

ORDINANCE NO. 4365

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER'S:
10, 20, 40, 50, 60, and 90;
TA 2005-0001 (2005 Omnibus).

WHEREAS, the purpose of the 2005 Spring Omnibus Development Code Text Amendment is to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions),

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on August 3, 2005 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on August 24, 2005; and,

WHEREAS, the Planning Commission held a public hearing on August 13, 2005 and approved the proposed 2005 Spring Omnibus Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated August 3, 2005, as amended at the hearing; and

WHEREAS, on August 24, 2005, the Planning Commission conducted a public hearing for TA 2005-0001 (2005 Omnibus) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1814; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2005-0001 (2005 Omnibus) following the issuance of the Planning Commission Land Use Order No. 1814; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1814 dated September 2, 2005 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4295, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 12th day of September, 2005.

Passed by the Council this 19th day of September, 2005.

Approved by the Mayor this 20th day of SEPTEMBER, 2005.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

1 Old text has strike through and new text is grey scale.

2
3 Section 1 - Removed by Planning Commission

4
5 Section 2: The Development Code, Ordinance No. 2050, Ordinance
6 4332, Chapter 10, General Provisions, Sections 10.25, will be amended
7 to read as follows:

8
9 *****

10
11 **10.25. Classification of Districts**

12
13 *****

14 **ZONING DISTRICT** **ABBREVIATION**

15
16 **Multiple Use Districts**

17

18 Station Area - Multiple Use	SA-MU
19 Station Area - Medium Density Residential	SA-MDR
20 Station Community - Multiple Use	SC-MU
21 Station Community - High Density Residential	SC-HDR
22 Station Community - Employment	SC-E
23 Corridor - Multiple Use	C-MU
24 Town Center - Multiple Use	TC-MU
25 Town Center - High Density Residential	TC-HDR
26 Town Center - Medium Density Residential	TC-MDR
27 Regional Center - Transit Oriented	RC-TO
28 Regional Center - Old Town	RC-OT
29 Regional Center - East	RC-E

30
31 *****
32

1 **Section 3: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 10, General Provisions, Sections 10.95.2.B.2, will be**
3 **amended to read as follows:**

4
5
6 *****

7
8 **10.95. Development Review Participants**

9
10 **2. Planning Commission.**

11
12 A. Membership

13 *****

14
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16 B. Responsibilities and Authority

17 *****

- 18
19
20 2. The Planning Commission shall act on the behalf of
21 the City on the following applications: Major
22 Adjustment, ~~Major Adjustment—Regional Center~~
23 ~~and South Tektronix Station Community~~, Major
24 Modification of a Conditional Use, Conditional Use,
25 Preliminary Planned Unit Development, Final
26 Planned Unit Development, Flexible Setback(s) for
27 a Proposed Land Division, Flexible Setback(s) for a
28 Proposed Annexation, Zero Side or Zero Rear Yard
29 Setback(s) for a Proposed Residential Land
30 Division, Tree Plan Three, Variance, Wireless
31 Facility Three, and appeals of some decisions of the
32 Director.

33
34 *****

1 **Section 4: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 10, General Provisions, Sections 10.95.3.B.2, will be**
3 **amended to read as follows:**

4
5
6 *****

7
8 **10.95. Development Review Participants**

9
10 *****

11
12 **3. Board of Design Review.**

13
14 **A. Membership**

15
16 *****

17
18 **B. Responsibilities and Authority**

19
20 *****

21 2. The Board of Design Review shall review proposals
22 and make necessary decisions delegated to them by
23 this Code concerning design and aesthetic aspects
24 of proposals. The Board of Design Review shall act
25 on the behalf of the City on the following
26 applications: Major Adjustment, ~~Major Adjustment~~
27 ~~Regional Center and South Tektronix Station~~
28 ~~Community~~, Design Review Three, Major
29 Alteration of a Landmark, Demolition of a
30 Landmark, New Construction in a Historic District,
31 Tree Plan Three, Variance, and appeals of some
32 decisions of the Director.

