

## CHAPTER 10 - GENERAL PROVISIONS

**10.05. Title.** This Code shall be known and may be cited as the "Beaverton Development Code" and shall be referred to herein as "this Code." [ORD 3226; October 1981] [ORD 4224; September 2002]

**10.10. Purpose.**

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4. To further implement the Beaverton Comprehensive Plan, this Code is  
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E. To provide an orderly, efficient and speedy process of reviewing applications for development activities and to avoid increased development costs borne by residents and consumers as a result of unnecessary delay

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**10.100. Publication.** In preparing revisions of the code for publication and distribution, the Director shall not alter the sense, meaning, effect, or substance of the Code. With regard to the Code, the Director may renumber or reletter sections and parts of sections; ~~change the working of catch lines, rearrange sections; change reference numbers to agree with renumbered articles, chapters,~~ sections or other parts; substitute proper subsection, chapter, article or other division numbers; ~~strikeout figures or works that are merely repetitious;~~ change capitalization for the purpose of uniformity; update language to be gender neutral; and correct clerical or typographical errors.

## CHAPTER 20 – LAND USES

### 20.05. RESIDENTIAL LAND USE DISTRICTS

#### 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. All superscript notations refer to applicable Use Restrictions Section 20.05.25. [ORD 4584; June 2012]

Category and Specific Use Superscript Refers to Use Restrictions		R1 <sup>11</sup>	R2 <sup>11</sup>	R4 <sup>11</sup>	R5 <sup>11</sup>	R7 <sup>11</sup>	R10
		P: Permitted		C: Conditional	N: Prohibited		
<b>Commercial</b>							
5. Animal Care <sup>(13)</sup>	A. Major	C	C	C	C	C	C
	B. Minor	C	C	C	C	C	C
<b>Civic</b> <sup>(14)</sup>							
11. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	C	C	C	C	C	C
	B. Public Dog Parks or Dog Runs	C	C	C	C	C	C
	C. Public Recreational Facilities	C	C	C	C	C	C
	D. Community Gardens	P	P	P	P	P	P

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## **20.05.25. USE RESTRICTIONS**

The following Use Restrictions refer to superscripts found in Section 20.05.20. [ORD 4584; June 2012]

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12. Compact Detached Dwellings on lots fronting common greens, shared courts, or public streets may be permitted on sites that are two acres or greater in size through the Conditional Use-Planned Unit Development process. [ORD 4654; March 2015]
13. Animal Care uses provided as a private amenity to residents in a multi-family developments or on a common area serving multiple households.
14. Public Art shall be permitted pursuant to Section 60.50.25.13.

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**20.10.15. SITE DEVELOPMENT STANDARDS**

Site Development Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below. [ORD 4584; June 2012]

<b>Development Standards Superscript Numbers Refer to Footnote</b>	<b>NS</b>	<b>CS</b>	<b>CC</b>	<b>GC</b>
A. Minimum Parcel Area - Non-Residential	7,000	7,000	None	7,000
B. Minimum Land Area <sup>1</sup> - Residential	Refer to Section 20.25.05.			
1. Attached	1,000 / unit	1,000 / unit	1,000 / unit	1,000 / unit
2. Detached	4,000 / unit	4,000 / unit	4,000 / unit	4,000 / unit
C. Lot Dimensions				
1. Minimum Width	70	70	None	70
2. Minimum Depth	100	100	None	100
D. Minimum Yard Setbacks				
1. Front <sup>2</sup>	None	None	None	None
2. Side <sup>2,3</sup>				
a. Abutting lot	10	10	None	10
b. Abutting Street (public or private)	None	None	None	None
3. Rear <sup>4</sup>	20	20	None	20
E. Minimum Open Air Display Setbacks <sup>5</sup>				
1. Front	20	20	None	20
F. Building Height				
1. Maximum <sup>6</sup>	35	60	60	60

1. For Attached, minimum parent parcel of land area per dwelling unit; For Detached, minimum land area per dwelling unit.
2. Maximum front and side yard setback applies to buildings in commercial zones located on parcels that exceed 60,000 square feet pursuant to Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and the corresponding Design Review Design Guideline.
3. For buildings in commercial zones not abutting a residential use in a residential zone, minimum setback does not apply. Under the thresholds outlined in Section 40.30., application may be made for zero side yard setbacks on parcels abutting residential use in a residential zone.
4. Rear yard setback is applicable to only the portion of the rear yard which abuts a residential zone; otherwise the minimum rear yard setback is 0 feet.
5. Where permitted, open air sales / display / storage of merchandise shall be setback at least 20 feet from the front property line. The area shall be designated and subject to Decision Maker approval.
6. Maximum building height of a building or a portion of a building within 50 feet of a residentially zoned property, measured from the residential property line, is 35 feet or the maximum height permitted in the residential district whichever is greater.

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**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. All superscript notations refer to applicable Use Restrictions Section 20.10.25.

Category and Specific Use Superscript Refers to Use Restrictions		NS	CS	CC	GC
		P: Permitted C: Conditional N: Prohibited			
Additional Requirements by Zone Districts		See Section 20.10.30	See Section 20.10.35	See Section 20.10.40	
<b>Commercial</b>					
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11. Meeting Facilities		C	P C <sup>7</sup>	P	P
<b>Civic</b> <sup>(17)</sup>					
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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

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### **20.10.25. USE RESTRICTIONS**

13. Marijuana dispensary shall:
  - a. be subject to the provisions of ORS 475B.858; and
  - 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; Nov 2014] [ORD 4697; December 2016]

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16. Retail Marijuana Sales shall:
  - a. be subject to the provisions of ORS 475B. 109-119 and OAR Chapter 845, division 25;
  - 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
  - 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]
17. Public Art shall be permitted pursuant to Section 60.50.25.13.

### **20.10.30. OTHER NS ZONING REQUIREMENTS**

Uses shall be subject to the following (excludes food cart pods, parks, recreational facilities, and playgrounds):

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.
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.

### **20.10.35. OTHER CS ZONING REQUIREMENTS**

Uses shall be subject to the following (excludes food cart pods, parks, recreational facilities, and playgrounds):

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.
2. Accessory open air sales / display / storage shall constitute no more than 5% of the gross building floor area of any individual establishment.

### **20.10.40. OTHER CC ZONING REQUIREMENTS**

Uses shall be subject to the following (excludes food cart pods, parks, recreational facilities, and playgrounds):

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.

**20.15. EMPLOYMENT / INDUSTRIAL LAND USE DISTRICTS**

**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. All superscript notations refer to applicable Use Restrictions Section 20.15.25. [ORD 4584; June 2012]

Category and Specific Use Superscript Numbers Refer to Footnote		OI P: Permitted	OI-NC C: Conditional	IND N: Prohibited
<b>Commercial</b>				
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4. Retail and Service Business	A. Eating and Drinking Establishments	P <sup>2</sup>	P <sup>24</sup>	C <sup>2</sup>
<b>Civic<sup>(3)</sup></b>				
	B. Passenger	P	N	P
23. Recreation <sup>1</sup>	A. Public Parks and Recreational Facilities	P	N	P
	B. Public Dog Parks and Dog Runs	C	N	C
	C. Private Recreation Facilities <sup>17</sup>	P	P	P



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## **20.15.25. USE RESTRICTIONS**

The following Use Restrictions refer to superscripts found in Section 20.15.20.

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3. Public Art shall be permitted pursuant to Section 60.50.25.13.

