

ORDINANCE NO. 2390

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND MUNICIPAL CODE AND THE REDMOND COMMUNITY DEVELOPMENT GUIDE TO ADOPT UPDATES TO TRANSITION OVERLAY REGULATIONS AND NOTIFICATION SPECIAL REQUIREMENTS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the City of Redmond Planning Commission requested a comprehensive update to regulations related to transition overlay areas; and

WHEREAS, the Comprehensive Plan directs the City to promote compatibility among land uses, minimize adverse impacts on lower intensity or more sensitive uses, and avoid unwarranted complaints from residential uses near Manufacturing Park or Industrial lands, and;

WHEREAS, state agencies received 60-day notice of Redmond's proposed Comprehensive Plan amendment on October 10, 2007; and

WHEREAS, a State Environmental Policy Act Checklist was prepared and a Determination of Non-Significance was issued on October 19, 2007, for the proposed amendment; and

WHEREAS, the Planning Commission conducted a public hearing on December 12, 2007, to receive public comment on the proposed amendment; and

WHEREAS, the City Council held a public hearing on March 4, 2008, to review the proposed update and receive public comment, especially as regards potential amendments to the proposal related to 20C.30.72, Notification Special Requirements; and

WHEREAS, the City of Redmond desires to amend the Redmond Community Development Guide to simplify, streamline, and reduce duplication in existing transition overlay regulations while maintaining consistency with Comprehensive Plan policies.

NOW, THEREFORE,

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

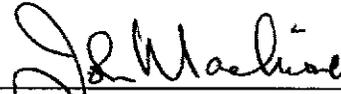
Section 1. Findings, conclusion, and analysis. In support of the proposed amendments to regulations pertaining to transition overlay areas, the City Council hereby adopts the findings, conclusions, and analysis contained in the Technical Committee Report dated November 14, 2007, including all related attachments and exhibits to that report, and the Planning Commission Report dated January 23, 2008, including the related attachments and exhibits to that report. The City Council further finds that it would be consistent with Comprehensive Plan policy to amend the Planning Commission's recommendation as described in Exhibit 1 to this ordinance, incorporated herein by this reference as if set forth in full to this ordinance.

Section 2. Land-use regulations amended. The Redmond Community Development Guide is hereby amended as described in Exhibit 1 to this ordinance, incorporated herein by this reference as if set forth in full to this ordinance.

Section 3. 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 of any other section, sentence, clause, or phrase of this ordinance.

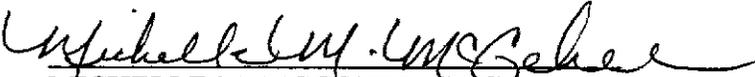
Section 4. Effective date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND



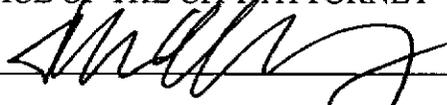
JOHN MARCHIONE,
MAYOR

ATTEST/AUTHENTICATED:



MICHELLE M. MCGEHEE, CMC
CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

FILED WITH THE CITY CLERK:	February 28, 2008
PASSED BY THE CITY COUNCIL:	March 4, 2008
SIGNED BY THE MAYOR:	March 4, 2008
PUBLISHED:	March 10, 2008
EFFECTIVE DATE:	March 15, 2008
ORDINANCE NO. <u>2390</u>	

Exhibit 1 to Ordinance No. 2390-- Planning Commission Recommended Regulations with City Council Amendments

DELETED CODE

20C.30.25-080(5)	Minimum Setback in a Transition Overlay
20C.30.25-120(3)	Landscaping and Buffers in a Transition Overlay
20C.30.25-135	Maximum Height of Structures in a Transition Overlay
20C.50.25-040(5)	Minimum Setback in a Transition Overlay
20C.50.25-065	Maximum Height of Structures in a Transition Overlay
20C.50.25-085	Landscaping, Open Space and Buffers
20C.60.25-050(6)	Minimum Setback in a Transition Overlay
20C.60.25-065	Maximum Height of Structures in a Transition Overlay
20C.60.25-080	Landscaping, Open Space and Buffers
20D.40.160	Transition Overlay Design Standards
20D.90.10-060	Exterior and Parking Lot Lighting in Transition Overlays
20D.120.10-080	Exterior Storage in a Transition Overlay
20D.130.10-060	Parking and Other Vehicle Use Areas with a Transition Overlay
20D.160.10-120	Signs in a Transition Overlay

TRANSITION OVERLAY CODE AS AMENDED

20D.230 Transition Overlay Areas

20D.230.10 Purpose.

