application. Any interpretation of a provision of the comprehensive plan or other land use ordinance shall consider applicable provisions of the comprehensive plan and the purpose and intent of the ordinance as applied to the particular section in question.

REFERENCE UPDATE

ARTICLE III - SUBDIVISION & PARTITION STANDARDS

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
94-04	5/24/94	Amend Redmond Code to add Chapter 8 - Development Regulations.	7/94
95-06	2/28/95	Remove Section 8.2475 Public Park Dedication/ Park Fund	3/95
95-13	3/26/96	Amend Section 8.2115, Adding requirements for Title Reports	4/96
96-41	11/26/96	Amending Section 8.2240, concerning improvement agreements for subdivisions and partitions relating to sidewalk construction.	12/96
96-42	11/26/96	Amending Section 8.2245, concerning improvement agreements financing for subdivisions and partitions and addressing letters of credit and personal guarantees.	12/96
97-13	3/25/97	Amending Section 8.2350, Final Map Filing, relating to time limits for filing the partition final map.	4/97
98-07	1/20/98	Amending Section 8.2405, Adding subsection (16) relating to local residential non-grid streets.	2/98
1999-12	2/9/99	Amending Section 8.2205, Submission of Final Plats for Phase Development, relating to extensions of land use approvals.	3/99

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
2001-13	6/12/01	Amending Sections 8.224 and 8.2315 to record agreements with Deschutes County Clerk's office	7/01
2003-09	2/25/03	Repeals and replaces Section 8.2000 - 8.2735	4/03
2004-18	10/26/04	Amends Sections 8.2310 and 8.2420 clarifying series partitions and allows CDD Director or Hearings Officer to allow overhead utilities	11/04

ARTICLE III. SUBDIVISION AND PARTITION STANDARDS

8.2000 **Title.**

These standards shall be known as the City of Redmond Subdivision & Partition Standards and may be so cited and plead.

8.2005 **Purpose.**

In accordance with the provisions of ORS Chapters 92 and 227, these standards set forth the minimum standards governing the approval of land development, including subdivisions and partitions, as necessary to carry out the Redmond Urban Area Comprehensive Plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

(1) Encourage well planned subdivision and partition development to the end that good liveable neighborhoods with all needed amenities and community facilities may be created.

(2) Encourage development in harmony with the natural environment and within resource carrying capacities.

(3) Safeguard the interest of the public, the applicant and the future lot owner.

(4) Improve land records and boundary monumentation.

(5) Insure equitable processing of subdivision and partition plats, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for the Redmond Urban Area.

(6) Provide for orderly and efficient urban development and coordinate development with public facility and service plans and capabilities.

(7) To regulate the orientation of streets, lots, and parcels; 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 state 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. Encourage the design of new developments which use solar energy and protect future options to use solar energy through providing for and protecting solar access.

(8) No person may subdivide or partition land within the City of Redmond except in accordance with ORS Chapters 92 and the provisions of these standards.

8.2010 **Interpretation.**

The provisions of these standards shall be construed to effect the purposes set forth in Section 8.2005 of these standards. These provisions are declared to be the minimum requirements fulfilling such objectives, and the City may impose additional requirements deemed necessary to promote the health, safety and general welfare, and to carry out the Comprehensive Plan of the City. Where conditions set forth herein are less restrictive than comparative conditions imposed by any other provision of these standards, by provision of any other local ordinance, resolution or regulation, or by provision of state statute or administrative regulation, the more restrictive shall govern.

8.2015 **Construction and Terminology.**

(1) Construction. Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word "shall" is mandatory; the words "may" and "should" are permissive; the masculine shall include the feminine and neuter.

(2) Terminology. The word "City" shall mean the City of Redmond, Oregon. The words "City Council" shall mean the City Council of Redmond. The words "Community Development Department Director" and "Hearings Officer" shall mean the Community Development Department Director and Hearings Officer respectively of the City of Redmond.

8.2020 **Definitions.** As used in these standards, the following words and phrases shall mean:

Abut. Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement. (See also Adjacent, Adjoining; Contiguous)

Access. The right to cross between properties, both public and private, allowing pedestrians and/or vehicles to enter and leave property.

Access Connection. Any driveway, street, turnout, or other means of providing for the movement of vehicles and/or pedestrians to or from the public roadway system.

Access Management. The process of regulating access to streets, roads and highways from public roads and private driveways.

Access Road. See Street, Local, Private.

Acreage, gross. The total area within a unit of land.

Acreage, net. A measure of land area, exclusive of public road rights-of-way, and public use area dedications.

Adjacent. (See Adjoining; Abut; Contiguous)

Adjoining. A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. (See also Abut; Contiguous)

Adverse Impact. A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

Advertising. Publication of, or causing to be published, any material relating to disposition of interest in a land development, which has been prepared for public distribution by any means of communication.

Affected Governmental Body. A city, county, state or federal agency or special district which either has a jurisdictional interest or is of such proximity to the land partition that a reasonable likelihood of annexation exists.

Affected Person. Any person, including those 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 a permit required by these zoning standards affected by a decision.

Agent. Any person who represents or acts for any other person in disposing of interests in a land development. Includes a real estate broker as defined in ORS 696.010 (12) but does not include an attorney at law whose representation of another person consist solely of rendering legal services.

Alley. A public or private way permanently reserved and generally used as a means of public access to abutting properties.

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.

Building: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Envelope. (See Building Line)

Building Line. A line parallel to the street right-of way at any story level of a building on a plat indicating the limit beyond which buildings or structures may not be erected. If no line is shown on the plat, the building line shall be that set forth in the City Zoning Standards. Also known as a "building envelope".

Comprehensive Plan. A 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 Area that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all inclusive both in terms of the geographic area covered by the plan and functional and natural activities and systems occurring in the area covered by the plan. The plan is an expression of public policy in the form of goals, objectives and policy statements, maps, standards and guidelines, and is the basis for these standards, and other rules, regulations, and ordinances which are intended to implement the policies expressed through the plan.

Condominium. A type of residential development utilizing zero lot lines, individual ownership of units and common ownership of open space and other facilities, and which are regulated in part by state law.

Consolidation. The removal of lot lines between contiguous lawfully created lots or parcels (see also Lot Consolidation).

Construction Plans. The plans, profiles, cross sections and drawings or reproductions thereof, approved by a registered professional engineer, which show the details of the work to be done on improvements.

Contiguous. That which touches or connects, including that which only connects or touches a common point; the touching together of two or more tracts of land which lie alongside one another or which touch or connect with one another for any length or distance whatsoever, no matter how finite. (See also Abut; Adjoining)

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

Cross-Section. A profile of the ground surface perpendicular to the centerline of a street, stream or valley bottom.

Curb. A stone or concrete boundary usually marking the edge of a roadway or paved area.

Curb Cut. The opening in the curb line at which point vehicles may enter or leave the roadway.

Curb Lines. The line dividing the roadway from the planting strip or footway, meaning the inside (street side) of the curb.

Dedication. The transfer of private property to public ownership upon written acceptance.

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.

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

Disposition. Includes sale, lease for more than one year, option assignment, award by letter or as a prize, or any offer or solicitation of an offer to do any of the foregoing concerning a land development or any part of a land development.

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 required for drainage ditches and pipes, are required along a natural stream for the flow of water therein, intended to safeguard the public against flood damage or the accumulation of surface water.

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.

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

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

Fire Break. A break in the ground cover fuels as specified by the fire protection agency involved.

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

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

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

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

Grade, Finished. 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.

Grade, Ground Level. 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.

Grade, Natural. 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.

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

B. 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.

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

Hearing, Initial. An initial hearing is the first hearing authorized and conducted by the Hearings Body.

Hearings Officer. A planning and zoning hearings officer appointed or designated by the City Council pursuant to ORS 227.165 or in the absence of such appointed hearings officer, the Planning Commission.

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.

Improvements. Include, but are not limited to, streets, alleys, curbs, roadbed, road surface, storm drains and appurtenances, sidewalks, street lights, street signs, fire hydrants, sanitary sewers and appurtenances, public or private water supply and water distribution systems and other utilities.

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)

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

Ingress. Access or entry point or entrance.

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

Interest. Includes a lot or parcel, share, undivided interest or membership which includes the right to occupy the land overnight, 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.

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.

Lot. A lawfully created unit of land that is created by a subdivision of land.

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, Corner. 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.

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

Lot, Flag. A lot which fronts a public street or road and where access to the street or road is by a private driveway. A flag 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.

Lot, Interior. A lot other than a corner lot.

Lot, Irregular. 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.

Lot Line. The property line bounding a lot that divides one lot from another lot or from a public or private street or other public space.

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

Lot Line, Front. For an interior 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.

Lot Measurements:

(a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply. Flag lot area measurements are exclusive of the area within the flag pole.

Lot Line, Rear. The lot line or lines 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.

Lot Line, Side. Any lot line or lines that are 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, Nonconforming. 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.

Lot of Record. Any lawfully created unit of land, created as follows:

- (a) A lot in an existing, duly recorded subdivision;
- (b) A parcel in an existing, duly recorded land partition; or,
- (c) 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
- (d) 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, Through. An interior lot having a frontage on two streets and/or highways, not including an alley. (See also Lot, Double Frontage).

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.

Master Development Plan. An overall plan indicating the physical and functional interrelationships between uses and facilities for those projects, series of projects, phased developments or developments occurring over a period of up to five years.

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

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

Natural Grade. (See Grade, Natural)

Offer. Includes every inducement, solicitation or encouragement of a person to acquire a lot, unit, parcel or interest in land.

Owner. The owner of the title to real property or the authorized agent thereof having written notarized authorization recorded with the County Clerk, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Clerk's records. Does not include an interest created for security purposes.

Parcel. A unit of land created by a partitioning of land.

Partition. The act of partitioning land or an area or tract of land partitioned.

Partition Land. To divide an area or tract of land into two or three parcels within a calendar year.

Performance Bond. A document issued by a surety, 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 legal entity, whether he, she or it is acting for himself, herself or itself, or as the servant, employee, agent or representative of another.

Planned Unit Development. "Planned Unit Development" means a complex of uses designed and developed as a single development unit, built by a single owner or group of owners and maintained by an association. The phrase Planned Unit Development may be abbreviated "PUD".

Plat, Final. The final plan of all or a portion of a subdivision, partition, plat or Planned Unit Development (PUD) that is presented to the approving authority for final approval in accordance with state law.

Plat, Tentative. A plan, diagram, drawing, replat, or other writing containing all descriptions, specifications, locations, dedications, provisions, and information concerning a subdivision or partition.

Primary Use: The first 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.

Replat. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

Reserve Strip. "Reserve Strip" means a strip of land usually 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.

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, and/or other public utilities or facilities.

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)

Sale or Lease. Every disposition or transfer of land in a subdivision or an interest or estate therein, by a subdivider or developer or their agents. Includes the offering of land as a prize or gift when a monetary charge or consideration for whatever purpose is required by the subdivider, developer or their agents.

Series Partitioned Land and Series Partition. A series of partitions of land located within this state resulting in the creation of four or more parcels over a period of more than one calendar year.

Series Partitioner. Any person who causes land to be series partitioned into a series of partitions, or who undertakes to develop a series partition, but does not include a public agency or officer authorized by law to make partitions.

Sidewalk. A pedestrian walkway with permanent surfacing, typically located adjacent to a roadway.

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

Solar Access. A property owner's right to have sunlight shine on the owner's land.

Solar Height Restriction. The allowable height of buildings, structures and vegetation on a property burdened by the solar access of another property.

Street. 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, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. (See also Road)

Street, Alley. A narrow way primarily for vehicular service access to the back or side of properties abutting a street. (See also Alley).

Street, Bicycle Route. A right-of-way for bicycle traffic.

Street, Collector. 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.

Street, Cul-de-sac. A street having one end open to traffic and terminated by a vehicle turnaround.

Street, Dead End. A street with only one outlet.

Street, Frontage Road. A street parallel and adjacent to a collector or arterial providing access to abutting properties, but protected from and protecting through traffic.

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

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

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

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

Street, Stubbed. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision and Subdivided Lands. Improved or unimproved land or lands divided, or created into interest or sold under an agreement to be subsequently divided or created in interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided interests, or four or more other interests. "Interest," as referred to herein, includes a lot, or unit, a share, undivided interest, or membership, which includes the right to occupy the land overnight, and 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 of more than three years. "Subdivide land" does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot however must be sold as platted and recorded.

Subdivision. The act of subdividing land or an area or a tract of land subdivided as defined in this section.

Subdivider. Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

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.)

Use: The word "use" is synonymous with the terms "land use" and "use of land" unless the context clearly indicates otherwise.

Utilities. Include electric, telephone, natural gas and other services providing for energy or communication needs.

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 residential subdivision utilizing zero lot lines between dwelling units and providing for individual ownership of each lot.

GENERAL REQUIREMENTS

8.2050 **Scope of Regulation.**

Before a plat of any subdivision or partition may be recorded, the person proposing the subdivision or the partition, or an authorized agent or representative, shall make an application in writing to the Redmond Community Development Department for approval of the proposed subdivision or partition in accordance with the requirements and procedures established by these standards.

8.2055 **Minimum Standards.**

No proposed subdivision or partition shall be approved unless it complies with the Comprehensive Plan for Redmond, the Zoning Standards, these standards, and ORS Chapter 92.

8.2060 **Sale Prohibited.**

Final approval of any land division occurs when the plat of the land division is recorded with the County Clerk. No person shall sell any lot created by a land division until final approval of the land division has been granted by the City.

8.2065 **Delegation.**

The City Council, pursuant to state statute, hereby delegates to the Community Development Director or designee, Planning Commission and Hearings Officer the power to make final action on a proposed subdivision or partition subject to appeal as provided for in these standards.

8.2070 **Subdivisions or Partitions in the OSPR Zone.**

No partitions or subdivisions in the OSPR zone or property that lies both within the OSPR zone and an adjoining zone shall be allowed prior to approval of a master plan for development of the entire parcel.

SUBDIVISION APPLICATION PROCEDURE

8.2100 **Pre-Application Meeting.**

Prior to submitting a tentative plat each applicant or their representative is encouraged to meet with the Community Development Director or a designated staff member to review the proposal. The intent of this meeting is to advise the applicant of the requirements of these standards.

8.2105 **Application Submission.**

Any person, authorized agent or representatives, proposing a subdivision, shall include with an application and filing fee for a subdivision, a tentative plat together with improvement plans and other supplementary material as may be required.

8.2110 **Scale of Tentative Subdivision Plat.**

The tentative plat of a proposed subdivision shall be drawn on a sheet at a scale not greater than one inch per 100 feet, or as approved by the Community Development staff.

8.2115 **Informational Requirements.**

The following information shall be shown on the tentative plat or provided in accompanying materials. No tentative plat shall be considered complete unless all such information is provided:

(1) General information required:

(a) Proposed name of the subdivision.

(b) Names, address and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Commission by the applicant. If the application is filed by any one other than the owner of record, a letter or other evidence of the owner's permission to file the application.

(c) Date of plat preparation, north and magnetic north and south, scale and gross area of the proposed subdivision.

(d) Appropriate identification of the drawing as a tentative plat for a subdivision. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

(e) Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract which binds the applicant in the event of tentative approval.

(f) Title report or subdivision guarantee, issued within the last ninety (90) days, and supporting documentation of all easements identified on the property.

(2) Information concerning existing conditions:

(a) Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.

(b) Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.

(c) Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads and any natural features such as rock outcroppings, marshes, wooded areas and natural hazards.

(d) Location and direction of water courses, and the location of areas subject to flooding and high water tables.

(e) Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.

(f) Existing sewer lines or septic tanks and drainfields, water mains, wells, fire hydrants, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations.

(g) Contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen to twenty percent, and twenty feet for slopes greater than twenty percent.

(h) Zoning classification of land within and adjacent to the proposed subdivision.

(i) Names and addresses of all adjoining property owners.

(j) The structures, trees, rock outcroppings or other shade producing objects, if the object will cast shade from or onto the subdivision.

(k) Existing covenants, codes and restrictions.

(3) Information Concerning Proposed Subdivision:

(a) Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.

(b) Location, width and purpose of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.

(c) Location of at least one temporary bench mark within the proposed subdivision boundary.

(d) Location, approximate area and dimensions of each lot, and proposed lot and block numbers.

(e) Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed, and plans for improvements or development thereof.

(f) Proposed use, location, approximate area and dimensions of any lot intended for non-residential use.

(g) An outline of the area proposed for partial recording, if contemplated or proposed.

(h) Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal, and all utilities.

(i) Description and location of any proposed community facility.

(j) Storm water, drainage facility and grading plans.

(k) Proposed deed restrictions including access restrictions or protective covenants if such are proposed to be utilized for the proposed subdivision.

