

ORDINANCE NO. 4430

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTERS:
40, 60, and 90;
TA 2006-0003 (PUD Text Amendment).

WHEREAS, the purpose of the Planned Unit Development (PUD) Text Amendment is to create standards that protect and improve the quality of development in Beaverton and to encourage innovative development through the use of incentive regulations. The PUD Amendment proposes to amend the PUD regulations contained in Chapter 40, Chapter 60, and Chapter 90 Definitions of the Beaverton Development Code; and

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on May 5, 2006, 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 June 14, 2006; and

WHEREAS, the Planning Commission held the first of three public hearings on June 14, July 26, and August 23, 2006 and approved the proposed PUD Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated July 7, 2006, staff memos dated July 21, and August 17, 2006, and as amended at the hearings; and

WHEREAS, on February 7, 2007, the Planning Commission conducted a public hearing to review issues remanded to the Planning Commission from the City Council for further consideration at the conclusion of which the Planning Commission voted to recommend the Beaverton City Council adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1941; and

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0003 (PUD Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1941; and

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1941 dated February 12, 2007 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. 4414, 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 5th day of March, 2007.

Passed by the Council this 19th day of March, 2007.

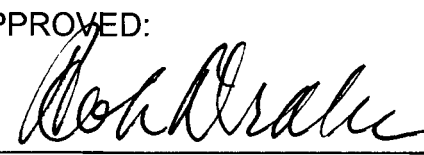
Approved by the Mayor this 20th day of March, 2007.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

1
2 **Section 1: The Development Code, Ordinance No. 2050, Chapter 40, Applications,**
3 **Section 40.15.15.5 shall be amended to read as follows:**
4 ~~40.15.15.~~

5
6 ~~5. Preliminary Planned Unit Development.~~

7
8 ~~A. Threshold. A Preliminary Planned Unit Development (PUD)~~
9 ~~application is an optional application process which may be chosen by~~
10 ~~the applicant. A Preliminary PUD application is the first application~~
11 ~~of a two step application process with a Final PUD application as the~~
12 ~~second step. A Preliminary PUD is a plan that generally demonstrates~~
13 ~~the ultimate development of a project. A Preliminary PUD may be~~
14 ~~applied to properties within any City zoning district except~~
15 ~~Residential Agricultural (RA).~~

16
17 ~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45~~
18 ~~of this Code, shall apply to an application for Preliminary PUD. The~~
19 ~~decision making authority is the Planning Commission.~~

20
21 ~~C. Approval Criteria. In order to approve a Preliminary PUD application,~~
22 ~~the decision making authority shall make findings of fact based on~~
23 ~~evidence provided by the applicant demonstrating that all the~~
24 ~~following criteria are satisfied:~~

25
26 ~~1. The proposal satisfies the threshold requirements for a~~
27 ~~Preliminary PUD application.~~

28
29 ~~2. All City application fees related to the application under~~
30 ~~consideration by the decision making authority have been~~
31 ~~submitted.~~

32
33 ~~3. The proposal meets the Site Development Requirement for~~
34 ~~setbacks within the applicable zoning district for the perimeter~~
35 ~~of the parent parcel unless the setbacks are approved as an~~
36 ~~Adjustment, Flexible Setback or Variance which shall be~~
37 ~~considered concurrently with the subject proposal.~~

38
39 ~~4. The proposal will comply with the applicable policies of the~~
40 ~~Comprehensive Plan.~~

41
42 ~~5. The size, dimensions, configuration, and topography of the site~~
43 ~~and natural and man-made features on the site can reasonably~~
44 ~~accommodate the proposal.~~

1 40.15.15.5.C.

2
3 ~~6. The location, size, and functional characteristics of the proposal~~
4 ~~are such that it can be made reasonably compatible with and~~
5 ~~have a minimal impact on livability and appropriate~~
6 ~~development of properties in the surrounding area of the subject~~
7 ~~site.~~

8
9 ~~7. Lessening the Site Development Requirements results in~~
10 ~~benefits to the site, building, and structural design or~~
11 ~~preservation of natural features that could otherwise not be~~
12 ~~achieved.~~

13
14 ~~8. Applications and documents related to the request, which will~~
15 ~~require further City approval, shall be submitted to the City in~~
16 ~~the proper sequence.~~

17
18 ~~D. Submission Requirements. An application for a Preliminary PUD~~
19 ~~shall be made by the owner of the subject property, or the owner's~~
20 ~~authorized agent, on a form provided by the Director and shall be filed~~
21 ~~with the Director. The Preliminary PUD application shall be~~
22 ~~accompanied by the information required by the application form, and~~
23 ~~by Section 50.25 (Application Completeness), and any other~~
24 ~~information identified through a Pre-Application Conference.~~

25
26 ~~E. Conditions of Approval. The decision making authority may impose~~
27 ~~conditions on the approval of a Preliminary PUD application to ensure~~
28 ~~compliance with the approval criteria.~~

29
30 ~~F. Appeal of a Decision. Refer to Section 50.70.~~

31
32 ~~G. Expiration of a Decision. The decision shall expire two (2) years after~~
33 ~~of the date of decision. Refer to Section 50.90.~~

34
35 ~~H. Extension of a Decision. Refer to Section 50.93.~~

36 40.15.15.

37
38 ~~6. Final Planned Unit Development~~

39
40 ~~A. Threshold. A Final Planned Unit Development (PUD) application is~~
41 ~~the second application of a two-step application process with a~~
42 ~~Preliminary PUD as the first step. A Final PUD application may also~~
43 ~~be a one-step application process which is an alternative to the two-~~
44 ~~step process required when an applicant chooses to apply for a~~
45 ~~Preliminary PUD. The option of a one-step or two-step process rests~~
46 ~~with the applicant. The requirements for a Final PUD may be applied~~
47 ~~to properties within any City zoning district except Residential-~~
48 ~~Agricultural.~~

EXHIBIT A

1
2 B. ~~Procedure Type.~~ The Type 3 procedure, as described in Section 50.45
3 of this Code, shall apply to an application for Final PUD approval. The
4 decision making authority is the Planning Commission.