20D.230.20 Transition Overlay Areas.

20D.230.20-010 Applicability

20D.230.30 Use, Operations, and Development Standards in a Transition Overlay

20D.230.30-010 Use and Operations Standards and Limitations in a Transition Overlay

20D.230.30-020 Site and Building Design Standards in a Transition Overlay

20D.230.30-030 Signs in a Transition Overlay

20D.230.30-040 Building Setbacks in a Transition Overlay

20D.230.30-050 Maximum Height of Structures in a Transition Overlay

20D.230.30-060 Landscaping & Buffers in a Transition Overlay

20D.230.10 Purpose.

Redmond's Comprehensive Plan directs the City to implement regulations that promote land use compatibility. Transition regulations represent one tool supporting those policy directions. These regulations set performance standards and create transition areas between higher and lower intensity uses.

Transition Overlay regulations apply to uses on the edges of zones that allow more intense uses than abutting zones. This chapter includes regulations on site design, construction, uses, and site operation to protect the character of lower intensity zones. In addition to these transitional regulations, other techniques such as city-wide development and performance standards are also used to minimize potential use conflicts. (Ord. 2027)

20D.230.20 Transition Overlay Areas.

20D.230.20-010 Applicability

- (1) Transition Overlay regulations shall apply to those portions of "complying zones" within the Transition Overlay area, as designated in table 20D.230.20-010(5), Protected and Complying Zones.

- (2) Transition Overlay development standards shall apply in addition to the development standards applicable in the underlying zone. Where there is a conflict between the standards, the most restrictive shall apply. (Ord. 2027)
- (3) Property in complying zones rezoned to a protected zone on or after April 14, 2007 shall not be designated "protected," as defined in this chapter, nor shall property in zones that would otherwise be designated "complying" as a result of that rezone be designated as such. Instead, the developer of the property rezoned to a complying zone shall have the responsibility of providing within the property's own boundaries protections that would otherwise be accorded to "protected" zones in this chapter. Those protections would buffer uses in protected zones from, and mitigate the impacts associated with, uses typical of complying zones, which may include, but are not limited to, various manufacturing, assembly, warehouse, entertainment, and other uses that operate both at day and at night, at noise levels consistent with existing regulations governing complying zones. The mitigation may be achieved through visual and audio screening, increased setbacks, building placement, open space, landscaping, architectural screening, berms, fences, topographical separation, or other methods that meet the intent of this provision as determined by the Code Administrator. (Ord. 2332)
- (4) Both within and outside Transition Overlays, decision-makers authorized by the Community Development Guide to decide discretionary approvals may condition discretionary approvals and development permits, including but not limited to site plan approvals, to minimize adverse impacts on other properties and uses and to carry out the policies of the Comprehensive Plan. (Ord. 2027)
- (5) Protected and Complying Zones.

		Protected Zones (Protected by Transitional Regulations)			
		A, UR, RA-5	R-1, R-3	R-4 – R-8, ORS ¹	R-12 – R-30, ORM ²
Complying Zones (Required to Comply with Transitional Regulations)	R-12, R-18	▲	○	○	
	R-20, R-30, NC	▲	■	○	
	GC, BP, OBAT, MP, I	▲	■	■	○
	GDD	▲	■	■	▲

- A 300-foot wide Transition Overlay shall apply.
- A 150-foot wide Transition Overlay shall apply.
- ▲ Where the Administrator determines that, because of potential adverse impacts resulting from allowed uses and intensities in the complying zone, the transitional regulations shall apply, the Administrator shall assign a Transition Overlay width up to 300 feet based on the type and intensity of the uses allowed in the zones.

¹ ORS (Outside Redmond Single-Family) refers to primarily single-family residential zones in neighboring jurisdictions that have an allowed density of eight or fewer housing units per gross acre.

² ORM (Outside Redmond Multi-Family) refers to primarily small lot single-family residential zones and primarily multi-family residential zones in neighboring jurisdictions that have an allowed density greater than eight units per gross acre.