(l) Statement from each utility company proposed to serve the proposed subdivision stating that each company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of such service.

(m) Proposed fire protection or fire hydrant system for the proposed subdivision and written approval thereof by the appropriate serving fire protection agency.

(n) Solar Access. Demonstration of how solar access will be provided.

(o) Location and type of street trees.

8.2120 **Master Development Plan.**

An overall master development plan shall be submitted for all developments affecting land under the same ownership for which phased development is contemplated. The master plan shall include but not be limited to, the following elements:

(1) Overall development plan, including phase or unit sequence.

(2) Show compliance with the Comprehensive Plan and applicable land use standards and policies.

(3) Schedule of improvements initiation and completion.

(4) Overall transportation and traffic pattern plan showing compliance with grid street standards.

(5) General program for phasing timetable projection.

(6) Development plans for any common elements or facilities.

(7) If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Hearings Body may require an additional impact analysis.

(8) Street tree plan.

8.2125 **Approval of Master Development Plan.**

The Hearings Body shall review a master development plan at the same time a tentative plat for the first phase is reviewed. A master plan may be approved before the tentative plat for the first phase is submitted. The Hearings Body may approve, modify, or disapprove the master plan and shall set forth findings for such decision. The Hearings Body may also attach conditions necessary to bring the plan into compliance with all applicable land use standards and policies. Any tentative plat submitted for the plan area shall conform to the master plan unless approved otherwise by the City.

8.2130 Development Following Approval.

Once a master plan is approved by the City, the plan shall be binding, upon both the City and the developer. The Hearings Body may attach conditions to any changes proposed that are deemed necessary to insure compliance with the Comprehensive Plan and implementing regulations. After five (5) years from the date of approval of the plan, the City may initiate a review of the plan for conformance with applicable City regulations. If necessary, the City may require changes in the plan to bring it into conformance with new applicable city regulations.

8.2135 Required Findings for Tentative Subdivision Approval.

The Hearings Body shall approve no application for a subdivision unless the following requirements are met:

(a) Proposal is in compliance with ORS Chapter 92, the Comprehensive Plan and applicable zoning.

(b) Proposal does not conflict with acquired public access easements within or adjacent to the subdivision.

(c) Each lot is suited for the use intended or offered.

(d) The subdivision will not exceed the operational capacity of public facilities and services as identified in the city's Water and Wastewater Master Plan and the Transportation System Plan, which are required to serve the development, or a determination that sufficient capacity can be provided.

(e) An approved water rights division plan.

(f) The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features. Orderly development and land use patterns in general is development that: is consistent with zoning district's density requirements; does not overtax supporting public facilities and services and logical extensions thereof; provides for continued maintenance of supporting facilities and services; recognizes topographical limitations; is consistent with existing land use patterns and development, and that does not foreclose future development opportunities on adjacent undeveloped or under-developed lands.

(2) Access Management proposals comply with the standards set forth in Section 8.2460 through 8.2499, "Supplementary Provisions", and all other applicable standards.

8.2140 Improvement Requirements.

(1) In the approval of a subdivision, the Hearings Body shall consider the need for street and other improvements. All roads in subdivisions shall be dedicated to the public without reservation or restriction.

(2) Easement Access. The Hearings Body may require the applicant to improve an easement access serving two or more lots according to the City's Standards and Specifications, as amended.

(3) The subdivider shall record the required land division agreement, public improvement agreement, sidewalk improvement agreement, shared access agreement or shared well agreement with the Deschutes County Clerk's office at the time of recording of the final subdivision plat.

(4) Paved access is guaranteed to each lot.

(5) Each lot is to be connected to the City sewage system.

(6) All required public utilities are available.

8.2145 Resubmission of Denied Tentative Subdivision Plats.

(1) If the tentative plat for a subdivision is denied, re-submission thereof shall not be accepted for a period of six months after the date of the final action denying said plat. Upon re-submission, the applicant shall consider all items upon which the prior denial was based and shall be accompanied by a new filing fee.

(2) A tentative plat resubmitted in accordance with this section shall be reviewed in the same manner as any other tentative plat.

FINAL SUBDIVISION PLAT

8.2200 **Submission of Final Plat.**

(1) Filing Time Period Requirements. Except as provided for in Section 8.2205, the applicant shall prepare and submit to the Community Development Department, a final plat that is in conformance with the tentative plat as approved. Within two (2) years of the approval date for the tentative plat for a subdivision, the applicant shall submit the original drawing, a filing fee and any supplementary information required by these standards and the Hearings Body. If the applicant fails to proceed with the submission before the expiration of the two (2) year period following the approval of the tentative plat, the plan approval shall be void. The applicant may, however, submit a new tentative plat together with the appropriate filing fee.

(2) Extensions.

(a) If it appears the applicant will not be able to comply with the filing time requirements of these standards, applicant may submit a written application to the Community Development Director or designate requesting an extension of the filing time requirement. The application shall be filed no earlier than sixty (60) days and no later than ten (10) days prior to the date the two (2) year period expires. The extension request shall also be accompanied by the appropriate fee.

(b) If there is good cause, the Community Development Director or designate may grant the extension of up to six (6) months from the date of expiration. Good cause shall require a showing by the applicant that the delay is unavoidable and was not the result of the applicant's own actions. The applicant must also show he has made significant progress on each condition of the tentative plat.

(c) Any extension granted by the Community Development Director or designate may be conditioned by a requirement that the applicant provide appropriate guarantees that the requirements of these standards will be met.

(d) The applicant may appeal a decision of the Community Development Director or designate to the Hearings Body pursuant to Section 8.2600 through 8.2610.

8.2205 **Submission of Final Plats for Phased Development.**

(1) If a tentative plat is approved for phased development, the final plat for the first phase shall be filed within two (2) years of the approval date for the tentative plat. However, the Community Development Director or Hearings Body may allow extensions as provided in Section 8.1610. (3/99)

(2) The final plats for any subsequent phase shall be filed within five (5) years of the approved date for the tentative plat.

(3) If the applicant fails to file a final plat, the tentative plan for those phases shall become null and void.

8.2210 **Form of Final Plat.**

The final plat shall be submitted in the form prescribed by state statute.

8.2215 Technical Review of Subdivision Plat.

(1) Standards Check. Upon receipt by the Community Development Department, the plat and other data shall be reviewed to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plat, and for compliance with provisions of these standards and other applicable laws.

(2) Field Check. The City Engineer and Community Development Director or their designated representatives may make such checks in the field as are desirable to verify that the plat is sufficiently correct. The City Engineer, Community Development Director or representative may enter the property for this purpose.

8.2220 Conditions of Final Subdivision Plat Approval.

(1) The Community Development Director or designate shall determine whether the final plat conforms with the approved tentative plat and with these regulations. If the Community Development Director or designate does not approve the plat, the applicant shall be advised of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Community Development Director or designate determines that the plat conforms to all requirements, a recommendation for approval shall be made, provided supplemental documents and provisions for required improvements are satisfactory. Recommendation of approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat nor does such approval constitute final approval, said authority for final acceptance being vested with the governing body.

(2) No plat of a proposed subdivision shall be approved unless:

(a) Streets and roads for public use are to be dedicated without any reservation or restriction.

(b) Streets and roads held for private use are indicated on the tentative plat for such subdivision has been approved by the City.

(c) The plat contains provisions for dedication to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, if made a condition of the approval of the tentative plat.

(d) Explanations of all common improvements required as conditions of approval of the tentative plat shall be recorded and referenced on the final plat.

(3) No plat of a subdivision shall be approved unless the subdivider has either constructed and had accepted by the City the required improvements or the subdivider has executed an improvement agreement pursuant to the provisions of Section 8.2225. If the subdivider chooses to construct the improvements, he shall also file with the City a warranty bond executed by a surety company to cover the one (1) year warranty period following acceptance by the City. Said bond shall be in the amount of ten (10) percent of the value of the improvements.

8.2225 Improvement Agreement.

(1) The subdivider may, in lieu of completion of the required improvements and repair to existing streets and facilities, request the Community Development Director or designate to approve an agreement between himself and the City specifying the schedule by which the required improvements and repairs shall be completed. Provided, however, any schedule of improvements agreed to other than sidewalks shall not exceed one (1) year from the date the final plat is recorded. The agreement shall also provide the following information:

(a) The repairs required and cost of the project.

(b) That the City may call upon the security filed to construct or complete the improvements and repairs if the schedule of improvements is not adhered to.

(c) That the City shall recover the full cost and expense of any work performed by the City to complete construction of the improvements and repairs including, but not limited to attorneys' and engineering fees.

(d) That a warranty bond for one (1) year shall be deposited with the City following acceptance of the improvements. Said bond shall be in the amount of ten (10) percent of the value of the improvements.

(2) The Community Development Director or designate may reject an agreement authorized by this Section for any reason the Community Development Director or designate deems sufficient.

(3) The subdivider shall record the required land division agreement, public improvement agreement or sidewalk improvement agreement with the Deschutes County Clerk's office at the time of recording of the final subdivision plat.

8.2230 Bond, Cash Deposit or Guarantee.

(1) The subdivider shall file with any agreement specified in Section 8.2225, to assure his full and faithful performance thereof, one of the following:

(a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.

(b) A cash deposit in a City account at an approved lending institution.

(c) At the discretion of the City Finance Director, an irrevocable letter of credit from an approved lending institution.

(2) A bond, cash deposit, or irrevocable letter of credit, or any combination thereof, shall be for 120% of the cost of the improvements and repairs as determined by the City.

(3) If the subdivider fails to carry out the provisions of the agreement, the City may call upon the bond, cash deposit, or irrevocable letter of credit to finance any cost or expenses resulting from said failure. In the alternative, the City may form a Local Improvement District or a Reimbursement District to lien the properties in accordance with the relevant provisions of Oregon State Law and the Redmond City Code. If the amount of the deposit or bond exceeds the cost and expense incurred by completing the improvements, the City shall release the remainder. If the amount of the deposit or bond is less than the cost and expense incurred by the City for the improvements and repairs, the subdivider shall be liable to the City for the difference.

8.2235 **Final Plat Approval.**

After the final plat has been checked and approved as provided in this article, and when all signatures appear thereon, except those of the Community Development Director, County Clerk and Board of County Commissioners, the Community Development Director shall certify the final plat and submit it to the Board of County Commissioners for final approval.

8.2240 **Recording of Plat.**

No plat shall have any force or effect until the same has been finally approved by the Board of County Commissioners. No title to any property described in any offer of dedication shall pass until the final plat has been recorded.

LAND PARTITIONING

8.2300 **Applicability of Regulations.**

All proposed land partitions within the City shall be approved by the City. Approval shall only be granted in accordance with the provisions of these standards. Provided, however, the Community Development Director or designate may refer any partition to the Hearings Body for a hearing and decision.

8.2305 **Filing Procedures and Requirements.**

(1) Any person or an authorized agent or representative, proposing a land partitioning, shall prepare and submit ten (10) copies of the documents hereinafter described, in accordance with the prescribed procedures, and the appropriate filing fee, to the Community Development Department.

(2) The tentative plat or preliminary drawing shall include the following:

(a) A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns. The map must include names of all existing roadways shown therein.

(b) A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel, locations of all easements, and the names, rights-of-way widths and improvement standards of existing roads.

(c) Names and addresses of the landowner, the applicant (if different), a mortgagee if applicable, the engineer or surveyor employed or to be employed to make necessary surveys and prepare the legal descriptions of each parcel to be created, and record owners of land contiguous to the proposed partition. If the application is filed by any one other than the owner of record, a letter or other evidence of the owner's permission to file the application.

(d) A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire protection and access, etc.

(e) North point, scale and date of tentative plat preparation, and property identification by tax lot, section, township and range.

(f) Statement regarding past, present and intended use of the parcels to be created, or the use for which the parcels are to be offered.

(g) If a tract of land has water rights, the application shall be accompanied by a water rights division plan approved by the irrigation district or other water district holding the water rights, or when there is no such district, by the County Watermaster.

(h) Location of all existing buildings, canals, ditches, septic tanks and drain fields, wells and utility lines.

(i) Location of any topographical features which could impact the partition, such as canyons, bluffs, rock outcroppings, natural springs and flood plains.

(j) Location, width, name, curve ratio and approximate grade of all proposed rights-of-way.

8.2310 Requirements for Tentative Partition Approval.

(1) No application for partitioning shall be approved unless the following requirements are met:

(a) Proposal is in compliance with ORS Chapter 92, the Comprehensive Plan and applicable zoning.

(b) Proposal does not conflict with acquired public access easements within or adjacent to the partition.

(c) Each parcel is suited for the use intended or offered.

(d) The partition will not exceed the operational capacity of public facilities and services as identified in the city's Water and Wastewater Master Plan and the Transportation System Plan, which are required to serve the development, or a determination that sufficient capacity can be provided.

(e) An approved water rights division plan.

(f) The partition contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features. Orderly development and land use patterns in general is development that: is consistent with zoning district's density requirements; does not overtax supporting public facilities and services and logical extensions thereof; provides for continued maintenance of supporting facilities and services; recognizes topographical limitations; is consistent with existing land use patterns and development, and that does not foreclose future development opportunities on adjacent undeveloped or under-developed lands.

(2) Access Management proposals comply with the standards set forth in Section 8.2460 - 2499.

(3) The Hearings Body may approve an application for partitioning having the effect of creating more than three (3) parcels without subdividing provided that the partition complies with all applicable subdivision standards and criteria.

8.2315 Improvement Requirements.

(1) In the approval of a land partition, the Hearings Body shall consider the need for street and other improvements, and may require as a condition of approval any improvements that may be required for a subdivision under the provisions of these standards. All roads in partitions shall be dedicated to the public without reservation or restriction.

(2) Easement Access. The Hearings Body may require the applicant to improve an easement access serving two or more parcels according to the City's Standards and Specifications, as amended.

(3) The partitioner shall record the required land division agreement, public improvement agreement, sidewalk improvement agreement, shared access agreement or shared well agreement with the Deschutes County Clerk's office at the time of recording of the final partition plat.

(4) Paved access is guaranteed to each parcel.

(5) Each parcel within the City limits is to be connected to the City sewage system.

(6) All required public utilities are available.

8.2320 **Application Review.**

Following submission of an application for a land partitioning the Hearings Body shall review the plans and application submitted, and shall either approve or deny the application.

8.2325 **Appeal.**

An appeal of a decision or requirement of the Hearings Body relative to a land partition shall be made in accordance with the provisions of Section 8.2600 through Section 8.2610 of these standards.

FINAL PARTITION PLAT

8.2350 **Final Partition Plat Filing.**

Following approval of tentative plat for a proposed partitioning, the applicant shall prepare and submit to the Community Development Department the final plat for the subject partitioning. Such filing shall be completed within two (2) years from the date of the approval, or the approval shall be void. The final plat shall be prepared in accordance with the following requirements and the original and two (2) copies thereof submitted by the applicant to the Community Development Department for approval. The original shall be recorded by the applicant in the office of the County Clerk following approval by the Hearings Body.

8.2355 **Extensions.**

Requests for extensions shall be reviewed in the manner provided for in Section 8.2200(2).

8.2360 **Requirements.**

(1) Final plat requirements:

(a) Plats shall be drawn to a scale of one inch per 100 feet. Provided, however, for partitions of large lots the scale may differ so long as the scale is reasonable.

(b) Name of the owner, developer and engineer or surveyor shall be shown on the plat.

(c) Date, scale, north point, legal description of boundaries, and a tie by actual survey to a section or donation land claim corner.

(d) Parcel boundary lines, with dimensions and bearings; bearings shall be to the nearest 30 seconds, and distances to the nearest 0.01 feet.

(e) An affidavit by the engineer or surveyor having surveyed the land involving a partitioning.

(f) A certification of acceptance of any public dedication.

(g) A guarantee of approved or required improvements, including identification of maintenance responsibilities for proposed or existing roads and streets.

(h) A certification of approval for execution by the Community Development Director.

(i) Water rights to be assigned to each parcel shall be indicated on the plat and certification of approval thereof.

(2) Approval Requirements: No final plat for a land partitioning shall be approved by the Hearings Body unless all of the following requirements are met:

(a) The final plat is in strict conformance with the approved tentative plat.

(b) The final plat is in conformance with the requirements set forth in subsection (1) of this section.

(c) Paved access is guaranteed to each parcel.

(d) Each parcel is to be connected to the City sewage system.

(e) All required public utilities are available.

(f) All conditions of the tentative plat approval have been met or guaranteed.

(g) All proposed or required improvements have been completed and accepted by the City.

8.2365 **Special Partitioning Regulations.**

The partitioning of a tract of land in which not more than one (1) parcel is created and transferred to a public or semi-public agency for the purpose of a road, railroad, electric substation or canal right-of-way may be approved by the Community Development Director.