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**20.20. MULTIPLE USE LAND USE DISTRICTS**

**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. All superscript notations refer to applicable Use Restrictions Section 20.20.25. [ORD 4576; January 2012] [ORD 4578; March 2012] [ORD 4706; May 2017]

Category and Specific Use Superscript Refers to Use Restrictions		RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
		P: Permitted			C: Conditional		N: Prohibited						
<b>Commercial</b>													
9. Meeting Facilities		C P <sup>21</sup>	C P <sup>21</sup>	C P <sup>21</sup>	C P <sup>21</sup>	C P <sup>21</sup>	C P <sup>21</sup>	N	C P <sup>21</sup>	N	C P <sup>21</sup>	C P <sup>21</sup>	C P <sup>21</sup>
14. Retail	A. Retail Trade	P <sup>9, 26</sup> 30 31	P <sup>9, 26</sup> 30	P <sup>9, 26</sup> 30 31	P C <sup>32</sup>	P <sup>9, 25</sup>	N P <sup>9, 22 26 33</sup>	P <sup>13 26</sup>	P <sup>9 25 34</sup>	P <sup>13 25</sup>	P <sup>9, 25</sup>	P <sup>9 28</sup> C <sup>35</sup>	P <sup>9 28</sup>
<b>Civic<sup>(19)</sup></b>													
23. Places of Worship		P C <sup>48</sup>	P C <sup>48</sup>	P C <sup>48</sup>	P C <sup>48</sup>	P C <sup>48</sup>	P C <sup>48</sup>	P C <sup>48</sup>	P C <sup>48</sup>	P C <sup>48</sup>	P C <sup>48</sup>	P <sup>9</sup>	P C <sup>48</sup>
26. Recreation	A. Public Parks, Parkways, Playgrounds, and Related Facilities	C	C	C	P <sup>52</sup>	P	P	P	P	P	P	P <sup>53</sup>	P <sup>53</sup>
	B. Public Dog Parks or Dog Runs	C	C	C	C	C	C	C	C	C	C	C	C

**20.20.25. USE RESTRICTIONS**

The following Use Restrictions refer to superscripts found in Section 20.20.20.

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- 6. Only Compact Detached Dwellings on lots fronting common greens, shared courts, or public streets; or replacement of or an expansion of 500 square feet or less of an existing detached dwelling-are Permitted. [ORD 4576; January 2012] [ORD 4584; June 2012]

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- 19. Public Art shall be permitted pursuant to Section 60.50.25.13.

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- 21. Buildings larger than 10,000 square feet, for a single use, are subject to approval of a Conditional Use.

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- 26. This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of 15% of the building gross floor area, excluding activities associated with a Temporary Use Permit. No outdoor sales or outdoor storage of animals or livestock are allowed with this use.

## CHAPTER 30 - NONCONFORMING USES

**30.05. Purpose.**

**30.25. Nonconforming Structures.** [ORD 4696; December 2016]

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3. Where an existing street setback or required landscaping must be reduced by a public dedication, rendering an existing structure nonconforming, the setback or landscaping requirements of this ordinance which are no longer met as a result of the dedication shall not apply to the structure or landscaping. Further encroachment into the setback or reduction of landscaping beyond the reduction caused by the public dedication is not permitted.

## CHAPTER 40 APPLICATIONS

### 40.05. ACCESSORY DWELLING UNIT

#### 40.05.15. Application.

There is a single Accessory Dwelling Unit application which is subject to the following requirements.

#### 1. Accessory Dwelling Unit.

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- C. Approval Criteria. In order to approve an Accessory Dwelling Unit 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 requirements for an Accessory Dwelling Unit 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. [ORD 4265; October 2003]
  4. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
  5. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Regulations) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
  6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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## 40.10. ADJUSTMENT

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### 40.10.15. Application.

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#### 1. Minor Adjustment.

A. Threshold. An application for Minor Adjustment shall be required when one or more of the following thresholds apply:

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4. Involves up to and including a 10% adjustment from the numerical Off-Street Parking standards specified in Section 60.30.10 of this Code.

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C. Approval Criteria. In order to approve a Minor Adjustment 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 requirements for a Minor Adjustment application.
2. The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable City application fees.
3. Special conditions or circumstances exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.
4. The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.
5. Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.

6. City designated significant trees and/or historic resources, if present, will be preserved.
7. Granting an adjustment to the grading standards will allow additional significant and/or community trees to be preserved.
8. If more than one adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.
9. Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.
10. The proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.
11. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more Adjustment, Variance, Planned Unit Development applications that already have been approved or are considered concurrently with the subject proposal.
12. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
13. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

14. The proposal does not include any lot area averaging as specified in Section 20.05.15.D. [ORD 4487; August 2008] [ORD 4498; January 2009]

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## 2. Major Adjustment.

- A. Threshold. An application for Major Adjustment shall be required when one or more of the following thresholds apply:

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3. Involves an adjustment of more than 10% from the numerical requirements contained in Section 60.30. (Off-Street Parking).

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- C. Approval Criteria. In order to approve a Major Adjustment 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 requirements for a Major Adjustment application.
2. The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable City application fees.
3. Special conditions or circumstances exist on the site that make it difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.
4. The special conditions or circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.
5. Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.
6. City designated significant trees and/or historic resources, if present, will be preserved.



7. Granting an adjustment to the grading standards will allow additional significant and/or community trees to be preserved.
8. If more than one adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.
9. Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.
10. Either it can be demonstrated that the proposed modification equally or better meets the intent of the standard to be modified or the proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.
11. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal.
12. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
13. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

14. The proposal does not include any lot area averaging as specified in Section 20.05. 15.D.
15. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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#### **40.15. CONDITIONAL USE**

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##### **40.15.15. Application.**

There are seven (7) Conditional Use applications which are as follows: Interim Washington County Uses Type 1, Minor Modification of a Conditional Use, Interim Washington County Uses Type 2, Major Modification of a Conditional Use, New Conditional Use, Planned Unit Development, and Modification of a Nonconforming Use.

#### **1. Interim Washington County Use.**

- A. Threshold. An application for an Interim Washington County Use shall be required when the following thresholds apply:
  1. A proposed use located on parcel(s) designated Interim Washington County, which requires Type I approval through Washington County's Development Code where no other Type 1 or greater review is required with the proposal.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Interim Washington County Use. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Minor Modification of a Conditional Use 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 requirements for an Interim Washington County Use 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. [ORD 4265; October 2003]
4. For parcel(s) designated interim Washington County, the proposed use, identified in the land use designation previously held for the subject parcel(s), meets the use requirements identified in Washington County's Development Code.
5. 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 an Interim Washington County Use 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 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 an Interim Washington County Use application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

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**3. Interim Washington County Use Type II.**

A. Threshold. An application for an Interim Washington County Use shall be required when the following thresholds apply:

1. A proposed use located on parcel(s) designated Interim Washington County, which requires Type II approval through Washington County's Development Code where no other Type II or greater review is required with the proposal.

B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Interim Washington County Use Type II. The decision making authority is the Director

C. Approval Criteria. In order to approve a Minor Modification of a Conditional Use 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 requirements for an Interim Washington County Use 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. For parcel(s) designated Interim Washington County, the proposed use, identified in the land use designation previously held for the subject parcel(s), meets the use requirements identified in Washington County's Development Code.
5. 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 an Interim Washington County Use Type I 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 application shall be accompanied by the information required by the application form.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of an Interim Washington County Use application to ensure compliance with the approval criteria.

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## 5. New Conditional Use.

- A. Threshold. An application for a New Conditional Use shall be required when the following threshold applies:

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2. The proposed permitted residential use is located in the floodway fringe on a lot greater than five acres in size. Planned Unit Developments, single-family and two family dwellings are exempt.
3. A proposed use located on parcel(s) designated Interim Washington County, which requires Type III approval through Washington County's Development Code where no other Type 1 or greater review is required with the proposal.

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- C. Approval Criteria. In order to approve a New Conditional Use 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 requirements for a Conditional Use application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal will comply with the applicable policies of the Comprehensive Plan.

4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
5. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site. [ORD 4473; March 2008]
6. The proposed residential use located in the floodway fringe meets the requirements in Section 60.10.25.
7. For parcel(s) designated Interim Washington County, the proposed use, identified in the land use designation previously held for the subject parcel(s), meets the use requirements identified in Washington County's Development Code.
8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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**40.20. DESIGN REVIEW [ORD 4332; January 2005]**

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**40.20.10. Applicability.**

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3. Design Review approval shall not be required for the following:

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- C. Existing detached dwellings in Industrial and Multiple-Use zoning district.