- (6) Except as otherwise provided in this division, the Transition Overlay shall be located within the complying zone.
- (7) The Transition Overlay shall be measured at right angles along the boundary of the complying zone, except as described in subsection (8) below.
- (8) The Transition Overlay shall include the following areas within the protected zone:
 - (a) Street and railroad rights-of-way;

- (b) The Sammamish River, parks or easements for park and open space uses owned by a public agency, and trail rights-of-way or corridors where a public agency owns or leases the right-of-way or corridor or has an easement or equitable servitude for the right-of-way or corridor.
- (c) Native growth protection easements and easements or equitable servitudes with similar purposes. (Ord. 2027)
- (d) Undeveloped critical areas and their buffers where structure construction is generally prohibited through RCDG 20D.140, Critical Areas, provided that the Technical Committee determines that the area is unlikely to ever be developed.

20D.230.30 Use, Operations, and Development Standards in a Transition Overlay.

20D.230.30-010 Use and Operations Standards and Limitations in a Transition Overlay

- (1) Non-emergency maintenance and testing activities may only take place from 7:00 a.m. to 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 6:00 p.m. Saturday. No maintenance and testing activities may take place on legal holidays in Washington state. Emergency maintenance activities may take place at any time and on any day.
- (2) Outside of the Industry (I) zone, all exterior work activities allowed by the underlying zone shall be prohibited except for the following uses: restaurants, plant nurseries, entertainment and recreation uses that are commonly performed outside, sales of motor vehicle fuels, car washes, parking lots, outdoor markets, and sidewalk sales.
- (3) Outside of the Industry (I) zone, no exterior storage of goods or materials shall be allowed within the Transition Overlay. Exterior storage of construction materials and construction equipment during temporary construction activities is allowed.

20D.230.30-020 Site and Building Design Standards in a Transition Overlay

- (1) Site Design Standards.
 - (a) Uses shall be located on a site so as to minimize adverse impacts on protected zones
 - (b) Streets, driveways, parking, parking structures, and other vehicle use areas shall be designed, located, constructed, and maintained to minimize the impacts on protected zones of noise, and direct and reflected light trespass. Joint use driveways shall be used where possible. Parking structures shall be designed and constructed to minimize light from cars within the structure spilling over or intruding into protected zones.
 - (c) New driveways, curb cuts, and streets shall be located, designed, and constructed to minimize cut-through traffic in protected zones. The Technical Committee may authorize an exception to this requirement when compliance would create an undue hardship on the applicant.
 - (d) Surface parking lots, loading and refuse collection areas shall be located away from bordering protected zones and screened from street level views. This screening shall be done by placing the areas behind buildings or by the use of berms, hedges, walls, or equivalent or better methods. The Technical Committee may authorize an exception to this requirement when compliance would create an undue hardship on the applicant.
 - (e) Loading and refuse collection areas shall not be located within a front yard setback or within the Overlake Business and Advanced Technology District Height and FAR Limit Overlay described in RCDG 20C.45.40-050(4).
 - (f) Nearby topography, vegetation, street patterns, parking configuration, building massing, and building and site design should be considered in order to result in a compatible fit between the proposed development and existing residential developments.
- (2) Building Design Standards.

- (a) Building surfaces and design shall minimize light reflecting into residential zones and allowing light from inside the building to intrude into residential zones. Glass curtain walls, metallic wall or roof coverings, or similar materials shall not face residential zones.
- (b) Facade modulation. Building facades visible from protected zones shall be stepped back or projected forward at intervals to provide a minimum of 40 percent facade modulation. The minimum depth of modulation shall be one foot and the minimum width shall be five feet. (Ord. 2027)

20D.230.30-030 Signs in a Transition Overlay

- (1) Only free-standing and wall signs shall be permitted. Free-standing signs shall be affixed directly to the ground and be no higher than five feet from the finished grade.
- (2) Signs shall only be indirectly lighted.

20D.230.30-040 Building Setbacks in a Transition Overlay

- (1) Minimum Setback in a Transition Overlay. The following table shows the required setback from property lines that border a protected zone or property lines adjacent to a street that borders a protected zone.