LOT LINE ADJUSTMENTS

8.2370 **Lot Line Adjustment Regulations.** Lot Line adjustments include the modification of lot boundaries. No new lots are created by a lot line adjustment.

8.2375 **Submission Requirements.**

All applications for a Lot Line Adjustment shall follow the procedures of Article II. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; existing fences and walls; and any other information deemed necessary by the Community Development Director or designee for ensuring compliance with the Redmond Development Code.

8.2380 **Approval Process.**

(1) Lot line adjustments shall be reviewed by the Community Development Director or designee consistent with the requirements in Article II, Land Use Provisions, using approval criteria contained in Section 8.2385.

(2) The lot line adjustment shall be effective for a period of two years from the date of approval, during which time it must be recorded.

(3) The lot line adjustment approval shall lapse if:

A. The lot line adjustment is not recorded within the time limit in subsection (2) herein.

B. The lot line adjustment has been improperly recorded with Deschutes County without the satisfactory completion of all conditions attached to the approval; or

C. The final recording is a departure from the approved plat.

8.2385 **Approval Criteria.**

The Community Development Director or designee shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

(1) No additional lot or parcel is created by the lot line adjustment;

(2) All lots and parcels comply with the applicable lot size standards of the underlying zone including lot area and dimensions.

(3) All lots and parcels comply with the requirements of Section 8.2400 to 8.2435 and with the standards of the underlying zone.

8.2390 **Extensions.**

The Community Development Director or designee, or Hearings Body may, upon written request by the applicant and payment of the required fee, grant an extension of the approval period for one year, up to an aggregate of two additional years provided that; no code changes which may be contrary to the original decision have occurred relative to that proposal, and there has been no new development since the original approval on any adjacent property. Such extensions shall be administrative, in writing, and not subject to appeal. (3/99)

DESIGN STANDARDS AND IMPROVEMENTS

8.2400 **Compliance Required.**

All land divisions shall be in compliance with the design standards set forth in this article and the current Public Works Standards and Specifications as amended hereafter by the Redmond City Council. All streets shall conform with the following design parameters:

(a) It is City Standard to develop through public streets at a spacing of approximately 660 feet. The purpose is to provide a street grid pattern of through streets to facilitate traffic movement. Street designs shall conform to topography and other existing natural and man-made conditions. Illustrative examples of other conditions include the dry canyon, main COI canal, Highway 97, and the Burlington Northern Railroad tracks.

(b) In general, a street network is comprised of streets classified from lower order (local) to higher order (arterials). The spacing of a proper grid pattern has major arterials (Hwys. 97 and 126) spaced at ≥ 2 miles, minor arterials at 1 mile, collectors at 0.25-0.50 mile, and local streets at 660 feet. It is the City standard to adhere to this grid spacing as topography and other existing natural and man-made conditions allow.

(c) All proposed streets, alleys and pedestrian pathways shall connect to other streets within a development and to existing and planned streets outside the development. Streets should serve parks, schools or other public lands within a neighborhood. Local streets shall align and connect with other streets when crossing collectors and arterials.

(d) New local streets should connect with existing local streets and collectors, and in certain special cases arterial streets. Cul-de-sac streets shall be permitted only where no feasible connection with an adjacent street exists, or if the local street connection would be to a higher order street (arterial) and the function of that higher order street may be diminished. If cul-de-sac streets represent more than 10 percent of the total right of way area in a development, the subdivider shall be required to apply for, and receive approval of, a variance to this Code provision.

(e) Special consideration should be given to the location of new local grid and non-grid streets in the City's industrial land use zones to allow for more effective developments.

(f) Special consideration should be given to the location of grid and non-grid streets within 1/4 mile of the Dry Canyon.

(g) Local grid streets may be reduced to 32' within 1/4 mile of the Dry Canyon when alleys are available.

8.2405 **Streets.**

(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. The proposed land division shall provide for the continuation of the grid streets existing in the adjoining area or of their proper projection. Where, in the opinion of the Hearings Body, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City may adopt a plan or plat of a neighborhood or area of which the proposed land division is a part, the proposed land division shall conform to such adopted neighborhood or area plan.

(2) Future Re-division. Where a tract is divided into lots or parcels of an acre or more, the Hearings Body may require an arrangement of lots and streets such as to permit future redivision in conformity to the street requirements and other requirements contained in these standards.

(3) Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the land division or by the City's transportation policies, additional right-of-way shall be provided at the time of the land division by the applicant. During consideration of the tentative plat for the subdivision or partition, the Hearings Body shall determine whether the improvements to existing streets, adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval of the tentative plat. Improvements to adjacent streets shall be required where traffic on said streets shall be directly affected by the proposed subdivision.

(4) Minimum Right-of-Way and Roadway Width. The street right-of-way and roadway surfacing widths shall be in conformance with standards and specifications set forth in the current edition of the Public Works Standards and Specifications of the City of Redmond.

(5) Reserve Strips. Reserve strips controlling access to streets shall be required when deemed necessary by the Hearings Body. Deeds for reserve strips shall be filed with the final plat. Reserve strips shall be lettered in sequence beginning with lot "A".

(6) Future Extension of Streets. When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a permanent turn-around. Reserve strips shall be required to preserve the objective of street extensions.

(7) Frontage Roads. If a land division abuts or contains an existing or proposed collector or arterial street, the Hearings Body may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. Provision may be made for emergency access. All frontage roads shall comply with current edition of the Public Works Standards and Specifications of the City of Redmond.

(8) Streets Adjacent to Railroads, Freeways and Parkways. When the area to be subdivided or partitioned adjoins or contains a railroad, freeway, or parkway, a provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for use of the land between the street and railroad, freeway and parkway. In the case of a railroad, there shall be a land strip of not less than 25 feet in width adjacent and along the railroad right-of-way for screen planting between the railroad right-of-way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than 80 feet in width, such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets, where they intersect with streets that cross a railroad, shall be determined with due consideration as cross streets of a minimum distance required for approach grades to a future grade separation and right-of-way widths of the cross street.

(9) Continuation of Streets. Subdivision or partition streets which constitute the continuation of streets in contiguous territory shall be aligned so that their center lines coincide. Where straight line continuations are not possible, such center lines shall be continued as curves. These streets or the continuation of streets in contiguous territory may be required by the Hearings Body where such continuation is necessary to maintain the function of the street or desirable in the surrounding area. Where solar orientation would not be possible if the street area continued, a new pattern may be started that is solar oriented.

(10) Street Layout. Local residential streets should be oriented on an east/west axis to the greatest possible extent to insure solar access for lots within the subdivision or partition.

(11) Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the county. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Fire Department or the responsible agency.

(12) Sidewalks. Sidewalks are required to be installed on both sides of a public street and in any special pedestrian way within the subdivision or partition except that in the case of collectors, arterials, special industrial districts or in steep terrain, the Hearings Body may approve a subdivision or partition without sidewalk if alternative pedestrian routes are available. In the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or fewer dwellings per acre, the requirement of sidewalks shall not apply, provided there is no evidence of regular pedestrian activity along the streets involved. Sidewalks may be required along routes to existing or future school and park sites.

(13) Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Hearings Body may require the installation of separate bicycle lanes within streets and/or separate bicycle paths.

(14) Intersection Angles. Street intersections shall be as near right angles as possible except where topography or existing conditions requires a lesser angle, but in no case shall the acute angle be less than as permitted by Standards and Specifications.

(15) Alignment. Staggered street alignment shall whenever possible leave a minimum of 200 feet distance between the center line of the streets, but in no case be less than as permitted by Standards and Specifications.

(16) Local Residential Non-Grid Streets. Local residential non-grid streets may be reduced to the narrow street standard provided for in the Public Works Standards and Specifications when approved as part of a Master Plan through the Subdivision or Planned Unit Development process and found to be in compliance with the following:

(a) Narrow streets may only be permitted for continuous full length blocks internal to a Subdivision or Planned Unit Development with street connections at both ends.

(b) All abutting structures shall be limited to residential uses.

(c) Residential structures shall be set back no more than 15' from the front property line and comply with all other Development code setback requirements.

(d) Garages shall be setback a minimum of 20' from the front property line.

(e) Garages shall be required and sized to accommodate a minimum of 2 cars. Garages on reduced-width streets shall have a minimum driveway length of 20' unless served by a rear alley.

(f) Lots adjoining the narrow streets shall be a minimum of 5000 square feet and have a street minimum 50 feet of frontage.

(g) Sidewalk shall be separated from the curb by a landscape strip with street trees conforming with Public Works Standards and Specifications.

(h) Curb cuts along the narrow street shall not be less than the minimum width required within Public Works Standards and Specifications.

(i) Fire Department approval verifying that the Master Plan and its phases meets the requirements of the Uniform Fire Code. (Added 2/98)

8.2410 **Blocks.**

(1) General. The length, width and shape of blocks shall accommodate the need for adequate building site size and street width and shall be compatible with the limitations of the topography.

(2) Size. No block shall be longer than 1000 feet between street lines. Where appropriate at cul-de-sacs, dead-ends streets, or along blocks more than 1,000 feet in length, pedestrian and bicycle access corridors may be required to minimize travel distance between subdivisions, parks, school, and collector or arterial streets. Access corridors shall be located to provide a reasonably direct connection between likely pedestrian destinations. A reasonably direct connection is a route which minimizes out of direction travel for people likely to use the connection considering terrain, safety and likely destination. The Hearings Body may determine based on evidence in the record that construction of a separate access corridor is inappropriate or impractical. Such evidence may include but is not limited to:

(a) When the nature of abutting existing development makes construction of an access corridor impractical.

(b) When the access corridor would cross a natural area with significant natural habitat and construction would be incompatible with protection of natural values.

(c) When the access corridor would cross topography where slopes exceed 30% or where path grade would exceed 12% slope; or

(d) When a cul-de-sac or dead-end street abuts rural resource land at the urban growth boundary.

(e) In industrial zones, this standard may be waived at the discretion of the City Engineer and Community Development Director when it is determined that the City's grid street standards should not be applied to the industrial development.

(3) Easements.

(a) Utility Easements. Easements shall be provided along property lines when necessary for the placement of underground utilities and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines, or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, unless determined otherwise by the City Engineer or designate. Excepting utility pole guylines easements along the rear of lots adjacent to unsubdivided land may be reduced to 10 feet in width, unless determined otherwise by the City Engineer or designate.

(b) Drainage. If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the water course or in such further width as will be adequate for the purpose.

Streets or parkways parallel to major water courses and drainage ways may be required.

8.2415 **Lots and Parcels - Size and Shape.**

The size, width, and orientation of newly created lots and parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the zoning standards, with the following exceptions:

(1) In areas beyond the City Limits that are not to be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and County Sanitarian, and shall be sufficient to permit adequate sewage disposal. Any problems posed by soil structure and water table as related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.

(2) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted by the Hearings Body. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(3) In steep terrain, increased lot or parcel sizes may be required to avoid excessive cuts, fills, and steep driveways.

8.2420 **Lots and Parcels - General Requirements.**

(1) Frontage. Each newly created lot and parcel shall abut upon a street or an officially approved way other than an alley for at least 50 feet, except for lots fronting on the bulb of a cul-de-sac, then the minimum frontage shall be 30 feet. Flag lots shall have no less than 20' of street frontage measured at the property line.

(2) All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical except as provided for in subsection (5) of this section.

(3) Through lots or parcels, and lots or parcels with double frontage, should be avoided except where they are essential to provide separation of residential development from major street or adjacent nonresidential activities to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the lines of lots abutting such a traffic artery or other incompatible use.

(4) Corner lots and parcels shall be 5 feet more in width than other lots and parcels and also shall have sufficient extra width to meet the additional side yard requirements of the zoning district in which they are located.

(5) Solar Access. As much solar access as feasible shall be provided each lot and parcel in every new subdivision or partition considering topography, development pattern, and existing vegetation. The lot lines of lots and parcels, as far as feasible, shall be oriented to provide solar access at ground level at the southern building line two hours before and after the solar zenith from September 22 to March 21. If it is not feasible to provide solar access to the southern building line the solar access, if feasible, shall be provided at 10 feet above ground level at the southern boundary line two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21. This solar access shall be protected by solar height restrictions on burdened properties for the benefit of lots receiving the solar access. If the solar access for any lot, either at the southern building line or at 10 feet above the southern building line, is not feasible, supporting information may be required with the application

(6) Underground Utilities. All permanent utility service and minor power transmission lines that are within or immediately adjacent to lots in a subdivision or parcels in a partition shall be provided from underground facilities unless otherwise approved by the CDD Director or Hearings Body. The subdivider or partitioner or developer shall be responsible for complying with requirements of this section and shall:

(a) Obtain a permit from the Public Works Director or designee for placement for all underground utilities within the public right-of-way.

(b) Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with rules and regulations of the Public Utility Commission of the State of Oregon.

(c) All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable and sanitary sewers shall be placed to such length as will negate the necessity for disturbing the street improvements when service connections are made.

(7) Flag Lots. A flag 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. For flag lots, the following shall be required:

(a) Flag poles shall be no less than 20' wide.

(b) Flag lot development, if allowed by the zone, is limited to one duplex or single family dwelling per lot. All zone regulations apply, including the minimum required lot size and setbacks unless setback reductions are allowed as described in (e).

(c) Each flag lot shall contain a minimum 16' wide paved driveway.

(d) A flag lot is exempt from the 50 foot street frontage requirement; however a minimum of 20 feet of street frontage is required.

(e) Front and/or rear yard setbacks may be reduced to no less than 10' subject to review and approval by the Community Development Director. The orientation of any structure (determination of "front") may be suggested by the property owner, and is subject to the review and approval of the Community Development Director or designate. The location(s) of all structures immediately adjacent to any flag lot shall be shown on a site plan (1) during planning review and during the act of creating any new flag lot, and (2) during a building permit review for any structure built on a flag lot.

(f) No flag lot shall be partitioned or further divided.

(g) The "pole" of the flag lot shall be no longer than 150' measured from the street intersection to the beginning of the base of the flag, and the "pole" shall not be included in the minimum lot size calculation.

(h) Flag lots shall be exempt from street tree requirements unless the street frontage portion of the flag lot is 30' or greater.

(i) Flag lots are prohibited in commercial and industrial partitions and subdivisions.

(j) Flag lots are prohibited along or abutting the Dry Canyon Rim.

(k) Two off-street parking spaces shall be provided for each dwelling unit on a flag lot.

8.2425 **General Provisions.**

(1) Lighting. The subdivider or partitioner shall provide underground wiring to the City standards and a base for any proposed ornamental street lights at locations approved by the affected utility company.

(2) Fire Hazards. Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease resident evacuation.

(3) Street Tree Planting. Street trees shall be planted at a ratio of one tree per newly created lot within a subdivision. Trees shall be planted within 30' of a curb on each lot, and shall be a specie and size consistent with RDC section 8.3035 (4)(k), "Street Trees".

(4) Water/Sewer. All subdivisions and partitions shall provide water and sewer lines constructed to City standards and specifications approved by the City Engineer. All lots or parcels shall be served from the City of Redmond water system or by water systems acceptable to the City. Water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.

8.2430 **Grading of Building Sites.**

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

(1) Cut slope ratios shall not exceed one foot vertically to one and one-half feet horizontally.

(2) Fill slope ratios shall not exceed one foot vertically to two feet horizontally.

(3) The composition of soil for fill and the characteristics of lots and parcels made useable by fill shall be suitable for the purpose intended.

(4) When filling or grading is contemplated by the subdivider or partitioner, they shall submit plans showing existing and finished grades for the approval of the City Engineer. In reviewing these plans, the City Engineer shall consider the need for drainage and effect of filling an adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

(5) Any land that requires engineered fill shall be so noted on the plat. Design and placement of engineered fill shall be under the direction of a licensed professional engineer

8.2435 **Special Setbacks.**

If special building setback lines are to be established in a subdivision or partition, they shall be shown on the tentative plat and final plat and included in the deed restrictions.

IMPROVEMENTS

8.2440 **Improvement Procedures.**

In addition to other requirements, improvements to be installed by the applicant either as a requirement of these standards or other applicable regulations or at his own option, shall conform to the requirements of this article:

(1) Plan Review and Approval. Improvement work shall not be commenced until plans thereof have been reviewed and approved by the Hearings Body or a designated representative thereof. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plat or preliminary map or drawing.

(2) Improvements as Platted. Improvements shall be designed, installed and constructed as platted and approved and plans therefore shall be filed with the final plat at the time of recordation or upon completion.

(3) Inspection. Improvements shall be constructed under the inspection and approval of a city Inspector. Expenses incurred thereby shall be borne by the applicant/owner. The inspector may require changes in sections and details of the improvements if unusual conditions arise during construction to warrant such changes.