5
6 C. ~~Approval Criteria.~~ In order to approve a Final PUD application, the
7 decision making authority shall make findings of fact based on
8 evidence provided by the applicant demonstrating that all the
9 following criteria are satisfied:

10
11 1. ~~The proposal satisfies the threshold requirements for a Final~~
12 ~~PUD application.~~

13
14 2. ~~All City application fees related to the application under~~
15 ~~consideration by the decision making authority have been~~
16 ~~submitted.~~

17
18 3. ~~If a Preliminary PUD has been approved, the Final PUD is filed~~
19 ~~within two (2) years or the Preliminary PUD has received an~~
20 ~~extension approval pursuant to Section 50.93 of this Code.~~

21
22 4. ~~The final PUD complies with the approved Preliminary PUD, if~~
23 ~~any.~~

24
25 5. ~~The proposal meets the Site Development Requirement for~~
26 ~~setbacks within the applicable zoning district for the perimeter~~
27 ~~of the parent parcel unless the setbacks are approved as an~~
28 ~~Adjustment, Flexible Setback or Variance which shall be~~
29 ~~considered concurrently with the subject proposal.~~

30
31 6. ~~The proposal complies with the applicable policies of the~~
32 ~~Comprehensive Plan.~~

33
34 7. ~~The size, dimensions, configuration, and topography of the site~~
35 ~~and natural and man-made features on the site can reasonably~~
36 ~~accommodate the proposal.~~

37
38 8. ~~The location, size, and functional characteristics of the proposal~~
39 ~~are such that it can be made reasonably compatible with and~~
40 ~~have a minimal impact on livability and appropriate~~
41 ~~development of properties in the surrounding area of the subject~~
42 ~~site.~~

43
44 9. ~~The lessening of the Site Development Requirements results in~~
45 ~~benefits to the enhancement of site, building, and structural~~
46 ~~design or preservation of natural features.~~

EXHIBIT A

1 10. ~~Applications and documents related to the request, which will~~
2 ~~require further City approval, shall be submitted to the City in~~
3 ~~the proper sequence.~~

4
5 D. ~~Submission Requirements.~~ ~~An application for a Final PUD shall be~~
6 ~~made by the owner of the subject property, or the owner's authorized~~
7 ~~agent, on a form provided by the Director and shall be filed with the~~
8 ~~Director. The Final PUD application shall be accompanied by the~~
9 ~~information required by the application form, and by Section 50.25~~
10 ~~(Application Completeness), and any other information identified~~
11 ~~through a Pre Application Conference.~~

12
13 E. ~~Conditions of Approval.~~ ~~The decision making authority may impose~~
14 ~~conditions on the approval of a Final PUD application to ensure~~
15 ~~compliance with the approval criteria.~~

16
17 F. ~~Appeal of a Decision.~~ ~~Refer to Section 50.70.~~

18
19 G. ~~Expiration of a Decision.~~

20
21 1. ~~If the application proposes to develop the PUD in a single phase,~~
22 ~~the decision shall expire two (2) years after the date of decision.~~
23 ~~Refer to Section 50.90.~~

24
25 2. ~~If the application proposes to develop the PUD over multiple~~
26 ~~phases, the decision making authority may approve a time~~
27 ~~schedule of not more than five (5) years for the multiple~~
28 ~~development phases. However, all PUD phases must commence~~
29 ~~construction within five (5) years of the date of decision of the~~
30 ~~Final PUD. Refer to Section 50.90.~~

31
32 H. ~~Extension of a Decision.~~ ~~Refer to Section 50.93.~~

1 Proposed Planned Unit Development Code

2
3 40.15.15.

4
5 5. Planned Unit Development

6
7 A. Threshold. A Planned Unit Development is an application process which
8 may be chosen by the applicant when one or more of the following
9 thresholds apply:

- 10
- 11 1. The Planned Unit Development (PUD) may be applied to Commercial,
- 12 Industrial, Multiple Use, and Residential properties that are 2 acres or
- 13 greater in size within any City zoning district except Residential-
- 14 Agricultural.
- 15
- 16 2. When a land division of 2 acres or greater in size within any City zoning
- 17 district except Residential-Agricultural requires collectively more than
- 18 3 of the following land use applications or combination thereof:
- 19 a. Minor Adjustment;
- 20 b. Major Adjustment;
- 21 c. Flexible Setback; or
- 22 d. Variance
- 23

24 B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of
25 this Code, shall apply to an application for PUD approval. The decision
26 making authority is the Planning Commission.

27
28 C. Approval Criteria. In order to approve a PUD application, the Planning
29 Commission shall make findings of fact based on evidence provided by the
30 applicant demonstrating that all the following criteria are satisfied:

- 31
- 32 1. The proposal satisfies the threshold requirements for a PUD
- 33 application.
- 34
- 35 2. All City application fees related to the application under consideration
- 36 by the decision making authority have been submitted.
- 37
- 38 3. The proposal meets the Site Development Requirement for setbacks
- 39 within the applicable zoning district for the perimeter of the parent
- 40 parcel unless otherwise provided by Section 60.35.03.
- 41
- 42 4. The proposal complies with the applicable policies of the
- 43 Comprehensive Plan.
- 44
- 45 5. The size, dimensions, configuration, and topography of the site and
- 46 natural and man-made features on the site can reasonably
- 47 accommodate the proposal.

