

ORDINANCE NO. 4838

AN ORDINANCE AMENDING THE BEAVERTON DEVELOPMENT CODE RELATING TO THE SHELTER CODE PROJECT, TA2022-0004.

WHEREAS, on December 14, 2022, the Planning Commission conducted a public hearing to consider a City-initiated proposal to amend the Beaverton Development Code to implement the Shelter Code Project; and

WHEREAS, the Planning Commission received and considered the submitted staff report, exhibits, and proposal to recommend approval of this text amendment to the City Council; and

WHEREAS, the Planning Commission voted to recommend approval of the text amendment as presented by staff on December 14, 2022; and

WHEREAS, on February 7, 2023, the City Council held a public hearing to consider the Planning Commission's recommendation on the Shelter Code Project, TA2022-0004; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Amendment. The Beaverton Development Code is amended as set forth in **Exhibit A**, which is attached and incorporated by this reference.

Section 2. Findings. In support of the amendment, the Council adopts the findings in the Planning Division Staff Report dated December 7, 2022, as supported by evidence in the entire record, Planning Commission Land Use Order No. 2916, and minutes from the December 14, 2022, Planning Commission meeting.

Section 3. Severability. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining parts shall remain in full force and effect unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or

B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

Section 4. Effective Date. This ordinance takes effect thirty days after its passage.

First reading this 17th day of January, 2023.

Public hearing this 7th day of February, 2023.

Duly passed by the City Council this 7th day of February, 2023.

Signed by the Mayor the 8th day of February, 2023.

ATTESTED:

SIGNED:

Catherine Jansen
CATHERINE JANSEN, City Recorder

LACEY BEATY
LACEY BEATY, Mayor

Shelter Code Project

Proposed Development Code Amendments



December 2022



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Shelter Code Project – Proposed Development Code Amendments

- Commentary is for information only.
- Proposed new language is underlined.
- Proposed deleted language is ~~stricken~~.
- Language that has been skipped is indicated by “***”

DEVELOPMENT CODE OF THE CITY OF BEAVERTON

CHAPTER 10 - GENERAL PROVISIONS

Contents:

- 10.05. Title.**
- 10.10. Purpose.**
- 10.15. Compliance.**
- 10.18. Consistency with Laws.**
- 10.20. Interpretation and Application of Code Language.**
- 10.25. Classification of Zoning Districts.**
- 10.30. Zoning Map.**
- 10.35. Interpretation of District Boundaries.**
- 10.40. Annexation.**
- 10.45. Relationship to Other Regulations and Restrictions.**
- 10.50. Authorization for Similar Uses.**
- 10.55. Fees.**
- 10.60. Burden of Proof.**
- 10.63. Provide Orderly Development.**
- 10.65. Conditions of Approvals.**
- 10.70. Enforcement.**
- 10.75. Administrative Rules.**
- 10.80. Severability.**
- 10.85. Repeal.**
- 10.90. Saving Clause.**
- 10.93. Hearings Officer.**
- 10.95. Development Review Participants.**
- 10.100. Publication.**



Commentary: Section 10.70. Enforcement.

The Preferred Approach is to increase flexibility for Emergency Shelters. The language of “Severe Heat” and “Severe Cold” is replaced with “disaster, emergency, or other events that threaten life or public health.” This gives the ability to open an Emergency Shelter during other types of emergencies, such as earthquakes or wildfire smoke, instead of relying on a particular temperature threshold and time of year.

The language of “disaster or emergency” may suggest a formal declaration as described in the Beaverton Code. The language of “other event that threatens life or public health” is broad enough to include the winter shelter or other events where people may be at risk, but a formal declaration is not required. These processes are described separately for clarity.

The language of “as determined by the City Manager” is to ensure alignment with the Beaverton Code. In the event that the City Manager cannot be reached, the Beaverton Code describes the line of succession.

The uses originally listed (“places of worship, secondary public schools, public buildings”) are also updated to match the uses listed under the civic use category (“places of worship, public buildings, social organizations, commercial schools, and educational institutions”) in the land use tables in Chapter 20.

10.70. Enforcement.

1. **General.** It shall be the duty of the City Manager to enforce the provisions of this Code. The term, "this Code", means not only the provisions expressed herein but also the conditions or terms of any permit, certificate, license or approval granted pursuant to this Code. The City Manager may use the resources of any City department to assist in carrying out the City's responsibilities under this section. [ORD 3226; October 1981] [ORD 4809; September 2021]
2. **Official Action.** All officials, departments and employees of the City vested with authority to issue permits, certificates, licenses, or grant approvals, shall adhere to and require conformance with this Code and shall issue no permit, certificate, license or grant approval for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Code. Any permit, certificate, license or approval issued or granted in conflict with the provisions of this Code, intentionally or otherwise, shall be void.
3. **Maintenance.** [ORD 4224; August 2002] All improvement(s) constructed pursuant to an approval under this Code shall be maintained in perpetuity by the property owner in compliance with the relevant conditions of approval unless otherwise modified by action of the City.
4. **Abatement.** Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this Code or to any permit or approval granted under this Code shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such. [ORD 4224; August 2002]
5. **Injunctive Relief.** Upon request of the City Manager, the City Attorney may institute a suit in equity in the Circuit Court of the State of Oregon to enjoin the maintenance of any use, occupation, building or structure or any activity being conducted or proposed to be conducted in violation of any provision of this Code. [ORD 3739; September 1990] [ORD 4809; September 2021]
6. **Penalties.** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of this Code shall be deemed to have committed a Class 1 City infraction, such infraction to be processed in accordance with the procedures set forth in the City Civil Infractions Ordinance.
7. **Presumption.** [ORD 4224; August 2002] The City shall have a rebuttable presumption that a violation of the Code was caused or allowed by the person owning or controlling the property.
8. **Cumulative Remedies.** The right, remedies, and penalties provided in this section are cumulative and not mutually exclusive and are in addition to any other rights, remedies, and penalties available to the City under any other ordinance or law.



9. Violation of Development Agreement. [ORD 4224; August 2002] If the City has entered a development agreement with any party concerning the development of land within the City and has mailed or delivered a written notice that the party is in breach or default of the development agreement, the City may deny any application for land use or building permits on such property because of the breach or default of the development agreement.
10. ~~Inlement Weather~~ Emergency Shelters. [ORD 4505; May 2009] In the event of ~~Severe Heat or Severe Cold weather conditions~~ a disaster or emergency designated or ratified consistent with the Beaverton Code, land use approvals for places of worship, secondary public schools, and public buildings, social organizations, commercial schools, and educational institutions shall not be required to obtain land use approval to use ~~include use of~~ the facilities as Emergency Shelters, ~~provided such facilities comply with the requirements set forth in the Washington County Severe Weather Shelter Response Plan, or successor plans.~~ For disasters and emergencies, the Emergency Shelter shall not remain in activation beyond the Severe Heat or Severe Cold condition ~~time limits specified in the Beaverton Code.~~ For other events that threaten life or public health (including, but not limited to, severe weather and wildfire smoke) as determined by the City Manager, places of worship, public buildings, social organizations, commercial schools, and educational institutions shall not be required to obtain land use approval to use the facilities as Emergency Shelters for the length of operation required to protect life or public health during or after the event as determined by the City Manager.

[ORD 3226, 11/04/1981; ORD 3739, 09/08/1990; ORD 4224, 09/19/2002; ORD 4294, 04/14/2004; ORD 4505, 05/14/2009; ORD 4809, 09/16/2021]

Effective on: 9/16/2021



CHAPTER 20 - LAND USES

Contents:

- [20.05. Residential Land Use Districts](#)
- [20.10. Commercial Land Use Districts](#)
- [20.15. Employment/Industrial Land Use Districts](#)
- [20.20. Multiple Use Land Use Districts](#)
- [20.25. Density and Bulk](#)
- [20.30. Additional Height Limitations in RMB and RMC](#)

20.05. Residential Land Use Districts

Commentary: Section 20.05.20. Land Uses

The Preferred Approach indicates that shelters will be allowed as a permitted use in all zones. This is reflected in Table 20.05.20.A.

The added footnote in the table provides clarification that additional requirements apply for siting emergency shelters in these zoning districts in accordance with Section 10.70.10.

20.05.20. Land Uses

The following Land Uses are classified in the following three categories: Permitted (P) including their accessory uses and structures, Conditional Uses (C), or Prohibited (N) uses as identified in the table below for Residential Zoning Districts. [ORD 4584; June 2012]

Table 20.05.20.A Residential - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
		MR	RMA	RMB	RMC
Residential					
1. Care	A. Care Facilities	P	P	P	P
2. Dwellings ¹⁷	A. Accessory Dwelling Units	P	P	P	P
	B. Single-Detached Dwelling ¹²	N ¹	P	P	P
	C. Duplex	P ⁸	P	P	P
	D. Triplex and Quadplex	P ⁸	P	P	P
	E. Townhouse	P	P	P	P
	F. Cottage Cluster	N	P	P	P
	G. Multi-Dwelling	P	P	N	N
	H. Home Occupation	P	P	P	P
	I. Manufactured and Mobile Homes ³	N	P ⁴	P	P
	J. Manufactured Home Parks	N	P	P	N
	K. Planned Unit Development	C	C	C	C



Table 20.05.20.A Residential - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
		MR	RMA	RMB	RMC
	L. Home Testing of Consumer Electronic Products ¹³	P	P	P	P
Commercial					
3. Care	A. Hospitals	C	C	C	C
	B. Medical Clinics	C	C	C	C
	C. Child Care Facilities	C	C	C	C
	D. Residential Care Facilities	C	C	C	C
4. Lodging	A. Temporary Living Quarters	C ⁵	C ⁵	C ⁵	N
5. Animal Care ¹⁴	A. Major	C	C	C	C
	B. Minor	C	C	C	C
6. Storage	A. Self Storage Facilities	C	C	N ⁹	N
	B. Storage Yards ⁶	C	C	C	C
7. Marijuana Dispensary, Retail Marijuana Sales, Wholesale Marijuana Sales, Marijuana Processing		N	N	N	N
Civic¹⁵					
8. Cemetery		C	C	C	C
9. Education	A. Educational Institutions	C	C	C	C
	B. Commercial Schools	N	N	N	N
10. Places of Worship		C	C	C	C
11. Public Buildings and Uses	A. Non-Profit Public Services in Public Buildings	P ⁷	N	N	N
	B. Public Buildings	C	C	C	C
	C. Public Sewer and Water and Utility Transmission Lines	P	P	P	P
	D. Public Sewer, Water Supply, Water Conservation and Flood Control Facilities Other than Transmission Lines	C	C	C	C
12. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	C	C	C	C
	B. Public Dog Parks or Dog Runs	C	C	C	C
	C. Public Recreational Facilities	C	C	C	C
	D. Community Gardens	P	P	P	P
<u>13. Shelters</u>	<u>A. Domestic Violence Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>B. Emergency Shelters</u>	<u>P²</u>	<u>P²</u>	<u>P²</u>	<u>P²</u>
	<u>C. Mass Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>134. Utilities</u>	A. Utility Substations and Related Facilities other than Transmission Lines	C	C	C	C
<u>145. Vehicle Camping¹⁶</u>		P	P	P	P
<u>156. Wireless Communications Facilities</u>		P	P	P	P



Table 20.05.20.A Residential - Category and Specific Use	P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
	MR	RMA	RMB	RMC
1.Existing single-detached dwellings as of June 30, 2022 and their accessory uses are Permitted uses in the MR zone and can be expanded or can be rebuilt if destroyed. New single-detached dwellings are Prohibited. [ORD 4822; June 2022] 2. [Footnote repealed and reserved.] [ORD 4822; June 2022] Emergency Shelters may occur where allowed pursuant to Section 10.70.10. ***				

[ORD 3166, 04/30/1980; ORD 3184, 08/06/1980; ORD 3236, 01/28/1982; ORD 3293, 11/25/1982; ORD 3899, 06/02/1994; ORD 4036, 04/02/1999; ORD 4048, 07/08/1999; ORD 4079, 12/09/1999; ORD 4107, 05/02/2000; ORD 4102, 05/04/2000; ORD 4111, 07/14/2000; ORD 4112, 07/14/2000; ORD 4224, 09/19/2002; ORD 4248, 05/08/2003; ORD 4332, 01/01/2005; ORD 4365, 10/20/2005; ORD 4397, 08/10/2006; ORD 4487, 08/21/2008; ORD 4542, 06/17/2010; ORD 4584, 06/01/2012; ORD 4595, 02/08/2013; ORD 4654, 03/25/2015; ORD 4659, 07/10/2015; ORD 4674, 02/10/2016; ORD 4702, 01/04/2017; ORD 4779, 03/06/2020; ORD 4782, 04/17/2020; ORD 4786, 07/03/2020; ORD 4804, 08/13/2021; ORD 4822, 06/30/2022]

Effective on: 6/30/2022

20.10. Commercial Land Use Districts

Commentary: Section 20.10.20. Land Uses

The Preferred Approach indicates that shelters will be created as a new use category under civic uses and will be allowed as a permitted use in all zones. This is reflected in Table 20.10.20.A.