(4) As-Built Plans. A map showing public improvements shall be filed with the Community Development Department upon completion of the improvements.

8.2445 **Improvements in Partitions.**

The same improvements may be required to be installed to serve each building site of a partition as are required of a subdivision.

8.2450 **Acceptance of Improvements.**

Improvements shall be considered for acceptance after inspection at the time the improvements are constructed.

SUPPLEMENTARY PROVISIONS

8.2460 **Traffic Impact Analysis (TIA)**

(a) The following vehicle trip generation thresholds shall determine the level and scope of transportation analysis required for a new or expanded development. Trip ends shall be calculated as per the Institute of Transportation Engineers manual, Trip Generation, 6th edition (or subsequent document updates), or local trip generation studies prepared by a qualified registered professional engineer and approved by the City Engineer. The City Engineer shall determine when a TIA has satisfied the requirements of the development's impact analysis. The TIA shall bear the stamp and signature of a qualified registered professional Engineer with a license valid in the State of Oregon.

(i) If a proposed development will generate 200 or more daily trip ends, or 20 or more p.m. peak hour trip ends, then a Transportation Impact Analysis (TIA) shall be required.

(ii) Projects that generate less than 200 daily or 20 p.m. peak hour trip ends may also be required to provide a Transportation Impact Analysis (TIA) when, in the opinion of the City Engineer or his/her designee, significant capacity and/or safety problem is caused, or adversely impacted by the development. The City Engineer or designee, shall determine the scope of this analysis.

(iii) A development may be required to provide a Trip Generation Report for developments which generate less than 200 daily or 20 p.m. peak hour vehicle trips.

(b) The impact analysis area shall include at a minimum, the following intersections:

(i) All site access intersections

(ii) Nearest intersecting collector or arterial street upstream and downstream of the development.

(iii) Any other collector or arterial street intersection that would experience an increase of 25 additional peak hour trips.

(iv) Additional intersections requested by staff.

(c) The analysis shall include the following study time frames:

(i) Existing conditions.

(ii) Completion year of each significant phase of development.

(iii) Five year forecast beyond final phase.

(d) The following Tables are required in the TIA:

(i) Trip Generation (including phase breakdown if applicable)

(ii) LOS Table (LOS for every analysis scenario at every study area intersection. Report LOS, delay, v/c ratio, 95% vehicle queue, and any additional pertinent analysis results)

- (e) The following Figures are required in the TIA:
 - (i) Vicinity Map
 - (ii) Site or Tentative Plan Map
 - (iii) Background Traffic Volumes (all study intersections, all analysis years)
 - (iv) Trip Distribution and Assignment
 - (v) Background + Site Generated Traffic Volumes (all study intersections, all analysis years)
- (f) Other Analysis Standards (as required by the study)
 - (i) Signal Warrants shall be performed where applicable per the Manual on Uniform Traffic Control Devices, current edition.
 - (ii) Left Turn Lane Warrants shall be provided where applicable per ODOT criteria based on the Texas Transportation Institute (TTI) curves.
 - (iii) Right Turn Lane Warrants shall be provided where applicable per ODOT criteria.
 - (iv) The acceptability of sight distance at all study area intersections shall be determined per AASHTO (current edition) standards.
 - (v) Traffic signal progression analysis may be required if a new signal is proposed. The City Engineer shall approve the method of traffic signal progression analysis.
 - (vi) Roadway improvements are to be based on the City of Redmond Standards and Specifications and ODOT design standards.

8.2465 **City of Redmond Access Management Standards.** All land divisions shall be in compliance with the following standards.

(a) Driveway spacing and corner clearance as follows:

<u>Roadway Classification</u>	<u>Minimum Access Driveway Spacing</u>	<u>Minimum Access Clearance to Corner</u>	<u>Intersection Spacing</u>
Local Street	No restrictions	30 feet	165 feet
Minor Collector	80 feet	80 feet	330 feet
Major Collector	165 feet	165 feet	330 feet
Minor Arterial	330 feet	330 feet	1/4 mile
Major Arterial	ODOT Stds	ODOT Stds	ODOT Stds

(b) In all instances, access near an intersection shall be located beyond the influence of standing queues and opposing left turns sharing a continuous two-way left turn lane. This requirement may result in greater corner clearance or access spacing than the minimum distance indicated.

(c) Every lot or parcel shall be permitted an access. In the event that the access management standards cannot be achieved, shared access with adjacent property shall be explored and provided where available.

(d) Access shall be taken from the lower order street or alley unless otherwise approved by Public Works and/or ODOT through the land use process.

(e) Unless adequate demonstration of site necessity, intersection safety and functionality, lots, parcels and/or developments will be limited to a single access as determined by Public Works through the land use process.

(f) The access management standards apply to new development, redevelopment, subdivision and partitioning of land.

(g) Corner clearance is measured from the edge of right-of-way to the nearest edge of access. Spacing is measured from centerline of access/ intersection to centerline of access/intersection.

(h) Adequate intersection sight distance and clear zone shall be maintained at all access/driveway locations per AASHTO standards (American Association of State Highway and Transportation Officials).

(i) Access/driveway locations may require alignment with existing driveways on the opposite side of the roadway as determined by Public Works.

(j) Public Works may require supporting information, including but not limited to traffic count data, trip generation, trip distribution, Transportation Impact Analysis study, etc., in order to make a proper determination of access/driveway location.

8.2470 Transportation Impact Analysis. It shall be the burden of the developer to evaluate transportation system impacts through studies prepared by a qualified registered professional engineer. When a transportation impact analysis is required it must demonstrate that the following standards are met:

(a) The standard of measurement that will determine the acceptability of traffic flow on City streets will be a delay-based level of service as defined by the Highway Capacity Manual, Special Report 209, Third Edition (2000 update or subsequent document updates) published by the Transportation Research Board. The determination of LOS shall be calculated by a methodology that is approved by the City Engineer. The acceptable standard of LOS for City streets shall be LOS E during the peak 15 minutes of the peak hour of the average weekday. A lesser standard shall be acceptable at unsignalized intersections with low volume minor street approaches if the volume-to-capacity ratio is less than 0.90 and the 95th percentile vehicle queue is less than four vehicles during the peak hour.

(b) The Average Daily Traffic (ADT) volume of Local Street roadways within the City of Redmond shall be less than 1,200 vehicles per day (VPD). Developments which add vehicle trips to Local Streets with an ADT greater than 1,200 VPD may be asked to provide mitigation in the form of additional access to the site, when in the opinion of the City Engineer, the residential livability is degraded by excessive local street traffic volume.

(c) New development that will cause degradation below those levels shall be required to provide mitigating transportation system improvements that will restore the LOS to the accepted standard, as is practical, as determined by the City Engineer. Where there are impacts to the State Highways, the City and ODOT shall work cooperatively to determine appropriate courses of action based on ODOT and City standards.

STREET DEDICATIONS

8.2500 **Application.**

Any person desiring to create a street not part of a subdivision or partition shall make written application to the Community Development Department. Said application shall be accompanied by the required information and appropriate filing fee.

8.2505 **Minimum Design Standards.**

The minimum standards of design and improvements for the dedication of a street shall be in compliance with Public Works Standards and Specifications and all other applicable street standards and regulations.

8.2510 **Procedure.**

(1) Upon receipt of written application and appropriate filing fee for street dedication, the Community Development Director shall refer the proposal to the City Engineer or designee for review and recommendation.

(2) The City Engineer shall report his findings and recommendations regarding the proposed dedication to the Community Development Director.

(3) Upon receipt by the Community Development Director of written findings and recommendations from the City Engineer, the proposal shall be submitted to the City Council for a public hearing.

(4) The only notice required for a hearing under this section shall be by publication.

(5) Following the hearing, the Council may accept or reject the proposed dedication.

ADMINISTRATIVE PROVISIONS

8.2600 **Form of Petitions, Applications and Appeals.**

Petitions, applications and appeals provided for in these standards shall be made on forms prescribed by the City.

8.2605 **Hearings.**

Hearings, appeals and review shall comply with the provisions of the City of Redmond's land use procedures.

8.2610 **Variances.**

(1) Upon application, the Hearings Body may authorize variances from these standards if, because of special and unusual circumstances relating to the subject property, the literal application of these standards would cause undue hardship, the applicant must establish:

(a) That special conditions exist which are peculiar to the subject property which make conformance to these standards impractical.

(b) That the variance is the minimal deviance from these standards needed to accomplish the objective.

(c) That the varied requirement(s) will conform to the purpose and objectives of the Comprehensive Plan and of these standards and will have no adverse impact on surrounding properties or on the provision of general urban services in the area.

(2) The Hearings Body may attach such conditions to any variance granted that will insure the variance meets the objectives of the Comprehensive Plan and of these standards and does not have an adverse impact on surrounding properties or on the provision of general urban services in the area.

GENERAL PROVISIONS

8.2700 **Penalties.**

Violation of any provision of these standards is a Class A Civil Infraction and shall be enforced through the Redmond Civil Infraction procedure.

8.2705 **Violation Declared a Nuisance.**

A land division or use in violation of these standards is hereby declared a nuisance.

8.2710 **Civil Relief.**

When any real property is or is proposed to be used, transferred, sold or disposed of in violation of these standards, the Community Development Director, designee, or any person whose interest in the property is or may be affected by the violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or set aside such use, transfer, sale, disposition, offer, negotiation or agreement.

8.2715 **Administration of Standards.**

It shall be the duty of the Community Development Director or designated representative to administer and enforce the provisions of these standards in such a way as to carry out its intent and purpose.

8.2720 **Severability.**

If any section, subsection, sentence, clause or phrase of these standards is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these standards.

REFERENCE UPDATE

ARTICLE IV - SITE & DESIGN REVIEW STANDARDS

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
94-04	5/24/94	Amend Redmond Code to add Chapter 8 - Development Regulations.	7/94
94-20	7/12/94	Amend 8.3015 - Exempting C-2 zone substantial alterations with less than 25% addition to floor area from parking and landscape requirements.	7/94
95-18	6/13/95	Amend 8.3130 - Allow the Planning Director to make exception to the five foot landscape strip requirement	6/95
95-27	8/22/95	Amend 8.3120 - Areas for trash collection	8/95
97-28	6/10/97	Revise Article IV - Site and Design Review Standards, Sections 8.3000 to Section 8.3130	7/97
1999-10	2/9/99	Amending Section 8.3035, Design Review Criteria, relating to landscape areas abutting parking areas.	3/99
1999-17	3/9/99	Amending Section 8.3035, Preservation and Replacement Trees, relating to trunk diameter.	3/99
2001-13	6/12/01	Amending Section 8.3020 to record Site & Design Improvement agreements	7/01
2003-17	8/12/03	Repeals and replaces Article IV	9/03
2004-19	10/26/04	Requires Multi-Family Dwellings & Complexes to provide storage and recreational areas	11/04

ARTICLE IV - SITE AND DESIGN REVIEW STANDARDS

8.3000 **Purpose and Intent.**

The purpose of this Article is to conserve and enhance the appearance of the City and to promote functional, safe, and innovative site development. The intent is to ensure that there is general compatibility between adjoining uses, outdoor space is designed and installed in a functional and attractive manner, vehicular access and circulation is designed and constructed consistent with maximizing public safety, adequate public utilities are available, and the structures on-site provide a consistent architectural theme. This Article further implements the policies and goals of the City of Redmond Comprehensive Plan.

8.3005 **Applicability of Site Design and Review.**

Site and Design Review shall be required for any new development or modification of existing development.

8.3010 **Exceptions.** The following are exempt from Site Design and Review:

1. Normal maintenance and repair.
2. Hangar development entirely on and interior to airport property, not fronting on any public or private street.
3. Single family dwellings or duplexes unless located on a lot within 100 feet of the canyon and/or located within a zero lot subdivision.
4. Manufactured home in an approved manufactured home park.
5. Additions to an existing building of less than 25% of the total building square footage, not to exceed 1000 square feet.

8.3015 **Procedure.**

A Site and Design Review application shall be submitted and reviewed by the Community Development Director, or his/her designee, as an administrative land use decision with prior notice consistent with Section 8.1310. The comment period under Section 8.1310(2) shall be at least fourteen (14) days. A minor alteration, minor modification or major modification may be submitted for an approved Site and Design Review consistent with Section 8.1400.

8.3020 **Site Improvement Agreement.**

Where public improvements are required as a condition of approval, the applicant may be required to execute and record an Improvement Agreement subject to the following.

1. The developer may, in lieu of completion of the required improvements, request the Community Development Director or designate to approve an agreement between himself and the City specifying the schedule by which the required improvements and repairs shall be completed. Provided, however, any schedule of improvements agreed to other than sidewalks shall not exceed two (2) years from the date of land use approval. The agreement shall also provide the following information:

- a. The repairs required and cost of the project.
 - b. That the City may call upon the security filed to construct or complete the improvements and repairs if the schedule of improvements is not adhered to.
 - c. That the City shall recover the full cost and expense of any work performed by the City to complete construction of the improvements and repairs including, but not limited to attorneys' and engineering fees.
 - d. That a warranty bond for two (2) years shall be deposited with the City following acceptance of the improvements. Said bond shall be in the amount of ten (10) percent of the value of the improvements.
2. The Community Development Director or designate may reject an agreement authorized by this Section for any reason the Community Development Director or designate deems sufficient.

8.3025 **Plans Required.** The Applicant shall submit to the Community Development Department the following documents with the required fee.

- 1. Exterior elevations. Drawings or sketches of elevations for each proposed building. Such plans shall indicate the building height, primary building materials, color, shape and other design features of the building, including the location of all exterior mechanical devices.
- 2. Site Plan. Site plans containing the following.
 - a. A drawing showing the floor plans for each building and a description of each internal "use."
 - b. A written summary showing the following:
 - (1). For commercial and industrial development:
 - (i) The square footage of the "project area", and a clearly defined outline of this area.
 - (ii) The percentage of the lot covered by structures.
 - (iii). The total number of parking spaces.
 - (iv). The total square feet to be landscaped.
 - (v). The total square feet within the project area to be left natural, gravel, or other surface not required by this provision.
 - (2). For residential developments.
 - (i). The total square footage of all floors of the structures.
 - (ii). The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten (10) one (1) bedroom, 25 two-bedroom, etc.)
 - (iii). Percentage of lot coverage by:
 - (aa). Structures.
 - (bb). Recreation areas

- (cc). Landscaping.
- (dd). Parking and paved areas.

- c. The legal description, dimensions, and total square footage or acreage of the site.
- d. All vehicle and pedestrian access points to public rights-of-way and the interior circulation plan for the property.
- e. Project name.
- f. A vicinity map.
- g. The identified scale.
- h. North arrow.
- i. Date the site plan is prepared.
- j. Street names, locations, and right-of-way widths of all existing and proposed streets within or on the boundary of the proposed development.
- k. Lot layout with dimensions for all lot lines.
- l. Zoning of the site.
- m. Zoning of all adjacent properties.
- n. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.
- o. Location and size of all existing & proposed public utilities, serving the subject property, in and adjacent to the proposed development with the locations shown of:
 - (1). Water lines, services, backflow prevention device and meter
 - (2). Sewer lines, manholes, services and cleanouts.
 - (3). Storm drains, facilities and catch basins.
 - (4). Power / phone poles and lines; show whether the lines are overhead or underground.
 - (5). Existing fire hydrants.
- p. The proposed location of:
 - (1). Connection to the City water system.
 - (2). Connection to the City sewer system.
 - (3). The proposed method of drainage of the site.
 - (4). All exterior mechanical equipment or equipment areas.
- q. Location of existing canals and laterals including easements and right-of-way.
- r. Location of existing drainage on-site.
- s. Location of all utility and access easements on the property.
- t. Location, size and use of all contemplated and existing public areas within the proposed development.

- u. All fire hydrants proposed to be located within the site.
- v. A topographic map of the site at a contour interval not to exceed five (5) feet.
- w. Location of all parking areas and dimensions of all parking spaces.
- x. Locations of all existing natural features including, but not limited to, any existing trees having a six (6) inch trunk diameter or greater, three (3) feet above grade, and any natural drainage ways existing on the site, and all significant natural features including (but not limited to) outcroppings of rocks, boulders, etc. Indicate any contemplated changes that would affect a natural feature.

3. A Landscape Plan. A landscape plan is required for all multi-family, commercial or industrial development. The landscape plan shall include the following:

- a. Area Required. Each property developed shall show at least the following percentage of the total site or project area to be developed in landscaping.