33
34
35 *****
36

1 **Section 5: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 20, Land Uses, Sections 20.05.10.2.B.13, 20.05.15.2.B.13,**
3 **and 20.05.20.2.B.13, will be amended to read as follows:**

4
5 **20.05 Residential Land Use Districts**

6
7 *****

8 **20.05.10 Urban Low Density (R-10) District**

9 *****

10 **20.05.10.1 Purpose**

11 *****

12 **20.05.10.2 District Standards and Uses**

13 *****

14 **A. Permitted Uses**

15 *****

16 **B. Conditional Uses**

17 *****

- 18 13. Two attached dwellings, only in the ~~Central~~
19 Beaverton Downtown Regional Center area shown
20 on ~~Map 2~~ Figure III-1 in the Comprehensive Plan
21 (ORD 3236) (See also Special Regulations Section.)
22 [ORD 4224; August 2002]

23
24 *****

25
26 **20.05.15. Urban Standard Density (R7) District**

27 *****

28 **20.05.15.1 Purpose**

29 *****

30 **20.05.15.2 District Standards and Uses**

31
32 *****

33 **A. Permitted Uses**

34 *****

35 **B. Conditional Uses**

36 *****

1 13. Two attached dwellings, only in the Central
2 Beaverton Downtown Regional Center area shown
3 on Map 2 Figure III-1 in the Comprehensive Plan
4 (ORD 3236) (See also Special Regulations Section.)
5 [ORD 4224; August 2002]

6 *****

7
8 **20.05.20 Urban Standard Density (R5) District**

9 *****

10 **20.05.20.1 Purpose**

11 *****

12 **20.05.20.2 District Standards and Uses**

13 *****

14 **A. Permitted Uses**

15 *****

16 **B. Conditional Uses**

17 *****

18 13. Two attached dwellings, only in the Central
19 Beaverton Downtown Regional Center area shown
20 on Map 2 Figure III-1 in the Comprehensive Plan
21 (ORD 3236) (See also Special Regulations Section.)
22 [ORD 4224; August 2002]

23 *****
24

1 **Section 6: The Development Code, Ordinance No. 2050, Ordinance**
 2 **4332, Chapter 20, Land Uses, Sections 20.05.50.3.C.2., will be amended**
 3 **to read as follows:**

4
 5
 6 **20.05.50 Site Development Requirements**

7
 8 **1. Lot Area**

9 *****

10 **2. Lot Dimensions**

11 *****

12 **3. Yard Setbacks (in feet)**

13 **A. Front**

14 *****

15 **B. Side**

16 *****

17 **C. Rear**

18

	<u>RA</u>	R10	R7	R5	<u>R4</u>	R3.5	R2	R1
C. Rear								
1. Dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000]	100	25	25	25	15	15	15	15
2. Garage [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000]	20	5 20	5 20	5 20	10*	5	10	10
3. Garage with door elevation facing alley* [ORD 4107; May 2000]	n/a	n/a	n/a	n/a	24	24	24	24

19
 20 * If alley present, setback measured from garage door
 21 elevation to opposite side of the alley right of way or
 22 access easement line. [ORD 4047; May 1999] [ORD
 23 4107; May 2000] [ORD 4224; August 2002]

24
 25 *****

1 **Section 7: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.10.15.1.A.2, 40.10.15.2,**
3 **40.10.15.3.A.2, and 40.10.15.4, will be deleted to read as follows:**
4
5

6 **40.10. ADJUSTMENT**

7
8 **40.10.05. Purpose.**

9 *****

10 **40.10.10. Applicability.**

11 *****

12 **40.10.15. Application.**

13 *****

14 **1. Minor Adjustment.**

15
16 A. Threshold. An application for Minor Adjustment shall be
17 required when one or more of the following thresholds
18 apply:

19
20 1. Involves up to and including a 10% adjustment
21 from the numerical Site Development
22 Requirements specified in Chapter 20 (Land Uses).

23
24 2. ~~Involves up to and including a 10% adjustment~~
25 ~~from the numerical Development Standards for~~
26 ~~Major Pedestrian Routes specified in Section~~
27 ~~20.20.60.D.3 of this Code.~~

28 *****

29
30 ~~2. Minor Adjustment - All Regional Center zones and South~~
31 ~~Tektronix Station Community Major Pedestrian Routes.~~

32
33 A. ~~Threshold.~~ An application for Minor Adjustment -
34 ~~Regional Center and South Tektronix Station Community~~
35 ~~Major Pedestrian Routes shall be required when the~~
36 ~~following threshold applies:~~