Building Height	Complying Zones: R-12 – R-30, NC, GC, BP, MP, I, GDD
Up to 30 feet	20 feet
31 to 40 feet	25 feet
41 to 50 feet	30 feet
More than 51 feet	35 feet

- (a) This setback shall not apply to property lines bordering a multi-modal corridor as designated in the Transportation Master Plan, or an arterial street served by all-day or peak-hour transit service.
- (b) This setback shall not apply to property lines bordering the SR 520 right-of-way. (Ord. 2027; Ord. 1901)

20D.230.30-050 Maximum Height of Structures in a Transition Overlay

- (1) Maximum Height of Structures (in feet) without Bonuses in a Transition Overlay.

		Complying Zones			
		R-12, R-18	R-20, R-30, I	BP	MP, GDD
Protected Zones	RA-5, R-1 — R-8, & ORS	40	40	35	40
	R-12, R-18, NC, & ORM		50	45	

- (2) Maximum Height of Structures (in feet) with Bonuses in a Transition Overlay.

		Complying Zones			
		R-12, R-18	R-20, R-30, I	BP	MP, GDD
Protected Zones	RA-5, R-1 — R-8, & ORS	45	50	45	45
	R-12, R-18, NC, & ORM		60	55	

- (3) Allowable Height Increase. The maximum height of structures may be increased to the height shown in subsection (2) above if one or more of the following features are constructed as part of the development and the intent of this chapter is met. In no case shall the maximum height of structures set in subsection (2) above be exceeded through this subsection.

Feature
At least one quarter of the on-site parking is provided in underground parking structures.
At least one quarter of the on-site parking is located in parking structure(s) outside the transition zone.
The building has a pitched roof.
No mechanical equipment is located on the roof.
The existing grade under the proposed building pad is at least 10 feet below the grade at the property lines of all properties in the protected zone that border the development site or are across the street from the development site.
A greenbelt at least 100 feet wide is provided along at least one public street.
TDRs are used to increase building height.

- (4) Modification to Height. The maximum height of structures set in subsections (1) and (2) above may be increased by the Design Review Board if all of the following conditions are met:
- (a) The modified building height does not exceed the maximum height, without bonuses, permitted by the underlying zone for properties outside the transition overlay.
 - (b) The proposal, with the height modification, will provide an equivalent or better transition to the protected properties as the maximum height of structures without bonuses in subsection (1) above.

20D.230.30-060 Landscaping & Buffers in a Transition Overlay

- (1) All setbacks, open spaces, and buffers shall be landscaped as required by RCDG 20D.80, Landscaping and Tree Protection Standards, all other applicable standards, or be maintained in existing vegetation.
- (2) Required Buffers.
 - (a) Landscape buffers at least 20 feet in width shall be provided in the following locations, unless otherwise provided in the Redmond Community Development Guide:
 - (i) Along property lines that border a protected zone.
 - (ii) Along street frontages where any portion of the street bordering the development site borders an R-1 through R-8, ORS, or ORM zone.
 - (iii) Where the development site is zoned GC, MP, or I, along the street frontages where any portion of the street bordering the development site borders an R-1 through R-30, ORS or ORM zone.
- (3) In addition to the requirements of RCDG 20D.80, the following planting requirements shall apply in all setbacks, open spaces, and buffers:
 - (a) Unless a tree is hazardous, dead, diseased, or dying, or its removal is necessary for streets, sidewalks, or utilities, all significant trees within 15 feet of the property line where a required transition overlay buffer or setback must be provided shall be retained.
 - (b) Where a GC, MP, or I zone borders a residential zone on an interior property line, an evergreen hedge a minimum of three feet in height at the time it is planted and capable of achieving a continuous visual screen with a height of four feet within three years shall be planted or a combination of shrubs and a fence shall be added within the required planting area to achieve the effect of a hedge.
- (4) Structures in Buffers. Except as otherwise provided in this section, no structures shall be placed in required buffers.