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**40.20.15. Application.**

**1. Design Review Compliance Letter.**

- A. Threshold. An applicant may utilize the Design Review Compliance Letter process when the application is limited to one or more of the following categories of proposed action:

1. Minor design changes to existing building or site including, but not limited to:

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- g. Modification of off-street parking and maneuvering area with no increase to the paved area of the site and the minimum and maximum parking requirements for the subject site are met.

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- m. Construction or modification of a permanent structure, not considered a building, which has a footprint of up to 1,000 square feet and is a use permitted within the underlying zoning district.

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- C. Approval Criteria. [ORD 4365; October 2005] In order to approve a Design Review Compliance Letter 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 requirements for a Design Compliance Review Letter.
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 meets all applicable Site Development Requirements of Sections 20.05.15., 20.10.15., 20.15.15., and 20.20.15. of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal. [ORD 4584; June 2012]

5. The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
6. If applicable, the proposed addition to an existing building and/or site, and only that portion of the building and/or site containing the proposed improvements, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:
  - a. Building articulation and variety. (Section 60.05.15.1.).
  - b. Roof forms. (Section 60.05.15.2.).
  - c. Exterior building materials. (Section 60.05.15.4.).
  - d. Foundation landscaping requirements. (Section 60.05.25.4.D.).
  - e. Screening roof-mounted equipment requirements. (Section 60.05.15.5.).
  - f. Screening loading areas, solid waste facilities and similar improvements. (Section 60.05.20.2.).
  - g. Lighting requirements. (Section 60.05.30.).
  - h. Changes to the existing on-site vehicular parking, maneuvering, and circulation area does not require additional paving to the site and the minimum and maximum parking requirements for the subject site are met.
  - i. Pedestrian circulation
7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
8. The proposal complies with the grading standards outlined in Section 60.15.10 or approved with and Adjustment or Variance.
9. Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.
10. Proposals for Community Gardens comply with Section 60.05.25.14 of Chapter 60. Community Gardens are



exempt from Criteria 4, 5, 6, 7, and 8 above. [ORD 4659; June 2015]

11. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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## 2. Design Review Two.

- A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:

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7. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving.

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9. New construction of non-habitable buildings or construction of a permanent structure, not considered a building in commercial, industrial, multiple use zones, or for approved Conditional Uses in residential zones, which has a footprint greater than 1,000 square feet and up to 10,000 square feet in size and is a use permitted within the underlying zoning district.

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- C. Approval Criteria. [ORD 4365; October 2005] In order to approve a Design Review Two 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 requirements for a Design Review Two 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 Sections 60.05.15. through 60.05.30. (Design Standards).
5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the proposed additions or modifications are moving towards compliance with specific Design Standards if any of the following conditions exist:
  - a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or
  - b. The location of existing structural improvements prevent the full implementation of the applicable standard; or
  - c. The location of the existing structure to be modified is more than 300 feet from a public street.

If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:

- d. If in a Multiple Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)
  - e. If in a Multiple Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).
6. The proposal complies with the grading standards outlined in Section 60.15.10 or approved with and Adjustment or Variance.
  7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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### 3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design standards and/or guidelines and one or more of the following thresholds describe the proposal:

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5. Construction of a permanent structure, not considered a building, in commercial, industrial, multiple use zones, or for approved Conditional Uses in residential zones, which exceeds 10,000 square feet in size and is a use permitted within the underlying zoning district.

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- C. Approval Criteria. [ORD 4365; October 2005] In order to approve a Design Review Three 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 requirements for a Design Review Three application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).
4. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance with specific Design Guidelines if any of the following conditions exist:

- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or
  - b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or
  - c. The location of the existing structure to be modified is more than 300 feet from a public street
5. The proposal complies with the grading standards outlined in Section 60.15.10 or approved with and Adjustment or Variance.
6. For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in the Development Code or greater, can be realistically achieved at ultimate build out of the DRBCP. [ORD 4584; June 2012]
7. For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). [ORD 4531; April 2010]
8. For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines). [ORD 4531; April 2010]
9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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**40.30. FLEXIBLE AND ZERO YARD SETBACKS**

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**2. Flexible Setback for Individual Lot Without Endorsement.**

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C. Approval Criteria. In order to approve a Flexible Setback on Individual Lot Without Endorsement 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 requirements for a Flexible Setback on Individual Lot Without Endorsement application.
2. The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable fees. [ORD 4473; March 2008]
3. The proposal does not violate any recorded Solar Access Permit requirements.
4. The proposal meets the minimum standards specified in Section 20.05.15.G. of the Development Code. [ORD 4584; June 2012]
5. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal and will have minimal impact to the abutting properties.
6. All critical facilities and services related to the development have or can be improved to have adequate capacity to serve the proposal at the time of its completion.
7. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more applications that already have been approved or are considered

concurrently with the subject proposal. [ORD 4473; March 2008]

8. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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#### **40.40. HOME OCCUPATION**

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##### **2. Home Occupation Two.**

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- C. Approval Criteria. In order to approve a Home Occupation Two 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 requirements for a Home Occupation Two application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposed home occupation shall a maximum of one (1) volunteer or employee who is not a resident on the premises.
  4. The proposed home occupation shall have no more than 8 daily customers or clients on the premises.
  5. All customer and client visits to the proposed home occupation shall occur only between the hours of 7:00 a.m. and 10:00 p.m.

6. If on-site parking is provided, a plan for additional parking may be approved if:
  - a. Not more than a total of 4 on-site parking spaces for the combined residential and home occupation uses are proposed.
  - b. The parking spaces, driveway, street access, landscaping, storm water drainage, and screening comply with this Code and other city standards.
7. Excluding regular U. S. Postal Service delivery, the home occupation shall not require more than two (2) trips per day for delivery or pick up to the residence between the hours of 8:00 a.m. and 6:00 p.m. There shall be no deliveries or pick ups between the hours of 6:00 p.m. and 8:00 a.m.
8. The proposed home occupation is being undertaken by an occupant of the residence.
9. The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licenses as appropriate to the proposed use.
10. The on-site operation of the proposed home occupation shall be conducted entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.
11. The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.
12. The subject property will continue to be used and maintained as a residence and the proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official. The proposal will conform to all requirements of this and other City Codes as they pertain to residential property.

13. The home occupation, including deliveries from other businesses, shall not include the use of tractor trailers, forklifts, or similar heavy equipment. 40.40.15.2.C.
14. There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.
15. There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4 ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property, provided such parking complies with applicable parking restrictions.
16. The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshall pose a health or safety risk to the residence, its occupants or surrounding properties.
17. There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15. of the Development Code. [ORD 4584; June 2012]
18. Exterior remodeling will not alter the residential character of the building.
19. Excluding required residential parking, adequate off-street parking exists to accommodate vehicular traffic for any employee, customer, or both.
20. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.
21. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special



Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

22. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
23. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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#### **40.45. LAND DIVISION AND RECONFIGURATION**

##### **40.45.15. Application.**

There are nine (9) types of applications under this Section, as follows: Property Line Adjustment; Replat One; Replat Two; Preliminary Partition; Preliminary Subdivision; Preliminary Fee Ownership Partition; Preliminary Fee Ownership Subdivision; Final Land Division; and Expedited Land Division. [ORD 4584; June 2012]

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##### **2. Replat One. [ORD 4487; August 2008]**

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C. Approval Criteria. In order to approve a Replat One application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

1. The application satisfies the threshold requirements for a Replat One. [ORD 4584; June 2012]
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposed Replat does not conflict with any existing City approval, except the City may modify prior approvals through the Replat process to comply with current Code standards and requirements.

