



Code Maintenance Project

Index – Chapter 70

Introduction

The purpose of this table is to provide an overview of the proposed Beaverton Development Code changes being considered with the Code Maintenance Project, to be considered by the Beaverton Planning Commission on July 31, 2024 and Beaverton City Council on September 3, 2024.

This is a list of proposed changes and a summary of the reason for the proposed changes. Additional changes may also occur in response to Planning Commission or City Council feedback at the public hearings.

This table corresponds to proposed “redlines” which are also available as exhibits to the staff report. This index is intended to provide a brief description of the Development Code changes being considered. Highlighted portions of the table are to identify additions or changes since the distribution of earlier shared drafts of proposed changes for the Commission to more easily identify updates from earlier versions.

Draft redlines can be found [here](#).

Other Code Section(s)	Summary of Proposed Text Amendment	Staff Comments
<u>CHAPTER 70</u>		
Table 70.15.10.1.A Table 70.15.10.2.A Table 70.15.10.3.A Table 70.15.10.4.A	Exempt existing single-detached dwellings from minimum density standards.	Existing single detached dwellings (existing as of September 19, 2022) likely do not meet the minimum density on most sites. Since they are existing and existed prior to the density standards established by the Downtown code, the proposed text amendment would exempt existing single detached dwellings, and their replacements, from having to conform to new density standards. Table 70.15.20.A, footnote 1 states, "Detached dwellings in existence as of September 19, 2002, are Permitted. Replacement of detached dwelling permitted." Replacement dwellings are also unlikely to be able to meet minimum density standards therefore the proposed amendments would apply to

		existing single detached dwellings and their replacements.
Table 70.15.10.1.B Table 70.15.10.2.B Table 70.15.10.3.B Table 70.15.10.4.B	Exempt existing single-detached dwellings from setback standards.	Proposed amendment would exempt existing (existing as of September 19, 2022) single detached dwellings from having to meet current setbacks. These existing single-detached dwellings were constructed prior to the current standards being put into place. Maximum setbacks in particular, may be the most challenging for existing single detached dwellings to comply with. Replacement detached dwellings would be required to meet applicable setback standards.
Section 70.15.10.4	Update abbreviation of the zoning district.	Add "RC" for Regional Center prior to "DT" to follow the same abbreviation convention as the other zoning districts do in Downtown.
Table 70.15.20.A	Add Single Room Occupancies to the Downtown Use table, pursuant to HB 3395.	Proposed amendment would add "Single Room Occupancy" as a new use to the Downtown use table, consistent with HB 3395.
Table 70.15.20.A	Accessory Dwelling Units (ADUs) are not listed in Table 70.15.20.A – Downtown Use Regulations.	Add ADUs as a permitted use. By definition, (Chapter 90) an ADU is only permitted on the same lot as a single-detached dwelling, it is not permitted with any other kind of dwelling type. Therefore, the proposed change to allow ADUs in the Downtown District zones would be limited to lots with existing or replacement single-detached dwellings.
Table 70.15.20.A	Proposed footnote 15 would exempt certain uses from minimum FAR.	Proposed amendment would add a footnote to uses proposed to be exempt from minimum FAR. These are uses that do not require a lot of floor area, or any, to function, such as parks. For such uses, the

		minimum FAR standard would be difficult or impossible to meet.
Table 70.15.20.A	Remove the "C ² " from Places of Workshop in the RC-OT district. Footnote 2 requires that uses larger than 10,000 square feet are subject to a Conditional Use Permit.	The proposed amendment would remove the restriction to comply with Religious Land Use and Institutionalized Persons Act (RLUIPA).
Section 70.15.25.	Add section to 70.15.25 Active Ground-floor Land Use Regulations, that addresses adjustments to ground floor use restrictions along specific streets in the Downtown Districts, in response to SB1537.	SB1537 (Section 38) requires that local governments grant adjustments to certain development standards and design standards, including ground floor uses as identified in Section 38(4)(g)(D): "Prohibitions, for the ground floor of a mixed-use building, against: (i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and (ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments." The proposed language in Section 70.15.25 is intended to comply with SB1537 Section(38)(4)(g)(D)(i) by allowing ground floor units along all building elevations, save for one façade located within 20 feet of the street, as permitted within the aforementioned section of SB1537. However, SB1537 Section(38)(4)(g)(D)(ii) provides an exemption from having to allow "nonresidential active uses that support the residential uses of the building..." in "specifically and clearly

		defined mixed use areas or commercial corridors designated by local governments." The streets subject to the Active Street Frontages Table, are in the clearly defined Downtown District, a mixed-use area. Furthermore, the Downtown District is a Metro designated Regional Center and a designated Multimodal Mixed-use Area by the Oregon Department of Transportation. Therefore, changes in response to SB1537 Section(38)(4)(g)(D)(ii) are not proposed.
Table 70.20.05.4.A.S1	Add clarity to the standard.	Specify that accessory structures, non-habitable buildings and structures not considered a building cannot be used to satisfy this street frontage requirement. For example, a trash enclosure placed along the street frontage would not count.
Table 70.20.05.4.A.S1.g.l	Remove "throats".	A new definition of "driveway" is proposed in Chapter 90 which will convey the same intent of the standard without the additional word.
Table 70.20.05.4.A.S1.G.ii	Add "required easements" to the list of areas that can be subtracted from the street frontage calculation.	Unbuildable areas, such as sight clearance areas, can already be subtracted from the total length of a street frontage for the purposes of this standard. However, other unbuildable areas are not considered and cannot therefore be exempt. The proposed change would allow add an additional unbuildable area, required for utility easements, to be subtracted from the street frontage calculation.



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Table 70.20.10.3.A.S10	Update the names of the residential zones.	Old zoning districts were overlooked. Correct to reference current zoning districts.
Table 70.20.10.4.A.S1	Clarify applicability of Active Ground Floor Design Rules.	Proposed change would include clarifying language to ensure standards are only applicable to the designated Active Ground Floor areas identified in Figure 70.20.10.6.2 .
Table 70.20.10.10.A.G2	Provide a guideline for the use of “prohibited” materials.	<p>SB1537 (Section 38) requires that local governments grant adjustments to certain development standards and design standards, including (Section 38(5)):</p> <ul style="list-style-type: none"> (a) Façade materials, color or pattern. <p>The proposed text allows for some flexibility on the use of “prohibited” materials, and materials not listed, by allowing them on non-street facing elevations, up to 10%, through a Type 2 guideline.</p>