ZONES	
R-1 to R-5 With the exception of single family or duplex construction.	15%
C-1	15%
C-2	5%
C-3	15%
C-4	15%
C-5	15%
M-1	15%
M-2	15%
<u>Airport</u>	<u>per section 8.3035 only.</u>
<u>Park</u>	<u>15%</u>
<u>OSPR</u>	<u>15%</u>
<u>PF</u>	<u>15%</u>
<u>FG</u>	<u>Not Applicable</u>

2. Plant types. Identify the varieties (botanical name) of each plant.
3. Plant size at time of planting. Identify the size of each proposed plant at time of planting. The minimum size at time of planting shall be one gallon for a shrub and fifteen gallons for a tree, and no less than 1-1/2" caliper measured 3' above finished grade.
4. Location of existing trees. All trees having a six inch trunk diameter measured 3' above natural grade or greater shall be shown on the landscape plan.
5. Location of vegetation. Location of existing vegetation to be removed and retained on site.
6. The location and design of new landscaping or landscaped areas.
7. Irrigation. Description of the method of irrigation shall be submitted showing type of irrigation system and approximate location of water delivery lines.
8. Street tree plan. Species and location of each tree to be planted shall be shown on the landscape plan.

D. Lighting Plan. A lighting plan showing the type, placement, wattage and method of shielding all exterior lights from adjacent sites shall be submitted.

E. Neighborhood Compatibility Statement. A statement shall be submitted that addresses the applicable neighborhood compatibility criteria within 8.3035(3).

8.3030 **Special Studies, Investigations and Reports**. Special studies, investigations and reports may be required to insure that the proposed development of a particular site does not adversely affect the surrounding community, does not create hazardous conditions for persons or improvements on the site. These may include traffic impact studies impact of contaminated soils, soil conditions, flooding of waters and excessive storm water runoff, tree preservation, and other concerns of the development's impact on adjacent properties or public facilities.

A traffic generation statement prepared by a licensed Professional Engineer may be required at the time of application submittal at the discretion of the City Engineer or designate.

8.3035 **Design Review Criteria**. Prior to issuance of a building permit, the following applicable criteria shall be met.

1. Installation of Utilities. All new service lines and relocated transmission lines shall be placed underground. Existing overhead transmission lines or utility lines shall be relocated underground unless otherwise approved by the CDD Director, City Engineer, or Hearings Body.
2. Right- of- Way Dedication & Public Improvements. Adequate right-of-way dedication and improvements to streets, alleys, sidewalks, bikeways and other public ways shall be provided by the Owner that conform to City of Redmond adopted Transportation Plan, Transportation Impact Analysis & Access Management Standards, Public Works Standards & Specification and the local service street policies, including the grid policy. In lieu of actual construction of improvements, the City may choose to accept financial payment, contribution, other approved security or agreement for the purpose of providing the needed improvements. The City may require that no building permit be issued until public improvements are completed; this shall be clearly identified (if applicable) within the Site Improvement Agreement.
3. Neighborhood Compatibility. This standard shall not apply to any development that also requires a conditional use permit;
 - a. The proposal will be consistent with applicable zoning standards.
 - b. The location, size, design, and physical characteristics of the proposal (such as setbacks, height, position of structure on the site) will have minimal adverse impact on the livability or value of abutting properties.
 - c. The project will not exceed the operational capacity of public facilities and which are required to serve the development unless the City Engineer determines that sufficient capacity can be provided. The capacity of public facilities and services shall be based primarily on the City's Water and Wastewater Master Plan and the Transportation System Plan.
4. Architectural Requirements.
 - a. Architectural theme. A specific architectural theme is required for any structure that is a candidate for Site and Design review. The theme used shall be carried out completely in the design and not mixed with conflicting themes. The theme used shall be consistent with all buildings on the subject site.
 - b. False front design. A false front design of a building shall be avoided, except for the Downtown (C-2) Commercial District.
 - c. Historical Buildings. Compliance with the preservation of historic

buildings and sites pursuant to section 8.0855 and 8.0860 where applicable.

d. Commercial buildings.

1. Commercial Building Orientation. The City may require the applicant to position commercial buildings to have their architectural orientation toward the primary focal point on the site (typically the higher ordered street). However, the City may also require the applicant to orient the building in any position on the site if the perceived focal point is internal to the site. At no time shall unbroken spans of side or rear walls of buildings be visible from any street without architectural treatments and screening added. Orientation of the building shall consider compatibility with neighboring structures in terms of setbacks, height of building, architectural treatment, and entrances of neighboring buildings.
2. Commercial buildings shall comply with the City's access policies regarding vehicle access and provide adequate pedestrian ways to safely navigate the parking areas and to connect to the public sidewalks. Adequate internal vehicle access shall be designed to minimize or eliminate vehicle/vehicle or vehicle/pedestrian conflicts.
3. Drive-up windows and drive-throughs should be oriented away from the principle street.

e. Multi-Family Dwellings and Complexes.

1. There shall be no window-to-adjoining-window alignment when adjoining buildings are less than 60' apart.
2. Unbroken or continuous building spans greater than 32' in length (including roof lines) are not permitted. At least three architectural features shall be added to buildings more than 32' in length. 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 Community Development Director.
3. Lining up two or more residential buildings in even rows is prohibited. Buildings shall be located so they enclose spaces and so that views from within buildings are oriented to landscaped courts or recreation areas wherever feasible.

4. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex. All multi family developments shall provide for storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex. Each dwelling shall have its own storage area, which shall be securable. Storage areas may be indoor such as attached or detached garages, or within specific areas that are internal to each dwelling unit. Storage areas may also be within outdoor structures such as within a carport or a separate storage building on premises. The City may exempt or reduce the storage space requirement for “specialty housing” such as housing for the elderly or for housing for long-term infirm care.
5. All roadways and parking areas shall be paved and roadways shall not be less than 20 feet in width.
6. No parking shall be permitted on any common or shared driveways or private drives less than 28’ in width.
7. All second or third stories of any-multiple family dwelling or complex shall be setback 25 feet from the property line of an abutting single family or duplex residential dwelling or lot . Single story multiple family dwellings or complexes shall be set back no less than 15 feet from the property line of an abutting single family or duplex residential dwelling or lot. The Hearings Body may approve setbacks adjacent to single family or duplex residential dwellings or lots to be reduced to the minimum yard setback allowed in the zone if the design mitigates impacts to adjacent properties.
8. All new multi family dwellings and complexes shall be set back no less than 15' (fifteen feet) from any adjacent residential dwelling or use as measured from the property line to the foundation of the new building. A sight obscuring fence or evergreen hedge may be required by the Hearings Body when in its judgment such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.
9. Covered bicycle parking facilities shall be provided.
10. Second, third and fourth stories of multi family dwellings and complexes in residential zones shall occupy no more than 80% of the building footprint area (ground floor), and shall be set

back no less than 4 feet from the vertical plane created by the first floor.

11. Special yards and distances between new multi family dwelling / complex buildings on a site when multiple buildings are proposed, or which will be adjacent to existing buildings having setbacks less than 10 feet from their respective property lines, shall be provided as follows:
 - (i) An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width.
 - (ii) Except for single family dwellings on one lot, the distance between principal buildings shall be at least one half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.
12. Multi family dwellings and complexes shall comply with the City's access policies regarding vehicle access and provide adequate pedestrian ways to safely navigate the parking areas and to connect to the public sidewalks. Adequate internal vehicle access shall be designed to minimize or eliminate vehicle/vehicle or vehicle/pedestrian conflicts.
13. For a multi-family dwelling complex a minimum of at least 2,500 square feet plus 150 square feet per dwelling unit shall be provided for a recreational play area, group or community activities, or common open space. Such area shall be improved with grass, plantings, surfacing, equipment or buildings suitable for recreational use. The Hearings Body may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent.

f. Exterior Mechanical Equipment. These shall be screened so as not to be visible from public streets or residences.

g. Building Design for Automotive Service Stations. The entrance to the service bays shall not be open to the street but shall be so designed to face the rear or interior side property line.

5. Landscaping.

a. Plant sizes. All required shrubs shall be at least 1 gallon size and all required trees 15 gallon size at time of planting, and no less than 1-1/2" caliper measured 3' above finished grade.

b. Vegetative cover. All required landscape areas shall be planted with shrubs, trees and or living ground cover to a minimum of 50% vegetative cover at the time of planting.

c. Outdoor storage and service areas. Outdoor storage and service areas shall be screened or buffered from adjacent properties or from public rights of way with a minimum 3 foot tall and wide landscape strip or site obscuring fencing unless otherwise approved when adjacent to a similar use or a use that does not require screening from the proposed use. Screening shall provide no less than 50% visual screening at time of planting or installation, and shall be shown by detail or photo.

d. Areas between buildings and property lines adjacent to a street. Areas between buildings and property lines adjacent to a street shall be landscaped with trees and shrubs within a minimum 3 foot wide landscape strip.

e. A parking or loading area. A parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and any lot line by a landscaped strip at least 5 feet in width. Within the C-2, C-4, or Airport zone, street trees or other landscaping within the public right-of-way may be provided and considered as landscaping on site. Required landscape strips may be reduced to 3 feet in the C-2, C-4, and Airport zone if the strip is densely planted with trees, shrubs and living ground cover to a minimum of 90% vegetative cover at time of planting.

The Community Development Director may make an exception of the five (5) foot landscaping strip requirements if the following criteria apply:

- (i) The properties are adjacent to one another; and,
- (ii) The parking and back up areas are adjacent to a common lot line.

If an exception is granted, an easement shall be recorded on the deed. If at any time the parking area is no longer shared, the parking area shall conform to the five (5) foot landscape strip requirements.

f. Landscape areas abutting parking areas spaces, access aisles and loading zones. Landscape areas abutting parking spaces, access aisles and loading zones shall incorporate a sight obscuring landscape screen. The screen shall be at least 3 feet higher than the finished grade of the parking area, except in required clear vision areas where the clear vision requirements must be met.

The screen height may be achieved by a combination of earth mounding and plant materials. Fences with or without slats may qualify for parking lot screening on interior, side or rear lot lines or when adjacent to an alley.

g. Parking lot landscaping. In addition to meeting all other landscape requirements, at least ten (10%) percent of the total required landscaping for the site shall be planted within or immediately adjacent to the parking lot(s), plus a ratio of one tree per ten parking spaces shall be planted. This parking lot landscaping may be considered as meeting a portion of the underlying zone's minimum landscape percentage requirements. Parking lots exceeding 20 spaces shall incorporate a portion of this required landscaping in interior islands not less than three feet in width.

h. Protection of Parking Lot Landscaping. Parking lot landscaping shall be protected by a curb or secured wheel guards at least 4" high with a minimum three foot setback from the property line. This required 3' setback may be reduced to 1-1/2 feet if the planted area is planted with 90% vegetation at the time of planting.

i. Preservation and Replacement of Trees. All existing trees having a six (6) inch trunk diameter 3' above grade or greater shall be preserved or replaced with fifteen gallon-sized trees at a 'one-to-one' ratio. Replacement trees shall have a minimum 1-1/2 inch trunk diameter measured at 3' above grade. This criteria shall be met in the submitted landscape plan.

j. Irrigation of plants and trees. Irrigation systems shall be required for all landscape areas and street trees except those designated for native vegetation. Type of irrigation system and approximate line location shall be shown on the site plan provided.

k. Street trees. A street tree plan is required for all development fronting on public or private roads. All street trees shall meet the following requirements.

1. Certain trees are prohibited by City Code. Prohibited tree species include: fir, cedar, willow, balm, poplar and aspen, nut, locust, all fruit bearing species and cottonwood.

2. Trees chosen for the public right-of-way shall be single stem, round, compact crown, deciduous trees, free of fruit, thorns or other harmful appendages. Trees that are tolerant of extremes in weather, cultivation around the root area, and pest and diseases are recommended.

3. Tap root trees and surface root trees shall be avoided.

4. Trees shall be chosen with a mature height of no more than 30 feet and a minimum branching clearance of 8 feet at maturity.

5. The center of all trees planted in public right of way shall be a minimum of 18" from the face of the street curb.

6. Street trees shall be placed at the rate of one tree for every 25 feet of street frontage. Trees may be evenly spaced with variations to the spacing permitted. Irrigation systems shall be required for all street trees.

7. When street trees are planted on private property, the trees shall not be planted further than 25' from the curb. Evergreen species are acceptable street trees on private property provided that they are more than 5 feet away from pathways and driveways.

l. Maintenance of landscaping. All landscaping shall be continuously maintained and replaced when necessary to maintain compliance with an approved landscape plan. For landscaping in excess of \$5,000, the City may require a maintenance bond.

6. Parking and Unloading Areas/Docks.

a. Off-Street Parking Areas. Parking areas shall be as near the public entrances to the structure served as possible.

b. Parking lot. The parking shall be dispersed around the building, emphasizing the importance of the building and accessibility to entrances.

c. Truck loading areas or docks. Truck loading areas or docks, where delivery is done by semi truck with a specified loading dock, shall be located or screened from the street or from the major public entrance to the building. The Applicant shall identify the specific type(s) and size of delivery vehicles which will deliver and/or take goods to/from the building; the hours of delivery, the location of delivery doors and their dimensions. Truck loading areas or docks shall not inhibit circulation on-site or create access problems from adjacent streets.

7. General Site Criteria.

a. Grading and Drainage.

1. Grading on the site shall take place so there is no adverse affect on neighboring properties or public right-of-way. A grading plan may be required to assure that all drainage is retained on site.

2. All drainage shall be retained on site at all times. A drainage plan may be required that shows slope, method of drainage retention and disbursement of water on site at the discretion of the City Engineer.

- b. Clear Vision Standard. No obstructions greater than three and one half (3 ½) feet high, including any landscaping which will grow greater than three and one half (3 ½) feet high, with the exception of trees whose canopy heights are at all times greater than eight(8) feet, may be placed in a clear vision area as defined in Article I, "Supplementary Provisions".
- c. Trash collection areas. Trash collection areas shall not be oriented towards building entrances or public streets other than alleys and shall be screened or enclosed with building material which is compatible with those used in the exterior of the building. Location(s) of all trash collection area(s) shall be reviewed and approved by the Fire Marshal or designate.
- d. Water and Sewer Service. Connection to the City's public water and sewer systems shall be required and shall comply with the current Public Works Standards & Specifications.
- e. Accessibility. At least one pedestrian pathway, which meets UBC accessibility requirements, shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading and drop off zones, and public streets or sidewalks to an accessible entry. When more than one building or facility is located on a site, at least one accessible route shall be provided between accessible buildings and accessible site facilities. The accessible route shall be the most practical and direct route among accessible building entries, accessible site facilities and the accessible entry to the site. Walks paralleling vehicular ways shall be separated from vehicular ways by curbs, planted areas, railings, or other means between the pedestrian way and vehicular routes.

8. Traffic Impact Analysis (TIA)

- a. The following vehicle trip generation thresholds shall determine the level and scope of transportation analysis required for a new or expanded development. Trip ends shall be calculated as per the Institute of Transportation Engineers manual, Trip Generation, 6th edition (or subsequent document updates), or local trip generation studies prepared by a qualified registered professional engineer and approved by the City Engineer. The City Engineer shall determine when a TIA has satisfied the requirements of the development's impact analysis. The TIA shall bear the stamp and signature of a qualified registered professional Engineer with a license valid in the State of Oregon.
 - 1. If a proposed development will generate 200 or more daily trip ends, or 20 or more p.m. peak hour trip ends, then a Transportation Impact Analysis (TIA) shall be required.

2. Projects that generate less than 200 daily or 20 p.m. peak hour trip ends may also be required to provide a Transportation Impact Analysis (TIA) when, in the opinion of the City Engineer or his/her designee, significant capacity and/or safety problem is caused, or adversely impacted by the development. The City Engineer or designee, shall determine the scope of this analysis.
 3. A development may be required to provide a Trip Generation Report for developments which generate less than 200 daily or 20 p.m. peak hour vehicle trips.
- b. The impact analysis area shall include at a minimum, the following intersections:
1. All site access intersections
 2. Nearest intersecting collector or arterial street upstream and downstream of the development.
 3. Any other collector or arterial street intersection that would experience an increase of 25 additional peak hour trips.
 4. Additional intersections requested by staff.
- c. The analysis shall include the following study time frames:
1. Existing conditions.
 2. Completion year of each significant phase of development.
 3. Five year forecast beyond final phase.
- d. The following Tables are required in the TIA:
1. Trip Generation (including phase breakdown if applicable)
 2. LOS Table (LOS for every analysis scenario at every study area intersection. Report LOS, delay, v/c ratio, 95% vehicle queue, and any additional pertinent analysis results)
- e. The following Figures are required in the TIA:
1. Vicinity Map
 2. Site or Tentative Plan Map

3. Background Traffic Volumes (all study intersections, all analysis years)
 4. Trip Distribution and Assignment
 5. Background + Site Generated Traffic Volumes (all study intersections, all analysis years)
- f. Other Analysis Standards (as required by the study)
1. Signal Warrants shall be performed where applicable per the Manual on Uniform Traffic Control Devices, current edition.
 2. Left Turn Lane Warrants shall be provided where applicable per ODOT criteria based on the Texas Transportation Institute (TTI) curves.
 3. Right Turn Lane Warrants shall be provided where applicable per ODOT criteria.
 4. The acceptability of sight distance at all study area intersections shall be determined per AASHTO (current edition) standards.
 5. Traffic signal progression analysis may be required if a new signal is proposed. The City Engineer shall approve the method of traffic signal progression analysis.
 6. Roadway improvements are to be based on the City of Redmond Standards and Specifications and ODOT design standards.