4. Oversized lots or parcels (“oversized lots”) resulting from the Replat shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot. [ORD 4584; June 2012]
5. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following: [ORD 4584; June 2012]
  - a. Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
  - b. Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed, provides a standard street cross section with sidewalks. [ORD 4584; June 2012]
6. If lot area averaging standards are proposed pursuant to Section 20.05.15.D, no further applications for Adjustment or Variance from this standard is required or permitted. [ORD 4584; June 2012]
7. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.
8. The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties. [ORD 4584; June 2012]

9. The proposal does not create a parcel or lot which will have more than one (1) zoning designation.
10. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

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**3. Replat Two.** [ORD 4487; August 2008] [ORD 4584; June 2012]

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- C. Approval Criteria. In order to approve a Replat Two application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.
1. The application satisfies the threshold requirements for a Replat Two.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposed Replat Two does not conflict with any existing City approval, except the City may modify prior approvals through the Replat process to comply with current Code standards and requirements.
  4. Oversized lots or parcels (“oversized lots”) resulting from the Replat shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.
  5. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:

- a. Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
  - b. Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed, provides a standard street cross section with sidewalks.
6. If lot area averaging standards are proposed pursuant to Section 20.05.15.D, no further applications for Adjustment or Variance from this standard is required or permitted.
  7. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.
  8. The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.
  9. The proposal does not create a parcel or lot which will have more than one (1) zoning designation.
  10. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

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**4. Preliminary Partition.**

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C. Approval Criteria. In order to approve a Preliminary Partition 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 application satisfies the threshold requirements for a Preliminary Partition. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47.,

further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met. [ORD 4584; June 2012]

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposed partition does not conflict with any existing City approval, except the City may modify prior approvals through the partition process to comply with current Code standards and requirements.
4. Oversized parcels (oversized lots) resulting from the Partition shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed partition and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot. [ORD 4584; June 2012]
5. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following: [ORD 4584; June 2012]
  - a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
  - b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where street improvements are proposed, provides a standard street cross section with sidewalks. [ORD 4584; June 2012]

6. If lot area averaging standards are proposed pursuant to Section 20.05.15.D, no further applications for Adjustment or Variance from this standard is required or permitted.
7. For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district.
8. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

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## 5. Preliminary Subdivision

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- C. Approval Criteria. In order to approve a Preliminary Subdivision 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 application satisfies the threshold requirements for a Preliminary Subdivision application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met. [ORD 4584; June 2012]
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the subdivision process to comply with current Code standards and requirements.
  4. Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development

Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot. [ORD 4584; June 2012]

5. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.
6. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following: [ORD 4584; June 2012]
  - a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
  - b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks. [ORD 4584; June 2012]
7. If lot area averaging standards are proposed pursuant to Section 20.05.15.D, no further applications for Adjustment or Variance from this standard is required or permitted.
8. For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district.
9. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

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**6. Preliminary Fee Ownership Partition.**

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C. Approval Criteria. In order to approve a Preliminary Fee Ownership Partition 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 application satisfies the threshold requirements for a Preliminary Fee Ownership Partition application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met. [ORD 4584; June 2012]
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the Preliminary Fee Ownership Partition process to comply with current Code standards and requirements.
4. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, Flexible Setback, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.
5. For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district.
6. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

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**7. Preliminary Fee Ownership Subdivision.**

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- C. Approval Criteria. In order to approve a Preliminary Fee Ownership Subdivision 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 application satisfies the threshold requirements for a Preliminary Fee Subdivision. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met. [ORD 4584; June 2012]
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, Flexible Setback, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.
  4. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the Preliminary Fee Ownership Subdivision process to comply with current Code standards and requirements.
  5. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provide for necessary public improvements for each phase as the project develops.
  6. For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district.

7. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

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#### **40.80. TEMPORARY USE**

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##### **1. Temporary Mobile Sales.**

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- C. Approval Criteria. In order to approve a Temporary Mobile Sales 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 requirements for a Temporary Mobile Sales 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. [ORD 4265; October 2003]
  4. The proposal is located entirely within private property and will not impact public infrastructure that includes, but is not limited to ADA ramps, sidewalk, fire hydrants. The applicant has written permission from the property owner to utilize the subject property for the proposal. [ORD 4584; June 2012]
  5. The applicant has written permission from the City if the proposal is located on a public right-of-way within any of the Regional Center or Town Center zoning districts. [ORD 4584; June 2012]40.80.15.1.C.
  - 6.
  7. The use in which the proposed temporary use is engaged is listed as a Permitted use in the specific Commercial, Industrial or Multiple Use zoning district and complies

with all applicable use restrictions of the zone. [ORD 4513; August 2009]

8. The proposal will not be located within the vision clearance area of an intersection as specified in the Engineering Design Manual and Standard Drawings. [ORD 4365; October 2005]
9. The proposal does not involve use of a permanent building.
10. The proposal shall not obstruct or occupy minimum required parking spaces unless it can be demonstrated that the minimum required parking is not being used by the permanent use located on the subject site pursuant to Section 40.55.15.3. (Excess Parking) of the Development Code. [ORD 4513; August 2009] [ORD 4584; June 2012]
11. Safe vehicle and pedestrian circulation is provided consistent with Section 60.55. (Transportation Facilities) of the Development Code. [ORD 4584; June 2012]
12. The proposed hours of operation for the temporary use are allowed in that zoning district and do not require Conditional Use approval. [ORD 4513; August 2009]
13. No more than two other permits for Temporary Use – Mobile Sales have been issued on the same site during the same approval period or portion thereof. [ORD 4513; August 2009] [ORD 4701; January 2017]
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.40.80.15.1.

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## **2. Temporary Non-Mobile Sales.**

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- C. Approval Criteria. In order to approve a Temporary Non-Mobile Sales 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 requirements for a Temporary Non-Mobile Sales 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. [ORD 4265; October 2003]
4. The proposal is located entirely within private property and the applicant has written permission from the property owner to utilize the subject property for the proposal. [ORD 4584; June 2012]
5. The use in which the proposed temporary use is engaged is listed as a Permitted use in the specific Commercial, Industrial or Multiple Use zoning district and complies with all applicable use restrictions of the zone. [ORD 4513; August 2009]
6. The proposed temporary use is located on property within a Residential zoning district where non-residential uses have been legally established and are located on an Arterial or Collector.
7. The proposal will not be located within the vision clearance area of an intersection as specified under Section 60.55.50.
8. The proposal does not involve use of a permanent building.
9. The proposal shall not obstruct or occupy permanent required parking spaces unless it can be demonstrated that the permanent required parking is not being used by the permanent use located on the subject site pursuant to Section 40.55.15.3. (Excess Parking) of the Development Code. [ORD 4584; June 2012]
10. The site of the proposal has safe vehicle and pedestrian circulation consistent with Section 60.55. (Transportation

Facilities) of the Development Code. [ORD 4584; June 2012]

11. The proposed hours of operation for the temporary use are allowed in that zoning district and do not require Conditional Use approval. [ORD 4513; August 2009]
12. The site of the proposal has adequate parking facilities to accommodate the anticipated needs consistent with Section 60.30. (Off-Street Parking) of the Development Code. [ORD 4584; June 2012]
13. Temporary Non-Mobile Sales has not occurred more than twice on the same site in the same calendar year.
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Non-Mobile Sales application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose one or more of the following conditions when appropriate:

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5. Signage shall be permitted for Temporary Non-Mobile Sales consistent with Section 60.40.15.7. of this Code.

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### **3. Temporary Structure.**

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- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Structure application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

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2. Signage shall be permitted for a Temporary Structure consistent with Section 60.40.15.7. of this Code.

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#### **4. Temporary Real Estate Office.**

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- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Real Estate Office application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

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3. Signage shall be permitted for a Temporary Real Estate Office consistent with Section 60.40.15.7. of this Code.

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#### **40.90. TREE PLAN [ORD 4348; May 2005]**

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##### **40.90.15. Application.**

There are four (4) Tree Plan applications which are as follows: Tree Plan One, Tree Plan Two, and Tree Plan Three.