37
38 1. ~~Involves an adjustment of up to and including 25%~~
39 ~~of numerical Development Standards for Major~~
40 ~~Pedestrian Routes specified in Section 20.20.60.B.3~~
41 ~~or Section 20.20.60.E.3 of this Code.~~

42
43 B. ~~Procedure Type.~~ The Type 2 procedure, as described in
44 ~~Section 50.40 of this Code, shall apply to an application~~
45 ~~for Minor Adjustment - Regional Center and South~~
46 ~~Tektronix Station Community Major Pedestrian Routes.~~
47 ~~The decision-making authority is the Director.~~

1
2 C. ~~Approval Criteria.~~ In order to approve a Minor
3 Adjustment—Regional Center and South Tektronix
4 Station Community Major Pedestrian Routes application,
5 the decision making authority shall make findings of fact
6 based on evidence provided by the applicant
7 demonstrating that all the following criteria are satisfied:
8

- 9 1. ~~The proposal satisfies the threshold requirements~~
10 ~~for a Minor Adjustment—Regional Center and~~
11 ~~South Tektronix Station Community Major~~
12 ~~Pedestrian Routes application.~~
13
14 2. ~~All City application fees related to the application~~
15 ~~under consideration by the decision making~~
16 ~~authority have been submitted.~~
17
18 3. ~~Granting the adjustment will equally or better~~
19 ~~meet the purpose of the District subarea~~
20 ~~requirement, standard or regulation to be modified.~~
21
22 4. ~~The proposal will be consistent with the desired~~
23 ~~character of the area.~~
24
25 5. ~~If more than one (1) adjustment is being requested,~~
26 ~~the cumulative effect of the adjustments will result~~
27 ~~in a project which is still consistent with the overall~~
28 ~~purpose of the zone.~~
29
30 6. ~~City designated scenic resources and historic~~
31 ~~resources, if present, are preserved.~~
32
33 7. ~~Any impacts resulting from the adjustment are~~
34 ~~mitigated to the extent practical.~~
35
36 8. ~~Applications and documents related to the request,~~
37 ~~which will require further City approval, shall be~~
38 ~~submitted to the City in the proper sequence.~~
39

40 D. ~~Submission Requirements.~~ An application for a Minor
41 Adjustment—Regional Center and South Tektronix
42 Station Community Major Pedestrian Routes shall be
43 made by the owner of the subject property, or the owner's
44 authorized agent, on a form provided by the Director and
45 shall be filed with the Director. The Minor Adjustment—
46 Regional Center and South Tektronix Station Community
47 Major Pedestrian Routes application shall be

1 accompanied by the information required by the
2 application form, and by Section 50.25 (Application
3 Completeness), and any other information identified
4 through a Pre-Application Conference.
5

6 ~~E. Conditions of Approval. The decision making authority
7 may impose conditions on the approval of a Minor
8 Adjustment Regional Center and South Tektronix
9 Station Community Major Pedestrian Routes application
10 to ensure compliance with the approval criteria.~~

11
12 ~~F. Appeal of a Decision. Refer to Section 50.65.~~

13
14 ~~G. Expiration of a Decision. Refer to Section 50.90.~~

15
16 ~~H. Extension of a Decision. Refer to Section 50.93.~~
17

18 *****

19 **3. Major Adjustment.**

20
21 A. Threshold. An application for Major Adjustment shall be
22 required when one or more of the following thresholds
23 apply:
24

25 1. Involves an adjustment of more than 10% and up to
26 and including 50% adjustment from the numerical
27 Site Development Requirement specified in
28 Chapter 20 (Land Uses).
29

30 2. ~~Involves an adjustment of more than 10% and up to
31 and including 50% adjustment from the numerical
32 Development Standards for Major Pedestrian
33 Routes specified in Section 20.20.60.D.3 of this
34 Code.~~
35

36 *****

37
38 ~~4. **Major Adjustment All Regional Center zones and South
39 Tektronix Station Community Major Pedestrian Routes**~~

40
41 ~~A. Threshold. An application for Major Adjustment
42 Regional Center and South Tektronix Station Community
43 Major Pedestrian Routes shall be required when one or
44 more of the following thresholds apply:
45~~

46 ~~1. Involves an adjustment of more than 25% to a
47 numerical Development Standards for Major~~

