

# ORIGINAL

ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE, DGA-82-2, BY ADDING A NEW SECTION REGULATING TEMPORARY USES, AND AMENDING AND DELETING OTHER SECTIONS REGULATING TEMPORARY USES.

---

WHEREAS, current regulations pertaining to temporary uses are incomplete and result in inequities, and

WHEREAS, there are benefits to the City of Redmond from allowing temporary uses, and goals and policies of the city support such uses, and

WHEREAS, the Planning Commission of the City of Redmond, Washington, has conducted a public hearing for the purpose of considering proposed amendments to the Redmond Municipal Code and Community Development Guide regarding the allowance and regulation of temporary uses, and

WHEREAS, at the conclusion of said public hearing the Planning Commission recommended approval of the proposed amendments, with certain modifications, and

WHEREAS, the City Council has considered the recommendation of the Planning Commission at a public meeting and has determined that in order to encourage desirable temporary uses, and abrogate any inequities resulting from application of current regulations governing temporary uses, amendments to the Development Guide should be made as set forth hereinafter, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 20C.20 of the Redmond Municipal Code and Community Development Guide is hereby amended by adding a new section 20C.20.245 to read as follows:

20C.20.245 Temporary Uses.

20.245(05) Purpose - The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with the Development Guide and when safe and compatible with the general vicinity and adjacent uses.

20.245(10) Application and Authorization

- (a) Application to conduct a temporary use shall be made to the Planning Department, and shall include such information as the Planning Director may require to evaluate the use and to make the determinations required by these provisions.
- (b) Application shall be made prior to the requested date for commencement of the temporary use, and the Planning Director shall make a determination whether to approve, approve conditionally, or to deny the temporary use within ten (10) days after the date of application.
- (c) Authorization of a temporary use shall be by issuance of an approval letter.

20.245(15) Determinations - The Planning Director may authorize temporary uses after consultation and coordination with all other applicable City departments and other agencies and only when all the following determinations can be made:

- (a) The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
- (b) The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
- (c) The temporary use will not significantly impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity.
- (d) The use and associated structures will be conducted and used in a manner compatible with the surrounding area.
- (e) The temporary use shall comply with the goals, policies and standards of the Development Guide.

20.245(20) General Conditions

- (a) A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use.
- (b) Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with 20C.20.150 "PARKING" but must provide safe and efficient interior circulation and ingress and egress to and from public right of ways.
- (c) The temporary use shall comply with all applicable standards of the Seattle-King County Health Department

- (d) No temporary use shall occupy or use public parks in any manner unless specifically approved by the Parks Department.
- (e) No temporary use shall occupy or operate within the City of Redmond for more than sixty (60) days within any calendar year unless approved by the City Council. A day of operation shall mean any or part of any day in which the business is conducted. The 60 days need not run consecutively. The 60 days may occur at any time within a calendar year as long as each day is designated and approved.
- (f) All temporary uses shall obtain, prior to occupancy of the site, all applicable City of Redmond permits, licenses and other approvals (i.e., Business License, Building Permit, Administrative Approvals, etc.)
- (g) The applicant for temporary use shall supply written authorization from the owner of property on which the temporary use is located.
- (h) Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.
- (i) All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the temporary use may be left on site overnight between consecutive days of operation. By virtue of having been in consistent operation prior to the existence of this ordinance the open air craft and farmer's market operation, commonly known as the Saturday Market shall be allowed to store structures on-site between weekend activity of the Market, but such structures must be reviewed by the Director annually and permission to leave them in place between market sessions may be denied if they become a visual blight, safety, or health problem. They shall be removed at the end of the permit period.
- (j) Temporary uses are not subject to the footnote on the Permitted Land Uses Chart for the City Center which requires that no use shall generate more than 100 average week-day trips per 1000 gross square feet of building area.
- (k) If the Planning Director believes notice to adjacent property owners should be made prior to approval, this shall be done and the 10-day approval period shall be waived.
- (l) The Planning Director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic

circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

20.245(25) Allowed Temporary Uses - The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations noted herein and as noted in Sections 20.245(15), (20) and (30) and as may be established by the Planning Director:

- (a) Outdoor art and craft shows and exhibits.
- (b) Retail sales such as Christmas trees, seasonal retail sale of agricultural or horticultural products, firewood, seafood, etc.
- (c) Mobile services such as veterinary services for purposes of giving shots.
- (d) Fire works stands which are also subject to Chapter 9.12 "Fireworks" of the Redmond Municipal Code.
- (e) Push cart vendors. No mechanical audio or noise making devices, nor loud shouting or yelling will be permitted to attract attention.
- (f) Group retail sales such as swap meets, flea markets, parking lot sales, Saturday Market, auctions, etc.
- (g) The Planning Director may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the provisions of this section.