9. City of Redmond Access Management Standards. All land use approvals shall comply with the following standards.

a. Driveway spacing and corner clearance as follows:

<u>Roadway Classification</u>	<u>Minimum Access Driveway Spacing</u>	<u>Minimum Access Clearance to Corner</u>	<u>Intersection Spacing</u>
Local Street	No restrictions	30 feet	165 feet
Minor Collector	80 feet	80 feet	330 feet
Major Collector	165 feet	165 feet	330 feet
Minor Arterial	330 feet	330 feet	¼ mile
Major Arterial	ODOT Stds	ODOT Stds	ODOT Stds

b. In all instances, access near an intersection shall be located beyond the influence of standing queues and opposing left turns sharing a continuous

two-way left turn lane. This requirement may result in greater corner clearance or access spacing than the minimum distance indicated.

- c. Every lot or parcel shall be permitted an access. In the event that the access management standards cannot be achieved, shared access with adjacent property shall be explored and provided where available.
 - d. Access shall be taken from the lower order street or alley unless otherwise approved by Public Works and/or ODOT through the land use process.
 - e. Unless adequate demonstration of site necessity, intersection safety and functionality, lots, parcels and/or developments will be limited to a single access as determined by Public Works through the land use process.
 - f. The access management standards apply to new development, redevelopment, subdivision and partitioning of land.
 - g. Corner clearance is measured from the edge of right-of-way to the nearest edge of access. Spacing is measured from centerline of access/intersection to centerline of access/intersection.
 - h. Adequate intersection sight distance and clear zone shall be maintained at all access/driveway locations per AASHTO standards (American Association of State Highway and Transportation Officials).
 - i. Access/driveway locations may require alignment with existing driveways on the opposite side of the roadway as determined by Public Works.
 - j. Public Works may require supporting information, including but not limited to traffic count data, trip generation, trip distribution, Transportation Impact Analysis study, etc., in order to make a proper determination of access/driveway location.
10. Transportation Impact Analysis. It shall be the burden of the developer to evaluate transportation system impacts through studies prepared by a qualified registered professional engineer. When a transportation impact analysis is required it must demonstrate that the following standards are met:
- a. The standard of measurement that will determine the acceptability of traffic flow on City streets will be a delay-based level of service as defined by the Highway Capacity Manual, Special Report 209, Third Edition (2000 update or subsequent document updates) published by the Transportation Research Board. The determination of LOS shall be calculated by a methodology that is approved by the City Engineer. The acceptable standard of LOS for City streets shall be LOS E during the peak 15 minutes of the peak hour of the

average weekday. A lesser standard shall be acceptable at unsignalized intersections with low volume minor street approaches if the volume-to-capacity ratio is less than 0.90 and the 95th percentile vehicle queue is less than four vehicles during the peak hour.

- b. The Average Daily Traffic (ADT) volume of Local Street roadways within the City of Redmond shall be less than 1,200 vehicles per day (VPD). Developments which add vehicle trips to Local Streets with an ADT greater than 1,200 VPD may be asked to provide mitigation in the form of additional access to the site, when in the opinion of the City Engineer, the residential livability is degraded by excessive local street traffic volume.
- c. New development that will cause degradation below those levels shall be required to provide mitigating transportation system improvements that will restore the LOS to the accepted standard, as is practical, as determined by the City Engineer. Where there are impacts to the State Highways, the City and ODOT shall work cooperatively to determine appropriate courses of action based on ODOT and City standards.

8.3040 **Master Plans.** When the development proposed is for less than the entire site, or involves multiple contiguous or adjacent lots or parcels which may be developed at different times, at the discretion of the Community Development Director, a master site plan for the entire site may be required. In addition to providing all plans associated with Site and Design review, a master plan shall also clearly show the project area, and shall clearly identify the timing of each specific phase within the master plan, if phases are proposed.

REFERENCE UPDATE

ARTICLE V - SIGN STANDARDS

<u>Ordinance</u>	<u>Date Passed</u>	<u>Description</u>	<u>Update</u>
94-04	5/24/94	Amend Redmond Code to add Chapter 8 - Development Regulations.	7/94
94-16	6/28/94	Amend 8.4700 - Developer shall pay all fees prior to recording the final plat or the issuance of Certificate of Occupancy.	7/94
94-02	10/11/94	Amend 8.4070 - Remove No. (2) and Section 8.4105 - Remove and Replace No. (3) regarding off premise real estate signage.	11/94
95-26	08/22/95	Amend 8.4160 & 8.4165 - Amending Motor Vehicle Service or Drive.	8/95
96-04	2/13/96	Amending Section 8.4235 to revise the standards for directional signs.	2/96
96-05	2/13/96	Amending Section 8.4105 to revise the standards for temporary signs, adding balloons and banners.	3/96
96-39	10/22/96	Amending Section 8.4175, to add Standards for Subdivisions and P.U.D.'s.	12/96
96-45	11/10/96	Amending Section 8.4175, amending the standards relating to wall signsto read not to exceed two wall signs.	12/96
97-10	3/11/97	Amending Section 8.4105 to allow temporary off premise directional signage in the industrial area.	4/97

1999-24	6/8/99	Amending Section 8.4155 to add retail establishments to allowed signs in a residential zone.	6/99
2001-18	6/26/01	Amending Section 8.4100 to all off premise commercial advertising on athletic field fences.	6/01
2004-20	10/26/04	Modified commercial signs in residential zones.	11/04

ARTICLE V. - SIGN STANDARDS

8.4000 **Title.**

These standards shall be known as the City of Redmond Sign Standards and may be so cited and plead.

8.4005 **Purpose.**

(1) The purpose of these standards is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

(a) Protect the health, safety, property and welfare of the public.

(b) Promote a neat, clean, orderly and attractive appearance within the city.

(c) Improve the effectiveness of signs in identifying and advertising businesses and facilities.

(d) Eliminate signs that demand, rather than invite public attention.

(e) Provide for reasonable, orderly and effective display of outdoor advertising compatible with their surroundings.

(f) Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the City and its citizens.

(g) Provide effective signing to meet the anticipated differing needs of various areas in the City.

8.4010 **Terminology.**

The word "City" shall mean the City of Redmond, Oregon. The words "City Council" shall mean the City Council of Redmond, Oregon. The words "Manager", "Planning Director" and "Building Official" shall mean the Manager, Planning Director and Building Official respectively of the City of Redmond. The words "Planning Commission" shall mean the Redmond Urban Area Planning Commission.

8.4015 **General Definitions.**

For the purposes of this article, words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and the word "building" includes structures other than sign structures.

Redmond Code

8.4020 **Specific Definitions.**

The following words and phrases used in this article have the meanings given to them in this section.

Animation. Any form of movement by electric, mechanical or kinetic means including but not limited to, rotation, revolving or wind activation of all or a portion of sign, or incorporating flashing or intermittent light for sign illumination.

Arterial. A restricted access street of substantial continuity which is primarily a traffic artery for inter-communication and so designated by the City of Redmond.

Awning. A structure made of cloth, metal or similar material with metal frames attached to a building, projecting over a thoroughfare or entrance.

Banner. A flag, bunting or other flexible sign characteristically hung on a building, or otherwise suspended down or along its face or across any public streets of the City. The banner may or may not include copy or other graphic symbols.

Bench Sign. Any sign painted on or otherwise attached to a bench or other seat placed in a public right-of-way or meant to be seen by the public.

Billboard. A sign structure subject to the provisions of the Oregon Motorist Information Act of 1971 and erected for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premise the billboard is located on.

Business. All of the activities carried on by the same legal entity on the same premises and shall include but not be limited to, service, commercial and industrial uses and fraternal, benevolent, education, government and social organizations.

Business Complex. One property ownership with the property owner and one or more business tenants as occupants or two or more business tenants as occupants of the property. In a business complex, business tenants include retail shops, executive or administrative services including medicinal clinics and accessory pharmacies, professional offices, and personal service establishments which perform personal services on the premises and similar uses.

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.

Clear Vision Area. A triangular area, two sides of which are measured from the corner intersection of the street curb or location where street curb would be located if the right-of-way were developed to full City standards (ignoring any corner radius) for a distance of twenty-five (25) feet. The third side is a line across the corner of the lot adjoining the non-intersecting

Redmond Code

ends of the other two sides.

Cutout. A display in the form of letter, figures, characters, or other representations in cutout or irregular form attached to or superimposed upon an advertising sign.

Display Surface. The area made available by the sign structure for the purpose of displaying a message thereon.

Eave. Lowest horizontal line of any roof.

Erect. To construct, paint, place, affix or otherwise bring into being.

Facade. Any face of a building.

Facade - Dominant. The principal facade of the building where its principal entrance is located and which may or may not face the street upon which its legal address is located.

Facade - Subordinate. The sides or rear of a building; facades other than the dominate facade.

Frontage, Building. That facade of a building which faces and is parallel to, or most nearly parallel to the public street which provides the primary direct vehicular access to the building.

Frontage, Street. A lot line fronting a public street. Unless the premises has only one such frontage, the width along such lot line must be at least 50 feet to qualify as a "frontage".

Incombustible Material. A Material that will not ignite at or below a temperature of 1200 degrees Fahrenheit during an exposure of five minutes and which will not continue to burn or glow at that temperature. The test for an "incombustible material" shall be conducted as specified in the Uniform Building Code.

Kiosk. A small, free-standing structure which may have one or more surfaces used to display advertising or to identify or index a business or businesses.

Maintain. To allow to exist or continue.

Marquee. A permanent roofed structure attached to or supported by a building, but does not mean a "canopy" as defined herein.

Non-structural Trim. A molding, batten, cap, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

Parapet. A low wall or railing used to protect the edge of a roof, also called a parapet wall.

Pergola. A structure usually consisting of parallel colonnades supporting an open roof of girder and cross rafters, also known as an arbor, trellis or ramada.

Person. An individual, corporation, partnership, association, joint venture, or other legal entity.

Roof Line. The line which marks the highest point of the vertical front of a building in the case of a false front, or the line where the roof is joined to the vertical front wall of the

Redmond Code

building in other cases.

Shopping Center. A premises planned and developed as a unit with an undivided, non-segregated parking area and is advertised as a center or mall and has multiple occupancy by business.

Sign. A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by means including pictures, colors, motion illumination or projected images. Signs do not include the following:

(1) Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations.

(2) Merchandise, pictures or models or products or services in a window display.

(3) Time and temperature devices not related to a product.

(4) National, state, religious, fraternal, professional and civic symbols or crests.

(5) Works of art which in no way identify a product.

Sign - Directory. A sign giving the name, address number or location of the occupants of a building or buildings.

Sign - Directional. An on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, motor vehicle route, telephone or similar place, service or route.

Sign - Free-standing. A sign supported by one or more uprights or braces and not attached or incidentally attached to any building or structure but does not include ground mounted signs.

Sign - Ground-mounted. A sign which is not attached to any structure or building, and has a support which places the bottom thereof less than four (4) feet from the ground.

Sign - Internally Illuminated. A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

Sign - Mobile Sign. Any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on self-propelled or towed vehicle, and the primary purpose of which is advertising.

Sign - Motor Vehicle Directional. A sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.

Sign - Non-conforming. A sign erected prior to the adoption of these standards which does not conform to the provisions contained herein.

Redmond Code

Sign - Outdoor Advertising. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Sign - Parapet or Pergola. Any sign or other commercial graphic attached to a parapet, ramada, pergola or other similar structure.

Sign - Portable. Any sign or other graphic which is designed to be or is capable of being transported from one place to another.

Sign - Projecting. A sign which extends perpendicular or nearly perpendicular from the building face to which it is attached.

Sign - Roof Sign. A sign located on or above the roof of any building, not including a false mansard roof or other fascia.

Sign - Temporary Sign. A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic, sheet, cardboard, wall board, sheet metal, plywood or similar materials and intended to be displayed for a limited period of time.

Sign - Wall Sign. A sign painted or otherwise affixed to the face of a building, marquee, or roof overhang in a plan parallel to such face and extending not more than 18 inches therefrom.

Uniform Building Code. The State of Oregon Structural Specialty Code and Fire and Life Safety Code of 1979 Edition (Uniform Building Code) published by the International Conference of Building Officials, as adopted by the City of Redmond and which is referred to as "UBC" in these standards.

Zone. A zoning district established pursuant to the City of Redmond Zoning Standards.

GENERAL PROVISIONS AND PROCEDURES

8.4050 **General Provisions.**

(1) It is unlawful for any person to erect, repair, alter or relocate or maintain within this City, any sign or other graphic except as provided in these standards.

(2) No sign shall be attached to or placed against a building or other structure in such a manner as to prevent or inhibit ingress or egress through any door or window required or designated for access to any building, not shall any sign obstruct or be attached to a fire escape.

(3) No sign or other street graphic other than a City or other public agency sign shall be allowed to be erected, installed, replaced, or maintained in, over or on any public property, including parkways, except as provided in Section 8.4220 of these standards.

(4) Any sign or other street graphic which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting, or other sign shall be administratively assigned to the sign category most logically applicable and the appropriate standards applied.

(5) Service signs such as those identifying VISA or Master Charge shall not be attached to any approved sign. If such services are to be advertised, the signs shall be integrated into the overall sign design and are subject to all requirements of these standards.

(6) Signing shall be in proportion with and visually related to the architectural character of the building, restrained in the size and be in conformance with generally accepted principles of good design and architecture.

(7) Signing adjacent to, or in a residential area shall be harmonious with and reflect the residential character of the area.

(8) Signing for a business within a commercial or industrial center, shall be in harmony with the signing of the entire complex. The signing for any new or remodeled commercial or industrial center shall be approved concurrent with the architectural review of the project in the form of a signing program.

(9) The use of logos, trademarks, and/or three dimensional symbols is encouraged. Innovation and artistry are encouraged where visually and economically effective.

(10) These standards outline maximum requirements; however, signs must be appropriate to the nature of the activity to which they pertain and compatible with their surroundings.

Redmond Code

8.4055 **Sign Permit.**

Except as provided in Section 8.4070 of these standards, no sign shall be erected, structurally altered or relocated until a sign permit has been issued.

8.4060 **Procedure.**

(1) Applications for a sign permit shall be made in writing upon forms furnished by the Planning Director. Such applications shall include a scale drawing of the sign including dimensions, height and materials and showing its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted which indicates the location of proposed signing relative to street and property lines. Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign. The City Manager or designee may require other pertinent information where in their opinion, such information is necessary to determine compliance with the provisions of these standards.

(2) The City Manager or designee shall issue a permit for a sign covered by applications duly made unless the sign is in violation of the provisions of these standards. Sign permits mistakenly issued in violation of these standards are void.

(3) The City Manager or designee may revoke a sign permit if he finds that there was a material and misleading false statement fact in the application for the permit.

(4) A sign permit shall be null and void if work for which the permit was issued has not been completed within a period of six (6) months of the date of issuance of the permit.

(5) Where an electrical permit for a sign installation is required, it shall be obtained from the Oregon State Department of Commerce, Building Codes Division, prior to making the final electrical connection from the sign to the electrical power source.

8.4065 **Sign Measurement.**

(1) The following criteria shall be used in measuring a sign to determine compliance with these standards:

(a) Area or Area of Sign. Area or area of a sign is the area within any perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter or the area of a sign having an irregular shape shall be computed by enclosing the surface area within a known geometric shape or shapes. The area of all signs in existence at the time of the enactment of these standards, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business or a premises. Where a sign is of a three dimensional or round or irregular solid shape, the largest cross section shall be used as though it were a flat surface to determine sign area.

Redmond Code

(b) Clearance. Clearance of a sign is measured from the average grade at the base of the sign to the lowest point of the sign.

(c) Height. Height is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used.

(2) Area of front building facade. When the area of the front building facade is used to determine sign area, said area shall be computed by multiplying the width of the building frontage or portion thereof by the height of the building or portion thereof which are devoted to the particular business. "False fronts" and mansard roofs may be included when calculating the area of the building facade.

8.4070 **Permit Exceptions.**

The following signs or procedures shall not require a sign permit. Provided, however, these signs shall be subject to the provisions of Section 8.4110 excepting subsection (10).