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##### **3. Tree Plan Three**

- A. Threshold. An application for Tree Plan Three shall be required when none of the actions listed in Section 40.90.10 or none of the thresholds listed in Section 40.90.15.1 or Section 40.90.15.2 apply and one or more of the following thresholds apply:

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#### **40.97. ZONING MAP AMENDMENT**

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##### **40.97.15. Application.**

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##### **1. Quasi-Judicial Zoning Map Amendment.**

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C. Approval Criteria. In order to approve a Quasi-Judicial Zoning Map Amendment 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 requirements for a Quasi-Judicial Zoning Map Amendment application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal conforms with applicable policies of the City's Comprehensive Plan.
4. All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.
5. Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.
6. The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).
7. The proposal shall include a Traffic Impact Analysis that meets the requirements of Section 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of Sections 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development. [ORD 4302; May 2004]
8. As an alternative to Section 40.97.15.1.C.7, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no

greater than potential impacts from development under existing zoning. [ORD 4302; June 2004]

9. For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district
10. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
11. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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## **2. Legislative Zoning Map Amendment.**

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C. Approval Criteria. In order to approve a Legislative Zoning Map Amendment 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 requirements for a Legislative Zoning Map Amendment application.
2. The proposal conforms with applicable policies of the City's Comprehensive Plan.
3. All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.
4. Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.
5. The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).



6. For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district.
7. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

# CHAPTER 50 PROCEDURES

[ORD 4702; January 2017]

\*\*\*

## **50.25. Application Completeness.**

1. A complete application is one which contains the information required by the Director to address the relevant criteria, development requirements, and procedures of this Code. Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement. All other complete application shall consist of the requisite number of copies of the following: [ORD 4265; October 2003]

\*\*\*

- F. Documentation from service providers, as determined by the Director, stating that essential and critical facilities are available, can be made available, or will not be adversely affected by the proposal.

\*\*\*

4. The Director shall advise the applicant in writing whether an application is complete by providing a completeness notice within thirty (30) calendar days after the City receives an application. To comply with this completeness notice requirement, the completeness notice must be sent by the thirtieth day.

- A. If an application is incomplete, the completeness notice shall list what information is missing.

\*\*\*

9. The 120-calendar- day timeline specified in Section 50.25.8. may be extended for a specific amount of time at the written request of the applicant. The total time to extend the final decision, may not exceed 245 calendar days from the date of the original 120-day period.

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## **50.30. Neighborhood Review Meeting.**

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3. Procedures.

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B. The applicant shall send by regular mail a written notice announcing the Neighborhood Review Meeting to: the Director, property owners within 500 feet of the property involved in the anticipated application and to representatives of all NACs and Washington County's Community Participation Organizations (CPO) whose boundaries are within 500 feet of the subject property. The notice shall include the date, time and location of the meeting and briefly discuss the nature and location of the proposal. The notice shall be mailed not less than 20 calendar days prior to the meeting date. The Director shall maintain on file in the Community Development Department, current addresses of NAC Officers and/or representatives and related NAC information, including regularly scheduled or monthly meeting dates, times and locations.

\*\*\*

**50.35. Type 1.**

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3. The written notice of decision for Type 1 applications, except for Non-Discretionary Annexation Related Zoning Map Amendment applications, shall be sent to the applicant and include the following information:

\*\*\*

**50.40. Type 2.**

1. The decision making authority for a Type 2 application shall be the Director.

2. Once an application has been determined or deemed complete, the Director shall provide written notice a minimum of twenty (20) calendar days before the decision making authority's decision to:

\*\*\*

C. Washington County Department of Land Use and Transportation.

D. The Chair of Washington County's Community Participation Organizations (CPO) in which the subject property is located and the Chair of any other CPO's whose boundaries are within three hundred (300) feet of the subject property.

\*\*\*

10. Within approximately fourteen (14) calendar days after the Facilities Review Committee meeting, the Director shall issue a written decision on the application to the applicant, the property owner, the NAC in which the subject property is located, and interested parties that submitted written comments prior to or on the comment closing date; provided, [ORD 4265; October 2003] [ORD 4404; October 2006]

\*\*\*

- B. The 120-calendar-day timeline specified in Section 50.25.8 may be extended for a specific amount of time at the written request of the applicant. The total time to extend the final decision, may not exceed 245 calendar days from the date of the original 120-day period.

\*\*\*

**50.45. Type 3.**

1. Except for Street Vacation application, the decision making authority for all Type 3 applications shall be the Planning Commission. For Street Vacation application, the decision making authority shall be the City Council. [ORD 4532; April 2010]
2. Once an application has been determined or deemed complete, the Director shall provide written notice a minimum of twenty (20) calendar days before the decision making authority's decision to:

\*\*\*

- C. The Chair of Washington County's Community Participation Organizations (CPO) in which the subject property is located and the Chair of any other CPOs whose boundaries are within five hundred (500) feet of the subject property.

\*\*\*

5. In addition to the provisions of Sections 50.45.2, 50.45.4, and 50.45.8, the following noticing timelines shall apply for the following applications:

\*\*\*

- C. For any Zoning Map Amendment application, notice shall be provided to the Department of Land Conservation and Development (DLCD), Metro, and Washington County, using the required inter-agency notice, at least thirty-five (35) calendar days prior to the initial hearing.

\*\*\*

15. The 120 calendar day timeline specified in Section 50.25.8. may be extended for a specific amount of time at the written request of the applicant. The total time to extend the final decision may not exceed 245 calendar days from the date of the original 120-day period.

\*\*\*

**50.50. Type 4.**

\*\*\*

2. [ORD 4462; January 2008] No less than thirty-five (35) calendar days before the date of the initial hearing of the decision making authority on an ordinance that proposes to legislatively change the zoning map or to amend the text of the Development Code, the Director shall mail notice of the hearing to: [ORD 4584; June 2012]

\*\*\*

- B. The Chair of Washington County's Community Participation Organizations (CPO) in which the subject property is located and the Chair of any other CPOs whose boundaries are within five hundred (500) feet of the subject property.
- C. The Chair of the Beaverton Committee for Community Involvement.
- D. Department of Land Conservation and Development (DLCD), Metro, and Washington County Department of Land Use and Transportation.

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**50.65. Appeal of a Type 2 Decision.**

\*\*\*

2. For a project that contains multiple applications approved concurrently, a separate appeal application is required to address each decision being appealed.

\*\*\*

**50.70. Appeal of a Type 3 Decision.**

\*\*\*

2. For a project that contains multiple applications approved concurrently, a separate appeal application is required to address each decision being appealed.

\*\*\*

**50.90. Expiration of a Decision.**

\*\*\*

3. For a project that contains multiple applications approved concurrently, the expiration date for all these applications shall be on the same date using the latest expiration date.

\*\*\*

**50.99. Re-Application or Supplemental Application after Denial.**

\*\*\*

2. Only a person whose application is denied following completion of all local procedures, including local appeals allowed by right, may submit to the City a supplemental application to allow any or all other uses allowed under the existing comprehensive plan map designation for the property, pursuant to ORS 227.184.

\*\*\*

- B. Such an application shall be subject to a pre-application conference, a neighborhood review meeting, completeness review, and a Type 3 procedure, provided:

1. The City shall issue a final decision regarding such an application, including all local appeals, not more than 120 days after the City finds or deems the application to be complete. This 120-calendar-day timeline specified in Section 50.25.8 may be extended for a specific amount of time at the written request of the applicant. The total time to extend the final decision may not exceed 245 calendar days from the date of the original 120-day period.

## CHAPTER 60 - SPECIAL REQUIREMENTS

### 60.05. DESIGN REVIEW DESIGN PRINCIPLES, STANDARDS AND GUIDELINES [ORD 4332; January 2005]

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#### 60.05.15. **Building Design and Orientation Standards.** Unless otherwise noted, all standards apply in all zoning districts.