EXHIBIT A

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6. 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 development of properties in the surrounding area of the subject site.
7. The width of proposed lots or staggering of building setbacks within detached residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.
8. The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.15.
9. The proposal provides improved open space that is accessible and usable by persons living nearby. Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.15:
 - a. The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest and complement the overall site design.
 - b. The shape of the open space is such that the length is not more than three (3) times the width the purpose of which is to provide usable space for a variety of activities except where the Planning Commission determines a greater proportioned length would be in the public interest and complement the overall site design.
 - c. The dedicated land(s) is located to reasonably serve all lots for the development, for which the dedication is required.
10. If the application proposes to develop the PUD over multiple phases, the decision making authority may approve a time schedule of not more than five (5) years for the multiple development phases. If a phased PUD has been approved, development of the future phases of the PUD shall be filed within five (5) years or the PUD has received an extension approval pursuant to Section 50.93 of this Code. However, all PUD phases must commence construction within five (5) years of the date of decision of the PUD. Refer to Section 50.90.
11. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

EXHIBIT A

1 D. Submission Requirements. An application for a PUD shall be made by the
2 owner of the subject property, or the owner's authorized agent, on a form
3 provided by the Director and shall be filed with the Director. The PUD
4 application shall be accompanied by the information required by the
5 application form, and by Section 50.25 (Application Completeness), and
6 any other information identified through a Pre-Application Conference.
7

8 E. Conditions of Approval. The decision making authority may impose
9 conditions on the approval of a PUD application to ensure compliance
10 with the approval criteria.
11

12 F. If the application proposes to develop the PUD in a single phase, the
13 decision shall expire two (2) years after the date of decision. Refer to
14 Section 50.90.
15

16 Phasing of the development may be permitted with approval of the
17 Planning Commission. A deed restriction for those areas of the parent
18 parcel in which deferred development will occur shall limit the number of
19 future units developed to an amount consistent with the minimum and
20 maximum density or Floor Area Ratio (FAR) permitted for the overall
21 development.
22

23
24 G. Appeal of a Decision. Refer to Section 50.70.
25

26 H. Expiration of a Decision.
27

28 1. The PUD decision shall expire five (5) years after the date of decision.
29 Refer to Section 50.90.
30

31 I. Extension of a Decision. Refer to Section 50.93.
32

Section 2: The Development Code, Ordinance No. 2050, Chapter 60, Special Regulations, Section 60.35 shall be amended to read as follows:

60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]

~~60.35.05 Purpose. It is the purpose of these provisions to allow a planned unit development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The planned unit development provisions are intended to encourage more creative approaches for developing land, while enhancing and preserving the value, spirit, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by:~~

- ~~1. Utilizing advances in technology and design.~~
- ~~2. Creating a comprehensive development plan which is equal to or better than that resulting from traditional lot by lot land development.~~
- ~~3. Employing design flexibility for locating structures, open spaces, circulation facilities, off street parking areas, and other improvements.~~
- ~~4. Retaining and protecting special topographic, natural, or environmentally sensitive features on the site.~~
- ~~5. Encouraging innovative design techniques.~~
- ~~6. Utilizing design flexibility afforded by the planned unit development provisions to improve compatibility of the development with surrounding properties and uses.~~
- ~~7. Change from specific site development requirement and combinations of uses is allowable, subject to the provisions of this Code.~~

60.35.10. Modification of Base Zoning Standards

~~1. Dimensional Standards~~

~~The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:~~

- ~~A. Required setbacks shall continue to apply to the parent parcel upon which the proposed PUD will be located.~~
- ~~B. The intersection standards in Section 60.55.50 shall continue to be satisfied.~~

1 ~~60.35.10.1.~~

2
3 ~~C. All building setbacks shall continue to meet applicable building and~~
4 ~~fire code requirements.~~

5
6 ~~D. Maximum building height standards may be increased up to twelve~~
7 ~~feet (12') when the applicable building setback distance along the~~
8 ~~perimeter of the parent parcel is increased at a ratio of 1.5 additional~~
9 ~~feet of setback for every foot of building height over the base zone~~
10 ~~standard for building height.~~

11
12 ~~2. Allowed Uses.~~

13
14 ~~A. Except as provided in Section 60.35.10.2.B. below, the uses in a PUD~~
15 ~~shall comply with the permitted and conditional use requirements of~~
16 ~~the base zoning district.~~

17
18 ~~B. Detached and attached dwellings shall be allowed in any PUD~~
19 ~~provided the overall residential density satisfies the applicable~~
20 ~~residential density provisions of this Code.~~

21
22 ~~C. In addition to the accessory uses and structures typical of the uses~~
23 ~~authorized in the subject zoning district in which the PUD is located,~~
24 ~~accessory uses approved as a part of a PUD may include the following:~~

25
26 ~~1. Private park, lake or waterway.~~

27
28 ~~2. Recreation area.~~

29
30 ~~3. Recreation building, clubhouse or social hall.~~

31
32 ~~4. Other accessory use or structure which the decision making~~
33 ~~authority finds is designed to serve primarily the residents of~~
34 ~~the PUD, and is compatible with the neighborhood and to the~~
35 ~~design of the PUD.~~

1 ~~60.35.15~~ ~~Common Open Space.~~

2
3 1. ~~A PUD shall be required to provide common open space according to the~~
4 ~~following rates:~~

5
6 ~~A. Area equal to at least twenty percent (20%) of the subject site when the~~
7 ~~site is up to and including 10 acres in size. [ORD 4365; September~~
8 ~~2005]~~

9
10 ~~B. Area equal to at least fifteen percent (15%) of the subject site when the~~
11 ~~site is more than 10 acres and up to and including 50 acres in size.~~
12 ~~[ORD 4365; September 2005]~~

13
14 ~~C. An area equal to at least ten percent (10%) of the subject site when the~~
15 ~~site is more than 50 acres in size.~~

16
17 ~~2. Land required to be set aside as setbacks or buffers shall not be included in~~
18 ~~the calculation of required open space.~~

19
20 ~~3. Land shown on the final development plan as common open space, and~~
21 ~~landscaping and/or planting contained therein shall be permanently~~
22 ~~maintained by and conveyed to one of the following:~~

23
24 ~~A. An association of owners or tenants, created as a non-profit corporation~~
25 ~~under the laws of the state which shall adopt and impose articles of~~
26 ~~incorporation and bylaws and adopt and impose a declaration of~~
27 ~~covenants and restrictions on the common open space that is~~
28 ~~acceptable to the City Attorney as providing for the continuing care of~~
29 ~~the space. Such an association shall be formed and continued for the~~
30 ~~purpose of maintaining the common open space and shall provide for~~
31 ~~City intervention and the imposition of a lien against the entire~~
32 ~~planned unit development in the event the association fails to perform~~
33 ~~as required; or~~