1 Pedestrian Routes specified in Section 20.20.60.B.3
2 or 20.20.60.E.3.

3
4 2. ~~Involves an adjustment to a non-numerical~~
5 ~~Development Standards for Major Pedestrian~~
6 ~~Routes specified in Section 20.20.60.B.3 or Section~~
7 ~~20.20.60.E.3.~~

8
9 3. ~~Involves multiple Minor Adjustment Regional~~
10 ~~Center and South Tektronix Station Community~~
11 ~~Major Pedestrian Routes applications.~~

12
13 B. ~~Procedure Type.~~ The Type 3 procedure, as described in
14 ~~Section 50.45 of this Code, shall apply to an application~~
15 ~~for Major Adjustment Regional Center and South~~
16 ~~Tektronix Station Community Major Pedestrian Routes.~~
17 ~~Upon determination by the Director, the decision making~~
18 ~~authority will be either the Planning Commission or the~~
19 ~~Board of Design Review. The determination will be based~~
20 ~~upon the nature and characteristics of the proposal.~~

21
22 C. ~~Approval Criteria.~~ In order to approve a Major
23 ~~Adjustment Regional Center and South Tektronix~~
24 ~~Station Community Major Pedestrian Routes application,~~
25 ~~the decision making authority shall make findings of fact~~
26 ~~based on evidence provided by the applicant~~
27 ~~demonstrating that all the following criteria are satisfied:~~

28
29 1. ~~The proposal satisfies the threshold requirements~~
30 ~~for a Major Adjustment Regional Center and~~
31 ~~South Tektronix Station Community Major~~
32 ~~Pedestrian Routes application.~~

33
34 2. ~~All City application fees related to the application~~
35 ~~under consideration by the decision making~~
36 ~~authority have been submitted.~~

37 3. ~~Granting the adjustment will equally or better~~
38 ~~meet the purpose of the District subarea~~
39 ~~requirement, standard or regulation to be modified.~~

40
41 4. ~~The proposal will be consistent with the desired~~
42 ~~character of the area.~~

43
44 5. ~~If more than one (1) adjustment is being requested,~~
45 ~~the cumulative effect of the adjustments results in~~
46 ~~a project which is still consistent with the overall~~
47 ~~purpose of the zone.~~
48

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- 6. ~~City designated scenic resources and historic resources are preserved.~~
- 7. ~~Any impacts resulting from the adjustment are mitigated to the extent practical.~~
- 8. ~~Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.~~

~~D. Submission Requirements. An application for a Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes 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 Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre Application Conference.~~

~~E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application to ensure compliance with the approval criteria.~~

~~F. Appeal of a Decision. Refer to Section 50.70.~~

~~G. Expiration of a Decision. Refer to Section 50.90.~~

~~H. Extension of a Decision. Refer to Section 50.93~~

1 **Section 8: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.15.15.2.A.5., will be**
3 **deleted to read as follows:**

4
5 **Major Modification of a Conditional Use Permit**

6
7 **40.15. Conditional Use**

8
9 **40.15.05 Purpose**

10 *****

11 **40.15.10 Applicability**

12 *****

13 **40.15.15. Application**

14
15 **1. Minor Modification of a Conditional Use**

16 *****

17 **2. Major Modification of a Conditional Use**

18 **A. Threshold.**

19 *****

20 ~~5. Modification of one or more conditions of approval which apply to an~~
21 ~~approved Conditional Use.~~

22 *****
23

1 **Section 9: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.20.10.4.C, 40.20.15.1.A.f,**
3 **40.20.15.1.C, 40.20.15.1.C.6, 40.20.15.2.A, 40.20.15.2.A.8, 40.20.15.2.C, and**
4 **40.20.15.3.C, will be amended to read as follows:**

5
6 **40.20 Design Review**

7 *****

8 **40.20.05 Purpose**

9 *****

10 **40.20.10.4 Applicability.**

11
12 C. Proposed redevelopment of existing structures, where demolition
13 of up to and including 25% of the area of the existing structure is
14 proposed, and where improvements are proposed to be located
15 within the area of demolition, new design standards or design
16 guidelines are not applicable. If demolition is proposed greater
17 than 25% up to and including 50% of the existing structure, and
18 where improvements are proposed to be located within the area
19 of demolition, 10% of the overall construction budget for new
20 building improvements will be required to be devoted to
21 improving portions of the building, site, or both so as to meet
22 applicable design standards or design guidelines. If demolition
23 is proposed greater than 50% of the area of the existing
24 structure, the full redevelopment project is subject to all
25 applicable design standards or design guidelines.