The added footnote in the table provides clarification that additional requirements apply for siting Emergency Shelters in these zoning districts in accordance with Section 10.70.10.

The footnotes for the limits on Hours of Operation are also updated to exempt Domestic Violence Shelters, Emergency Shelters, and Mass Shelters. The Preferred Approach indicates that shelters will be a permitted use in all zones. Since shelters operate 24 hours, the limits on hours of operation would limit the type of review process to a conditional use review in certain commercial zones. Adding an exception allows shelters to operate in these zones.

20.10.20. Land Uses

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Commercial Zoning Districts.

Table 20.10.20.A Commercial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
		NS	CS	CC	GC
Additional Requirements by Districts [ORD 4782; April 2020]		See 20.10.30	See 20.10.35	See 20.10.40	
Residential					
1. Care	A. Care Facilities	P	P	P	P
2. Dwellings ¹⁹	A. Accessory Dwelling Units	P	P	P	P



Table 20.10.20.A Commercial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
		NS	CS	CC	GC
	B. Single-Detached Dwelling ¹⁰	N	N	N	N
	C. Duplex ¹¹	C ¹	P	P	P
	D. Triplex and Quadplex ¹¹	C ¹	P	P	P
	E. Townhouse	C ¹	P	P	P
	F. Cottage Cluster	N	N	N	N
	G. Multi-Dwelling	C ¹	P	P	P
	H. Home Occupation	P	P	P	P
	I. Manufactured and Mobile Homes	N	N	N	N
	J. Manufactured Home Parks	N	N	N	N
	K. Planned Unit Development	C	C	C	C
Commercial					
3. Animal	A. Animal Care, Major	C	C	C	C
	B. Animal Care, Minor	P	P	P	P
4. Care	A. Hospitals	C	C	C	C
	B. Medical Clinics	C	C	C	C
	C. Child Care Facilities	C	P	P	P
	D. Residential Care Facilities	C	C	C	C
5. Eating and Drinking Establishment		P	P	P	P
6. Financial Institutions		P	P	P	P
7. Live/Work Uses		P	P	P	P
8. Office		P ²	P	P	P
9. Parking as the Principal Use		N	N	C	P
10. Retail Trade ³		P	P	P	P
11. Meeting Facilities		C	P C ⁷	P	P
12. Marijuana Dispensary ¹³		N	P	P	P
13. Retail Marijuana Sales ¹⁶		N	P	P	P
14. Service Business/ Professional Services		P	P	P	P
15. Storage	A. Self Storage Facilities	N	N	C	P
	B. Storage Yards	N	N	C	P
16. Temporary Living Quarters		N	C	P	P
17. Vehicles	A. Automotive Service, Major	C	C	N	C
	B. Automotive Service, Minor	C	P	C	P
	C. Bulk Fuel Dealerships	C	P	C	P
	D. Sales or Lease	N	N	N	P
	E. Rental	N	C	C	P
18. Drive-Up Window Facilities		P	P	P	P
19. Food Cart Pods ¹⁴		P ¹⁵	P	P	P



Table 20.10.20.A Commercial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
		NS	CS	CC	GC
Civic¹⁷					
20. Cemetery		N	N	N	N
21. Education	A. Commercial Schools	C	P	P	P
	B. Educational Institutions	P	P	P	P
22. Places of Worship		C	P C ⁷	P	P
23. Public Buildings, Services and Uses		C	C	C	C
24. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	P	P	P	P
	B. Public Dog Parks or Dog Runs	C	C	C	C
	C. Recreational Facilities	P	P	P	P
<u>25. Shelters</u>	<u>A. Domestic Violence Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>B. Emergency Shelters</u>	<u>p¹²</u>	<u>p¹²</u>	<u>p¹²</u>	<u>p¹²</u>
	<u>C. Mass Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>256.</u> Social Organizations		C	P C ⁷	P	P
<u>267.</u> Transit Centers		N	C	C	N
<u>278.</u> Utilities	A. Utility Substations and Related Facilities other than Transmission Lines	C	C	C	C
	B. Transmission Lines	P	P	P	P
<u>289.</u> Vehicle Camping ¹⁸		P	P	P	P
<u>2930.</u> Wireless Communications Facilities		P	P	P	P
Hours of Operation					
<u>301.</u> Uses Operating between 10:00 p.m. and 7:00 a.m. ^{5, 13, 16}		P C ⁶	P C ^{6, 7}	P	P C ⁸



Table 20.10.20.A Commercial - Category and Specific Use	P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
	NS	CS	CC	GC
<p>The following Use Restrictions refer to superscripts found in Section 20.10.20.</p> <p>1. Only 50% of the contiguous area within any NS zone may be developed residentially. [ORD 4822; June 2022]</p> <p>2. No freestanding office structure or group of office structures shall exceed a combined total of 15,000 square feet.</p> <p>3. No sales or outdoor storage of animals or livestock are allowed with this use.</p> <p>4. [Repealed ORD 4673; March 2016]</p> <p>5. Applicable to all uses, excluding marijuana dispensaries and retail marijuana sales. [ORD 4648; November 2014] [ORD 4674; February 2016]</p> <p>6. Office, <u>Domestic Violence Shelter, Emergency Shelter, and Mass Shelter</u> uses do not require a Conditional Use for extended hours of operation.</p> <p>7. If property is greater than 500 feet from an existing Residential use in a Residential zone the use is Permitted. If property is within 500 feet from an existing Residential use in a Residential zone the use requires Conditional Use approval <u>except for Domestic Violence Shelter, Emergency Shelter, and Mass Shelter uses.</u></p> <p>8. Conditional Use required when abutting a Residential Zone <u>except for Domestic Violence Shelter, Emergency Shelter, and Mass Shelter uses.</u></p> <p>9. On a location containing an existing tower supporting one carrier and shall be consistent with other approvals. [ORD 4595; February 2013]</p> <p>10. Existing single-detached dwellings as of June 30, 2022 and their accessory uses are Permitted uses and can be rebuilt if destroyed. Building additions of up to 500 square feet of an existing single-detached dwelling are Permitted. New single-detached dwellings are Prohibited. [ORD 4822; June 2022]</p> <p>11. All units of a duplex, triplex, or quadplex must be attached.</p> <p>12. [Footnote repealed and reserved.] [ORD 4804; August 2021] <u>Emergency Shelters may occur where allowed pursuant to Section 10.70.10.</u></p> <p>13. Marijuana dispensary shall:</p> <p>a. be subject to the provisions of ORS 475B.858; and [ORD 4697; December 2016] [ORD 4782; April 2020]</p> <p>b. be allowed to operate only between the hours of 7:00 AM and 10:00 PM. Hours of operation may not be extended through the Conditional Use process as identified in this Code. [ORD 4648; November 2014]</p> <p>14. Food Cart Pods are exempt from the Site Development Standards of 20.10.10 but are subject to the standards of 60.11 of the Development Code. [ORD 4662; September 2015]</p> <p>15. Permitted only when abutting a Collector or higher street classification. [ORD 4662; September 2015]</p> <p>16. Retail Marijuana Sales shall:</p> <p>a. be subject to the provisions of ORS 475B.109-119 and OAR Chapter 845, division 25; [ORD 4782; April 2020]</p> <p>b. be located 1,000 feet from any existing Marijuana Dispensary or Retail Marijuana Sales use, except for instances of colocation within the same premises of Marijuana Dispensary and Retail Marijuana Sales uses when such colocation is permitted by state law; and</p> <p>c. be allowed to operate only between the hours of 7:00 AM and 10:00 PM. Hours of operation may not be extended through the Conditional Use process as identified in this Code. [ORD 4674; February 2016]</p> <p>17. Public Art shall be permitted pursuant to Section 60.50.25.13. [ORD 4782; April 2020]</p> <p>18. Vehicle Camping may occur only where allowed through a program established by Council resolution and administered by the Mayor. The use is subject to the special requirements found in Section 60.50.25.14. [ORD 4779; March 2020]</p> <p>19. Residential developments in the SCMCP area shall provided a variety of housing types consistent with the permitted and conditional uses of the applicable zone(s). The variety of housing shall be provided for site: [ORD 4822; June 2022]</p> <p>a. Up to 15-acres (gross), a minimum of one (1) housing type;</p> <p>b. Greater than 15-acres and up to 30-acres (gross), a minimum of two (2) housing types;</p> <p>c. Greater than 30-acres (gross), a minimum of three (3) housing types.</p>				

[ORD 3136, 10/29/1979; ORD 3162, 04/03/1980; ORD 3184, 08/06/1980; ORD 3185, 09/17/1980; ORD 3204, 02/26/1981; ORD 3231, 12/08/1981; ORD 3290, 10/05/1982; ORD 3352, 01/19/1984; ORD 3739, 09/08/1990; ORD 3975, 03/07/1997; ORD 4071, 11/25/1999; ORD 4248, 05/08/2003; ORD 4332, 01/01/2005; ORD 4542, 06/17/2010; ORD 4595, 02/08/2013; ORD 4648, 11/28/2014; ORD 4659, 07/10/2015; ORD 4662, 09/11/2015; ORD 4674, 02/10/2016; ORD 4702, 01/04/2017; ORD 4779, 03/06/2020; ORD 4782, 04/17/2020; ORD 4804, 08/13/2021; ORD 4822, 06/30/2022]



Effective on: 6/30/2022

Commentary: Section 20.10.30. Other NS Zoning Requirements

The Preferred Approach indicates that shelters will be allowed to provide outdoor space onsite. Because the NS zone specifies that all activity must be within an enclosed structure except for childcare play areas, an exception is added for shelters so other types of outdoor areas would be possible.

20.10.30. Other NS Zoning Requirements

Uses shall be subject to the following (excludes food cart pods, parks, recreational facilities, playgrounds, [domestic violence shelters](#), [emergency shelters](#), [mass shelters](#) and vehicle camping): [ORD 4662; September 2015] [ORD 4779; March 2020] [ORD 4782; April 2020]

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities and as allowed in item 2, below. [ORD 4782; April 2020]
2. Accessory open air sales / display / storage shall constitute no more than 5% of the gross building floor area of any individual establishment.
3. Excluding food stores, individual establishments shall not exceed 15,000 square feet gross floor area.

[ORD 4023, 10/15/1998; ORD 4048, 07/08/1999; ORD 4075, 12/09/1999; ORD 4111, 07/14/2000; ORD 4224, 09/19/2002; ORD 4248, 05/08/2003; ORD 4265, 10/09/2003; ORD 4542, 06/17/2010; ORD 4662, 09/11/2015; ORD 4779, 03/06/2020; ORD 4782, 04/17/2020]

Effective on: 4/17/2020

Commentary: Section 20.10.35. Other CS Zoning Requirements

The Preferred Approach indicates that shelters will be allowed to provide outdoor space onsite. Because the CS zone specifies that all activity must be within an enclosed structure except for childcare play areas, an exception is added for shelters so other types of outdoor areas would be possible.

20.10.35. Other CS Zoning Requirements

Uses shall be subject to the following (excludes food cart pods, parks, recreational facilities, playgrounds, [domestic violence shelters](#), [emergency shelters](#), [mass shelters](#), and vehicle camping): [ORD 4662; September 2015] [ORD 4779; March 2020] [ORD 4782; April 2020]

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities and as allowed in item 2, below. [ORD 4782; April 2020]
2. Accessory open air sales / display / storage shall constitute no more than 5% of the gross building floor area of any individual establishment.