##### 1. **Building articulation and variety.**

\*\*\*

C. The maximum spacing between permanent architectural features, both vertically and horizontally, shall be no more than:

1. Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones. [ORD 4584; June 2012]
2. Sixty (60) feet in Industrial zones.
3. Fifteen (15) feet in detached residential developments in Multiple Use zones for walls facing streets, common greens, and shared courts. [ORD 4542; June 2010]

\*\*\*

##### 5. **Roof-mounted equipment.**

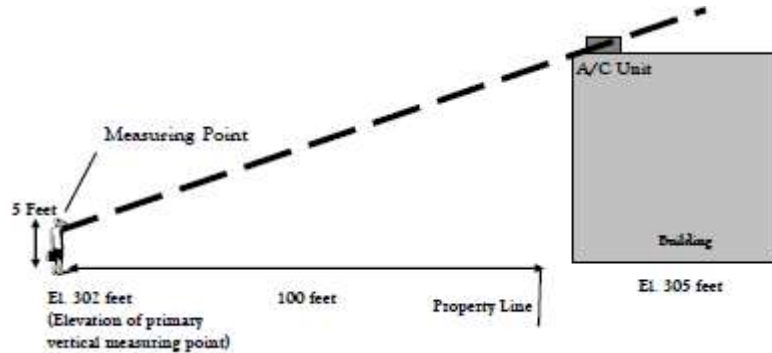
A. All roof-mounted equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways:

\*\*\*

3. Setback from the street-facing elevation such that it is not visible from the public street(s); or
4. Screened from view by another building.

B. As shown in the diagram below, the vertical measuring distance for required screening shall be measured at five (5) feet above the finished or existing grade at the property line or public right-of-way abutting the development site's front yard setback for a distance of one hundred (100) lineal feet measured outward from the development site's front property line. Once the

vertical measuring distance is established for the site's front yard, this same vertical measuring distance shall be applied to all sides of the development site's perimeter property lines.



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- I [ORD 4576; January 2012] Building elevations shall not be repeated across a street, shared court or common green from each other or on adjacent parcels. In these instances, elevations shall have at least 5 different design details as described in Section H. above.

\*\*\*

**10. Ground floor elevations on eligible residential-only buildings.**  
[ORD 4758; March 2019]

A. Eligible residential-only buildings are buildings which are located within the portions of the RC-OT zoning district where the maximum standard height is 40 feet, as described in footnote 11 of Section 20.20.15 and illustrated in Figure A. Residential-only buildings in these areas are not subject to the density limit if at least 50 percent of each elevation visible from and within 200 feet of a public street, Major Pedestrian Route, public park, public plaza or public open space contains one or both of the following methods of providing ground-floor pedestrian interest:

- 1. Locate ancillary residential uses, such as a leasing office, fitness room, lobby, community room or combination of those ancillary spaces, on the ground level that meet the following standards:

\*\*\*

- d. Building facades located on a shared property line are exempt from these standards

\*\*\*



**60.05.25. Landscape, Open Space, and Natural Areas Design Standards.**  
Unless otherwise noted, all standards apply in all zoning districts.

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**4. Additional minimum landscape requirements for Attached Housing and Compact Detached Housing.** [ORD 4584; June 2012]

\*\*\*

D. All street-facing building elevations shall have landscaping along their foundation, excluding buildings that are placed at the property line or setback less than 12-inches from the property line. When a porch obstructs a foundation, landscaping shall be installed along the outer edge of the porch. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, or for plazas adjacent to the building. The foundation landscaping shall meet the following minimum standards:

**6. Common Greens.** Common greens are intended to serve as a common open space amenity for residents. The following standards apply to common greens for compact detached housing: [ORD 4584; June 2012]

A. General.

1. The common green shall be placed in a tract and shall provide access for pedestrians and bicycles.

\*\*\*

**7. Shared Courts for Compact Detached Housing.** Shared courts are intended to serve pedestrians and vehicles within the same circulation area, while ensuring that all can use the area safely. See Figure 3. Special paving and other street elements should be designed to encourage slow vehicle speeds and to signify the shared court's intended use by pedestrians as well as vehicles. See Figure 4. Access from a shared court is limited to ensure low traffic volumes that can allow a safe mixing of pedestrians and vehicles. Shared courts are limited to zones intended for more intense development to facilitate efficient use of land while preserving the landscape-intensive character of lower-density zones. The following standards apply to shared courts: [ORD 4584; June 2012]

A. General.

\*\*\*

4. No more than 16 lots may have a front lot line on a shared court.

\*\*\*

**10. Minimize significant changes to existing on-site surface contours at residential property lines.**

- A. Where grading is proposed, the requirements listed in Section 60.15.10 shall apply.
- B. Notwithstanding the requirements of subsection A. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified Significant Individual Tree, identified Historic Tree, or a tree within an identified Significant Grove or Significant Natural Resource Area located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree.

\*\*\*

**13. Landscape buffering and screening.** All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2. and the following standards. For purposes of this Section, a landscape buffer is required along the property lines between different zoning district designations. A landscape buffer is required for non-residential land uses and parks in Residential zoning districts. Both buffering standards and side and rear building setback requirements shall be met. Only landscaping shall be allowed in the landscape buffer areas. Buffer areas and building setback standards are measured from the property line, they are not additive. Where a yard setback width is less than a landscape buffer width, the yard setback width applies to the specified buffer designation (B1, B2, or B3 as appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to be continuously applied along the property line, except as authorized under Section 60.05.45.10. [ORD 4584; June 2012]

\*\*\*

- B. B1-Low screen buffer:** This buffer is intended to provide a minimal amount of transitional screening between zones. This buffer consists of: 1) one (1) tree having a minimum planting

height of six (6) feet for every thirty (30) linear feet; and 2) live ground cover consisting of low-height plants, or shrubs, or grass proportionately spaced between the trees with actual spacing for low height plants or shrubs dependent upon the mature spread of the vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required buffer area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B1 buffer required for across the street.

- C. **B2-Medium screen buffer:** This buffer is intended to provide a moderate degree of transitional screening between zones. This buffer consists of live ground cover consisting of low-height plants, or shrubs, or grass, and 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) linear feet; 2) evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting planted proportionately between the required evergreen trees. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B2 buffer required for across the street.
- D. **B3-High screen buffer:** This buffer is intended to provide a high degree of visual screening between zones. This buffer consists of minimum six (6)-foot high fully sight obscuring fences or walls with an adjoining landscape area on the interior of the fence when the fence is proposed within three (3) feet of the property line. If the fence is proposed to be setback from the property line more than three feet, the landscaping shall be on the exterior of the fence within a landscape area a minimum of five (5) feet in width, with adequate provision of access and maintenance of the landscaped area. The height of the fence shall be measured from the property on which the fence is to be located, and, if located on a wall, shall be in addition to the height of the wall. The landscape area shall be planted with one

(1) tree having a minimum planting height of six (6) feet for every thirty (30) linear feet, filled between with evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

**60.05.35. Building Design and Orientation Guidelines.** Unless otherwise noted, all guidelines apply in all zoning districts.

\*\*\*

**2. Roof forms.** [ORD 4584; June 2012]

- A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be emphasized. (Standards 60.05.15.2.A and B)
- B. Flat roofs should include a roofline that provides visual interest such as cornice treatments. (Standard 60.05.15.2.C)

\*\*\*

**10. Ground floor elevations on eligible residential-only buildings.** [ORD 4758; March 2019]

- A. Eligible residential-only buildings are buildings which are located within the portions of the RC-OT zoning district where the maximum standard height is 40 feet, as described in footnote 17 of Section 20.20.15...One or more of the following methods shall be used to provide ground-floor pedestrian interest:
  - 1. The primary use(s) on the ground floor should generate frequent human usage and incorporate sufficient glazing to allow high levels of visibility through window glazing into the building.

\*\*\*

Table 60.05-2.