34
35 ~~B. A public agency which agrees to maintain the common open space and~~
36 ~~any buildings, structures, or other improvements which have been~~
37 ~~placed on it.~~

60.35 PLANNED UNIT DEVELOPMENT

60.35.05 Purpose

It is the purpose of these provisions to allow a Planned Unit Development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The PUD provisions are intended to encourage innovation and creative approaches for developing land while enhancing and preserving the value, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by using the following development and design principles:

1. Site design shall use the flexibility afforded by the planned unit development to:
 - A. Provide setbacks and buffering through landscape or building design abutting to existing development;
 - B. Cluster buildings to create open space and protect natural resources;
 - C. Provide for active recreation and passive open space;
 - D. Use resource efficient development and building practices that encourage innovative design techniques and construction practices that use energy saving technology;
2. Site design shall maximize the opportunities for diversified architecture and outdoor living environments that respond to the existing site context by exploring design flexibility for siting structures, open spaces, circulation facilities, off-street parking areas, streetscapes, resource conservation, and creation of other site improvements that facilitate efficient use of land and create a comprehensive development plan which is better than that resulting from traditional subdivision development;
3. Building architecture including detached residential, shall use innovative design that should consider the context of the existing built and natural environment. Buildings shall be architecturally detailed, and of a size and mass that contribute to a pedestrian-friendly streetscape, and respond to the natural features of the site. Cluster housing, such as Courtyard, Patio, or Cottage development, that groups buildings in areas to maximize open space and preserve significant cultural and natural resources is highly encouraged as are the use of sustainable building materials and practices. The orientation of buildings should promote human scaled and pedestrian friendly environments and maximize solar exposure for passive solar gain;
4. Open space should provide opportunities for active and/or passive recreation that includes preservation of natural and cultural resources. Good site design shall retain and protect special topographic, natural, and environmentally sensitive features and existing Significant Groves and Historical and Individual trees should be retained and protected. Understory and the use of native plant material and sustainable landscape practices are encouraged.

60.35.10 Modification of Base Zoning Standards

1. Permitted Uses

- A. The uses in a PUD shall comply with the permitted and conditional use requirements of the zoning district.
- B. Detached and attached dwellings may be allowed in a PUD provided the overall residential density satisfies the applicable residential density provisions of this Code.
- C. In addition to the accessory uses and structures typical in the zoning district in which the PUD is located, accessory uses approved as a part of a PUD may include, but are not limited to the following:
 - 1. Private or public park, lake or waterway;
 - 2. Recreation area;
 - 3. Recreation building, clubhouse or social hall; or
 - 4. Other accessory uses or structures which the Planning Commission finds are designed to serve primarily the residents of the PUD, and are compatible with the neighborhood and to the design of the PUD.

2. Density and Lot Dimensions

- A. Density and building scale shall relate to the surrounding neighborhood development and natural resources by providing massing and architectural compatibility with the surrounding neighborhood.
- B. Density Transfers
 - 1. A density transfer allows an equal transfer of dwelling units from one portion of the site to another. Density transfers are allowed for the following areas:
 - a. Area within a floodplain;
 - b. Area over twenty-five (25) percent slope;
 - c. Known landslide areas or areas shown to have potential for severe or moderate landslide hazard;
 - d. Area in designated resource areas including: significant tree groves, wetlands, riparian corridors, and their associated buffers;
 - e. Areas constrained by monitoring wells and similar areas dedicated to remediation of contaminated soils or ground water; and

f. Areas similar to those in a-e above, as approved by the Planning Commission through the PUD process.

C. Single-Family Residential Lot Sizes

1. Minimum lot size shall be 50% of the designated base zone.
2. Maximum lot size shall be 150% of the designated base zone unless designated for a future phase. When the maximum density for the parent parcel has been achieved or a lot is greater than 150% of the base zone. An oversized lot(s) shall include a deed restriction to preclude unintended partitioning or subdividing of such lots in accordance with the requirements of the approved PUD.
3. Overall lot dimensions within the development plan shall not result in a lesser dwelling unit density than if the property in question were developed as a conventional design subdivision.

D. Lot Coverage

1. The following maximum lot coverage standards shall apply to all zones.
 - a. Single-Family Detached Houses – sixty (60) percent of lot area.
 - b. Single-Family Attached (Town homes) or row homes – Seventy (70) percent of lot area.
 - c. Duplexes and two-family attached houses – Sixty (60) percent of lot area.
 - d. Multi-family Housing - Sixty (60) percent of lot area.
2. Lot coverage may be increased by up to 10% by meeting the architectural requirements listed in the Development Bonus and Development Incentive Options described in section 60.35.25.

3. *Setbacks*

A. The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:

- 1. For proposed lots abutting the perimeter of the property, the required setbacks shall comply with the standard front and rear setbacks of the parent parcel. Where the side yard of the parent parcel abuts existing development the setback for new development shall be no less than fifteen (15) feet. By meeting the Development Bonus and Development Incentive Options in section 60.35.25 the setbacks of proposed perimeter parcels may be reduced by up to ten (10) percent upon approval of the Planning Commission.
- 2. Where standard modifications would not promote pedestrian or bicycle connection to the street; support storm water management; or meet fire and building codes.

B. Front Setbacks

Apply to all residential developments except lots along the perimeter which shall be consistent with Section 60.35.10.3.A.1.