26
27 *****

28
29 **40.20 Design Review**

30 *****

31 **40.20.15. Application.**

32
33 **1. Design Review Compliance Letter.**

34
35 A. Threshold. An applicant may utilize the Design Review
36 Compliance Letter process when the application is limited
37 to one or more of the following categories of proposed
38 action:

- 39
40 1. Minor design changes to existing building or site
41 including, but not limited to:

42
43 *****

- f. Modification of up to 15 percent the on-site landscaping with no reduction in required landscaping.
- j. Removal of up to 5 Landscape Trees

40.20.15.1. Design Review Compliance Letter

B. Procedure Type

C. Approval Criteria - 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:

- 6. If applicable through Section 20.20.15.2, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, 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.
 - b. Roof forms.
 - c. Building materials.
 - d. Perimeter/foundation landscaping requirements.
 - e. Screening roof-mounted equipment requirements.
 - f. Screening loading areas, solid waste facilities and similar improvements.
 - g. Lighting requirements.
 - h. Pedestrian circulation

40.20.15. Application.

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:

1 *****

2 8. Removal of more than five (5) and up to and including
3 ten (10) Landscape Trees on a site within a one
4 calendar year period.
5

6 *****

7 B. Procedure Type

8 *****

9 C. Approval Criteria - In order to approve a Design Review
10 Two application, the decision making authority shall
11 make findings of fact based on evidence provided by the
12 applicant demonstrating that all the following criteria are
13 satisfied:

14 *****

15
16 **40.20.15.3.C**

17
18 A. Threshold

19 *****

20 B. Procedure Type

21 *****

22 C. Approval Criteria - In order to approve a Design Review
23 Three application, the decision making authority shall
24 make findings of fact based on evidence provided by the
25 applicant demonstrating that all the following criteria are
26 satisfied:
27

28
29 *****

1 **Section 10: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.20.15.3.C, will be amended**
3 **to read as follows:**

4
5 *****

6
7 **40.20.15.3.C. Approval Criteria.**

8
9
10 5. For additions to or modifications of existing
11 development, the proposal is consistent with all
12 applicable provisions of Sections 60.05.35 through
13 60.05.50 (Design Guidelines) or can demonstrate
14 that the additions or modifications are moving
15 towards compliance of specific Design Guidelines if
16 any of the following conditions exist:

17
18 a. A physical obstacle such as topography or
19 natural feature exists and prevents the full
20 implementation of the applicable guideline;
21 or

22
23 b. The location of existing structural
24 improvements prevent the full
25 implementation of the applicable guideline;
26 or

27
28 c. The location of the existing structure to be
29 modified is more than 300 feet from a public
30 street.

31
32 ~~If the above listed conditions are found to exist and~~
33 ~~it is not feasible to locate a proposed addition in~~
34 ~~such a way that the addition abuts a street, then~~
35 ~~all applicable design standards except the following~~
36 ~~must be met:~~

37
38 ~~d. If in a Multiple Use District, building~~
39 ~~location, entrances and orientation along~~
40 ~~streets, and parking lot limitations along~~
41 ~~streets (Standards 60.05.15.6 and 60.05.20.8)~~

42
43 ~~e. If in a Multiple Use or Commercial District,~~
44 ~~ground floor elevation window requirements~~
45 ~~(Standard 60.05.15.8).~~

1 **Section 11: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.55.10, will be amended to**
3 **read as follows:**

4
5 *****

6 **40.55.10. Applicability.**

7
8 A Parking Determination may be requested in writing to establish a
9 required off street parking ratio or specific number of off street parking
10 spaces for use not specifically listed in Section 60.30 (Off Street
11 Parking) of this Code, to share required parking spaces, and to
12 determine the existence of excess required parking.