Minimum Landscape Buffer Requirements Between Contrasting Districts										
District of Development	Location	Urban Low Density (R10)	Urban Standard Density (R7, R5)	Urban Medium Density (R4, R2)	Urban High Density (R1)	Commercial (CS, GC, NS, CC)	Employment / Industrial (OI, IND)	Station Community (SC-MU, SC-HDR, SC-E, SC-S)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E, OI-WS, C-WS)
Urban Low Density (R10)	Abutting	CU	5'/B1 CU	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	N/A	5'/B1 CU	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
Urban Standard Density (R7, R5)	Abutting	5'/B1 CU	N/A	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	5'/B1 CU	N/A	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
Urban Medium Density (R4, R2)	Abutting	10'/B2 CU/R4	10'/B2 CU/R4	N/A	10'/B2 CU/R4	20'/B3	20'/B3	10'/B2	10'/B2	10'/B2
	Across Street	5'/B1	5'/B1	N/A	5'/B1	10'/B1	10'/B1	5'/B2	5'/B2	5'/B2
Urban High Density (R1)	Abutting	20'/B3	20'/B3	10'/B2	N/A	20'/B3	20'/B3	10'/B1	10'/B1	10'/B1
	Across Street	10'/B1	10'/B1	5'/B1	N/A	10'/B1	10'/B1	5'/B1	5'/B1	5'/B1
Commercial (CS, GC, NS, CC)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	N/A	10'/B3	5'/B2	5'/B2	5'/B2
	Across Street	10'/B1	10'/B1	5'/B1	5'/B1	N/A	5'/B1	5'/B1	5'/B1	5'/B1

Table 60.05-2. (continued)

Minimum Landscape Buffer Requirements Between Contrasting Districts										
District of Development	Location	Urban Low Density (R10)	Urban Standard Density (R7, R5)	Urban Medium Density (R4, R2)	Urban High Density (R1)	Commercial (CS, GC, NS, CC)	Employment/Industrial (OI, IND)	Station Community (SC-MU, SC-HDR, SC-E, SC-S)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E, OI-WS, C-WS)
Employment / Industrial (OI, IND)	Abutting	20'/B3	20'/B3	20'/B3	20'/B3	10'/B3	N/A	20'/B3	20'/B3	20'/B3
	Across Street	10'/B2	10'/B2	10'/B2	10'/B2	5'/B2	N/A	10'/B2	10'/B2	10'/B2
Station Community (SC-MU, SC-HDR, SC-E, SC-S)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	N/A	10'/B2	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	N/A	5'/B1	5'/B1
Town Center (TC-MU, TC-HDR)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	N/A	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	N/A	5'/B1
Regional Center (RC-OT, RC-TO, RC-E, OI-WS, C-WS)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	10'/B2	N/A
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	5'/B1	5'/B1

NOTES FOR TABLE 60.05-2.:

1. 5' / 10' / 20' = Buffer Width
2. B1 / B2 / B3 = Buffer Standard
3. N/A = Not Applicable
4. CU = Conditional Use
5. Except for non-residential uses and parks in Residential districts, buffering requirements are not in addition to building setback requirements as described in Chapter 20 of the Development Code. Where a setback width is less than a landscape buffer width described in Table 60.05-2., the minimum setback width of the zone shall apply to the specified buffer designation (B1, B2, or B3 as appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. [ORD 4531; April 2010]
6. Buffering requirements for Urban Low and Urban Standard and the R4 zoning district in Urban Medium shall only be applied when a Conditional Use (CU) is proposed.
7. A minimum 20 foot buffer developed to a B3 standard is required for non-residential land uses and parks abutting a residential use in a residential zoning district. This standard shall apply only to side and rear property lines that abut residentially zoned properties. The Director is authorized to approve exceptions as described under Section 60.05.25.13.A, *Applicability of Buffer Standards*, otherwise all proposals to modify the 20-foot buffer width or B-3 standard are subject to public hearing consideration in review of applicable guidelines (Section 60.05.45.11.). [ORD 4531; April 2010]
8. Where a site proposed for development abuts property located outside City limits, the buffering requirement for the equivalent zone shall be applied to the property as described in Table 1, Section 1.5.2. of the Comprehensive Plan adopted pursuant to the Washington County – Beaverton Urban Planning Area Agreement (UPAA) or similar a zone as determined by the Director. [ORD 4531; April 2010] [ORD 4759; March 2019]

\*\*\*

**60.12. HABITAT FRIENDLY DEVELOPMENT PRACTICES**

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- 60.12.15. Engineered Techniques.** In some instances, proposed implementation of a HFDP will require an Engineering Design Manual Design Standard Exception approved by the City Engineer. The Design Standard Exception process is outlined in Section 160 of the *Engineering Design Manual and Standard Drawings (EDM)*. An

applicant may choose to receive approval from the City Engineer prior to, or concurrent with, review of a land use application.

In order for the decision making body to approve a requested credit for proposed implementation of a technique that requires a review of the technique’s technical feasibility, engineered drawings and calculations need to be completed and submitted with the land use application for development review.

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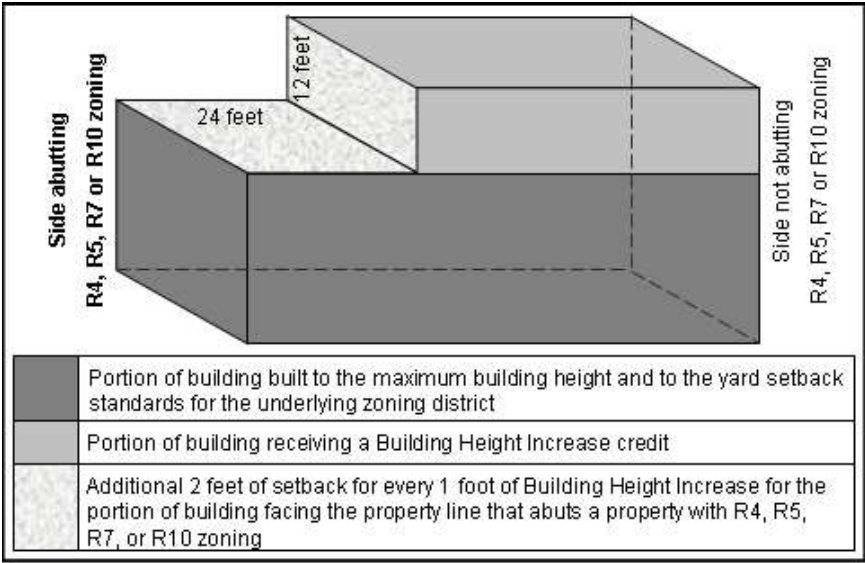
**60.12.40. Low Impact Development (LID) Techniques.** Use of LID techniques is allowed throughout the City unless otherwise stated.

\*\*\*

**4. Eco-Roof.**

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**Building Height Increase Example with additional setback. (elevation view)**



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**60.15. LAND DIVISION STANDARDS.** [ORD 4224; August 2002] [ORD 4487; August 2008]

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**60.15.15. Final Plat Standards.**

1. **Easements and rights-of-way.** Refer to Chapter 9.05 of the Beaverton Municipal Code and Chapter 1, Section 130 of the *Beaverton Engineering Design Manual*. [ORD 4584; June 2012]

\*\*\*

6. **Street trees.** Prior to City approval of the Final Plat, street trees shall be planted along street frontages in accordance with the following:

\*\*\*

- B. For all other land divisions, trees shall be planted at a maximum linear spacing of 30 feet along street frontages or in accordance with an approved street tree plan approved by the City Arborist or City Engineer.

\*\*\*

**60.30. OFF-STREET PARKING.**

\*\*\*

- 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:

\*\*\*

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).

