

ORDINANCE NO. 4474

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE,
CHAPTER 60;
TA 2007-0009 (Accessory Structures and Use
Modifications).

WHEREAS, the purpose of the Accessory Structures and use Modification is to amend Chapter 60 of the Beaverton Development Code to update the existing standards. Affected chapters of the Development Code include, 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 January 2, 2008 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 January 9, 2008; and,

WHEREAS, the Planning Commission held a public hearings on January 9, and January 16, 2008, and approved TA 2007—0009 (Accessory Structures and Uses Modification) based upon the criteria, facts, and findings set forth in the staff report dated January 2, 2008, and Staff memo dated January 10, 2008, and as amended at the hearing; and

WHEREAS, on January 16, 2008, the Planning Commission conducted a second hearing for TA 2007-0009 (Accessory Structures and Uses Modification) 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. 2042; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2007-0009 (Accessory Structures and Uses Modification) following the issuance of the Planning Commission Land Use Order No. 2042; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. TA 2007-0009 (Accessory Structures and Uses Modification) dated January 17, 2008, 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, 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.

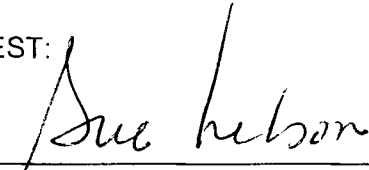
Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability, or effect of the remaining terms of this Ordinance and appendices and said 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 11th day of February, 2008.

Passed by the Council this 25th day of February, 2008.

Approved by the Mayor this 26th day of February, 2008.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Accessory Uses and Structures, Section 60.50.05, will be amended to read as follows:

60.50.05. Accessory Uses and Structures. (Other than Accessory Dwelling Units).

1. ~~Uses and Structures or uses normal,~~ incidental and subordinate to the main uses of the property, which are located on the same lot with the main use, while not altering the character of the property and/or the principal structures, are subject to the provisions of this section. ~~allowed as permitted uses in any zone are allowed as accessory uses and structures subject to the provisions of this section.~~
2. ~~Accessory uses and structures for conditional uses shall be allowed only after approval of an Administrative Conditional Use pursuant to Section 40.15.15.3 and only after the principal use has been granted through the Conditional Use process.~~
- 2.3. All accessory buildings must comply with the following provisions:
 - A. ~~They shall have no more than 700 square feet of floor area;~~

Size. For lots ten thousand (10,000) square feet or less, the combined footprint of all accessory structures may not exceed five hundred (500) square feet. For lots greater than 10,000 square feet, the combined footprint may not exceed seven hundred (700) square feet. **For all lots However,** regardless of size, the lot coverage by all accessory structures shall be no more than twenty five (25) percent of a rear yard area.
 - B. Height. Accessory structures ~~They shall not exceed one story and shall be no greater than fifteen (15) feet in height;~~
 - C. They shall not be allowed in a required front yard setback;
 - D. **They shall not be located within six (6) feet of the main building for residential lots. Required separation distances for commercial and industrial zoned lots shall be determined by the applicable Building Code.**

- E. Setbacks. A structure with a height of eight feet or less shall be located no closer than three (3) feet to any lot line nor built over an easement, **whichever is the most restrictive**. For each foot of height, or fraction of thereof, in excess of eight feet, the accessory structure shall set back one additional foot from all lot lines;
- F. They shall cause no encroachment upon or interference with the use of any adjoining property or public right-of-way;
- G. Attached accessory structures. When an accessory structure is attached to the main structure, such accessory structure shall be considered as part of the main structure. Attached means wall-to-wall or any permanent attachment, as determined by the ~~Building Official~~ **Director**.
- ~~G.~~ H. They shall be built in accordance with **the applicable State** building codes and as determined by the Building Official.

3. **Examples of Residential accessory uses.** The following types of accessory structures or similar structures as determined by the Planning Director shall be permitted in districts where residential use types are allowed:

- A. A greenhouse or hothouse;
- B. A guesthouse may be maintained accessory to a dwelling, provided there is no kitchen space or cooking facilities in the guesthouse;
- C. Pools;
- D. Children's playhouses and structures;
- E. Sheds;
- F. Barns;
- G. Gazebos;
- H. Solar and wind energy systems;
- I. Recreation room;
- J. Laundry facilities;
- K. Garage;
- L. Accessory storage.
- M) Pump House;**
- N) Fenced Dog Run;**
- O) Dog Houses;**
- P) Tennis and other game courts.**

4. Non-residential accessory uses. Accessory uses customarily associated with the principal commercial or industrial use shall be

permitted where these **commercial and industrial use** types are authorized.

4. 5. A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions of Section 10.20.
5. 6. A. The **City** Council may, by resolution, establish a list of uses found not to be accessory to specific permitted uses.
- B. Prior to including a use on such list the City Council shall hold a public hearing and allow interested persons an opportunity to testify on the matter.
- C. The City Council may delegate to the Planning Commission the authority to perform the functions authorized and required by this subsection.