[ORD 4542, 06/17/2010; ORD 4662, 09/11/2015; ORD 4779, 03/06/2020; ORD 4782, 04/17/2020]

Effective on: 4/17/2020

Commentary: Section 20.10.40. Other CC Zoning Requirements

The Preferred Approach indicates that shelters will be allowed to provide outdoor space onsite. Because the CC zone specifies that all activity must be within an enclosed structure except for childcare play areas, an exception is added for shelters so other types of outdoor areas would be possible.



20.10.40. Other CC Zoning Requirements

Uses shall be subject to the following (excludes food cart pods, parks, recreational facilities, playgrounds, domestic violence shelters, emergency shelters, mass shelters, and vehicle camping): [ORD 4662; September 2015] [ORD 4779; March 2020] [ORD 4782; April 2020]

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities, transit centers and as allowed in items 2 and 3 below.
2. Accessory open air sales / display / storage shall be Permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area of any individual establishment.

[ORD 4542, 06/17/2010; ORD 4584, 06/01/2012; ORD 4662, 09/11/2015; ORD 4779, 03/06/2020; ORD 4782, 04/17/2020]

Effective on: 4/17/2020

20.15. Employment/Industrial Land Use Districts

Commentary: Section 20.15.20. Land Uses

The Preferred Approach indicates that shelters will be created as a new use category under civic uses and will be allowed as a permitted use in all zones. This is reflected in Table 20.15.20.A.

The added footnote in the table provides clarification that additional requirements apply for siting emergency shelters in these zoning districts in accordance with Section 10.70.10.

20.15.20. Land Uses

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Employment and Industrial Zoning Districts. [ORD 4584; June 2012]

Table 20.15.20.A Employment/Industrial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Numbers Refer to Footnote		
		OI	OI-NC	IND
Commercial				
1. Animal ¹	A. Animal Care, Major	N	N	C
	B. Animal Care, Minor	P	N	P
2. Care ¹	A. Hospitals	P	N	C
	B. Medical Clinics	P	P ²⁴	C
	C. Child Care Facilities	P	P ²⁴	P
3. Parking as the Principal Use	A. Structures	P	N	C
	B. Surface	N	N	C
4. Retail and Service Business	A. Eating and Drinking Establishments	P ²	P ²⁴	C ²
	B. Equipment and Supply Sales ⁴	P	N	P ⁵
	C. Equipment Rental Agencies ⁶	C	N	C
	D. Freestanding Retail or Service Business up to and Including 5,000 sq. ft. ⁷	P	P ²⁴	N



Table 20.15.20.A Employment/Industrial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Numbers Refer to Footnote		
		OI	OI-NC	IND
	E. Freestanding or Combination of Retail or Service Business of More than 5,000 but Less than 30,000 sq. ft. ⁷	C	P ²⁴	N
	F. Professional Services	P	P ²⁴	C
	G. Wholesale or Retail Lumber, Building, and or Landscaping Materials Yard	P	N	P
	H. Wholesale Marijuana Sales	P	N	P
	I. Marijuana Dispensaries	N	N	N
	J. Retail Marijuana Sales	N	N	N
5. Storage ¹	A. Cold Storage Plants	N	N	P
	B. Self Storage Facilities	N	N	C
	C. Storage or Sale Yard ⁸	N	P ²⁴	P
	D. Storage Yard for Building Materials	N	N	P
6. Temporary Living Quarters		C	N	N
7. Vehicles ¹	A. Auto, Truck and Trailer Rental	N	N	C
	B. Automotive Service, Major	N	N	P ¹⁰
	C. Automotive Service, Minor	N	N	P
	D. Bulk Fuel Dealerships	N	N	P
	E. Heavy Equipment Sales ¹¹	N	N	P
	F. Trailer, Recreational Vehicle or Boat Storage	N	P ²⁴	P
	G. Trailer Sales or Repair	N	N	C
	H. Vehicle Storage Yards	N	N	C
8. Food Cart Pods ²⁵		P	N	N
Industrial				
9. Concrete Mixing and Asphalt Batch Plants		N	N	C
10. Fuel Oil Distributors		N	N	P
11. Heliport		C	C	C
12. Mail Order Houses, Wholesale or Retail, Exclusive of On-Site Sales to the Public ¹		P	P	P
13. Manufacturing, Fabricating, Assembly, Processing, Packing, and Storage ¹		P ^{12,13}	P	P ¹³
14. Marijuana Processing		P ¹²	N	P ¹²
15. Motor Freight Terminal		N	N	C
16. Operation Centers ¹⁴		N	N	P
17. Laboratory ¹		P ^{12,13}	P	P



Table 20.15.20.A Employment/Industrial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Numbers Refer to Footnote		
		OI	OI-NC	IND
18. Salvage Yards, Recycling Centers and Solid Waste Transfer Stations ¹		N	N	C
19. Warehousing, Wholesale and Distributive Activities ¹		P ¹²	P	P
Civic⁽³⁾				
20. Education ¹	A. Commercial Schools	C	N	N
	B. Educational Institutions	C	N	C
	C. Job Training and Vocational Rehabilitation Services	P	N	P
21. Public Buildings and Uses ¹⁵		P	N	C
22. Railroad Tracks and Facilities	A. Freight ¹⁶	P	N	P
	B. Passenger	P	N	P
23. Recreation ¹	A. Public Parks and Recreational Facilities	P	N	P
	B. Public Dog Parks and Dog Runs	C	N	C
	C. Private Recreational Facilities ¹⁷	P	P	P
<u>24. Shelters</u>	<u>A. Domestic Violence Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>B. Emergency Shelters</u>	<u>P²⁰</u>	<u>P²⁰</u>	<u>P²⁰</u>
	<u>C. Mass Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>245. Transit Centers¹⁸</u>		P	P	C
<u>256. Utilities</u>	A. Facilities Related to Utility Distribution, such as Substations, Water Towers, Pump Station, other than Transmission Lines or Power Plants	C	C	C
<u>267. Vehicle Camping⁽²⁶⁾</u>		P	P	P
<u>278. Wireless Communications Facilities</u>		P	P	P
Office				
<u>289. Office¹</u>		P	P	P ¹⁹
<u>2930. Financial Institutions¹</u>		P	P ²⁴	C
Other				
<u>301. Planned Unit Development</u>		C	C	C

20. [Footnote repealed and reserved] [ORD 4804, August 2021] Emergency Shelters may occur where allowed pursuant to Section 10.70.10.				

[ORD 4542, 06/17/2010; ORD 4584, 06/01/2012; ORD 4595, 02/08/2013; ORD 4648, 11/28/2014; ORD 4649, 02/13/2015; ORD 4659, 07/10/2015; ORD 4662, 09/11/2015; ORD 4674, 02/10/2016; ORD 4673, 03/04/2016; ORD 4702, 01/04/2017; ORD 4779, 03/06/2020; ORD 4782, 04/17/2020; ORD 4804, 08/13/2021; ORD 4811, 10/14/2021]

Effective on: 10/14/2021



Commentary: Section 20.15.30. Supplemental Development Requirements

The Preferred Approach indicates that shelters will be allowed to provide outdoor space onsite. The required condition in Section 20.15.30.3 that, “all business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building unless screened by a sight-obscuring fence or wall, excluding outdoor seating and vehicle camping” could be prohibitive for shelters that have outdoor space that besides outdoor seating. An exception is made for shelters below.

20.15.30. Supplemental Development Requirements

In addition to the site development requirements listed in Section 20.15.15, development in Industrial zoning districts shall be subject to the following supplemental development requirements:

1. **Off Street Parking and Loading.** In addition to the provisions of Section 60.25 (Off-Street Loading) and Section 60.30 (Off-Street Parking), the following shall apply to all development in industrial zoning districts.
 - A. No parking shall be allowed within the first 20 feet of the front yard setback. Parking shall be permitted within side or rear yard setbacks; provided, however, when the side and/or rear yards abut a residentially developed property or developable property in a Residential zoning district there shall be no parking within the first 20 feet of the setback.
 - B. In addition to the requirements of Section 60.25., off-street loading shall not be permitted within side or rear yard setbacks abutting a residentially developed property or developable property in a Residential zoning district or within front yard setbacks abutting any residentially developed property or developable property in a Residential zoning district unless the setback is increased to 75 feet and the first 20 feet from the property line is landscaped or screened.
2. **Adjacent Residential Zoning District(s).** No service roads, spur trackage, hardstands, outside storage areas, etc. shall be permitted within required yards adjacent to Residential zoning district(s).
3. **Required Conditions.** The following is required for development within the Office Industrial and Industrial zoning districts:
 - A. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building unless screened by a sight-obscuring fence or wall, excluding outdoor seating, domestic violence shelters, emergency shelters, mass shelters, and vehicle camping. [ORD 4779; March 2020]
 - B. Motor vehicle, boat, or trailer storage lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscaped areas.
 - C. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards. All areas for storage of waste shall be fully screened.
4. **Performance Standards.**
 - A. **Vibration.** No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
 - B. **Odors.** The emission of odorous gasses or matter as to be readily detectable at any point beyond the property line is prohibited.
 - C. **Heat and Glare.** Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
 - D. **Administration and Enforcement.** Prior to the City taking any action on a Type 1, Type 2, or Type 3 application or the issuance of an occupancy permit, information sufficient to determine the degree of compliance with the standards in this subsection shall be furnished by the applicant. Such request may include continuous records of operations, for periodic checks to assure maintenance of standards, or for special surveys.



[ORD 4542, 06/17/2010; ORD 4779, 03/06/2020]

Effective on: 3/6/2020

20.20. Multiple Use Land Use Districts

Commentary: Section 20.20.20. Land Uses

The Preferred Approach indicates that shelters will be created as a new use category under civic uses and will be allowed as a permitted use in all zones. This is reflected in Table 20.20.20.A.

The added footnote in the table provides clarification that additional requirements apply for siting emergency shelters in these zoning districts in accordance with Section 10.70.10.

20.20.20. Land Uses

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Multiple Use zoning districts.

[ORD 4576; January 2012] [ORD 4578; March 2012] [ORD 4706; May 2017] [ORD 4779; March 2020] [ORD 4782; April 2020]

Table 20.20.20.A Multiple Use - Category and Specific Use		P=Permitted C=Conditional N=Prohibited Superscript Refers to Use Restrictions									
		RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
Residential											
1. Dwellings ⁷⁰	A. Single-Detached Dwelling	N ⁶	N	N	N ⁶	N ⁶	N ⁶	N ⁶	N	N ⁵	N ⁵
	B. Duplex	P C ¹	N	N	P	P	N ⁴	N ⁴	P ⁶⁶	N	N
	C. Triplex and Quadplex	P	N	N	P	P	P	P	P ⁶⁶	N	N
	D. Townhouse	P	N	N	P	P	P ⁴	P ⁴	P ⁶⁶	N	N
	E. Cottage Cluster	N	N	N	N	N	N	N	N	N	N
	F. Multi-Dwelling	P ⁴⁴	P ²	P ³	P ⁴⁴	P ⁴⁴	P ⁴⁴	P ⁴⁴	P ^{44, 66}	N	N
	G. Home Occupation	P	P	P	P	P	P	P	P	N	N
	H. Planned Unit Development	C	C	C	C	C	C	C	C ⁶⁶	C	C
2. Wireless Communications Facilities		P	P	P	P	P	P	P	P	P	P
Commercial											
3. Animal	A. Animal Care, Major	N	N	N	N	N	N	N	N	N	N
	B. Animal Care, Minor	P	P	P	P	P	P	P	P	P	P
4. Care	A. Hospitals	P	P	C	C	N	P	C	P	N	N
	B. Medical Clinics	P	P	P	P ⁷	P ⁸	P	P ⁸	P	P ^{9,10}	P ^{9,10}
	C. Child Care Facilities	P	P	P	P	P	P	P	P	P ⁹	P ⁹