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
<b>Residential Uses</b>				
Detached dwellings (per unit)	1.0	1.0	n/a	n/a
Attached dwellings				
One bedroom (per unit)	1.0	1.25	1.8	1.8
Two bedroom (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
<b>Commercial Uses</b>				
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

\*\*\*

Table 60.30.10.5.B - PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
<b>Residential Uses</b>		
Detached dwellings	Not required	Not required
Single family attached dwellings	Not required	Not required

\*\*\*

- 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—Transit-Oriented (RC-TO), and Regional Center—East (RC-E) are five (5) parking districts. [ORD 4584; June 2012] [ORD 4686; July 2016]

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 Districts 1, 2, and 3	Parking District 4	Parking District 5	Zone A	Zone B	
<b>Residential Uses</b>						
Detached dwellings (per unit)	.75	1.0	1.0	n/a	n/a	
Attached dwellings						
One bedroom (per unit)	.75	1.0	1.0	1.8	1.8	
Two bedroom (per unit)	.75	1.0	1.0	2.0	2.0	
Three or more bedrooms (per unit)	.75	1.0	1.0	2.0	2.0	
Dwellings, Live/Work (per unit)	.75	1.25	1.25	1.8	1.8	
Dwelling, Accessory Unit	N/A	N/A	N/A	1.8	1.8	
Attached dwellings						

\*\*\*

**60.40. SIGN REGULATIONS.**

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- 60.40.15. Signs not Subject to Permit but Subject to Regulation for Size, Dimensions, Location, Duration and Aesthetics.** No permit is necessary before placing, constructing or erecting the following signs so long as any such signs conform to the following regulations:

\*\*\*

4. Signs Located in Parking Lots for Traffic Safety, Parking Restrictions and Compliance with State and Federal Standards. For the purpose of this section, signs for controlling traffic and parking, including but not limited to ADA posting and towing notification, are allowed in any zone. Signs for this purpose shall be placed outside the required sight clearance areas specified in Chapter 2 Section 210 of the City Engineering Design Manual and shall be limited to six (6) square feet in area and eight (8) feet in height as measured from the nearest parking lot surface where placed. [ORD 4708; May 2017]

\*\*\*

**60.50. SPECIAL USE REGULATIONS.**

**60.50.03. Accessory Dwelling Unit. [ORD 4048; July 1999]**

**2. Requirements.** The following requirements are specific to the construction of an accessory dwelling unit and are intended to ensure that the accessory dwelling units are ancillary to the primary residence. Development standards of the underlying zone and the requirements in Section 40.05 Accessory Dwelling Unit apply.

A. An accessory dwelling unit may be created in the following manner:

1. Conversion of existing living area, attic, basement or garage;

\*\*\*

B. Size

1. The proposed accessory dwelling unit is no more than fifty percent (50%) of the gross floor area of the primary detached dwelling or 800 square feet, whichever is greater. However, accessory dwelling units that result from the conversion of a level or floor (e.g. basement, attic or second story) of the primary dwelling may occupy the entire level or floor.
2. The floor area measurements are based on what the square footage of the primary dwelling and accessory dwelling unit will be after the accessory dwelling unit is created.

C. Parking.

1. Where the accessory dwelling unit is built on parking areas required for the primary dwelling, the required parking for the primary dwelling shall be replaced on site.

D. Location.

1. Accessory dwelling unit must be attached by the floor, ceiling, wall, or portion thereof to the primary unit or must be separated by 8-feet from the primary unit.

2. Accessory dwelling is not located over any easement.

\*\*\*

**60.50.20. Fences.** Fences in any district may be constructed at the lot line; provided, however, that fences shall comply with all applicable vision clearance standards established in the Engineering Design Manual and meet the following standards: [ORD 3162; April 1980] [ORD 3287; October 1982] [ORD 4365; October 2005]

1. Fences and walls shall be constructed of materials such as wood, stone, rock, or brick.
2. Fences and walls shall not exceed the following height:
  - A. Six (6) feet in a required front yard along designated Collector and Arterial streets.
  - B. Three (3) feet in height in a required front yard along all other street classifications.
  - C. Four (4) feet in height in a required front yard for required above ground stormwater facilities.
  - D. Eight (8) feet in height for all other yards.

\*\*\*

**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.

\*\*\*

7. Child Care or Day Care Facilities. Child care or day care facilities shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per child for one-third (1/3) the total licensed capacity of children. The Director may approve reduction of this requirement if the facility cares only for infants up to 6 months in age. In all districts, a fence of at least five (5) feet but not more than six (6) feet in height shall be provided separating the outdoor play area from abutting lots. [ORD 4584; June 2012]

\*\*\*

13. Public Art. Public Art as defined in Chapter 90 of the Development Code is permitted in all zoning districts when the following requirements are met, unless separately authorized through an adjustment or variance application, or Engineering Design Exception:

- A. Does not exceed the maximum building height of the underlying zoning district.
- B. In the public right-of-way, ADA requirements, and sight clearance requirements.

\*\*\*

**60.55. TRANSPORTATION FACILITIES.**

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**60.55.10. General Provisions. [ORD 4302; June 2004]**

- 1. All public and private transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.

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**60.55.25. Street and Bicycle and Pedestrian Connection Requirements. [ORD 4302; June 2004]**

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10. Pedestrian Circulation. [ORD 4487; August 2008]

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- E. Walkways shall be paved and shall maintain at least five (5) feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards.

\*\*\*

**60.55.30. Minimum Street Widths.** [ORD 4302; June 2004] Minimum street widths are depicted in the Engineering Design Manual. [ORD 4418; February 2007]

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3. Street trees shall be planted at a maximum linear spacing of 30 feet along street frontages or in accordance with an approved street tree plan approved by the City Arborist. Proposed tree wells shall be designed to meet standards in the City Engineering Design Manual.

\*\*\*

**60.55.35. Access Standards.** [ORD 4302; June 2004]

\*\*\*

3. Intersection Standards.

\*\*\*

- B. Intersection angles and alignment and intersection spacing along streets shall meet the standards of the Engineering Design Manual and Standard Drawings.

- 1.

## CHAPTER 90 - DEFINITIONS

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

\*\*\*

**Accessory Dwelling Unit.** An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. An accessory dwelling unit contains the minimum living facilities required by the current Oregon Structural Code or applicable ordinance to be classified as a dwelling unit.

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**Animal Care, Major.** [ORD 4542; June 2010] Animal uses that provide outdoor facilities. Uses may include kennels, animal day care, and other similar uses.

\*\*\*

**Building Height.** [ORD 4542; June 2010] The vertical distance from grade plane to the highest point of a sloped roof structure or in the case of a flat roof, the vertical distance from grade plane to the highest point of the parapet.

\*\*\*

**Care Facilities.** [ORD 4542; June 2010] General care located within a dwelling accommodating not more than five nonrelated persons, for children and seniors.

\*\*\*

**Laboratory.** [ORD 4542; June 2010] A facility equipped for scientific research, experimentation or testing; or a facility where chemicals, dental equipment and supplies, medical devices, pharmaceuticals or explosives are prepared or manufactured.

\*\*\*

**Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction. [ORD 3846; May 1993]

**Manufactured Home.** For floodplain regulation purposes the term "manufactured home" also includes recreational vehicles, park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days if permitted to be placed on a permanent foundation, permanently connected to utilities, or



anchored to the land. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. [ORD 3563; May 1987] [ORD 4392; July 2006]

**Marijuana Dispensary.** Includes the sales of medical marijuana products that are authorized subject to the provisions of ORS 475B. [ORD 4674; Feb 2016]

\*\*\*

**Mobile Home Park.** Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person.

**Mobile Home Subdivisions.** Developments where mobile homes are placed on individually owned lots approved under the City of Beaverton's subdivision regulations.

\*\*\*

**Public Art.** Any two or three dimensional physical art installation on public or private property recognized as Public Art by the Beaverton Arts Commission. This use is limited to installations expressly authorized by the Mayor under a program administered by the Mayor and established by Council resolution.

\*\*\*

**Public Dog Park or Dog Run.** A component of a public park, containing a fenced area designated for dogs to exercise and socialize off leash. Elements of a dog park or dog run may include but are not limited: a perimeter fence, separate areas for small and large dogs, appropriate surfacing for the chosen location, seating (benches), shade, fountain or other appropriate water source, covered trash receptacles, dog waste bag dispensers, and regulatory signage.

\*\*\*

**Structure.** Anything which is constructed, erected or built and located on or under the ground, or attached to something fixed to the ground.

**Structure.** For the purpose of floodplain review, a walled and roofed building including a gas or liquid storage tank that is principally above ground. [ORD 3563; May 1987]