13
14 *****

15
16 **Section 12: The Development Code, Ordinance No. 2050, Ordinance**
17 **4332, Chapter 40, Permits and Applications, Section 40.80.15.1.C.8.,**
18 **will be amended to read as follows:**

19
20 **40.80. Temporary Use**

21 *****

22 **40.80.15 Application**

23 **1. Temporary Mobile Sales**

24 **A. Threshold**

25 *****

26 **B. Procedure Type**

27 *****

28 **C. Approval Criteria**

29 *****

30 **8. The proposal will not be located within the vision**
31 **clearance area of an intersection as specified under**
32 **~~Section 60.55.50~~ in the Engineering Design Manual**
33 **and Standard Drawings.**

34
35
36 *****

1 **Section 13: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.20.1 shall be amended to**
3 **read as follows:**

4
5 *****

6 **50.20 Pre-Application Conference**

7
8 1. With the exception of an application filed by the City, a pre-application
9 conference shall be required for all proposals which require Type 2, Type 3, or
10 Type 4 applications. An applicant may choose to forgo the required pre-
11 application conference for a Type 2 application upon completion of a form for
12 that purpose provided by the Director. A pre-application conference is
13 optional for an applicant for proposals which require only Type 1
14 applications.

15
16 *****

17
18 **Section 14: The Development Code, Ordinance No. 2050, Ordinance**
19 **4332, Chapter 50, Procedures, Section 50.40.10.B shall be amended to**
20 **read as follows:**

21
22 *****

23 **50.40. Type 2**

24 *****

25 50.40.10. Within approximately fourteen (14) calendar days after the
26 Facilities Review Committee technical meeting, the Director
27 shall issue a written decision on the application to the applicant,
28 the property owner, the NAC in which the subject property is
29 located, and interested parties that submitted written comments
30 prior to or on the comment closing date; provided, [ORD 4265;
31 September 2003]

32
33 A. The decision making authority shall consider the
34 application, the applicant's supplement to or amendment
35 of the application, if any, and the timely and relevant
36 comments on the application. The decision making
37 authority may consider comments and responses received
38 from the applicant, the public, or both after the comment
39 closing period on the proposal; and

40
41 B. An applicant may request in writing a continuance of
42 time, not to exceed a total of ~~180~~ 240 calendar days from
43 the date the application was determined to be or deemed
44 complete. The decision making authority shall issue a
45 decision prior to the conclusion of the continuance of time.

46 *****

1 **Section 15: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.90.1.B, shall be**
3 **amended to read as follows:**

4 *****

5 **50.90. Expiration of a Decision**

6 1. Except as otherwise specifically provided in a specific decision or in this
7 Code, a final decision made pursuant to this Chapter shall expire
8 automatically on the following schedule unless the approval is enacted
9 either through construction or establishment of use within the specified
10 time period.

11
12 A. Five (5) years from the effective date of decision: Final Planned
13 Unit Development (40.15.15.6) where phasing of the development
14 is proposed.

15
16 B. Two (2) years from the effective date of decision:

17
18 Accessory Dwelling Unit (40.05.15.1)

19 Administrative Conditional Use (40.15.15.3)

20 Alteration of a Landmark (40.35.15.1)

21 Conditional Use (40.15.15.4)

22 Demolition of a Landmark (40.35.15.3)

23 Design Review Two (40.20.15.2)

24 Design Review Three (40.20.15.3)

25 Emergency Demolition of a Landmark (40.35.15.2)

26 Expedited Land Division (40.45.15.7)

27 Final Land Division (40.45.15.6)

28 Final Planned Unit Development (40.15.15.6) when there is no
29 phasing to the development

30 Flexible Setback for Individual Lot With Endorsement
31 (40.30.15.1)

32 Flexible Setback for Individual Lot Without Endorsement
33 (40.30.15.2)

34 Flexible Setback for a Proposed Residential Land Division
35 (40.30.15.3)

36 Flexible Setback for a Proposed Annexation (40.30.15.4)

37 Lot Line Adjustment (40.45.15.1)

38 Major Adjustment (40.10.15.3)

39 ~~Major Adjustment—All Regional Center zones and South~~
40 ~~Tektronix Station Community Major Pedestrian Routes~~
41 ~~(40.10.15.4)~~

42 Major Modification of a Conditional Use (40.15.15.2)

43 Minor Adjustment (40.10.15.1)

44 ~~Minor Adjustment—All Regional Center zones and South~~
45 ~~Tektronix Station Community Major Pedestrian Routes~~
46 ~~(40.10.15.2)~~

47 Minor Modification of a Conditional Use (40.15.15.1)

48 *****

1 **Section 16: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.93.4 shall be amended to**
3 **read as follows:**