Table 20.20.20.A Multiple Use - Category and Specific Use		P=Permitted C=Conditional N=Prohibited Superscript Refers to Use Restrictions									
		RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
	D. Residential Care Facilities	P	P	P	P	P	P	P	P	N	N
5.	Commercial Amusement	P C ¹¹	N	P C ¹²	C	C	C ¹³	C ¹³	P	N	N
6.	Drive Up Window Facilities ¹⁴	C	N P ¹⁶	P	C	C	C	N ¹⁰	N P C ^{17,18}	N ¹⁰	N ¹⁰
7.	Eating and Drinking Establishments	P	P ¹⁹	P	P	P ^{9,13}	P ⁹	P ^{10,13}	P	P ^{9,10}	P ^{9,10}
8.	Financial Institutions	P	P ²⁰	P	P	P	P	P	P	P ^{9,10}	P ^{9,10}
9.	Live/Work Uses	P	P	P	P	P	P	P	P	N	N
10.	Meeting Facilities	C P ²¹	C P ²¹	C P ²¹	C P ²¹	N	C P ²¹	N	C P ²¹	C P ²¹	C P ²¹
11.	Office	P	P	P	P ²²	P ^{8,23}	P	P ⁸	P	P	P
12.	Parking as the Principal Use	C	C	C	C N ²⁴	C	C	C	C	C N ²⁴	C N ²⁴
13.	Rental Business	P	P	P ²⁵	P ^{7, 22, 26}	P ^{26,27}	P ²⁷	P ²⁷	P ^{28,29}	P ²⁵	N
14.	Rental of Equipment Only	N	P ⁶¹	N	N	N	N	N	N	N	N
15.	A. Retail Trade	P ^{26, 30, 31}	P C ³²	P ²⁵	N P ^{22, 26, 33}	P ^{13,26}	P ^{9, 25, 34}	P ^{13,25}	P ²⁵	P ^{9,28} C ³⁵	P ^{9,28}
	B. Bulk Retail	N	N	N	N	N	N	N	N	N	N
16.	Service Business/Professional Services	P ^{9,36}	P C ³²	P ²⁵	N P ^{22, 26, 33}	P ^{13,26}	P ^{8,9}	P ⁹	P	P ^{9, 10, 28}	P ^{9, 10, 28}
17.	Marijuana Dispensaries	N	N	N	N	N	N	N	N	N	N
18.	Retail and Wholesale Marijuana Sales	N	N	N	N	N	N	N	N	N	N
19.	A. Self Storage	N	N	P ³⁷	N	N	N	N	N	N	N
	B. Storage Yards	C ³⁸	N	N	N	N	N	C ³⁹	N	N	P ⁴⁰
20.	Temporary Living Quarters	C ⁴¹	N	P	C ⁴¹	C ⁴¹	P ⁴¹	C ⁴¹	C ⁴²	C ⁴²	C ⁴²
21.	A. Automotive Service, Major	C ²⁵	N	N	C N ⁴³	N	N	N	N	N	N
	B. Automotive Service, Minor	P	N	C	C	C ²⁵	N P C ¹⁷	C ²⁵	N P C ¹⁷	N	N
	C. Bulk Fuel Dealerships	N	N	N	N	N	N	N	N	N	N
	D. Sales or Lease	C ⁴⁵	N	N	C ^{9, 22, 26}	N	P ^{9,28}	P ^{9,46}	P ^{28,47}	N	N
	E. Rental	C ⁴⁵	N	N	C ^{9, 22, 26}	N	P ^{9,28}	P ^{9,46}	P ²⁸	P	P
22.	Food Cart Pods ⁶⁸	P	P	P	P	N	P	N	P	N	N
Civic¹⁹											
23.	A. Commercial Schools	P	C	P	P C N ^{33,48}	P ¹³	P	P	P	P ⁹	C ⁹
	B. Educational Institutions	P	C P ⁶⁷	P	P	P	P	P	P	P ⁹	C ⁹
24.	Places of Worship	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P ⁹	P C ⁴⁸
25.	Public Buildings, Services and Uses	C	P	C	C	C	C	C	C	C P ⁴⁹	C P ⁴⁹
26.	A. Passenger	P ⁵⁰	P	P	P	P	P	P	P	P	P
	B. Freight	P	P ⁵¹	P	N	N	N	N	N	P ⁵¹	P ⁵¹



Table 20.20.20.A Multiple Use - Category and Specific Use		P=Permitted C=Conditional N=Prohibited Superscript Refers to Use Restrictions									
		RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
27. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	C	P ⁵²	P	P	P	P	P	P	P ⁵³	P ⁵³
	B. Public Dog Parks or Dog Runs	C	C	C	C	C	C	C	C	C	C
	C. Recreational Facilities	P ¹¹	P ¹³	P	C	C	C ⁵⁴	C ⁵⁴	P	N	N
28. Shelters	<u>A. Domestic Violence Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>B. Emergency Shelters</u>	<u>P⁶³</u>	<u>P⁶³</u>	<u>P⁶³</u>	<u>P⁶³</u>	<u>P⁶³</u>	<u>P⁶³</u>	<u>P⁶³</u>	<u>P⁶³</u>	<u>P⁶³</u>	<u>P⁶³</u>
	<u>C. Mass Shelters</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
289. Social Organizations		P ⁴⁸	N	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P C ⁴⁸	P	C	C
2930. Transit Centers		N	P	P	C	C	C	C	P	P	P
301. Utilities	A. Utility Substations and Related Facilities other than Transmission Lines	C	C	C	C	N	C	C	C	C	C
	B. Transmission Lines	P	P	P	P	P	P	P	P	P	P
312. Vehicle Camping ⁶⁹		P	P	P	P	P	P	P	P	P	P
Industrial											
323. Manufacturing, Fabricating, Assembly, Processing, and Packing		P C ⁵⁵	P ^{56,57}	N	P ⁶⁰	N	P ²⁸	N	P ²⁸	P ^{56,57}	P ^{56,57}
334. Marijuana Processing		N	N	N	N	N	N	N	N	N	N
345. Warehousing ⁵⁸		P	P	P	P	P	N	N	P	P ⁵⁹	P ⁵⁹
356. Laboratory		P C ⁵⁵	P ^{56,57}	N	P ⁶⁰	N	P ²⁸	N	P ²⁸	P ^{56,57}	P ^{56,57}
The following Use Restrictions refer to superscripts found in Section 20.20.20. ***											
63. [Footnote repealed and reserved.] [ORD 4804, August 2021] <u>Emergency Shelters may occur where allowed pursuant to Section 10.70.10.</u> ***											

[ORD 4005, 02/05/1998; ORD 4036, 04/02/1999; ORD 4071, 11/25/1999; ORD 4079, 12/09/1999; ORD 4107, 05/02/2000; ORD 4111, 07/14/2000; ORD 4121, 09/28/2000; ORD 4224, 09/19/2002; ORD 4246, 04/03/2003; ORD 4248, 05/08/2003; ORD 4312, 07/22/2004; ORD 4332, 01/01/2005; ORD 4354, 07/14/2005; ORD 4542, 06/17/2010; ORD 4576, 01/06/2012; ORD 4578, 04/05/2012; ORD 4595, 02/08/2013; ORD 4600, 02/08/2013; ORD 4648, 11/28/2014; ORD 4659, 07/10/2015; ORD 4662, 09/11/2015; ORD 4674, 02/10/2016; ORD 4697, 12/02/2016; ORD 4702, 01/04/2017; ORD 4706, 05/19/2017; ORD 4779, 03/06/2020; ORD 4782, 04/17/2020; ORD 4799, 01/08/2021; ORD 4804, 08/13/2021; ORD 4811, 10/14/2021; ORD 4822, 06/30/2022]

Effective on: 6/30/2022



Commentary: Section 20.20.35. Other SC-E Zoning Requirements

The Preferred Approach indicates that shelters will be allowed to provide outdoor space onsite. The required condition in Section 20.20.35.2 that, “all business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building unless screened by a sight-obscuring fence or wall, excluding vehicle camping” could be prohibitive for shelters that have outdoor space besides outdoor seating. An exception is made for shelters below.

20.20.35. Other SC-E Zoning Requirements

1. No service roads, spur trackage, hardstands, outside storage areas, etc. shall be permitted within required yards adjacent to Residential districts or Multiple Use districts where residential uses are allowed. [ORD 4584; June 2012]
2. Other required conditions:
 - A. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building unless screened by a sight-obscuring fence or wall, excluding vehicle camping, domestic violence shelters, emergency shelters, and mass shelters. [ORD 4779; March 2020]
 - B. Storage yards shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscaped areas.
 - C. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards. All areas for storage of waste shall be fully screened.

[ORD 4058, 09/16/1999; ORD 4079, 12/09/1999; ORD 4107, 05/02/2000; ORD 4111, 07/14/2000; ORD 4224, 09/19/2002; ORD 4248, 05/08/2003; ORD 4332, 01/01/2005; ORD 4354, 07/14/2005; ORD 4542, 06/17/2010; ORD 4584, 06/01/2012; ORD 4779, 03/06/2020]

Effective on: 3/6/2020



CHAPTER 40 - APPLICATIONS

[ORD 4224; September 2002]

Contents:

- 40.03. Facilities Review Committee
- 40.05. Accessory Dwelling Unit
- 40.10. Adjustment
- 40.15. Conditional Use
- 40.20. Design Review
- 40.21. Single-Detached and Middle Housing Design Review
- 40.23. Downtown Design Review
- 40.25. Director's Interpretation
- 40.30. Zero Yard Setbacks
- 40.32. Food Cart Pods
- 40.35. Historic Review
- 40.40. Home Occupation
- 40.45. Land Division and Reconfiguration
- 40.47. Legal Lot Determination
- 40.50. Loading Determination
- 40.55. Parking Determination
- 40.57. Public Transportation Facility
- 40.58. Sidewalk Design Modification
- 40.60. Sign
- 40.65. ~~REPEALED~~ Mass Shelter
- 40.70. [Repealed]
- 40.75. Street Vacation
- 40.80. Temporary Use
- 40.85. Text Amendment
- 40.90. Tree Plan
- 40.93. Tualatin Hills Park and Recreation District Annexation Waiver
- 40.95. Variance
- 40.96. Wireless Facility
- 40.97. Zoning Map Amendment

[ORD 4584, 06/01/2012]

Effective on: 6/30/2022



Commentary: Section 40.20 Design Review

As detailed in the Preferred Approach, decision makers and community members expressed a desire for shelters to be subject to Design Review, uphold attractive design, and blend into the surrounding neighborhoods. The Design Review applicability section in Section 40.20.10 has been updated to clarify that Design Review applies to Domestic Violence Shelters and Mass Shelters, but not to Emergency Shelters.

Decision makers also emphasized the importance of maintaining confidentiality for Domestic Violence Shelters on public notices and in public records. Therefore, if a Domestic Violence Shelter project involves a land use application that requires public noticing, city staff recommends an internal policy for the Domestic Violence Use to be left off the public notice at the Director's discretion. For example, the public notice could just state that a new civic use is proposed, or only describe the physical changes to a building that are subject to Design Review.

40.20. Design Review

40.20.10. Applicability.

1. The scope of Design Review shall be limited to the exterior of buildings, structures, and other development and to the site on which the buildings, structures, and other development are located. [ORD 4584; June 2012]
2. Considering the thresholds for the Design Review Compliance Letter, Design Review Two, or Design Review Three applications and unless exempted by Section 40.20.10.3. (Design Review) approval shall be required for the following: [ORD 4584; June 2012]
 - A. All uses listed as Conditional Uses in the RMB and RMC zoning districts. [ORD 4584; June 2012] [ORD 4822; June 2022]
 - B. All uses listed as Permitted and Conditional Uses in the RMA and MR Residential zoning districts, except those that are exempt, per Section 40.20.10.3, and except those subject to Single-Detached and Middle Housing Design Review in the RMA district, per Section 40.21.10. [ORD 4584; June 2012] [ORD 4822; June 2022]
 - C. All uses listed as Permitted and Conditional Uses in all Commercial, Industrial, and Multiple-Use zoning districts.
 - D. Site grading.
 - E. Domestic Violence Shelters and Mass Shelters in any zoning district.
3. Design Review approval shall not be required for the following:
 - A. Single-detached dwellings and middle housing in the RMA, RMB, and RMC zoning districts, which are subject to Single-Detached and Middle Housing Design Review, per Section 40.21.10. Also, other uses listed as Permitted Uses in the RMC and RMB zoning districts, with the exception of Domestic Violence Shelters and Mass Shelters per Section 40.20.10.2.E. [ORD 4584; June 2012] [ORD 4822; June 2022]
 - B. Residential accessory structures in any Residential or Commercial zoning district. [ORD 4542; June 2010] [ORD 4822; June 2022]
 - C. Existing single-detached dwellings in the MR zoning district and in Commercial, Industrial, and Multiple-Use zoning districts. [ORD 4782; April 2020] [ORD 4822; June 2022]
 - D. Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.
 - E. Painting of any building in any zoning district.
 - F. Wireless communication facilities.
 - G. Food Cart Pods. [ORD 4662; September 2015]



- H. Uses, activities, and structures located on a private parking lot and approved pursuant to the Open Air Beaverton program. [ORD 4819; January 2022]
- I. Emergency Shelters.