(1) Exempt signs listed in Section 8.4100.

(2) The changing of advertising or message on an approved painted or printed sign or sign specifically designed for the use of replaceable copy, except for changing the name of the business or use advertised.

(3) The painting, repainting, cleaning and normal maintenance and repair of an existing sign unless a substantial structural change is made.

Redmond Code

EXEMPT, TEMPORARY AND PROHIBITED SIGNS

8.4100 **Exempt Signs.**

- (1) Safety signs, trespassing signs, memorial plaques and historical markers.
- (2) Except as provided for in Section 8.4105, signs of a noncommercial nature. Provided, however, the permitted area for said signs shall be subject to the area and location requirements of the pertinent zone in which they are located.
- (3) Signs determined to have historical value as determined in accordance with Section 8.4600 of these standards.
- (4) Individual dwelling units. One name plate for each dwelling unit.
- (5) Kiosk on public property or as approved otherwise by the Site and Design Commission.
- (6) Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum dimension of four feet and a sign area of eight feet.
- (7) Small signs not exceeding three square feet in area, attached flat against a building, non-illuminated and announcing only the name and occupation of the building tenant.
- (8) Interior, non-illuminated signs designed primarily to be viewed from a sidewalk or street when maintained inside a building, including but not limited to, signs attached to or painted on the inside of a window provided, however, the permitted area for such signs shall be subject to the area requirements for wall signs and that such signs conform to the illumination requirements of these standards.
- (9) Signs or coin operated vending machines, gasoline pumps, and telephone booths and not exceeding the dimensions of said machines.
- (10) In commercial, professional or industrial areas, signs not exceeding one square foot bearing only the street address.
- (11) Traffic or other municipal signs, legal notices, railroad crossing signs and danger signs. The City may also post off-premise directional signs for restaurants, hotels (motels), and automobile service stations in commercial zones and for businesses in the Airport Industrial Area.
- (12) Churches, schools and other public facilities in any zone may have an on site sign for each building or activity facility not exceeding 24 square feet.
- (13) Graphics that do not advertise any business, commercial product or service. Provided, however, graphics covering more than 10% of a building facade shall be subject to review by the Site and Design Commission.

Redmond Code

(14) Neighborhood Watch Signs located on private property in residential zones - size, quantity and location to be regulated by the City Police Dept.

(15) Off premise commercial advertising signs located within recreational athletic fields on public property operated by public or non-profit civic organizations; provided however, that the signs face inward toward the respective athletic fields and do not extend above any of the perimeter fences. These signs shall be non-illuminated, and shall not have any flashing or animated components.

8.4105 **Temporary Signs**

(1) Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction or renovation of a building. Said signs shall be located on the site of construction, shall not exceed thirty-two square feet in area and shall be removed within fourteen days of the beginning of the intended use of the project.

(2) Real estate firm or owner erected signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed up to a total area of thirty-two square feet, except for such signs in a residential zone which shall not exceed a total of six square feet. Such signs shall not be located in such a manner as to cause a public safety hazard and shall be removed within fourteen days of the sale, rental or lease.

(3) Off premise real estate signs not visible from a State highway for the purpose of directing the public to the sale of multiple residential properties only with written permission of the property owner and limited to:

- (a) A maximum of 5 total off premise signs.
- (b) Private property only.
- (c) 8 square feet in an area except for one of the 5 permitted signs may be allowed up to 16 square feet if on an arterial road.
- (d) A 3 year limit with a possible 2 year extension.

(4) Signs identifying or advertising a non-profit civic, charitable or benevolent event. Said signs shall be removed within seven days after the event.

(5) Street banners advertising a public entertainment or event. Such banners and their location shall be approved by the City Manager or designate. Street banners may be displayed for fourteen days before and seven days after the event.

(6) Land development project signs pertaining to the sale, lease, rent or development of a subdivision, office complex, shopping center, industrial park or similar parcel are allowed for a period of 3 years with a possible 2 year extension upon issuance of a permit by the Planning Director. Size of signs shall be controlled by the following schedule:

Redmond Code

<u>PROJECT SIZE</u>	<u>TOTAL #</u>	<u>MAXIMUM AREA</u>
	<u>OF SIGNS</u>	<u>PER SIGN</u>
4 acres or less	1	32 sq. ft.
over 4 acres	1	96 sq. ft.

(7) Pennants, banners, balloons and streamers only when associated with a grand opening or promotional event of a business which may be displayed for a maximum of thirty days in any calendar year.

(8) Portable reader boards only when associated with a grand opening or promotional event of a business may be displayed for a maximum of thirty days in any calendar year.

(9) Christmas or seasonal decorations as customarily used.

(10) Garage sale signs posted on private property, limited in size to eight square feet and removed within three days after the end of the sale.

(11) Temporary political campaign signs that pertain to a certain election date shall be removed within ten days after the election to which the signs pertain.

(12) Signs advertising a non-profit commercial fund raising event. Said signs shall be limited to a maximum area of 32 square feet and a maximum time limit of (four) 4 days. Off-premise signs are authorized only with written permission of the property owner. These signs are exempt from other sections of the sign code provisions.

(13) Off premise directional signage for industrial businesses demonstrating a hardship. The Planning Commission shall determine if a hardship condition exists based on whether the site exhibits special conditions that are peculiar to the property and are not common to others in the area. The off premise signage shall be limited to arterial roads and shall be permitted by the Commission for one year with two (2) six month administrative extensions possible.

8.4110 Prohibited Signs. The following signs are prohibited:

(1) Signs that use valances, propellers or similar wind activated or attention attracting devices. These devices when not part of any sign, but on the premises where a sign is utilized, are similarly prohibited unless they are permitted specifically by other legislation.

(2) That contain or include or are illuminated by any flashing intermittent revolving, rotating or moving lights or moves or has any animated moving parts; however, this does not apply to traffic control signs or signs providing public service information such as time, date, temperature, weather or similar information.

(3) That the City Manager or designee determine to violate ORS 483.138, which applies to signs creating confusion with or interfering with the effectiveness of traffic signs or

Redmond Code

signals.

(4) That are placed on, affixed to or painted on a motor vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by these standards. Signs on vehicles used in the normal course of business shall not be subject to this provision.

(5) Portable signs not supported by a sign structure in the ground, nor attached to or erected against a building or structure, and is capable of being moved about the premises except as may be specifically permitted by the terms of these standards.

(6) Bench signs.

(7) Signs or sign structures that create a hazard by obstructing clear view of pedestrian and vehicular traffic.

(8) Any small sign, generally of a temporary nature, and generally known as a "snipe sign" tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or buildings or other structures, where the information appearing thereon is not applicable to the present use of the premises upon which sign is located.

(9) Except as provided for in Sections 8.4150-8.4175, billboards and all other signs which advertise a commercial activity, business, product or service which are not provided, sold, manufactured or distributed on or from the premises on which the billboard or sign is located.

(10) Are not otherwise in conformance with the provisions of these standards.

(11) Parapet or pergola signs.

Redmond Code

SIGNS PERMITTED BY ZONES

8.4150 **Signs Permitted in the Open Space Park Reserve Zone.**

No signs shall be permitted in this zone except as provided in this section:

(1) Sign Type and Area. One wall or ground mounted sign shall be permitted, not to exceed thirty-two square feet in area and ten feet in height.

(2) Context. Signs in these zones shall be identity signs only, containing information directly pertaining to the permitted use.

(3) Location. Signs shall be erected no closer than five feet from a street right-of-way, shall be a minimum of twenty-five feet from an adjacent lot and shall be placed on the property upon which the use is located.

(4) Illumination. No sign permitted in this section shall be internally illuminated.

(5) Directional signs subject to the provisions of Section 8.4235.

8.4155 **Signs in Residential Zones.**

No signs shall be permitted in any residential zones except as provided in this section.

(1) Multiple Family Dwellings. For multiple family dwellings, one sign not to exceed thirty-two square feet in area shall be permitted per project. Such signs shall be a wall or ground mounted type.

(2) Subdivisions, P.U.D.'s and Mobile Home Parks. For subdivisions, P.U.D.'s and mobile home parks, one ground mounted sign not to exceed thirty-two square feet in area shall be permitted.

(3) Commercial Uses. A commercial use, in a residential zone may have one wall or ground-mounted sign not to exceed thirty-two square feet in area and may have a building directory sign provided in the area of such sign does not exceed one square foot per occupant of the building.

(4) Illumination. No sign in a residential zone shall be internally illuminated.

(5) Directional signs subject to the provisions of Section 8.4235.

(6) Awnings and canopies subject to the provisions of Section 8.4225.

Redmond Code

8.4160 **Signs Permitted in General Commercial Zones.**

Except as provided for in Section 8.4170, this section shall apply to all signs in the Strip-Service Commercial C-1 zone, Limited-Service Commercial C-4 Zone and Tourist Commercial C-5 Zone. No signs shall be permitted in these zones except as provided in this section.

(1) Wall Sign. The maximum sign area permitted on a building shall not exceed ten percent of the area of the front building facade if said facade is located within 250 feet of the street right-of-way. The maximum sign area permitted shall not exceed twelve percent of the area of the front building facade if said facade is located 250 feet or more from the street right-of-way. The permitted area may be increased to forty percent provided no free-standing signs are utilized on the property. Provided, however, in no case shall the maximum permitted area exceed 350 square feet.

(2) Additional Wall Signs. A business may have one wall sign for each frontage which provides direct vehicular access onto the business property or parking lot. The permitted area for each additional sign shall not exceed the total sign area permitted under (1) above and shall be located on that building facade which faces the second street.

(3) Roof Sign. In lieu of a wall sign under (1) above, a roof sign is subject to the provisions of Section 8.4205.

(4) Free-standing and ground mounted signs. In addition to the requirements of (1) above, one freestanding or ground mounted sign shall be permitted subject to the requirements of Sections 8.4210 and 8.4215 respectively.

(5) Directional signs subject to the provisions of Section 8.4235.

(6) Awnings, canopy and marquee signs subject to the provisions of Sections 8.4225 and 8.4230 respectively.

(7) Alley Sign. Any alley sign limited to a wall sign of six square feet in area used to identify a business. Such sign shall be located at each entrance and shall not be located on the same fascia as any other sign except another alley sign.

(8) Building directory signs limited to three square feet per occupant.

(9) Motor vehicle service or drive-up window signs limited to one ground mounted sign not to exceed 32 square feet and one additional drive-up window sign not to exceed 16 square feet.

(10) Billboards allowed under Section 8.4245 shall be permitted in the C-1 and C-4 Zones subject to the provisions of Section 8.4235. Billboards shall not be allowed in the C-5 Zone.

Redmond Code

8.4165 Signs Permitted in the Central Business District Commercial C-2 Zone.
Except as provided in Section 8.4170, this section shall apply to all signs in CBD C-2 Zone.
No sign shall be permitted in this zone except as provided in this section.

(1) Wall Signs. The maximum sign area permitted on a building shall not exceed ten percent of the area of the front building facade. The permitted area may be increased by forty percent provided no free-standing signs are utilized on the property. Provided, however, in no case shall the maximum permitted area exceed 350 square feet.

(2) Additional Wall Signs. A business may have one wall sign for each street frontage which provides direct vehicular access onto the business property or parking lot. The permitted area for each additional sign shall not exceed the total sign area permitted under Section 8.4160 (1) and shall be located on that building facade which faces the second street.

(3) Roof Sign. In lieu of a wall sign under subsection one, a roof sign subject to the provisions of Section 8.4205.

(4) Projecting Signs. A business or building abutting public right-of-way such as a sidewalk shall be permitted one projecting sign in addition to a wall sign subject to the requirements of Section 8.4220.

(5) Free-standing and Ground Mounted Signs. In addition to the requirements of (1) above, one free-standing or ground mounted sign shall be permitted subject to the requirements of Sections 8.4210 and 8.4215 respectively.

(6) Directional signs subject to the provisions of Section 8.4235.

(7) Awnings, canopy and marquee signs subject to the provisions of Sections 8.4225 and 8.4230 respectively.

(8) Alley Sign. An alley sign limited to a wall sign of six square feet in area used to identify a business. Such sign shall be located at each entrance and shall not be located on the same fascia as any other sign except another alley sign.

(9) Building directory signs limited to three square feet per occupant.

(10) Motor vehicle service or drive-up window signs not to exceed 32 square feet and one additional drive-up window sign not to exceed 16 square feet.

(11) Billboards allowed under Section 8.4245 shall be permitted in the C-2 Zone south of Highland Avenue and north of Hemlock Avenue.

Redmond Code

8.4170 **Signs for Business Complex or Shopping Center.**

Signs permitted in this section shall be the only signs permitted in a business complex or shopping center in any commercial zone.

(1) A business complex or shopping center may have one ground mounted sign or free-standing sign for each street frontage subject to the provisions of Sections 8.4210 and 8.4215 respectively. Such signs shall be used to identify the name of the complex or the businesses within the complex. In lieu of a ground mounted sign or free-standing sign, the business complex or shopping center may have a wall sign not to exceed forty square feet for each street frontage. This wall sign shall be allowed in addition to the wall sign allowed under (2) below.

(2) **Wall Signs.** An individual business within a business complex or shopping center which is located on the ground floor and has direct pedestrian access to a street or parking area shall be permitted one sign with a maximum sign area not to exceed six percent of the area of the facade of the individual business which faces said street or parking area.

(3) Directional signs subject to the provisions of Section 8.4235.

(4) Awnings, canopy and marquee signs subject to the provisions of Sections 8.4225 and 8.4230 respectively.

(5) A building directory sign limited to three square feet per occupant.

8.4175 **Signs Permitted in Industrial Zones.**

This section shall apply to all signs in the Light Industrial M-1 Zone and Heavy Industrial M-2 Zone. No signs shall be permitted in these zones except as provided in this section.

(1) Wall sign. For each permitted or conditional use in an industrial zone, the maximum permitted sign area on a building shall not exceed ten percent of the area of the building facade on which the sign is placed. Provided, however, in no case shall the maximum permitted area exceed 350 square feet and in no case shall more than two (2) wall signs be permitted for wall signage.

(2) Ground mounted signs. In addition to the provisions of (1) above, one ground mounted sign shall be permitted for each street frontage which provides direct vehicular access into the site, subject to the requirements of Section 8.4215.

(3) Free-standing signs. In lieu of ground mounted signs as permitted in subsection two above, an industrial property may have one free-standing sign based on meeting the following criteria: (Amended 3/22/94, Ord. 94-06)

Redmond Code

Category 1 Signs.

(a) Such signs may contain one square foot of sign area for each two lineal feet of street frontage which abuts the project for the first 100 feet, plus one-half square foot of sign area for each two lineal feet of street frontage which abuts the project over 100 feet, not to exceed a maximum area of 150 square feet.

(b) The sign shall be located adjacent to the street frontage providing direct vehicular access into the project.

(c) The maximum height shall not exceed twenty five feet. (a-c Added 3/22/94, Ord. 94-06)

Category 2 Signs.

(a) The Category 2 regulations apply only if the proposal meets all of the following criteria:

1. The use is not related to the general traveling public and is primarily an industrial or manufacturing use.

2. With the exception of wall and Directional Signs subject to the provisions of Section 4.045 and 4.090, no other type of sign is permitted on the property.

3. The property is a minimum of 8 acres in size.

4. The sign is spaced at least 600 feet from an existing free-standing sign greater than 25' in height.

5. The sign is not located in the City of Redmond's Airport Control (AC) overlay zone.

(b) Such signs may contain one square foot of sign area for each two lineal feet of street frontage which abuts the project for the first 100 feet, plus one-half square foot of sign area for each two lineal feet of street frontage which abuts the project over 100 feet, not to exceed a maximum area of 250 square feet.

(c) The sign shall be located adjacent to the street frontage providing direct vehicular access into the project.

(d) The maximum permitted sign height may be fifty feet. (a-d Added 3/22/94, Ord. 94-06)

(4) Directional signs subject to the provisions of Section 8.4235.

(5) Building directory sign limited to three square feet per occupant.

(6) Billboards allowed under Section 8.4245 shall be permitted in the M-1 Zone and M-2 Zones. Billboards shall not be allowed, however, within 500 feet of Sisters Avenue and east of the Burlington-Northern Railroad line or in the M-1 Zone, east of the Burlington-Northern Railroad line.

Redmond Code

(7) Subdivisions and P.U.D.'s. For Subdivisions and P.U.D.'s, one ground mounted sign not to exceed thirty-two square feet in area shall be permitted.

SIGNS REGULATED BY CLASS

8.4200 **Wall Signs.**

Unless otherwise specified in these standards, the following criteria shall be applicable for attached wall signs:

(1) Wall signs shall not project more than eighteen inches from the wall to which they are attached. A wall sign located on an alley frontage may not project from the face of the building below a clearance of twelve feet.