- (a) Up to 20% of the buffer area may be used for streets, driveways, utility crossings, trails, or ground level features such as patios.
 - (b) Patios shall not be placed closer than ten feet from the property line.
 - (c) No existing structure, except as noted in subsections (a) and (b) above, shall be considered a legal non-conforming use, since all non-conforming structures were to be removed no later than June 10, 2004 per Ordinance 2027, which this ordinance amends.
- (5) Buffers may be counted towards required open space, required pervious surfaces and other requirements that they meet. Except for trails, any impervious surfaces within the buffer shall not be counted towards fulfilling open space requirements. (Ord. 2027; Ord. 1901)

NOTIFICATION SPECIAL REQUIREMENTS CODE AS AMENDED

20C.30.72-010 Purpose.

The purpose of the notification special requirements is to promote among potential new residents awareness of existing and potential business park, manufacturing and industrial uses when prospective residents are considering purchasing property located within, adjacent to, or near properties in Business Park, Manufacturing Park or Industrial zones. (Ord. 2332)

20C.30.72-020 Applicability.

Notification as described in this division shall be required when:

- (1) A site is developed in a residential zone that was created from an existing Business Park, Manufacturing Park, or Industrial zone;
- (2) A site is developed in a residential zone that is adjacent to or within 300 feet of a Business Park, Manufacturing Park or Industrial zone (measured from the edge nearest the BP, MP or I zone); or
- (3) A residential development is created within an existing BP, MP or I zone. (Ord. 2332)

20C.30.72-030 Requirements.

For the properties described in RCDG 20C.30.72-020, the City shall require the owners of said properties, as a condition of land use entitlement, to record a Notice of Business Park, Manufacturing Park and Industrial Uses against said properties, and all properties resulting from subdivision of the properties. The notice shall read as follows:

- (1) This property is within, adjacent to, or within 300 feet of property zoned Business Park (BP) Manufacturing Park (MP) or Industry (I). Activity may occur on such property that creates undesirable or detrimental impacts both day and night, including, but not limited to, noise, dust, light, and traffic. Uses on such property include various manufacturing, assembly, resource extraction, warehouse, entertainment, and other activities. It is the City of Redmond's policy to support existing and future uses in BP, MP and I zones as allowed in the Redmond Community Development Guide and Redmond Municipal Code, and that the undesirable and/or detrimental impacts described above are allowed up to the legal limit. Nothing in the Redmond Municipal Code or Redmond Community Development Guide shall be construed to require that legal existing or future uses abate activities that are consistent with the Municipal Code and Development Guide.
- (2) This notice shall be recorded against this property and any future subdivisions of this property as long as the Manufacturing Park or Industrial zone that warranted this notice exists. This notice shall remain recorded against this property even if future subdivisions of the property are not within 300 feet of the Manufacturing Park or Industrial zone that warranted this notice. (Ord. 2332)

OTHER AMENDED CODE

20C.30.25-140 Site Requirements Chart and Flexibility

Add footnote 19 to setback, open space, and height rows of chart: See RCDG 20D.230, Transition Overlay Areas, for regulations specific to properties in a Transition Overlay.

20C.50.25-020 Chart of Site Requirements

Amend footnote 3 to read: See RCDG 20D.230, Transition Overlay Areas, for regulations specific to properties in a Transition Overlay. Apply footnote to setback, landscaping, and height rows of chart.

20C.60.25-020 Chart of Site Requirements

Add footnote 26 to setback, landscaping, and height rows of chart: See RCDG 20D.230, Transition Overlay Areas, for regulations specific to properties in a Transition Overlay

20D.40.10-020(1) Scope.

Amend to read: Scope. This chapter contains two sets of design standards: Citywide design standards and Downtown design standards. Design standards for properties in Transition Overlay Areas can be found in RCDG 20D.230, Transition Overlay Areas.

20D.90.10-020 Applicability

Add (7): Standards for properties in Transition Overlay Areas can be found in RCDG 20D.230, Transition Overlay Areas.

20D.120.10-080 Exterior Storage in a Transition Overlay.

Amend (1) to read: Standards for properties in Transition Overlay Areas can be found in RCDG 20D.230, Transition Overlay Areas.

Delete (2).

20D.130.10-010 Administration

Add (6) to read: Standards for properties in Transition Overlay Areas can be found in RCDG 20D.230, Transition Overlay Areas.

20D.160.10-050 Sign Requirements per Zoning District

Amend to add sentence: Standards for properties in Transition Overlay Areas can be found in RCDG 20D.230, Transition Overlay Areas.

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