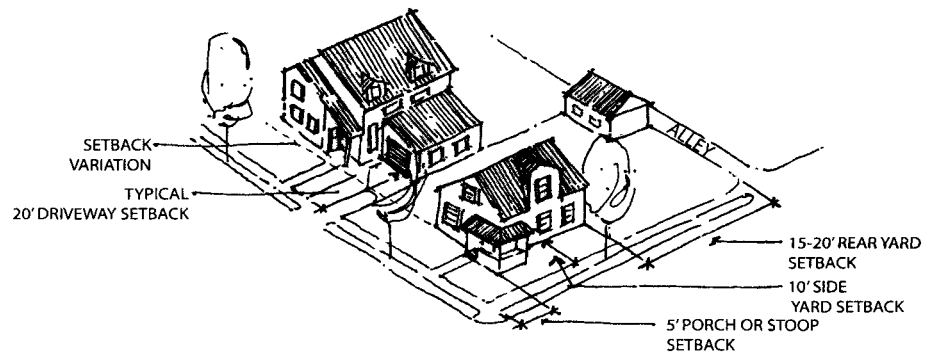
- 1. Proposed lots with front setbacks modified from the applicable zoning district, and lots adjacent shall have staggered front yard setbacks in order to provide diversity in the lot layout.
- 2. Front setbacks for a residential structure, excluding the garage where the garage door faces the front property line, shall be a minimum of ten (10) feet. An unenclosed porch or building stoop may be within five (5) feet of property line as long as it does not encroach into a public utility easement.
- 3. All single-family attached and detached garages that face a public or private street shall be setback a minimum of twenty (20) feet from property line. Attached and detached garages shall be recessed a minimum of four (4) feet from the front of the building, not including porches when facing a public or private street. Garages and carports accessed from an alley shall be setback a minimum of five (5) feet from rear building elevation. All other garage and carport entrances must be recessed minimum of two (2) feet when building setback is at least twenty (20) feet

C. Rear setbacks

- 1. Rear setbacks shall be the same as the designated zone for the parent parcel for lots abutting the perimeter of the proposed development excepting alley accessed lots for which rear setbacks may be reduced to 6 feet for alley-accessed lots.

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Figure No. 1 - Setbacks



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D. Side setbacks

1. Except for zero-lot line development, side setbacks shall be a minimum of four (4) feet on interior side yards, and ten (10) feet on street corner lots. All zero-lot line development shall have side yard setbacks of 10 feet on one side of the dwelling unit and no setback required on the opposite side.

60.35.15 Open space

Purpose

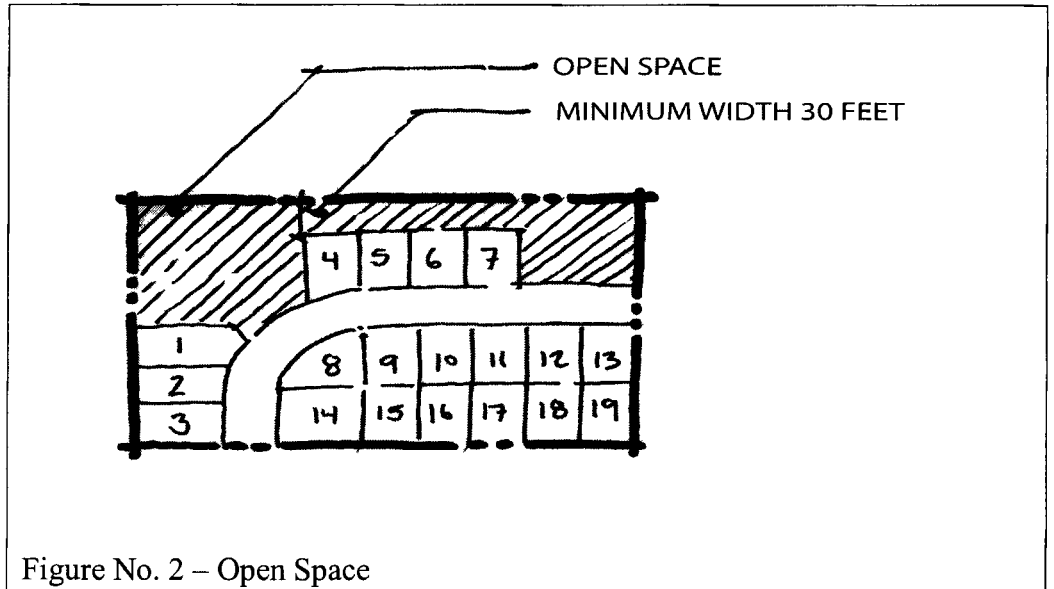
Open space shall provide opportunities for active and/or passive recreation and may include existing stands of trees, understory resource areas, and storm water facilities as outlined in this section. Active open space shall allow human activities including recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Open space may also be passive and include human activities limited to walking, running, and cycling, seating areas and wildlife viewing or natural areas such as a wetland.

1. A Planned Unit Development shall provide baseline open space of an area equal to at least twenty percent (20%) of the subject site.
2. Up to twenty (20) percent of the open space requirement may be dedicated to the following land uses:
 - A. Water quality facilities that have side slopes of 3:1 or less and do not require fencing per Clean Water Services (CWS) standards;
 - B. Environmentally sensitive areas including wetlands and any required buffers required by Clean Water Services or other regulatory body.
3. Standards
 - A. Open space shall be land that is available for the creation of active and/or passive areas, or resource areas that provide visible and accessible open space to the proposed community.
 - B. Open space shall be easily accessible physically or visually to all members of the planned community via a minimum thirty (30) foot street frontage or access easement;
 - C. No more than ~~forty (40)~~ sixty (60) percent of the gross land dedicated may have slopes greater than five (5) percent;
 - D. Open space areas shall have a dedicated meter and underground irrigation system to ensure adequate water supply during establishment period (3-years) and during periods of drought for all newly planted areas. Resource areas are exempt from this criterion.
 - E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space area shall be active space or meet the commons criteria in this chapter.
 - F. For the purpose of this Code, open space does not include:
 1. Public or private streets;

EXHIBIT A

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2. Surface parking lots or paved areas not designated for active or passive recreation;
3. Private lots and buildings; including setbacks, or landscape buffers;
4. Vehicular access driveways or maneuvering areas.