4
5 *****

6 **50.93. Extension of a Decision**

7 *****

8 4. ~~An application for an extension shall be granted if the applicant~~
9 ~~demonstrates that it complies with the following:~~ In order to
10 approve an extension of time application, the decision making
11 authority shall make findings of fact based on evidence provided
12 by the applicant demonstrating that all the following criteria are
13 satisfied:

- 14
15 A. It is not practicable to commence development within the
16 time allowed for reasons beyond the reasonable control of
17 the applicant.
18
19 B. There has been no change in circumstances or the
20 applicable regulations or Statutes likely to necessitate
21 modification of the decision or conditions of approval since
22 the effective date of the decision for which the extension is
23 sought.

24
25 *****

26 **Section 17: The Development Code, Ordinance No. 2050, Ordinance**
27 **4332, Chapter 60, Special Requirements, Section 60.05.35.6.C, will**
28 **be amended to read as follows:**

29
30 *****

31 **60.05 Design Review**

32 *****

33 **60.05.35. Building Design and Orientation Guidelines**

34 *****

35 **6. Building Location and Orientation in Multiple Use and**
36 **Commercial districts.**

37 *****

- 38 C. On Class 1 Major Pedestrian Routes, building entrances should
39 be oriented to streets, or have reasonably direct pedestrian
40 connections to streets and pedestrian and transit facilities.
41 (Standard 60.05.15.6.C and D)

42 *****

1 **Section 18: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 60, Special Requirements, Section 60.30.10.10.F., will**
3 **be amended to read as follows:**

4
5 *****

6 **60.30. Off-Street Parking**

7 *****

8 **60.30.10.10. Off Street Parking exceptions**

9 *****

10 F. For uses located within a 1/4 mile radius of a transit stop,
11 as measured from any portion of a parcel to the centerline
12 of the nearest adjacent public right of way or the center of
13 the station platform, the provision of bicycle parking may
14 be used to reduce minimum vehicle parking requirements
15 at a rate of two long-term bicycle parking spaces per
16 vehicle space, but not more than five percent of the total
17 number of required vehicle parking spaces. The property
18 owner shall provide a parking analysis demonstrating
19 that the vehicle parking demand will be met with the
20 reduced number of vehicle spaces. Bicycle parking used
21 to reduce vehicle parking spaces shall be covered long-
22 term bicycle parking consistent with Engineering Design
23 Manual and Standard Drawings. ~~Section 60.55.65 of this~~
24 Code .

25
26 *****

27 **Section 19: The Development Code, Ordinance No. 2050, Ordinance**
28 **4332, Chapter 60, Special Requirements, Section 60.30.15.8 and**
29 **Section 60.40.35.2 will be amended to read as follows:**

30
31 **60.30. Off-Street Parking**

32 *****

33 **60.30.15. Off-Street Parking Lot Design**

34 *****

35 8) Parking lots in conjunction with government and public buildings, as
36 defined by Chapter 11 ~~31~~ of the International ~~Uniform~~ Building Code, are to
37 include parking for the handicapped as required in that chapter. These
38 special spaces may be included within the total spaces required. (ORD 3494)

1 *****

2 **60.40. Sign Regulations**

3 *****

4 **60.40.35 Commercial, Industrial, and Multiple Use Zones**

5 1. Wall Sign

6 *****

7 2. Projecting Sign and Awning. Commercial buildings within the
8 Multiple Use zoning districts which have the front building line
9 within five (5) feet of the public right-of-way shall be permitted
10 one (1) projecting sign on the front building face in lieu of a
11 freestanding sign. All projecting signs and awnings must
12 conform to the latest edition of the ~~International Uniform~~
13 Building Code in meeting wind and deadload requirements and
14 must be adequately maintained to prevent deterioration which
15 could be a hazard to pedestrian traffic beneath the sign.
16 Projecting signs and awnings shall project no more than eight
17 (8) feet or two-thirds (2/3) of the width of the sidewalk or to
18 within two (2) feet of the curb, whichever is less, and contain no
19 more than thirty-two (32) square feet per face. Projecting signs
20 and awnings shall have an underneath clearance of eight (8)
21 feet. (ORD 3374) [ORD 4058, August 1999] [ORD 4107; May
22 2000]