Commentary: Section 40.65 Mass Shelter

A new Mass Shelter application type is proposed to achieve the goals for reviewing shelters as detailed in the Preferred Approach. When a new Mass Shelter is proposed, an applicant will be required to apply for a Mass Shelter application, which will be reviewed by the Director using clear and objective approval criteria and will be processed under a Type 2 Procedure, which requires public notice. As further detailed in the proposed changes to Chapter 50 Procedures, appeals of Mass Shelter applications will go to City Council.

40.65. ~~[REPEALED]~~ Mass Shelter

40.65.05. Purpose.

The purpose of a Mass Shelter application is to provide recognition of Mass Shelters as important and life-saving places for people experiencing homelessness and others who need a safe place to stay. This section provides for the review of new Mass Shelters and establishes that Mass Shelter applications will be processed under a Type 2 procedure. This Section is carried out by the approval criteria listed herein.

40.65.10. Applicability.

The provisions of this section apply when a new Mass Shelter, as defined in CHAPTER 90 of this Code, is proposed. This section does not apply to properties in which a previous Mass Shelter approval has been obtained and is already in effect, or to existing Mass Shelters that were legally established prior to [insert effective date of ordinance here].

40.65.15. Application.

There is a single Mass Shelter application which is subject to the following requirements.

1. Mass Shelter.
 - A. Threshold. An application for a Mass Shelter shall be required when the following threshold applies:
 1. A new Mass Shelter, as defined in CHAPTER 90 of this Code, is proposed.
 - B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for a Mass Shelter. The decision making authority is the Director.
 - C. Approval Criteria. In order to approve a Mass Shelter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 1. The proposal satisfies the threshold requirement for a Mass Shelter application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
 4. The proposal is consistent with all applicable provisions of CHAPTER 20 (Land Uses) of the Development Code, or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District.



- 5. The proposal complies with all applicable provisions in CHAPTER 60 (Special Requirements).
- 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Mass Shelter shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Mass Shelter application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Mass Shelter application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

[ORD 4224, 09/19/2002; ORD 4822, 06/30/2022]

Effective on: 6/30/2022



CHAPTER 50 - PROCEDURES

[ORD 4224; September 2002] [ORD 4702; January 2017]

Contents:

- 50.05. Initiation of an Application.**
- 50.10. Withdrawal of an Application.**
- 50.15. Classification of Applications.**
- 50.20. Pre-Application Conference.**
- 50.25. Application Completeness.**
- 50.30. Neighborhood Review Meeting.**
- 50.35. Type 1.**
- 50.40. Type 2.**
- 50.45. Type 3.**
- 50.50. Type 4.**
- 50.53. Expedited Land Division and Middle Housing Land Division.**
- 50.55. Conduct of Planning Commission Hearing.**
- 50.57. Time Limits on Planning Commission Hearing Testimony.**
- 50.58. Testimony, Exhibits, and Other Evidence before the Planning Commission.**
- 50.60. Appeal of a Type 1 Decision.**
- 50.65. Appeal of a Type 2 Decision.**
- 50.70. Appeal of a Type 3 Decision.**
- 50.75. City Council Consideration of a Type 4, Street Vacation, Non-Discretionary Annexation Related Zoning Map Amendment, Quasi-Judicial Zoning Map Amendment, and Discretionary Annexation Related Zoning Map Amendment Application.**
- 50.80. Conduct of Planning Commission Appeal Hearing.**
- 50.82. Time Limits on Planning Commission Appeal Hearing Testimony.**
- 50.83. Testimony, Exhibits, and Other Evidence before the Planning Commission.**
- 50.85. Conduct of the City Council Appeal Hearing.**
- 50.87. Time Limits on City Council Appeal Hearing Testimony.**
- 50.88. Testimony, Exhibits, and Other Evidence before the City Council.**
- 50.89. Withdrawal of an Appeal.**
- 50.90. Expiration of a Decision.**
- 50.93. Extension of a Decision.**
- 50.95. Modification of a Decision.**
- 50.97. Permit Renewal.**
- 50.99. Re-Application or Supplemental Application after Denial.**



Commentary: Section 50.65 Appeal of a Type 2 Decision.

The Preferred Approach indicates that the decision making authority for an appeal of a Mass Shelter application shall be City Council, rather than Planning Commission as typically required with an appeal of a Type 2 application. Sections 50.65.5 and 50.65.6 have been updated to reflect this. Language has also been added to Section 50.65.6 to clarify that if a Mass Shelter application was approved concurrently with another application, the decision making authority for the appeal of all concurrent applications shall be City Council.

50.65. Appeal of a Type 2 Decision.

1. The Director's decision on a Type 2 application may be appealed only by the applicant or by any other person who submitted written evidence prior to the decision of the Director. The appeal must be on an Appeal Form provided by the Director and must be received within twelve (12) calendar days after written notice of the decision was dated and mailed. [ORD 4312; July 2004] [ORD 4809; September 2021]
2. For a project that contains multiple applications approved concurrently, a separate appeal application is required to address each decision being appealed. [ORD 4782; April 2020]
3. Within seven (7) calendar days after an appeal has been filed, the Director shall determine whether an appeal contains at least the following information:
 - A. The case file number designated by the City.
 - B. The name and signature of each appellant.
 - C. Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
 - D. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
 - E. The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
 - F. The appeal fee, as established by resolution of the City Council.
4. Failure to comply with the requirements of Sections 50.65.1 and 50.65.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.
5. Except for the appeals of Director's Interpretation (Section [40.25.](#)) and Mass Shelter applications (Section 40.65), the appellate decision making authority on appeal of Type 2 decisions shall be the Planning Commission. The appeal hearing for Type 2 decisions shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Sections [50.80.](#) through [50.83.](#) The decision of the Planning Commission for appeals of Type 2 decisions shall be the final decision and shall not be subject to further appeal to the City Council. [ORD 4532; April 2010] [ORD 4809; September 2021]
6. The appellate decision making authority for Director's Interpretation (Section [40.25](#)) and Mass Shelter applications (Section 40.65) shall be the City Council. The appeal hearing for Director's Interpretation and Mass Shelter applications shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in accordance with Sections [50.85.](#) through [50.88.](#) except as otherwise required by statute. If a Mass Shelter application was approved concurrently with another application, the appellate decision making authority for all the concurrent applications shall be City Council.



Commentary: Section 50.90 Expiration of a Decision

The new Mass Shelter application type has been added to this section, which specifies expiration dates for different types of applications. City staff recommends that a Mass Shelter application expire after two years from the effective date of decision, which is consistent with most Type 2 applications. A request to extend a Mass Shelter decision will be subject to the existing procedures in Section 50.93 Extension of a Decision. Section 50.93 will not be changed by this proposed Text Amendment.

50.90. Expiration of a Decision.

1. Except as otherwise specifically provided in a specific decision or in this Code, a final decision made pursuant to this Chapter shall expire automatically on the following schedule unless the approval is enacted either through construction or establishment of use within the specified time period.
 - A. Five (5) years from the effective date of decision where phasing of the development is proposed:
 - Planned Unit Development (Section 40.15.15.4.)
 - Preliminary Fee Ownership Subdivision (Section 40.45.15.7.)
 - Preliminary Subdivision (Section 40.45.15.5.)
 - Replat Two (Section 40.45.15.3.)
 - B. Three (3) years from the effective date of decision:
 - Middle Housing Land Division (Section 40.45.15.10)
 - C. Two (2) years from the effective date of decision:
 - Accessory Dwelling Unit (Section 40.05.15.1.)
 - Alteration of a Landmark (Section 40.35.15.1.)
 - Commercial Timber Harvest (Section 40.90.15.4.)
 - Conditional Use (Section 40.15.15.4.)
 - Demolition of a Landmark (Section 40.35.15.3.)
 - Design Review Two (Section 40.20.15.2.)
 - Design Review Three (Section 40.20.15.3.)
 - Single-Detached and Middle Housing Design Review One (Section 40.21.15.1.)
 - Single-Detached and Middle Housing Design Review Two (Section 40.21.15.2.)
 - Single-Detached and Middle Housing Design Review Three (Section 40.21.15.3.)
 - Downtown Design Review Two (Section 40.23.15.2.)
 - Downtown Design Review Three (Section 40.23.15.3.)
 - Emergency Demolition of a Landmark (Section 40.35.15.2.)
 - Expedited Land Division (Section 40.45.15.9.)
 - Final Land Division (Section 40.45.15.8.)
 - Food Cart Pod (Section 40.32.15.2.)
 - Major Adjustment (Section 40.10.15.2.)
 - Major Adjustment - Affordable Housing (Section 40.10.15.4.)
 - Major Modification of a Conditional Use (Section 40.15.15.2.)
 - Minor Adjustment (Section 40.10.15.1.)
 - Minor Adjustment - Affordable Housing (Section 40.10.15.3.)
 - Minor Modification of a Conditional Use (Section 40.15.15.1.)
 - Planned Unit Development (Section 40.15.15.4.) when there is no phasing to the development
 - Preliminary Fee Ownership Partition (Section 40.45.15.6.)
 - Preliminary Fee Ownership Subdivision (Section 40.45.15.7.) when there is no phasing to the development
 - Preliminary Partition (Section 40.45.15.4.)



- Preliminary Subdivision (Section [40.45.15.5.](#)) when there is no phasing to the development
- Property Line Adjustment (Section [40.45.15.1.](#))
- Public Transportation Facility (Section [40.57.15.1.](#))
- Replat One (Section [40.45.15.2.](#))
- Replat Two (Section [40.45.15.2.](#)) when there is no phasing to the development
- [Mass Shelter \(Section 40.65.15.1\)](#)
- Tree Plan One (Section [40.90.15.1.](#))
- Tree Plan Two (Section [40.90.15.2.](#))
- Tree Plan Three (Section [40.90.15.3.](#))
- THPRD Annexation Waiver (Section [40.93.15.](#))
- Variance (Section [40.95.15.1.](#))
- Wireless Facility One (Section [40.96.15.1.](#))
- Wireless Facility Two (Section [40.96.15.2.](#))
- Wireless Facility Three (Section [40.96.15.3.](#))
- Zero Side Yard Setback for a Proposed Non-Residential Land Division (Section [40.30.15.1.](#))



CHAPTER 60 - SPECIAL REQUIREMENTS

Contents:

- 60.05. Design Review Design Principles, Standards and Guidelines**
- 60.07. Drive-Up Window Facilities**
- 60.10. Floodplain Regulations**
- 60.11. Food Cart Pod Regulations**
- 60.12. Habitat Friendly Development Practices**
- 60.15. Land Division Standards**
- 60.20. Manufactured Home Regulations**
- 60.25. Off-Street Loading Requirements**
- 60.30. Off-Street Parking**
- 60.33. Park and Recreation Facilities and Services Provision**
- 60.35. Planned Unit Development**
- 60.40. Sign Regulations**
- 60.45. [REPEALED]**
- 60.50. Special Use Regulations**
- 60.55. Transportation Facilities**
- 60.60. Trees and Vegetation**
- 60.65. Utility Undergrounding**
- 60.67. Significant Natural Resources**
- 60.70. Wireless Communications Facilities**

60.25. Off-Street Loading Requirements

[ORD 4224; August 2002]

[ORD 4224, 09/19/2002]

60.25.05. Applicability.

No building or structure subject to the off-street loading requirements of this section shall be erected, nor shall any such existing building or structure be altered so as to increase its gross floor area to an amount exceeding 25% more than its existing gross floor area, without prior provisions for off-street loading space in conformance with the requirements of this section.