20.245(30) Exemptions - The following activities and structures are exempt from requirements to obtain temporary use approval:

- (a) A mobile home or travel trailer in the Light Industry and Heavy Industry zones to house watchmen or caretakers when approved by Section 20F.20.060 "Staff Review, Site Plan Review, and Environmental Assessment of Applications".
- (b) A mobile home or travel trailer with adequate water and sewer service used as a dwelling while a residential building on the same lot is being constructed or while a damaged residential building is being repaired.
- (c) When elderly or disabled relatives of the occupant of an existing residence require constant supervision and care, a mobile home with adequate water and sewer services located adjacent to such residence may be permitted to house the relatives.
- (d) Mobile homes, residences or travel trailers used for occupancy by supervisory and security personnel on the site of an active construction project.

- (e) Portable units and mobile homes on school sites or other public facilities when approved by Section 20F.20.060 "Staff Review, Site Plan Review, and Environmental Assessment of Applications".
- (f) Guests of Redmond residents in recreational vehicles when in compliance with subsection 20C.20.150(25)(b).
- (g) Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- (h) Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
- (i) Home businesses in conformance with Section 20C.20.070 "Home Business".
- (j) Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three (3) days in the same week and not more than twice in the same calendar year. Allowed in all residential zoning districts.
- (k) Fund raising carwashes.
- (l) Vehicular or motorized catering such as popsicle/ice cream scooters and self-contained lunch wagons which cater to construction sites or manufacturing facilities.
- (m) Circuses, carnivals, fairs, or similar transient amusement or recreational activities. Such uses are subject to Chapter 5.28 "Shows, Carnivals and Circuses" of the Redmond Municipal Code.
- (n) Activities, vendors and booths associated with the City of Redmond Derby Days.
- (o) On premise activities or existing businesses in compliance with outdoor storage requirements.
- (p) Individual booths in an approved temporary use site for group retail identified under subsection 20.245(25)(f).
- (q) Weekend (Saturday and Sunday) only, warehouse sales when held no more than once a month in an existing facility. Allowed in Light Industry, Heavy Industry and Business Park zoning districts.
- (r) Recycling or collection centers in Planning Department approved structures when taking up no more than three parking stalls and not interfering with traffic circulation and safety. There shall be allowed one collection structure and associated staff booth for parking lots of 200 stalls or less and one additional collection structure and associated staff booth for every additional 200 parking stalls.

20.245(35) Variations from Permitted Land Uses Chart. All temporary uses shall conform to the Permitted Land Uses Chart except as already provided for elsewhere in these regulations. Except, the City Council may authorize a temporary use in violation of the Permitted Land Uses Chart after 1) reviewing a recommendation from the Technical Committee, 2) holding a public hearing, 3) finding an undue hardship, and 4) specifying a specific date for termination.

Section 2. Section 20C.20.230 of the Redmond Municipal Code and Community Development Guide is hereby amended by adding a new subsection 20C.20.230(35)(g) to read as follows:

(g) Temporary Uses - Temporary signs relating directly to allowed temporary uses under these regulations may be permitted for a period not to exceed the operation of the use. The signs need not be processed through the Design Review Board and are subject to the following requirements:

- Signs must be portable in nature and placed on premise (no off-premise signs are permitted.)
- No more than one sign per temporary use shall be permitted, except by virtue of having been in consistent operation prior to the existence of this ordinance, and due to the fact numerous individual operators participate in the operation, the open air crafts and farmer's market commonly known as the Saturday Market, shall be allowed two signs.
- No sign shall exceed 32 square feet total of all sign faces.
- Maximum sign height shall be eight (8) feet.
- Signs shall not be portable readerboard types, electrical or neon. Only indirect lighting is allowed.
- Signs shall be secured with an approved tie down.
- Signs shall be approved by the Planning Director with the temporary use application.

Section 3. Subsection 20C.20.110(15) of the Redmond Municipal Code and Community Development Guide is hereby repealed.

Section 4. 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. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after its passage and publication by posting as provided by law.

CITY OF REDMOND

Doreen Marchione  
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible  
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY James C. Martin

FILED WITH THE CITY CLERK:	February 2, 1984
PASSED BY THE CITY COUNCIL:	February 7, 1984
SIGNED BY THE MAYOR:	February 7, 1984
POSTED:	February 9, 1984
EFFECTIVE DATE:	February 14, 1984
ORDINANCE NO. <u>1174</u>	