23 *****

24 *****
25 **Section 20: The Development Code, Ordinance No. 2050, Ordinance**
26 **4332, Chapter 60, Special Requirements, Section 60.35.15.1.A-C., will**
27 **be amended to read as follows:**

28
29
30 **60.35 Planned Unit Development**

31 *****

32 **Section 60.35.15. Common Open Space**

- 33
34 1. A PUD shall be required to provide common open space
35 according to the following rates:
36
37 A. ~~An~~ Area equal to at least twenty percent (20%) of the
38 subject site when the site is up to and including 10 acres
39 in size.
40
41 B. ~~An~~ Area equal to at least fifteen percent (15%) of the
42 subject site when the site is more than 10 acres and up to
43 and including 50 acres in size.

1
2 C. An Area equal to at least ten percent (10%) of the subject
3 site when the site is more than 50 acres in size.

4 *****

5 **Section 21: The Development Code, Ordinance No. 2050, Ordinance**
6 **4332, Chapter 60, Special Regulations, Section 60.50.20, shall be**
7 **amended to read as follows:**

8
9
10 **60.50 Special Use Regulations**

11 *****

12 **60.50.20. Fences.** Fences in any district may be constructed at the lot
13 line; provided, however, that fences shall comply ~~to~~ with all
14 applicable vision clearance standards established in ~~Section~~
15 ~~60.55.50.1.~~ the Engineering Design Manual for setback and
16 height limits. (ORD 3162; March 1980) (ORD 3287; October
17 1982)

18
19 *****

20 **Section 22: The Development Code, Ordinance No. 2050, Ordinance**
21 **4332, Chapter 60, Special Regulations, Section 60.55.30.2., shall be**
22 **amended to read as follows:**

23
24 *****

25 **60.55. Transportation Facilities**

26 *****

27 **60.55.30 Street Widths**

28 *****

29 2. In Station Areas, Station Communities, Town Centers, and
30 Regional Centers, the decision-making authority may approve
31 alternative sidewalk widths consistent with the requirements of
32 section ~~20.20.50 and 20.20.60~~ 60.05 and may waive the
33 requirement for planter strips.

34 *****

1 **Section 23: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 60 Special Regulations, Section 60.70.35.19, shall be**
3 **amended to read as follows:**

4
5 **60.70 Wireless Communications Facilities**

6 *****

7 **60.70.35 Development Standards for WCF**

8 *****

9 **19. Specific Development Standards – WCF in Public Road**
10 **Right-of-Way.** The following standards are specific to the
11 installation of WCF on street lights in public road rights-of-ways
12 ~~on streetlights~~, excluding street lights on power poles, traffic
13 signal lights, and high voltage power utility poles, and are in
14 addition to the other development standards specified in this
15 section of the Code:

16
17 *****

18 **Section 24: The Development Code, Ordinance No. 2050,**
19 **Ordinance 4332, Chapter 90, Definitions, shall be amended to add the**
20 **following definitions that read as follows:**

21
22 *****

23 **Child Care Facility – See Nursery, day, or child care.**

24 *****

1 **Section 25: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 60, Section 60.60.25.9.B., shall be amended to read as**
3 **follows:**

4
5 **60.60.25.9**

6
7 *****

- 8
9 9. The following standards apply to the replacement of a Landscape Tree:
- 10
11 A. A replacement tree shall be a substantially similar species or a tree
12 approved by the City considering site characteristics.
 - 13
14 B. If a replacement tree of the species of the tree removed or damaged
15 is not reasonably available, the City may allow replacement with a
16 different species.
 - 17
18 C. Replacement of a Landscape Tree shall be based on ~~total linear~~
19 ~~DBH calculations~~ at a one-to-one ratio depending upon the
20 capacity of the site to accommodate replacement tree or unless
21 otherwise specified through development review. Replacement of
22 tree on a one-to-one basis shall be as follows:
 - 23
24 1. Calculate the sum of the total linear DBH measurement of
25 the tree to be removed.
 - 26
27 2. ~~The total linear DBH measurement of~~ The tree to be
28 removed shall be replaced with tree at least 1.5 caliper
29 inches in diameter. ~~The total caliper inches of the~~
30 replacement tree shall be at least equal to the sum total of
31 the linear DBH measurement of the removed tree.

32
33
34
35
36
37
38 *****