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Figure No. 2 – Open Space

Commons Area

A “Commons area” within the dedicated open space is required for residential developments that have ten (10) units or more. One designated space shall be provided as an accessible commons area that may be a gathering spot, play area, overlook or any other outdoor area given special consideration and may consist of active, passive, or both uses. The Commons area shall be accessible to all lots and meet the following criteria:

1. One hundred fifty (150) square feet for each unit containing 500 or less square feet of gross floor area.
2. Two hundred fifty (250) square feet for each unit containing more than 500 square feet and up to 2000 square feet of gross floor area.
3. Three hundred fifty (350) square feet for each unit containing more than 2000 square feet of gross floor area.
4. A Commons area shall be no smaller than the average minimum lot size and shall have minimum width 40 feet.
5. A Commons area may abut a collector or greater classified street as identified in the City’s adopted Functional Classification Plan, when separated from the street by a constructed barrier, such as a fence or wall, at least three (3) feet in height.
6. One Commons area shall be provided for every fifty (50) units in single-family developments and every one-hundred (100) units for multi-family developments.
7. A Commons shall include physical improvements to enhance the commons area such that from the following list, the items chosen must total 500 or more points. Other improvements may be approved by the Planning Commission:

| Amenity | Points |
|--|---------|
| A bench or other seating with a pathway or other pedestrian way | 100 |
| A gazebo or similar gathering area. | 150 |
| Plazas that serve as gathering places with benches | 150 |
| Picnic Area or outdoor eating facility | 150 |
| Playground equipment. | 200 |
| Tennis and/or sport court (e.g. Basketball, Volleyball, Paddle Tennis) | 200 |
| Dedicated Basketball, Volleyball, or other sport use area. | 200 |
| Water feature. | 250 |
| Water feature with wading area | 300 |
| Water feature Combined with a 750 square foot gathering area. | 350 |
| Indoor or outdoor swimming pool with clubhouse. | 500 |
| Indoor Clubhouse or meeting facility | 500 |
| Other (Improvements not included on this list as approved by the Planning Commission | 100-500 |

1

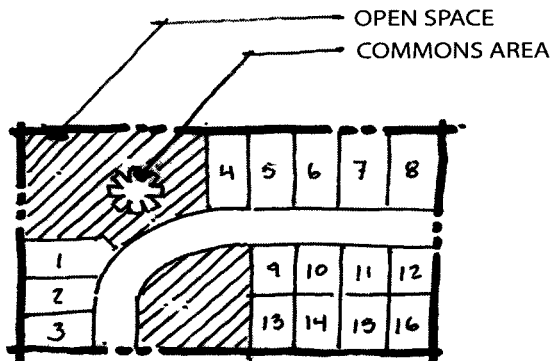


Figure No. 3 – Commons Area

4. *Maintenance and Ownership*

Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following:

- A. An association of owners or tenants, created as a non-profit corporation under the laws of the state (ORS 94.572) which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Any subsequent changes to such CC&R's regarding open space must be approved by the City Attorney. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or
- B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- C. Dedicated open space and commons areas shall be protected by Covenants (CC&Rs) or deed restriction to prevent any future commercial, industrial, or residential development.

1 **60.35.20 Building Architecture**

2
3 1. *Purpose*

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5 This section applies to development which is not subject to Section 60.05, Design
6 Review, of this code.

7
8 The following architectural standards are intended to promote innovative design that
9 considers the context of the existing built and natural environment. Buildings shall be
10 detailed, human-scale, and respond to the natural features of the site. Cluster housing or
11 grouping buildings in areas to maximize open space and preserve significant cultural and
12 natural resources is highly encouraged along with the use of sustainable building
13 materials and practices. Building shall be oriented to the street or other public spaces
14 such as parks, plazas, courtyards and open commons when served by an alley. This
15 building architecture section also offers applicable Development Bonuses and
16 Development Incentive Options in Section 60.35.30

17
18 2. *Building Orientation*

19
20 Buildings shall be oriented to the street or other public spaces such as parks, plazas,
21 courtyards and open commons when served by an alley. The orientation of buildings
22 shall promote environments that encourage walking, social interaction, and safety.

- 23
24 A. Exceptions to this standard may be allowed by the Planning Commission where access,
25 topography, and natural resources prohibit the orientation of buildings to the street or
26 other public open spaces.
- 27
28 B. In all cases buildings and or private lots shall be served by or have direct access to
29 sidewalks or paths that connect to a private or public street/sidewalk system.
- 30
31 C. Garages with rear alley access or garages located in the rear of the lot with shared
32 driveways are encouraged.
- 33
34 D. All buildings shall have their primary entrance to a street or publicly accessible sidewalk
35 where buildings face public parks, common areas or open space.
- 36
37 E. All primary entrances shall be covered or recessed with a minimum depth of three (3)
38 feet deep and five (5) feet wide.

39
40 3. *Building Heights*

41
42 Buildings shall be to scale with similar types of existing structures on adjacent properties.
43 This can be accomplished by utilizing graduated building heights which offer a transition
44 between single-story residential development and multiple-story residential.

EXHIBIT A

- 1 A. Maximum building height standards may be increased up to twelve feet (12')
2 when the applicable building setback distance along the perimeter of the parent
3 parcel is increased at a ratio of 1.5 additional feet of setback for every foot of
4 building height over the base zone standard for building height.
5

6 4. *Architectural Standards*
7

8 Architectural standards are intended to promote quality design and detail that promote
9 innovation and creativity that allows for a variety of building styles and types. All
10 buildings shall adhere to these standards. Graphics are provided as an example of how
11 standards apply.
12

