

CODE

**CITY OF REDMOND
ORDINANCE NO. 2850**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND ZONING CODE (RZC) 21.46, TEMPORARY USES AND 21.78, DEFINITIONS, TO ALLOW FOR THE MORE EFFICIENT REGULATION AND OPERATION OF MOBILE SERVICES (CITY FILE NO. LAND-2016-01105), PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Growth Management Act requires that development regulations be subject to continuing evaluation and review; and

WHEREAS, Bae Enterprises submitted an application to amend the Redmond Zoning Code in order to operate a mobile service business in Redmond; and

WHEREAS, state agencies received 60-day notice of the proposed amendment on June 29, 2016; and

WHEREAS, a State Environmental Policy Act checklist was prepared and a Determination of Non-Significance was issued on June 22, 2016, for the proposed amendment; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendment on July 13, 2016, to receive public comment; and

WHEREAS, upon completion of the public hearing the Planning Commission issued findings, conclusions, and recommendations in a report to the Redmond City Council dated July 27, 2016; and

WHEREAS, the City Council held public meetings on August 16, September 13, and October 18, 2016, to consider the proposed amendment and the Planning Commission's recommendation; and

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

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

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

Section 2. Findings and Conclusions. In support of the proposed amendment to the Redmond Zoning Code, the City Council hereby adopts the findings and conclusions contained in the Planning Commission Report dated July 27, 2016, including all related attachments and exhibits, except that the City Council concludes that the time limit for mobile services operating without temporary use permits should be 14 days on a lot in any three-month period.

Section 3. Redmond Zoning Code (RZC) Amended. RZC 21.46, Temporary Uses, and 21.78, Definitions, are hereby amended as shown in Exhibit 1, attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

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

ADOPTED by the Redmond City Council this 18th day of
October, 2016.

CITY OF REDMOND



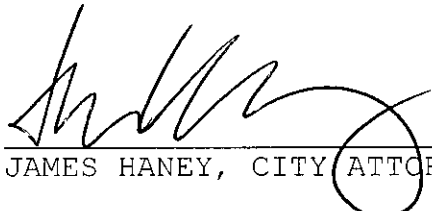
JOHN MARCHIONE, MAYOR

ATTEST:



MICHELLE M. HART, MMC, CITY CLERK (SEAL)

APPROVED AS TO FORM:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	October 4, 2016
PASSED BY THE CITY COUNCIL:	October 18, 2016
SIGNED BY THE MAYOR:	October 21, 2016
PUBLISHED:	October 24, 2016
EFFECTIVE DATE:	October 29, 2016
ORDINANCE NO. 2850	

YES: ALLEN, BIRNEY, CARSON, MARGESON, MYERS, SHUTZ, STILIN

Exhibit 1: Amendments to the Redmond Zoning Code

RZC 21.46 TEMPORARY USES

21.46.010 Purpose

The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with the Zoning Code and when safe and compatible with the general vicinity and adjacent uses.

21.46.020 Scope

- A. A short-term temporary use permit shall be required for any temporary use of no more than six months in duration. The six months need not run consecutively. The six months may occur at any time within a calendar year as long as each day of operation is designated and approved. A day of operation shall mean any or part of any day in which the business is conducted. Applications for a short-term temporary use permit (six months or less) shall follow the procedures for a Type I review pursuant to RZC 21.76.050.F or as modified herein. Short-term temporary use permits shall not be renewed, and any temporary use that will extend beyond six months shall be conducted only after approval of a long-term temporary use permit.
1. Temporary uses that occur seasonally on an annual basis may be processed over the counter upon their subsequent year's renewal provided the first year's business was processed under a Type I review and the proposal is substantially the same as the previous year.
- B. A long-term temporary use permit shall be required for any temporary use longer than six months in duration. A long-term temporary use permit shall be valid for a maximum of two years from the date the permit is issued or the end of the permit activity, whichever comes first. Applications for a long-term temporary use permit (longer than six months) shall follow the procedures for a Type V review pursuant to RZC 21.76.050.J.
- C. A long-term temporary use permit may be renewed, provided that:
1. The permit renewal must be applied for in advance of the expiration of the original term;
 2. The permit renewal shall follow the procedures for a Type V review pursuant to RZC 21.76.050.J;
 3. The applicant shall pay a renewal fee equal to that prescribed by Council resolution for a new long-term temporary use permit; and
 4. The application for renewal meets the decision criteria outlined in RZC 21.46.030.A;