[ORD 4224, 09/19/2002]

Effective on: 9/19/2002

60.25.10. Loading Berth Design.

Required off-street loading space shall be provided in berths which conform to the following minimum specifications:



1. Type A berths shall be at least 60 feet long by 12 feet wide by 15 feet high, inside dimensions with a 60 foot maneuvering apron.
2. Type B berths shall be at least 30 feet long by 12 feet wide by 14 feet 6 inches high, inside dimensions with 30 feet maneuvering apron.

[ORD 4224, 09/19/2002]

Effective on: 9/19/2002

Commentary: Section 60.25.15. Number of Required Loading Spaces.

The Preferred Approach indicates there will be flexible site design for shelters, including not requiring minimum parking onsite. Consistent with this approach, shelters will not have minimum loading requirements. This is reflected in Section 60.25.15.

60.25.15. Number of Required Loading Spaces.

The following numbers and types of berths shall be provided for the specified uses. The uses specified below shall include all structures designed, intended or arranged for such use. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as a use which is most similar. Domestic Violence Shelters, Emergency Shelters, and Mass Shelters are exempt from loading requirements.

Table 60.25.15 Number of Required Loading Spaces.

Table 60.25.15 Number of Required Loading Spaces.			
USE	AGGREGATE FLOOR AREA (SQ. FT.)	BERTHS REQUIRED	TYPE
1. Freight terminals, Industrial plants, Manufacturing or wholesale establishments, Warehouses.	12,000 - 36,000	1	A
	36,001 - 60,000	2	A
	60,001 - 100,000	3	A
	each additional 50,000 or fraction thereof	1 additional	A
2. Auditoria, Motel, Convention Halls, or Sports Arenas. [ORD 3293; November 1982]	25,000 - 150,000	1	B
	150,001 - 400,000	2	B
	each additional 250,000 or fraction thereof	1 additional	B
3. Hospitals, Residential Care Facilities. [ORD 4036; April 1999]	10,000 - 100,000	1	B
	over 100,000	2	B
4. Department stores, retail establishments, funeral homes, restaurants, and commercial establishments not otherwise specified.	7,000 - 24,000	1	B
	24,001 - 50,000	2	B
	50,001 - 100,000	3	B
	each additional 50,000 or fraction thereof	1 additional	B
5.	15,000-100,000	1	B



Table 60.25.15 Number of Required Loading Spaces.

USE	AGGREGATE FLOOR AREA (SQ. FT.)	BERTHS REQUIRED	TYPE
Downtown Zones Only: Department stores, retail establishments, funeral homes, restaurants, and commercial establishments not otherwise specified. [ORD 4799; January 2021]	Each additional 100,000 or fraction thereof	1 additional	B
6. Hotels, Extended Stay Hotels or Office Buildings. [ORD 3958; June 1996] [ORD 4584; June 2012]	25,000 - 40,000	1	B
	40,001 - 100,000	2	B
	each additional 100,000 or fraction thereof	1 additional	B
7. Downtown Zones Only: Hotels, Extended Stay Hotels or Office Buildings. [ORD 4799; January 2021]	50,000-100,000	1	B
	each additional 10,000 or fraction thereof	1	B
8. Schools	over 14,000	1	B
9. Concurrent different uses. When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the decision making authority but in no event shall the loading requirements be less than the total requirement for each use based upon its aggregate floor area.			

[ORD 4224, 09/19/2002; ORD 4584, 06/01/2012; ORD 4799, 01/08/2021]

Effective on: 1/8/2021

60.30. Off-Street Parking

[ORD 4224, 09/19/2002]

60.30.05. Off-Street Parking Requirements.

Parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building or use which is erected, enlarged, altered, or maintained in accordance with the requirements of Sections 60.30.05 to 60.30.20.

1. Availability. Required parking spaces shall be available for parking operable passenger automobiles and bicycles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for parking of trucks used in conducting the business or use.
 - A. Businesses that are approved pursuant to the Open Air Beaverton program and are located outside of Regional Center Parking District 1 may utilize a minimum of two off-street parking spaces, or up to one off-street parking space per 1,000 square feet of interior floor area occupied by the business, whichever is greater, for the program. In calculating the number of parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.



- B. Businesses that are approved pursuant to the Open Air Beaverton program and are located inside of Regional Center Parking District 1 may utilize an unlimited number of off-street parking spaces for the program, with the parking lot owner's permission.
2. Vehicle Parking. Vehicle parking shall be required for all development proposed for approval after November 6, 1996 unless otherwise exempted by this ordinance. The number of required vehicle parking spaces shall be provided according to Section 60.30.10.5.
3. Bicycle Parking. [ORD 3965; November 1996] Bicycle parking shall be required for quadplexes, townhouses (with 4 or more units), cottage clusters, multi-dwellings, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual. [ORD 4397; August 2006] [ORD 4822; June 2022]

[ORD 4107; May 2000]

[ORD 4079, 12/09/1999; ORD 4107, 05/02/2000; ORD 4224, 09/19/2002; ORD 4397, 08/10/2006; ORD 4819, 01/14/2022; ORD 4822, 06/30/2022]

Effective on: 6/30/2022

Commentary: Section 60.30.10. Number of Required Parking Spaces.

The Preferred Approach indicates that shelters will not have minimum parking requirements. The state's new Climate Friendly and Equitable Communities rules will remove the city's ability to require off-street parking for shelters, so the draft rules were written to reflect the state's rules. This is reflected in Table 60.30.10.5.A, Table 60.30.10.B, and Table 60.30.10.6.

60.30.10. Number of Required Parking Spaces.

Except as otherwise provided under Section 60.30.10.11., off-street vehicle, bicycle, or both parking spaces shall be provided as follows:

1. **Parking Calculation.** Parking ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.
2. **Parking Categories.**
 - A. Vehicle Categories. Contained in the table at Section 60.30.10.5. are vehicle parking ratios for minimum required parking spaces and maximum permitted number of vehicle parking spaces to be provided for each land use, except for those uses which are located in the Regional Center which are governed by Section 60.30.10.6. These requirements reflect the parking requirements of Title 4 of Metro's Regional Transportation Functional Plan. [ORD 4471; February 2008] [ORD 4584; June 2012] [ORD 4686; July 2016]
 1. Minimum number of required parking spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.
 2. Parking Zone A. Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter mile walking distance of bus transit stops that have 20-minute peak hour transit service or one-half mile walking distance of light rail station platforms that have 20-minute peak hour transit service.
 3. Parking Zone B. Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located within one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both, or that have a greater than 20 minute peak hour transit service. Parking Zone B areas also include



those parcels that are located at a distance greater than one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both.

4. **Dual parking zones.** If a parcel is partially located within Parking Zone A, then the use(s) located on the entire parcel shall observe the Parking Zone A parking ratios. Specifically exempted from this requirement are parcels located within the Regional Center - East zoning district. In the cases in the Regional Center - East zoning district where parcels are bisected by the boundary of Parking Zones A and B, the applicable maximum parking ratios may be averaged, and that average may be applied over the whole parcel. [ORD 4107; May 2000]
 5. **Regional Center Parking Districts 1 and 2.** Located within the boundary of the Regional Center are two (2) parking districts. Within these two districts, the parking requirements of Section 60.30.10.5.A do not apply. The required number of parking spaces for the Regional Center Parking Zones 1 and 2 shall be governed by Section 60.30.10.6. [ORD 4471; February 2008] [ORD 4584; June 2012] [ORD 4686; July 2016] [ORD 4799; January 2021]
- B. **Bicycle Categories.** The required minimum number of short-term and long-term bicycle parking spaces for each land use is listed in Section 60.30.10.5.
1. **Short-Term parking.** Short-term bicycle parking spaces accommodate persons that can be expected to depart within two hours. Short-term bicycle parking is encouraged to be located on site within 50 feet of a primary entrance, or if there are site, setback, building design, or other constraints, bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority
 2. **Long-Term parking.** Long-term bicycle parking spaces accommodate persons that can be expected to leave their bicycle parked longer than two hours. Cover or shelter for long-term bicycle parking shall be provided. School buildings are exempted from the requirement to cover long-term bicycle parking.
 3. Bicycle parking shall be designed, covered, located, and lighted to the standards of the Engineering Design Manual and Standard Drawings. [ORD 4302; June 2004]
 4. Bicycle parking in the Old Town Parking Zones 1 and 2 shall be governed by the bicycle parking requirements listed in Section 60.30.10.5. [ORD 4471; February 2008]
3. **Ratios.** In calculating the required number of vehicle and bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number. In calculating the required number of vehicle and bicycle parking spaces, fractions less than 0.5 shall be rounded down to the nearest whole number. [ORD 3965; November 1996]
 4. **Uses Not Listed.** For uses not specifically mentioned in this section, the requirements for off-street parking facilities for vehicles and bicycles shall be determined with a Parking Requirement Determination (Section 40.55.1.). [ORD 4224; August 2002]
 5. **Parking Tables.** The following tables list the required minimum and maximum vehicle (Table 60.30.10.5.A) and bicycle parking requirements (Table 60.30.10.5.B) for listed land use types. The vehicle parking table excludes uses located in Regional Center zoning districts (See Table 60.30.10.6). [ORD 4584; June 2012] [ORD 4782; April 2020]



Table 60.30.10.5.A. - PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES
 (Excludes uses in Regional Center zoning districts - See Table 60.30.10.6)

Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Multiple Use Zones	All Other Zones	Zone A	Zone B
Residential Uses				
Single-Detached Dwellings, Duplex, or Townhouse in RMA, RMB or MC Zone (per unit) ⁵	N/A	1.0	N/A	N/A
Triplex or Quadplex in RMA, RMB, or RMC Zone				
Triplexes or Quadplexes on lots less than 3,000 square feet in area	N/A	1.0 per lot	N/A	N/A
Triplexes or Quadplexes on lots greater than or equal to 3,000 square feet and less than 5,000 square feet in area	N/A	2.0 per lot	N/A	N/A
Quadplexes on lots greater than 5,00 square feet but less than 7,000 square feet in area	N/A	3.0 per lot	N/A	N/A
All other Triplexes and Quadplexes	N/A	1.0 per unit	N/A	N/A
Cottage Cluster (per unit)	N/A	1.0	N/A	N/A
Duplex, Triplex, Quadplex, or Townhouse in Other Zone				
One bedroom (per unit)	1.0	1.25	1.8	1.8
Two bedrooms (per unit)	1.0	1.50	2.0	2.0
Three or more bedrooms (per unit)	1.0	1.75	2.0	2.0
Multi-Dwelling				
One bedroom (per unit)	1.0	1.25	1.8	1.8
Two bedrooms (per unit)	1.0	1.50	2.0	2.0
Three or more bedrooms (per unit)	1.0	1.75	2.0	2.0
Dwellings, Live/Work (per unit)	1.25	1.25	1.8	1.8
Dwelling, Accessory Unit	N/A	N/A	1.8	1.8
Mobile Homes (per unit)	1.0	1.0	2.0	2.0
Residential Care Facilities (per bed, maximum capacity)	0.25	0.5	0.5	0.5
Rooming, Boarding, or Lodging Houses (per guest room)	1.0	1.0	1.25	1.5
Commercial Amusements				
Arena/Stadium (per seat, maximum occupancy)	N/A	N/A	0.25	0.25
Movie Theaters (per seat, maximum occupancy)	0.3	0.3	0.4	0.5
Sports Clubs/Recreational Facilities	4.3	4.3	5.4	6.5
Tennis/Racquetball Courts	1.0	1.0	1.3	1.5
Institutions				
Hospital (per bed)	2.0	2.0	3.0	4.0
Public Buildings or other Structures	2.7	2.7	3.4	4.1
Welfare or Correctional Institution (per bed)	0.3	0.3	0.5	0.75
Fire Station	1.0	1.0	2.0	2.0



Table 60.30.10.5.A. - PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES
 (Excludes uses in Regional Center zoning districts - See Table 60.30.10.6)

Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Multiple Use Zones	All Other Zones	Zone A	Zone B
<u>Shelters: Domestic Violence, Emergency, or Mass</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Commercial Uses				
Retail, including shopping centers	3.0	3.3	5.1	6.2
Offices, Administrative Facilities	2.7	2.7	3.4	4.1
Bank, Financial Institutions	3.0	3.3	5.4	6.5
Service Businesses	3.0	3.0	5.1	6.2
Rental Businesses, including vehicle and trailer rental	2.7	3.3	3.5	4.1
Medical, Dental Clinics	3.9	3.9	4.9	5.9
Mortuaries (per seat, maximum occupancy)	0.25	0.25	0.5	0.75
Eating, Drinking Establishments				
Fast Food with drive-through service in the, SC-MU, and SC-HDR zones.	5.0	N/A	12.4	14.9
Fast Food with drive-through service in all other zones.	10.0	10.0	12.4	14.9
Other eating, drinking establishments in the, SC-MU, and SC-HDR zones.	5.0	N/A	19.1	23.0
Other eating, drinking establishments in all other zones.	10.0	10.0	19.1	23.0
Temporary Living Quarters (per guest room)	1.0	1.0	1.25	1.5
Places of Assembly				
Places of Worship (per seat at maximum occupancy)	0.25	0.25	0.6	0.8
Auditoria, meeting facilities; Social or Fraternal Organizations (per seat, maximum occupancy)	0.25	0.25	0.5	0.5
Educational Institutions: College, University, High School, Commercial School (spaces/number of FTE students and FTE staff)	0.2	0.2	0.3	0.3
Educational Institutions: Middle School, Elementary School (spaces/number of FTE staff)	1.0	1.0	1.5	1.5
Nursery Schools, Day or Child Care Facilities (spaces/number of FTE staff)	0.8	1.5	2.0	2.0
Library, museum, art gallery	2.5	2.5	4.0	6.0
Park and Ride facilities	N/A	N/A	N/A	N/A
Transit Centers	N/A	N/A	N/A	N/A
Industrial				
Manufacturing	1.6	1.6	2.0	2.0
Storage warehouse, wholesale establishment, rail or trucking terminal, vehicle or trailer storage.	0.3	0.3	0.4	0.5
Limited Industrial				



Table 60.30.10.5.A. - PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES
(Excludes uses in Regional Center zoning districts - See Table 60.30.10.6)

Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Multiple Use Zones	All Other Zones	Zone A	Zone B
Research Facilities	2.5	2.5	3.4	3.4
<p>[ORD 4107; May 2000] [ORD 4224; August 2002] [ORD 4462; January 2008] [ORD 4584; June 2012] [ORD 4659; July 2015] [ORD 4782; April 2020] [ORD 4822; June 2022]</p> <p>Notes:</p> <p>1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.</p> <p>2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.</p> <p>3. Refer to Section 60.30.10.11. for exceptions.</p> <p>4. In calculating the required number of vehicle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.</p> <p>5. For townhouse developments in RMA, RMB and RMC that propose a shared parking area, the parking ratio for required parking shall be 0.75 parking spaces per unit. [ORD 4822; June 2022]</p>				

Table 60.30.10.5.B. - PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Residential Uses		
Single-Detached Dwellings and Middle Housing	1 space per unit	1 space per unit
Multi-Dwelling Structure	2 spaces or 1 space per 20 dwelling units	1 space per dwelling unit
Residential Care Facilities (based upon maximum capacity)	1 space per 100 beds	1 space per 50 beds
Rooming, Boarding, or Lodging Houses (per guest room)	Not required	1 space for every 10 guest rooms
Commercial Amusements		
Arena/Stadium/Theater	2 spaces or 1 space per 200 seats	2 spaces or 1 space per 1,000 seats
Bowling Alley	1 space per 4,000 sq. ft. of floor area	1 space per 4,000 sq. ft. of floor area
Dance Hall, Skating Rink	1 space per 500 sq. ft. of floor area	1 space per 4,000 sq. ft. of floor area
Recreational Facility	2 spaces, or spaces to meet the combined requirements of the uses being conducted	2 spaces, or spaces to meet the combined requirements of the uses being conducted
Commercial Uses		
Retail, including shopping centers	2 spaces or 1 space per 12,000 sq. ft. of floor area	2 spaces or 1 space per 12,000 sq. ft. of floor area



Table 60.30.10.5.B. - PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Offices, Administrative Facilities	2 spaces or 1 space per 8,000 sq. ft. of floor area	2 spaces or 1 space per 8,000 sq. ft. of floor area
Bank, Financial Institutions	2 spaces or 1 space per 8,000 sq. ft. of floor area	2 spaces or 1 space per 8,000 sq. ft. of floor area
Medical, Dental Clinics	2 spaces or 1 space per 20,000 sq. ft. of floor area	2 spaces or 1 space per 10,000 sq. ft. of floor area
Eating, Drinking Establishments	2 spaces or 1 space per 4,000 sq. ft. of floor area	2 spaces or 1 space per 4,000 sq. ft. of floor area
Mortuaries	Not required	1 space
Automotive Service, Minor	2 spaces or 1 space per 5,000 sq. ft. of floor area	2 spaces or 1 space per 5,000 sq. ft. of floor area
Truck, trailer, and automobile rental	Not required	2 spaces
Temporary Living Quarters	Not required	1 space per 50 guest units
Places of Assembly		
Auditoria, meeting facilities	1 space per 10,000 sq. ft. of floor area	2 spaces
Places of Worship	1 space per 10,000 sq. ft. of floor area	2 spaces
Social or Fraternal Organizations	2 spaces, or spaces to meet the combined requirements of the uses being conducted	2 spaces, or spaces to meet the combined requirements of the uses being conducted
Educational Institutions: College, University, Commercial School	Not required	4 spaces per classroom
Educational Institutions: High School	Not required	1 space per 18 students
Educational Institutions: Middle School, Elementary School	Not required	1 space per 9 students
Nursery Schools, Day or Child Care Facilities	Not required	1 space per classroom
Library, museum, art gallery	1 space per 2,500 sq. ft. of floor area	1 space per 10,000 sq. ft. of floor area
Park and Ride Facilities	Not required	5% of auto spaces
Transit Centers		
Bus	Not required	2 spaces per bus bay
Light Rail (per station)	Not required	10 spaces
Institutions		
Hospital	1 space per 100 beds	1 space per 50 beds

**Table 60.30.10.5.B. - PARKING RATIO REQUIREMENTS FOR BICYCLES**

Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Welfare or Correctional Institution	1 space per 100 beds	1 space per 50 beds
<u>Shelters: Domestic Violence, Emergency, or Mass</u>	<u>Not required</u>	<u>Not required</u>
Industrial		
Manufacturing	Not required	2 spaces, or 1 space per 20,000 sq. ft. of floor area
Storage warehouse, wholesale establishment, rail or trucking terminal, vehicle or trailer storage.	Not required	2 spaces, or 1 space per 80,000 sq. ft. of floor area
<p>[ORD 4224; August 2002] [ORD 4584; June 2012] [ORD 4659; July 2015] [ORD 4782; April 2020] [ORD 4822; June 2022]</p> <p>Notes:</p> <p>1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.</p> <p>2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.</p> <p>3. In calculating the required number of bicycle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.</p> <p>4. Where an option is provided under bicycle parking, whichever standard results in the greater number of bicycle parking spaces is the minimum number required. "Not required" means that the provision of bicycle parking is at the option of the property owner.</p>		

6. **Regional Center Parking Tables.** The following tables list the required minimum and maximum vehicle parking requirements for land use types in the Regional Center. Within the boundary of the Regional Center - Old Town (RC-OT), Regional Center - Beaverton Central (RC-BC), Regional Center - Mixed Use (RC-MU), Regional Center - Downtown Transition (RC-DT), and Regional Center - East (RC-E) are two (2) parking districts. [ORD 4584; June 2012] [ORD 4686; July 2016] [ORD 4799; January 2021]

Table 60.30.10.6 - PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES IN THE REGIONAL CENTER

Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Parking District 1	Parking District 2	Zone A	Zone B
Residential Uses				
Detached dwellings (per unit)	.75	1.0	N/A	N/A
Duplex, Triplex, Quadplex, Townhouse, or Multi-Dwelling (per unit)	.75	1.0	2.0	2.0
Dwelling, Accessory Unit	.75	1.0	1.8	1.8
Commercial				
Hospital (per bed)	2.0	2.0	3.0	4.0
Medical, Dental Clinics	0	3.9	4.9	5.9
Arena/Stadium/Movie Theater (per seat, maximum occupancy)	0	N/A	0.25	0.25
Movie Theater (per seat, maximum occupancy)	0	0.3	0.4	0.5
Residential Care Facilities (per bed, maximum capacity)	0.25	0.25	0.5	0.5

**Table 60.30.10.6 - PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES IN THE REGIONAL CENTER**

Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Parking District 1	Parking District 2	Zone A	Zone B
Rooming, Boarding, or Lodging Houses (per guest room)	0	1.0	1.25	1.5
Eating, Drinking Establishments	0	10.0	19.1	23.0
Bank, Financial Institutions	0	3.0	5.4	6.5
Live/Work Uses (per unit)	0.75	1.25	1.8	1.8
Offices, Administrative Facilities	0	2.7	3.4	4.1
Rental Businesses, including vehicle and trailer rental	0	2.7	3.5	4.1
Retail, including shopping centers	0	3.0	5.1	6.2
Service Businesses/Professional Services	0	3.0	5.1	6.2
Temporary Living Quarters (per guest room)	0	1.0	1.25	1.5
Sports Clubs/Recreational Facilities	0	4.3	5.4	6.5
Tennis/Racquetball Courts	0	1.0	1.3	1.5
Mortuaries (per seat, maximum occupancy)	0	0.25	0.5	0.75
Civic				
Educational Institutions: College, University, High School, Commercial School (spaces/number of FTE students and FTE staff)	0.2	0.2	0.3	0.3
Educational Institutions: Middle School, Elementary School (spaces/number of FTE staff)	1.0	1.0	1.5	1.5
Nursery Schools, Day or Child Care Facilities (spaces/number of FTE staff)	0.8	0.8	2.0	2.0
Places of Worship (per seat at maximum occupancy)	0.25	0.25	0.6	0.8
Public Buildings or other Structures	2.7	2.7	3.4	4.1
Auditoria, Meeting Facilities; Social or Fraternal Organizations (per seat, maximum occupancy)	0.25	0.25	0.5	0.5
Library, museum, art gallery	2.5	2.5	4.0	6.0
Park and Ride Facilities	N/A	N/A	N/A	N/A
Transit Centers	N/A	N/A	N/A	N/A
Welfare or Correctional Institution (per bed)	0.3	0.3	0.5	0.75
<u>Shelters: Domestic Violence, Emergency, or Mass</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Industrial				
Manufacturing	1.6	1.6	2.0	2.0
Research Facilities	2.5	2.5	3.4	3.4
[ORD 4471; February 2008] [ORD 4498; January 2009] [ORD 4584; June 2012] [ORD 4686; July 2016] [ORD 4782; April 2020] ORD 4799; January 2021] [ORD 4822; June 2022]				

60.50. Special Use Regulations



[ORD 4224, 09/19/2002]

Commentary: Section 60.50.25. Uses Requiring Special Regulation.

The Preferred Approach indicates that if a shelter site provides a smoking area, it must be at least 10 feet away from the property line to minimize exposure of secondhand smoke for neighbors of adjacent properties. This distance is consistent with the Oregon Indoor Clean Air Act, which prohibits smoking or vaping within 10 feet of entrances, exits, windows, and accessibility ramps of public places and workplaces. The Draft Code proposed a 20-foot setback distance to further limit the exposure of potential secondhand smoke for neighbors with an option to reduce the distance if it cannot be met.

During the November 1, 2022, City Council work session, Council members directed staff to not include an option to reduce the 20-foot distance. This change is reflected below.

60.50.25. Uses Requiring Special Regulation.

In addition to other standards and requirements by this ordinance, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this ordinance, the more restrictive provision shall control. [ORD 4782; April 2020]

15. Domestic Violence Shelters, Emergency Shelters, or Mass Shelters. If smoking or vaping is allowed outdoors on the property, there shall be a designated smoking or vaping area. If a Domestic Violence Shelter, Emergency Shelter, or Mass Shelter site includes a designated outdoor smoking or vaping area, the smoking or vaping area shall be located at least 20 feet from any lot line that abuts a residential use and any on-site or off-site building air intakes including entrances, exits, windows that open, or ventilation intakes that serve an enclosed area.