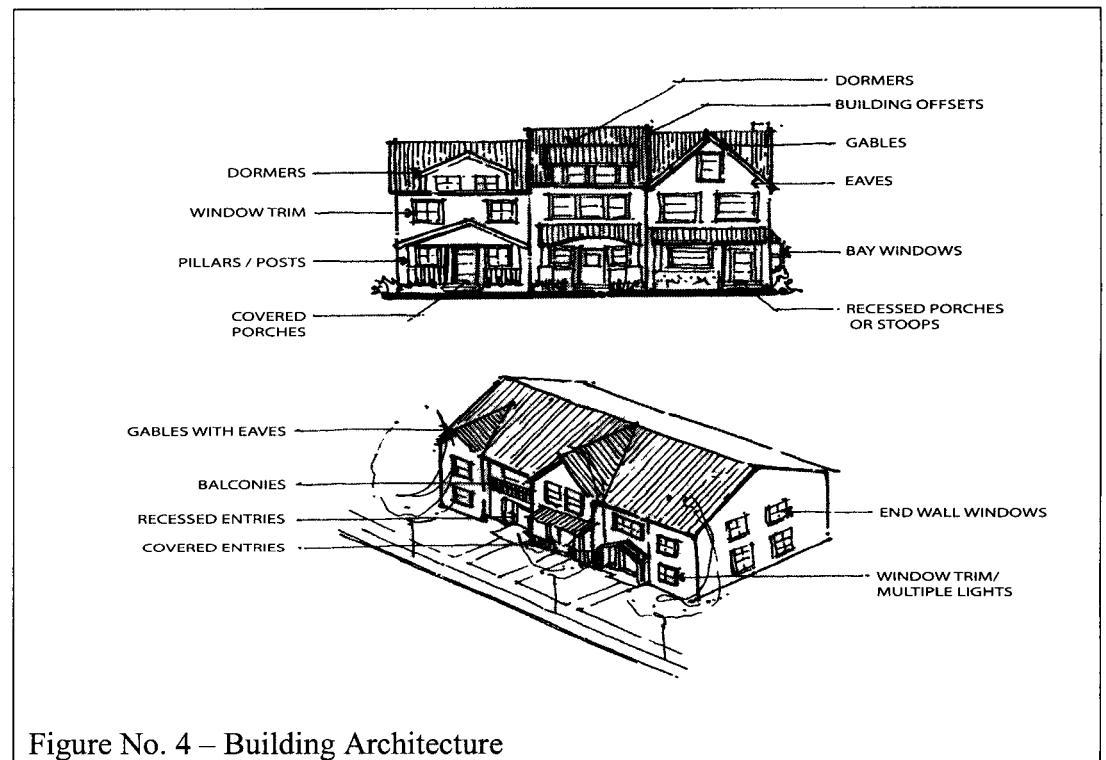
13 The following standards apply to all single-family developments proposed through the
14 PUD process.
15

- 16 A. Building scale and massing shall complement surrounding uses by complying
17 with the provisions in this Code and meeting the following criteria for residential
18 development.
19
20 B. Attached dwellings shall maintain similar architectural character as detached
21 dwellings when part of the same development.
22
23 C. All detached residential structures shall include design elements that provide
24 building articulation, continuity of form and variety. Architecture should avoid
25 long expanses of uninterrupted building surfaces. Buildings shall incorporate at
26 least four (4) of the following elements:
27

- 28 1. Balconies, window reveals, canopies, awnings, and covered patios,
29 porches or entrances;
30
31 2. Offsets in roof elevations of two (2) feet or greater;
32
33 3. Bay windows extending out from the building face that reflect an
34 internal space such as a room or alcove;
35
36 4. Individual windows in upper stories that are approximately the size
37 and proportion of a traditional window;
38
39 5. Staggered windows that do not align with windows on adjacent
40 properties and minimize the impact of windows in living spaces that
41 may infringe on the privacy of adjacent residents;
42
43 6. Windows with trim or molding that appears substantial from the
44 sidewalk;
45

EXHIBIT A

- 1 7. Windows that are separated from adjacent windows by a vertical
- 2 element;
- 3
- 4 8. Windows grouped together to form larger areas of glazing, if
- 5 individual window units are separated by moldings or jambs;
- 6
- 7 9. Windows with multiple panes of glass;
- 8
- 9 10. Window patterns, building articulation and other treatments that help
- 10 to identify individual residential units in a multi-family building
- 11
- 12 11. Dormers;
- 13
- 14 12. Decorative structural accents such as kneebrackets or corbels, widow
- 15 walks, turrets, hooded windows, pinnacles and pendants, pillars or
- 16 posts, board and batten, or other architectural vernacular style common
- 17 to the Pacific Northwest; or
- 18
- 19 13. An alternative feature approved by the Planning Commission
- 20
- 21



- 22
- 23
- 24
- 25
- 26 D. All building elevations facing a street or public space shall have windows,
- 27 doors, porches and/or balconies. Front yard building elevations shall have
- 28 a minimum of fifty (50) percent, and rear facing elevations shall have
- 29 minimum of thirty (30) percent windows, person doors, porches and/or
- 30 balconies. Side elevations facing an interior lot line shall have a minimum
- 31 of fifteen (15) percent windows, person doors, porches and/or balconies.
- 32 Side elevations facing a public or private street shall have twenty five (25)

percent windows, person doors, porches and/or balconies. Building elevation is measured as the horizontal plane between the lowest plate line and the highest plate line of any full or partial building story containing doors, porches, balconies, terraces and/or windows.

- 3. Alternative building design may reflect modern building form and style. These styles may have less detail or ornamentation but shall have demonstrated successful use of materials and form, and a cohesive architectural style and be approved by the Planning Commission.

60.35.30 Development Bonuses and Development Incentive Options

Purpose

The PUD also offers the applicant additional standards which can be met as incentives to promote more creative and innovative approaches to site design and infrastructure. The Development Incentive Options are not required; an applicant may choose to meet the standard provisions and requirements of the PUD code. The Development Incentive Options are intended to promote a wide variety of creative and sustainable design practices that better integrate site design, building architecture, and open space with the existing built and natural environment and lead to exceptional community building in the City of Beaverton. Development Incentive Options shall also consider the form and function of the physical improvements and their relationship to each other and the existing environment. Development plans that meet selected Development Incentive

Options chosen by the applicant may take advantage of one or both:

- Reduced open space requirements;
- Setback reduction of the parent parcel.

Development Incentive bonuses are described below and quantify the flexibility and options that the developer may use to obtain additional flexibility in open space requirements and setback reductions. Approval of the Development Incentive Options and the additional development flexibility allowed are at the discretion of the Planning Commission. In all cases the total incentives may not reduce open space by more than sixty (60) percent of the open space as required in Section 60.35.15.

The following Development Bonuses and Incentive Options are intended to provide design flexibility.