(2) Wall signs shall not project more than three feet above the eave line or roof line.

(3) Wall signs attached to the end of the face of a marquee shall not exceed a height of thirty inches. The lower edge of such sign shall not extend below the marquee.

(4) A wall sign shall not project beyond the ends of the wall to which it is attached.

(5) Wall signs shall be located on that building fascia which is used for determining sign area.

8.4205 **Roof Signs.**

In lieu of a wall sign, one roof sign shall be permitted for a single story, flat roofed building provided that it extends no more than six feet above the roof line or twenty-five feet above the curb line. A roof sign may not exceed fifty square feet in area. The supporting members of roof signs shall appear to be free of any extra bracing, angle iron, guy wires, etc. All supports shall appear to be an architectural and integral part of the building.

8.4210 **Free-Standing Signs.**

Unless otherwise specified in these standards, the following criteria shall be applicable for all free-standing signs.

(1) Free-standing signs may not exceed twenty-five feet in height. Such signs may contain one square foot of sign area for each two lineal feet of street frontage which abuts the project for the first 100 feet, plus one-half square foot of sign area for each two lineal feet of street frontage which abuts the project over 100 feet, not to exceed a maximum area of 150 square feet.

Redmond Code

(2) Free-standing signs shall not be located in side yard common to another lot or within a rear yard. A free-standing sign may extend to the street right-of-way within a front yard subject to a minimum clearance of eight feet. In the case of a double frontage lot where the building abuts two parallel streets, one free-standing sign may be located on each frontage.

(3) No free-standing sign shall project or extend into any clear vision area. One of two sign poles supporting a free-standing sign may be located within a clear vision area if they are necessary for the support of the sign, provided they do not exceed a combined total width of twelve inches and provided no other portion of the sign is located within the clear vision area beneath eight feet in height.

8.4215 **Ground Mounted Signs.**

The following criteria shall be applicable for a ground mounted sign.

(1) A ground mounted sign shall not be located within ten feet of any other sign, within any street right-of-way, or within any clear vision area.

(2) No more than one ground mounted sign shall be permitted for each street frontage. Unless otherwise specified in these standards, ground mounted signs shall have maximum overall dimensions and area not exceeding any of the following:

- (a) A maximum height of ten feet.
- (b) A maximum width of twelve feet.
- (c) Seventy-five square feet of area.

8.4220 **Projecting Signs.**

The following criteria shall be applicable for a projecting sign. Projecting signs shall be allowed according to the following provisions:

(1) The maximum size of a projecting sign shall be eight square feet. The square footage must be deducted from the allowable wall sign area of the building from which the projecting sign will be attached.

(2) Only one face of a double-faced projecting sign with parallel and bearing identical copy shall be used in computing the area thereof.

(3) Projecting signs must clear sidewalks by at least seven feet and may project from the face of the building no more than three feet or one-third the width of the sidewalk, whichever is less.

(4) Such signs may be internally illuminated.

(5) The edge of such signs cannot be directly attached to the building exclusive of a suitable mounting device.

Redmond Code

(6) Such signs are permitted at the intersections of building corners, mounted only at right angles or parallel to a building facade.

(7) Such signs for all ground floor activities or the overall name of the business complex may not extend above the second story.

(8) Projecting signs for businesses in the second story of a building are allowed only if the businesses have a separate street or public parking lot entrance and may be placed at the entrance only.

8.4225 **Awnings and Canopy Signs.**

The following shall be applicable for signs on awnings and canopies:

(1) No advertising shall be placed on an awning or canopy, except the name or logo or the owner, business or industry conducted within the premises, address of the building or the building name.

(2) The area of a sign on an awning or canopy shall be deducted from the wall sign area permitted within the respective zone in which the building is located.

(3) Posts or columns beyond the property line will not be permitted.

(4) The lowest point of the awning must be at least eight feet above the sidewalk.

8.4230 **Marquee Signs.**

The following criteria shall be applicable for signs under marquees:

(1) Signs may be locate under a marquee if a vertical clearance of eight feet is maintained between the bottom of the sign and the grade below.

(2) Vertical height of signs shall not exceed eighteen inches and shall not exceed a sign area of eight square feet.

(3) The horizontal clearance between a marquee and the curb line shall not be less than three feet.

8.4235 **Directional Signs.**

(1) On premise directional signs designed to be read by a person on the premises on which the sign is located and used to identify or locate an entrance, exit or drive-up window are limited to four square feet in area and four feet in height. If the sign is on the wall of the building, it shall be limited to four square feet in area and eight feet in height.

Redmond Code

(2) On arterial roads where the posted speed limit is greater than 50 miles per hour, one directional sign shall be permitted per street frontage, limited to 16 square feet in area.

8.4240 **Billboards.**

The following criteria shall be applicable for all the billboards allowed in the City of Redmond under Section 8.4245.

- (1) All such sign shall be spaced a minimum of 500 feet apart.
- (2) No billboards shall exceed a maximum height of thirty feet.
- (3) The face size of any billboard shall not exceed twelve feet in vertical height or twenty-four feet in horizontal width.
- (4) All billboards shall be installed outside of the public right-of-way.
- (5) All structural supports for billboards shall be constructed of steel.
- (6) Evidence must be provided showing the obtaining of a state permit in compliance of the Oregon Motorists Information Act of 1971, where applicable.

8.4245 **Billboards: Number Allowed.**

At the time of adoption of this ordinance there are fourteen (14) existing billboards within the Redmond Urban Growth Boundary and City limits. A permit may be obtained to relocate or replace one of these existing billboards, however the permit for relocation or replacement must be obtained prior to removal of the existing billboard. Approved billboards are listed in Exhibit A.

MAINTENANCE, CONSTRUCTION AND SAFETY STANDARDS

8.4300 **Maintenance.**

All signs together with all of their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable. No person shall scatter, daub or leave any paint, paste or glue or other substances used for painting or affixing a message to the display surface of any sign or throw or permit to be scattered or throw any bills, waste matter, paper, cloth or materials of whatsoever kind removed from a sign on any public street, sidewalk or private property.

8.4305 **Wind Loads.**

Signs shall be designed and constructed to withstand wind loads as set forth in Chapter 23 of the Uniform Building Code.

8.4310 **Design.**

(1) All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof.

(2) The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

8.4315 **Seismic Loads.**

Signs shall be designed and constructed to resist seismic forces as specified in Chapter 23 of the Uniform Building Code.

8.4320 **Combined Loads.**

(1) Wind and seismic loads need not be combined in the design or signs and only that load producing the larger stresses need be used.

(2) Vertical design loads, except roof live loads, shall be assumed to be acting

Redmond Code

simultaneously with the wind or seismic loads.

8.4325 **Allowable Stresses.**

(1) The design of wood, concrete, steel or aluminum members shall conform to the requirements of Chapters 25, 26, 27 and 28 of the Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 29 of the Building Code.

(2) The working stresses of wire ropes and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

8.4330 **Anchorage and Supports.**

(1) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out amounting to a force of 25 percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than the frost line.

(2) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(3) Unless such wall is designed in accordance with the requirements specified in Chapter 23 of the Uniform Building Code, no anchor or support of any sign or wall facade for signs shall be connected to, or supported by an unbraced parapet wall.

(4) No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

8.4335 **Clearance from High Voltage Power Lines.**

Signs shall be located not less than eight feet horizontally and twelve feet vertically from overhead electrical conductors which are energized in excess of standard service loads as determined by the utility company providing the service. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.

Redmond Code

8.4340 **Clearance from Fire Escapes, Exits or Standpipes.**

No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of incombustible material or approved plastics.

8.4345 **Electric Sign Construction.**

(1) The enclosed shell of electric signs shall be weather tight, excepting that service holes fitted with tight covers shall be provided for each compartment of such sign.

(2) All electrical equipment used in connection with such signs shall be installed in accordance with the Uniform Electric Code, with Oregon amendments.

(3) Every electric sign shall have painted on the surface of the sign, the name of the erector and the date the sign was erected. Such name and date shall be of sufficient size and contrast to be visible from a reasonable distance.

Redmond Code

PERMITTED MATERIALS/ILLUMINATION

8.4400 **Permitted Materials.**

(1) Materials for construction of signs and sign structures shall be the quality and grade as specified for buildings in the Uniform Building Code.

(2) In all sign and sign structures, the material and detail of construction shall, in absence of specified requirements, conform to the following:

(a) Structural steel shall be of such quality as to conform with the Uniform Building Code Standard. Secondary members in contact with or directly supporting the display surface may be forged of light gauge steel provided such members are designed in accordance with the specifications of the design of light gauge steel provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in the Uniform Building Code Standard and in addition shall be galvanized. Secondary members, when formed integrally with the display surface, shall not be less than No. 24 thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be No. 12 gauge. Minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch except that if galvanized, such members shall not be less than one-eighth inch thick. Steel pipes shall be of such quality as to conform with the Uniform Building Code Standard. Steel members may be connected with one galvanized bolt provided the connection is adequate to transfer the stresses in the members.

(b) Wood anchors and supports when embedded in the soil, shall be pressure-treated with an approved preservative. Such members shall be marked and branded by an approved agency recognized by the Uniform Building Code.

(c) Non-structural trims, signs under marquees and portable display surfaces may be of wood, metal approved plastics or any combination thereof.

(d) Display surface may be of any approved material except glass. Glass may be used in any neon tubing and incandescent lamp and tube.

(e) The City Manager or designee may require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use.

Redmond Code

(f) No combustible material other than approved plastics shall be used in the construction of any electric sign.

(g) Wood may be used in signs subject to the requirements of the City's Building and Fire Codes.

(h) Wood signs shall be supported by a minimum 4x4 inch normal post.

8.4405 **Illumination.**

Limit on sign illumination. No sign shall be erected or maintained which, by use of lights or illumination creates an unduly distracting or hazardous condition to a motorist, pedestrian or to the general public. In addition:

(1) No exposed reflective type bulb, or incandescent lamp, which exceeds 25 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

(2) When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for any colored tubing.

(3) When fluorescent tubes are used for the internal illumination of a sign, illumination shall not exceed illumination equivalent to 800 milliamperes rating tubing behind a plexiglass face spaced at least nine inches, center to center.

(4) No sign may be internally illuminated if the wall of the building on which the sign is displayed directly abuts a residential zone.

(5) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

(6) No sign may be erected or maintained if it contains, includes or is illuminated by any flashing intermittent revolving, rotating or moving light or lights or moves or has any animated or moving parts; however, this does not apply to a traffic control sign or portions thereof providing only public service information such as time, date, temperature, weather or similar information.

Redmond Code

INSPECTION AND ENFORCEMENT

8.4450 **Inspection.**

The City Manager or designee may inspect signs periodically to determine their conformance with these standards.

8.4455 **Enforcement.**

The City Manager or designee is hereby authorized and directed to enforce the provisions of these standards:

(1) The City Manager or designee may order the removal of any sign erected or maintained in violation of the provisions of these standards. Except as provided in (2) below, the City Manager or designee shall give thirty days prior written notice to the owner of the sign or the owner of the building, structure or premises upon which the sign is located to remove the sign or bring it in compliance with the provisions of these standards. If the owner of the sign, building, structure or premises fails to comply or remove the sign, the City Manager or designee may order the removal of such sign at the expense of the owner of the sign, building, structure or premises on which the sign is located and such costs and expenses including but not limited to the notifications, transportation, may be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as liens are entered in the lien docket of the City.

(2) If the City Manager or designee determines that the supports, braces, grip anchors, etc. are not kept in good repair or safe condition, or if the sign presents an immediate and serious danger to the public, or if the sign is in violation of this code and located in the public right of way, he may, without prior written notice, order its immediate removal. The City Manager or designee may also authorize the removal of signs in the event that the person responsible for such sign cannot be found, or after notification, such person fails to repair or remove it. The owner of the building, structure or premises upon which the sign is located are jointly and severally liable for the costs of its removal and/or repair.

(3) Any order for removal of signs by the City Manager or designee pursuant to the provisions of this section may be appealed to the City Council by filing written notice of appeal with the City Manager within fifteen (15) days of the order.

NON-CONFORMING AND ABANDONED SIGNS

8.4500 **Non-Conforming Signs.**

Except as provided within Sections 8.4505 and 8.4600, permanent signs 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 signs and must be removed, altered or replaced so as to conform within seven years of the effective date of these standards. Temporary signs which are not in conformance with the provisions of these standards shall be regarded as nonconforming and shall be removed within thirty (30) days of the effective date of these standards. Provided, however, a change in use or occupation of a site shall require full compliance with the provisions of these standards.

8.4505 **Special Requirements for Non-Conforming Signs.**

A non-conforming sign which is structurally altered, relocated or replaced shall immediately conform to the requirements of these standards except that:

(1) A sign may be removed from its sign structure for the purpose of repair, maintenance or a change of copy within the dimensions of the existing sign.

(2) Signs may be structurally altered where such alteration is necessary for public safety.

(3) Such signs may be reconstructed if they are moved for construction or repair of public works or public facilities and such reconstruction is completed within one year.

(4) Such signs may be reconstructed if they are damaged by an Act of God or an accident, provided such damage does not exceed fifty percent of the cost of reconstruction of the entire sign, and provided that such sign is reconstructed within 180 days of the date the sign is damaged.

8.4510 **Abandoned Signs.**

A sign shall be removed within thirty days by the owner or lessee of the premises upon which the sign is located when the advertised business is no longer conducted on the premises. Provided, however, a billboard allowed under these standards where a person has merely leased a contracted advertising space need not be removed in accordance with this section. Abandoned signs may be removed and costs may be collected as provided in Sections 8.4450-8.4455.

VARIANCES

8.4550 **Variance Application.**

An applicant for a sign permit or an applicant owning or leasing a sign that is not in conformance with the provisions of these standards, may seek a variance to the provisions of these standards. A variance request for sign location or for sign height or area may be allowed by the Site and Design Review Commission. Provided, however, no variance shall exceed twenty-five (25) percent of the applicable provision. The decision of the Commission may be appealed to the City Council. A variance may be granted upon a finding by the appropriate review body that all of the following criteria can be satisfied:

(1) There are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property that do not generally apply to other properties or uses in the same zoning district.

(2) The request will be the minimum variance necessary to alleviate the hardships or practical difficulties.

(3) In determining a variance, the Commission or the Hearings Officer may attach such conditions to granting all or a portion of any variance as necessary to achieve the purpose of these standards.

8.4555 **Time Limit on a Permit for a Variance.**

Authorization of a variance shall be void if the work approved by such variance is not commenced within six months of the date of approval.

Redmond Code

HISTORICAL SIGNS

8.4600 **Application.**

Within six (6) months of the effective date of these standards, either the Planning Director or an owner of a non-conforming sign in existence on the date of enactment of these standards may apply for a determination that the sign qualifies as an historical sign under the provisions of these standards.

8.4605 **Site and Design Review.**

An application for an historical sign designation shall be reviewed by the Redmond Site and Design Review Commission. The Commission may designate a sign as historical if it finds the following criteria have been met or can be met with conditions:

(1) The sign is essentially as constructed, with sufficient original workmanship and material to serve as instruction in period fabrication.

(2) Through public interest, sentiment, uniqueness or other factors, the sign has come to connote an historical period.

(3) Due to removal of similar objects or the uniqueness of this sign, the sign is singularly appropriate to represent an historical theme or period.

(4) The sign is associated with significant past trends in structure materials and design and in conformance with generally accepted principles of good design and architecture.

(5) The sign was constructed early in the relative scale of local history and is one of a few of its age remaining in the City.

Redmond Code

APPEALS

8.4650 **Appeals.**

Any decision of the Planning Director, or Site and Design Review Commission, may be appealed to the Hearings Officer in accordance with the City of Redmond land use procedures.

Redmond Code

SPECIAL PROVISIONS

8.4700 **Fees.**

Fees for permits and applications shall be set by resolution of the council. The Developer or owner shall pay all fees required by the City of Redmond including but not limited to, park dedication fees, construction fees and land use application fees, in full prior to the recording of the final plat or the issuance of a certificate of occupancy whichever is first in time.

8.4705 **Severability.**

If any part, section, subsections, sentence or phrase of these standards is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these standards.

8.4710 **Penalties.**

A violation of any provision of these standards shall be a Class A Infraction. Each day shall be a separate violation. Violations will be enforced through the Redmond Civil Infraction Procedure.

8.4715 **Interpretation.**

Where conditions imposed by the provisions of these standards are less restrictive than comparable conditions imposed by any other provisions which are more restrictive the more restrictive shall govern.

8.4720 **Violation Declared a Nuisance.**

The location, erection, construction, maintenance, repair, alteration or use of a sign in violation of these standards is declared a nuisance and shall be abated in the same manner as all other nuisances.