[ORD 3135, 08/28/1979; ORD 3162, 04/03/1980; ORD 3181, 07/16/1980; ORD 3204, 02/26/1981; ORD 3218, 08/13/1981; ORD 3242, 01/28/1982; ORD 3293, 11/25/1982; ORD 3345, 12/08/1983; ORD 3352, 01/19/1984; ORD 3494, 03/27/1986; ORD 3739, 09/08/1990; ORD 3998, 01/01/1998; ORD 4079, 12/09/1999; ORD 4107, 05/02/2000; ORD 4118, 09/14/2000; ORD 4224, 09/19/2002; ORD 4312, 07/22/2004; ORD 4332, 01/01/2005; ORD 4532, 04/01/2010; ORD 4584, 06/01/2012; ORD 4779, 03/06/2020; ORD 4782, 04/17/2020]

Effective on: 4/17/2020



CHAPTER 70 - DOWNTOWN DESIGN DISTRICT

Contents:

70.05. Administration

70.10. Downtown Design Principles

70.15. Downtown Zoning and Streets

70.20. Downtown Design Guidelines and Standards

[ORD 4799, 01/08/2021]

70.15 Downtown Zoning and Streets

Contents:

1. 70.15.05. Zoning Districts
2. 70.15.10. District Purpose and Development Standards
3. 70.15.15. Street Typology
4. 70.15.20. Downtown Use Regulations
5. 70.15.25. Active Ground-floor Land Use Regulations

[ORD 4799, 01/08/2021]

Commentary: Section 70.15.20. Downtown Use Regulations

The Preferred Approach indicates that shelters will be created as a new use category under civic uses and will be allowed as a permitted use in all zones. This is reflected in Table 70.15.20.A.

The added footnote in the table provides clarification that additional requirements apply for siting emergency shelters in these zoning districts in accordance with Section 10.70.10.

70.15.20. Downtown Use Regulations

The following Land Uses are classified in the following three categories: Permitted (P) including their accessory uses and structures, Conditional Uses (C), or Prohibited (N) uses as identified in the table below for all four Zoning Districts. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below.

Table 70.15.20.A Commercial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
		RC-BC	RC-OT	RC-MU	RC-DT
Residential					
1. Dwellings	A. Single-Detached Dwelling	N ¹	N ¹	N ¹	N ¹
	B. Duplex	P	P	P	P
	C. Triplex and Quadplex	P	P	P	P
	D. Townhouse	P	P	P	P



Table 70.15.20.A Commercial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
		RC-BC	RC-OT	RC-MU	RC-DT
	E. Cottage Cluster	N	N	N	N
	F. Multi-Dwelling	P	P	P	P
	G. Home Occupation	P	P	P	P
	H. Planned Unit Development	C	C	C	C
Commercial					
2. Animal	A. Animal Care, Major	N	N	N	N
	B. Animal Care, Minor	P	P	P	P ³
3. Care	A. Hospitals	C	C	C	C
	B. Medical Clinics	P	P	P	C
	C. Child Care Facilities	P	P	P	C
	D. Residential Care Facilities	P	P	P	C
4. Commercial Amusement		P	P	P	N
5. Drive-Up Window Facilities		N ⁸	N ⁸	N ⁸	N ⁸
6. Eating and Drinking Establishment		P	P	P	P ³
7. Financial Institutions		P	P	P	N
8. Live / Work Units		P	P	P	C
9. Meeting Facilities		P	P C ²	P	N
10. Office		P	P	P	P ³
11. Parking as the Principal Use		C	C	C	N
12. Rental Business		P	P	P	P ³
13. Rental of Equipment Only		N	N	N	N
14. Retail		P ⁹	P ⁹	P ⁹	P ^{3,9}
15. Personal Service Business		P	P	P	P ³
16. Service Business / Professional Services		P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
17. Marijuana Dispensary		N	N	N	N
18. Retail and Wholesale Marijuana Sales		N	N	N	N
19. Storage	A. Self-Storage Facilities	N	N	N	N
	B. Storage Yards	N	N	N	N
20. Temporary Living Quarters		P	P	P	C ⁴
21. Vehicles	A. Automotive Service, Major	N	N	N	N
	B. Automotive Service, Minor	N	N	N	N
	C. Bulk Fuel Dealerships	N	N	N	N
	D. Sales or Lease	N	N	N	N
	E. Rental	C ⁷	C ⁷	C ⁷	N
22. Food Cart Pods ⁵		P	P	P	N
Civic					
23. Education	A. Commercial Schools	P	P	P	N
	B. Educational Institutions	P	P	P	C



Table 70.15.20.A Commercial - Category and Specific Use		P: Permitted C: Conditional N: Prohibited Superscript Refers to Use Restrictions			
		RC-BC	RC-OT	RC-MU	RC-DT
24. Places of Worship		P	P C ²	P	P
25. Public Buildings, Services and Uses		P	P	P	P
26. Railroad Tracks and Facilities	A. Passenger	P	P	P	P
	B. Freight	P	P	P	N
27. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	P	P	P	P
	B. Public Dog Parks or Dog Runs	P	P	P	P
	C. Recreational Facilities	P	P	P	P ¹²
	D. Community Gardens	P	P	P	P
<u>28. Shelters</u>	<u>A. Domestic Violence Shelter</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>B. Emergency Shelter</u>	<u>P¹⁴</u>	<u>P¹⁴</u>	<u>P¹⁴</u>	<u>P¹⁴</u>
	<u>C. Mass Shelter</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>289. Social Organizations</u>		P ²	P ²	P ²	N
<u>2930. Transit Centers</u>		P	P	P	N
<u>301. Utilities</u>	A. Utility Substations and Related Facilities other than Transmission Lines	C	C	C	C
	B. Transmission Lines	P	P	P	P
<u>312. Wireless Communications Facilities</u>		P	P	P	P
Industrial					
<u>323. Manufacturing, Fabricating, Assembly, Processing, and Packing¹³</u>		P C ⁶	P C ⁶	P C ⁶	N
<u>334. Marijuana Processing</u>		N	N	N	N
<u>345. Warehousing¹¹</u>		P	P	P	N
<u>356. Laboratory¹³</u>		P	P ³	P	N

<u>14)Emergency Shelters may occur where allowed pursuant to Section 10.70.10.</u>					

[ORD 4799, 01/08/2021; ORD 4804, 08/13/2021; ORD 4822, 06/30/2022]

Effective on: 6/30/2022



CHAPTER 90 - DEFINITIONS

The following words and phrases shall be construed to have the specific meaning assigned to them by definition.

Words used in present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.

The term "shall" is always mandatory and the words "may" and "should" are permissive. [ORD 4659; July 2015]

The masculine gender includes the feminine and neuter.

[ORD 4224; September 2002]

[ORD 4224, 09/19/2002; ORD 4659, 07/10/2015]

Care Facilities. General care located within a dwelling accommodating not more than five nonrelated persons, for children and seniors.

[ORD 4542, 06/17/2010; ORD 4782, 04/17/2020]

Effective on: 4/17/2020

Commentary: Dwelling, Dwelling Unit, and Guest House.

The definitions of Dwelling, Dwelling Unit, and Guest House are updated to clarify the uses do not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.

Dwelling. Any building or portion thereof designed or used as the residence or sleeping place for one or more persons.

[This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.](#)

Effective on: 3/20/1998

Dwelling Unit. One or more rooms used or intended to be used by one household containing, at a minimum, the living facilities required by the current Oregon Structural Code or applicable ordinance. [This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.](#)

[ORD 4822, 06/30/2022]

Effective on: 6/30/2022

Guest House. An accessory building used for the purpose of providing temporary living accommodations, and containing no kitchen facilities. [This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.](#)

Effective on: 3/20/1998

Hotel. A building, or portion thereof, of more than five (5) rooms designed or intended to be used, let or hired out for the purpose of offering to the general public lodging on a day-to-day basis, where the primary entrance is through a lobby or foyer with internal circulation to the rooms; also, that in which there are no provisions for cooking in any individual room or suite.

[ORD 3958, 06/11/1996; ORD 4224, 09/19/2002]



Effective on: 6/1/2012

Hotel, Extended Stay. A hotel intended and designed for extended stays by guests and not a highway-oriented, overnight stay facility and which includes in-room cooking facilities.

[ORD 3958, 06/11/1996; ORD 4584, 06/01/2012]

Effective on: 6/1/2012

Motel. A transient occupancy use with external pedestrian access to rental rooms and with vehicular access to rooms.

[ORD 4224, 09/19/2002]

Effective on: 6/1/2012

Commentary: Residential Care Facilities.

The definition of Residential Care Facilities is updated to clarify the use does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.

Residential Care Facilities. A living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to Assisted Living Facilities, Congregate Care Facilities, Nursing Homes, Convalescent Homes, and Sanatoriums.

[This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.](#)

[ORD 4036, 04/01/1999]

Effective on: 6/1/2012

Commentary: Severe Cold and Severe Heat.

The Preferred Approach will remove references to Severe Cold and Severe Heat in Section 10.70.10 Inclement Weather Emergency Shelters. With these references removed, these definitions are no longer needed since they are not referenced elsewhere in the code.

Additionally, as described in the Preferred Approach, severe heat and cold may occur in many months, and temperature thresholds that include a minimum of two or more days could prevent a shelter from operating when conditions threaten public health. Inclement weather shelters must also rely on specific temperatures to open (32 degrees or less for severe cold and 98 degrees or more for severe heat), but people can be in danger at temperatures that do not reach these thresholds. Due to the ongoing climate crisis, severe cold and severe heat is harder to predict and may fall outside the June-August or November-March timeframes.

~~**Severe Cold.** A period of two or more days where temperatures are forecasted or actually reach 32 degrees Fahrenheit or below (November to March).~~

~~[ORD 4505, 05/14/2009]~~

~~Effective on: 6/1/2012~~

~~**Severe Heat.** A period of two or more days where temperatures are forecasted or actually reach 98 degrees Fahrenheit or above (June to August).~~

~~[ORD 4505, 05/14/2009]~~



Effective on: 6/1/2012

Commentary: Shelter, Domestic Violence.

The Preferred Approach indicates that domestic violence shelters will be treated differently from other types of shelters in the land use process. Creating a separate definition clarifies the distinction from other types of shelters.

Shelter, Domestic Violence. A facility providing temporary shelter and support for survivors of domestic violence.

Commentary: Shelter, Emergency.

Emergency Shelter is renamed to begin with "Shelter" to improve organization so all shelter definitions appear next to each other in the Definitions chapter.

The language "with overnight sleeping accommodations" is struck so that day shelters, such as cooling centers, may be included. The language "in a time of crisis" is also replaced with clearer language.

Emergency Shelter, Emergency. Any facility ~~with overnight sleeping accommodations, the purpose of which is to that~~ provides temporary shelter for the general population ~~in a time of crisis during a disaster, emergency, or other event that threatens life or public health, the existence of which shall be determined by the City Manager.~~

[ORD [4505](#), 05/14/2009]

Effective on: 6/1/2012

Commentary: Shelter, Mass.

The Preferred Approach indicates that a new definition of shelter will be created to clarify the distinction from similar types of uses. The term "Mass Shelter" is used to differentiate from equipment shelters, transit shelters, and other uses involving shelter.

Shelter, Mass. Any facility with indoor sleeping accommodations, the purpose of which is to provide temporary shelter for the general population on a long-term or short-term basis. Mass Shelters may offer meals, lodging and associated services on-site. Mass Shelters are not considered Dwellings and do not include Residential Care Facilities or Temporary Living Quarters.

Commentary: Temporary Living Quarters.

The definition of Temporary Living Quarters is updated to clarify the use does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters. The definition is also updated to clarify the distinction with other uses that are not rented out or rented for longer periods of time.

Temporary Living Quarters. Temporary living accommodations that can be rented out for an increment of less than 30 days, such as: Hotels, Motels, Extended-Stay Hotels, Single-Residency Occupancy Hotels, Bed and Breakfasts, or Boarding, Rooming or Lodging House. This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.

[ORD [3975](#), 03/07/1997]

Effective on: 6/1/2012