60.35.40 Allowed Development Bonuses

Site plans that meet selected Development Incentive Options chosen by the applicant may take advantage of one or a combination of the following *Development Bonuses*:

- 1 1. Decrease open space area requirement by using a combination of Development
- 2 Incentive Options up to a maximum of fifty (50) percent of that required by the PUD
- 3 standard open space requirements;
- 4
- 5 2. Reduce front and rear setbacks of parent parcel up to ten (10) percent within the
- 6 perimeter of the PUD.
- 7

60.35.50 Development Incentive Options

1. Open Space Development Incentive Options = Twenty (20) Percent Open Space Reduction

Up to a twenty (20) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by conforming to the open space options listed below. The Planning Commission may consider other improvements in addition to those listed that offer a similar level of quality and continuity in the proposed open space:

- a. *Active Recreation* – Twenty-five (25) percent of open space (beyond a commons area) is usable for active recreation, such as: play structures, picnic areas, or sports field; or
- b. *View Preservation* – Open space is sited such that a view corridor of a significant natural vista is preserved for the community at large, such as views into Significant Tree Groves or Significant Natural Resource Areas.

2. Architectural Development Incentive Options = Decrease in Open Space, Front and Rear Setbacks

The following architectural incentives that promote sustainable building practices and architectural detail that promotes high quality design and character. A decrease of up to a maximum of twenty (20) percent of the required open space or front and rear setbacks of the parent parcel at the discretion of the Planning Commission, where the applicant’s site plan and proposed architecture meet one of the following incentives:

- A. Develop lots such that 90% meet solar access requirement (60.45.05) for a ten (10) percent decrease in open space.
- B. Install a ‘Greenroof’ or Ecoroof on 100 percent of the roof area of twenty (20) percent of the detached dwellings or 20 percent of the total roof area for attached dwellings, multifamily dwellings, commercial, or industrial buildings for a ten (10) percent decrease in the required open space.

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C. Up to ten (10) percent reduction in front and rear parent parcel setbacks as approved by the Planning Commission may be achieved by developing cluster housing that preserves and increases open space by twenty (20) percent above baseline requirement.

3. *Affordable Housing Development Incentive Options = Decrease in Open Space*

Up to a fifty (50) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of ten (10) percent of the units as affordable housing. Up to a sixty (60) percent reduction in the required amount of open space as approved by the Planning Commission may be achieved by development of twenty (20) percent of the units as affordable housing.

Affordable housing is defined as housing affordable to households earning up to 100 percent of the median household income in Washington County, or less as adjusted for family size as determined by the U.S. Department of Housing and Urban Development (HUD). Housing prices and/or rents shall be limited to that level through deed restriction for up to thirty (30) years. Approval of the affordable housing Development Incentive Option shall be subject to a developer identifying and contracting with a public, or private housing agency that will administer the housing affordability guarantee.

1 Section 3: The Development Code, Ordinance No. 2050, Chapter 90, Definitions,
2 Section 40.15.15.5 shall be amended to read as follows:
3

4 **Chapter 90**
5
6

7 **Active Space** - Active space is an area which requires intensive development and
8 often includes playgrounds and ball fields.
9

10 **Cluster Housing** Detached dwelling units located within a Planned Unit
11 Development where detached housing is located in close proximity to each other
12 and share common open space including recreation areas and parking.

13 **Green Roof** A Green Roof consists of vegetation and soil, or a growing
14 medium, planted over a waterproofing membrane. Additional layers, such as a root
15 barrier and drainage and irrigation systems may also be included.

16 **Sustainable Building Practices** - Land preparation, materials selection, life-cycle of the
17 building (construction, operation and maintenance, demolition). Sustainable building includes
18 such practices as redevelopment of inefficiently designed or environmentally damaged sites; job-
19 site recycling of construction materials; native vegetation landscapes; stream and wetland
20 protection and restoration; natural drainage; energy and water efficiency; low toxicity materials;
21 recycled materials; reduced use of land and materials; and design for re-use.

22 **Sustainable Landscape Practices** Landscape maintenance and design that limits the use
23 of herbicides, fertilizers, and pesticides by planting native plants and appropriate ornamentals
24 and uses METRO certified composted mulch to amend soils and mulch plant beds. These
25 practices naturally fertilize the soil and reduce irrigation and fertilizer needs by creating healthy
26 soils. Sustainable landscape practices also include the concept of creating multi-functional
27 landscapes that can serve various purposes. For example an area may be designed to manage
28 runoff, provide screening, wind protection habitat, and serve active open space use.
29

1 **Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses,**
2 **Section 20.05.25 shall be amended to read as follows:**

3
4
5
6 *****

7 **20.05.25. Urban Medium Density (R4) District [ORD 4047; May 1999]**

8
9 1. **Purpose.** The purpose of this zone is to allow up to one principal and one
10 accessory dwelling per lot of record as permitted uses. In addition, two
11 attached dwellings may be allowed per lot of record subject to a Conditional
12 Use. Three or more attached dwellings may be permitted pursuant to ~~Final~~
13 Planned Unit Development approval. The R4 district establishes medium
14 urban density residential home sites where a minimum land area of 4,000
15 square feet is available for each principal dwelling unit, and where full urban
16 services are provided. [ORD 4224; August 2002]

17
18 *****

19 **20.05.25**

20
21 B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

22
23 *****

24
25 2. Three or more attached dwellings subject to approval of a ~~Final~~
26 Planned Unit Development. [ORD 4224; August 2002]

27 *****
28
29
30
31

Section 4: The Development Code, Ordinance No. 2050, Chapter 20, Land Uses, Section 20.05.25 shall be amended to read as follows:

20.05 Residential Land Use Districts

20.05.25.50. Site Development Standards

20.20.50.A.5.

SA-MU

SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
for residential developments specified specified

E. Projects may use the ~~Final~~ Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332; November 2004]

20.20.50.A.5.

SA-MU

SA-MDR

D. Maximum Floor Area Ratio (FAR) not not
for residential developments specified specified

E. Projects may use the ~~Final~~ Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332;

1 **Section 5:** The Development Code, Ordinance No. 2050, Chapter 50, Procedures,
2 **Section 50.** shall be amended to read as follows:
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50.90. Expiration of a Decision

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

10

11

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Preliminary Planned Unit Development (40.15.15.5)

13