5. The renewal may be conditioned upon the construction or installation of such improvements that are necessary to serve the temporary use and to mitigate impacts of the temporary use, taking into account the duration of the use.
 6. A long-term temporary use permit may be renewed for one or more additional two-year renewal terms if the conditions of this subsection are met at the time of such renewal.
- D. Upon expiration of the initial term of a short- or long-term temporary use permit or upon the expiration of any renewal term of a long-term temporary use permit, either:
1. The temporary use shall immediately cease, and the property on which the use was located shall be restored as nearly as practicable to the state it was in prior to commencement of the temporary use; or
 2. If the applicant has applied for and received all permits necessary to make such temporary use permanent, the temporary use may continue until any necessary construction under such permits is completed and the use meets all requirements for a permanent use of the property as long as the applicant diligently pursues completion of the improvements and compliance with the requirements.
- E. The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations noted herein and as noted in RZC 21.46.030, *Decision Criteria*, and as may be established by the Administrator:
1. Outdoor art and craft shows and exhibits;
 2. Retail sales such as Christmas trees, seasonal retail sale of agricultural or horticultural products, firewood, seafood, etc.;
 3. Mobile services such as veterinary services for purposes of giving shots, unless exempted under subsection F.11 below;
 4. Vending cart. No mechanical, audio or noise-making devices, nor loud shouting or yelling will be permitted to attract attention;
 5. Group retail sales, such as swap meets, flea markets, parking lot sales, Saturday Market, auctions, etc.;
 6. Temporary encampments that comply with the conditions outlined in this chapter;
 7. Temporary parking lots used during construction or site development;
 8. The Administrator may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the provisions pursuant to this chapter.
- F. **Exemptions.** The following activities and structures are exempt from requirements to obtain temporary use approval:

1. Portable units or modular structures when used to provide temporary classrooms at schools, provided that adequate sewer and water service is available.
2. Manufactured homes, portable units, modular structures, travel trailers when used as a dwelling while a residential building on the same lot is being constructed or when a damaged residential building is being repaired, when adequate sewer and water is available.
3. Manufactured homes when used for housing elderly or disabled relatives of the occupant of an existing residence, when such relatives require constant supervision and care, and when adequate sewer and water is available.
4. Manufactured homes, portable units, modular structures, or travel trailers when used to support construction or site development.
5. Guests of Redmond residents in recreational vehicles when in compliance with RZC 21.40.010.G, *Parking and Storage of Recreational, Utility, and Commercial Vehicles and Vessels in Residential Neighborhoods*.
6. Recycling and collection centers that meet all of the following requirements:
 - a. Containers and structures shall be located on private property and not on public rights-of-way. The property owner's approval must be obtained, and the Planning Department notified that the structure will be located at that site;
 - b. Structures shall not interfere with traffic circulation or visibility at intersections;
 - c. The owner's name and telephone number shall be clearly posted on the structure or container; and
 - d. If located in a parking area, the structures or containers shall take up no more than three parking stalls. One collection structure and associated staff booth are allowed in parking lots of 200 stalls or less and one additional container and staff booth for every additional 200 stalls;
7. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain;
8. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year. Allowed in all residential zoning districts;
9. Fund-raising car washes that meet the requirements for discharge of wastewater established by the City of Redmond Natural Resources Division;
10. Motorized catering that remains at one location for no more than three hours per day;
11. Mobile services that:
 - a. Are located outside the public right-of-way and not located on on-street parking;

- b. Are located at a site for no more than 14 total days over a period of three months;
- c. Are not located in required drive aisles or any area that would impede emergency or ADA access; and,
- a-d. Are located on a lot with no more than one other mobile service vehicle at any given time.

~~10.12.~~ Circuses, carnivals, fairs, or similar transient amusement or recreational activities. Such uses are subject to RMC Chapter 5.28, *Shows, Carnivals and Circuses*;

~~11.13.~~ Activities, vendors and booths associated with City of Redmond-sponsored or authorized special events;

~~12.14.~~ Individual booths in an approved temporary use site for group retail identified under subsection E.5 of this section;

~~13.15.~~ Weekend (Saturday and Sunday) only, warehouse sales in Business Park, Manufacturing Park, and Industry zones, when held no more than once a month in an existing facility.

21.46.30 Decision Criteria

No changes

ARTICLE VII DEFINITIONS

RZC 21.78 DEFINITIONS

M DEFINITIONS

new definition

Mobile services. Service uses as defined in General Sales or Services that operate out of a motor vehicle and/or attached trailer and have the ability to serve multiple customers at one location. This definition excludes motorized catering.