

ORDINANCE NO. 4486

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE,
TA 2008-0002, OPEN SPACE TEXT AMENDMENT

WHEREAS, the City of Beaverton Community Development Department staff submitted a proposed text amendment to Chapter 20 (Land Uses), Chapter 60 (Special Requirements), and Chapter 90 (Definitions) to revise provisions applicable to open space requirements; and

WHEREAS, the Planning Commission conducted public hearings on April 9, 2008 and May 21, 2008 to consider the proposed amendments; and

WHEREAS, the Planning Commission received and considered the submitted staff report, exhibits, and staff recommended approval of this Development Code text amendment as amended by the Planning Commission; and

WHEREAS, on May 21, 2008, the Planning Commission conducted a public hearing at the conclusion of which the Planning Commission reached a determination 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. 2083; and

WHEREAS, no appeal of the Planning Commission recommendation was filed with the City; and

WHEREAS, the Council adopts and incorporates herein the Development Services Division staff reports dated April 2, 2008, May 14, 2008, and Planning Commission Land Use Order No. 2082 as the applicable criteria and finding which constitute an adequate factual basis for this ordinance. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

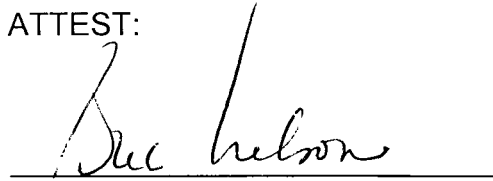
Section 1. Ordinance No. 2050, the Development Code is amended to read as set out in Appendix "A" to this Ordinance attached to and incorporated herein by this reference.

First reading this 16th day of June, 2008.

Passed by the Council this 23rd day of June, 2008.

Approved by the Mayor this 24th day of JUNE, 2008.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

1 **Section 1: The Development Code, Ordinance No. 2050, Chapter 20 –**
 2 **Land Use, Section 20.05.50, Residential: Site Development, is amended to**
 3 **read as follows with deleted matter in strikethrough and new matter in**
 4 **highlight**

5
 6 *****

7
 8 **20.05.50.5. Open Space Requirements:**

9
 10 For Developments with more than one residential dwelling unit on one
 11 lot of record, ~~the~~ **The total amount of the required open space, common**
 12 ~~recreation area, or both~~ shall be within the parent parcel of the
 13 proposed development. The minimum ~~common~~ open space, ~~common~~
 14 ~~recreation area, or both~~ is as follows:

	<u>R2</u>	<u>R1</u>
A. Square feet per dwelling unit	600	300
[ORD 4047; May 1999] [ORD 4112; June 2000]		
[ORD 4224; August 2002]		

15
 16 *****

17
 18
 19 **Section 2: The Development Code, Ordinance No. 2050, Chapter 60 –**
 20 **Special Requirements, Section 60.05 Design Review Principles, Standards,**
 21 **and Guidelines, is amended to read as follows with deleted matter in**
 22 **strikethrough and new matter in highlight:**

23
 24 *****

25
 26 **60.05.25. Landscape, Open Space, and Natural Areas Design Standards.**
 27 Unless otherwise noted, all standards apply in all zoning districts.

- 28
 29 ~~1. Minimum Common Open Space Requirements for Multi-Family~~
 30 ~~Development Consisting of ten (10) or more units.~~
 31 **1. Minimum Open Space Requirement for Attached Residential**
 32 **Development Consisting of three (3) or more units.**

33
 34 A. Common open space shall consist of active, passive, or both open
 35 space areas, and shall be provided as follows:

- 36
 37 1. One hundred fifty (150) square feet for each unit
 38 containing 500 or less square feet of gross floor area.
 39

- 1 2. Two hundred fifty (250) square feet for each unit
2 containing more than 500 square feet and up to 1200
3 square feet of gross floor area.
4
5 3. Three hundred fifty (350) square feet for each unit
6 containing more than 1200 square feet of gross floor area.
7
8 4. For developments that are part of a Planned Unit
9 Development, provisions of Section 60.35.15.4 shall
10 govern.

11 *****

12
13
14 **2. Minimum Landscaping Requirements for Required Front**
15 **Yards and Required ~~Common~~ Open Space in Multiple Family**
16 **Residential Zones**

- 17
18 A. All front yard areas in the R-3.5, R-2 and R-1 districts, and
19 required ~~common~~ open space areas in the R-2 and R-1 districts
20 not occupied by structures, walkways, driveways, plazas or
21 parking spaces shall be landscaped.

22 *****

23
24
25 **60.05.25.4. ~~Public Open Space.~~** When, public open space is proposed by an
26 applicant, it shall be designed to provide passive open space, active
27 open space or both for the enjoyment of the general public unless
28 otherwise indicated in an open space master plan approved by the
29 City, THPRD or other jurisdiction. For the purposes of this Section,
30 public open space is defined as the portion of a site that is developed
31 for use by the general public, but is not dedicated and is kept under the
32 ownership and control of the private property owner. Passive open
33 space is where human activities are limited to defined walking and
34 seating areas. Active open space is where human activities include
35 recreational and social opportunities such as play fields, playgrounds,
36 swimming pools, plazas and other recreational facilities. Public open
37 space may be improved for passive or active recreational uses,
38 however, it shall not include environmentally sensitive areas such as a
39 wetland, riparian area, or significant tree grove. Public open space
40 may be counted towards the minimum landscape requirement,
41 provided the following is met unless otherwise approved in an open
42 space master plan:
43
44

- A. ~~The public open space is located at the perimeter of a parent parcel abutting public right of way; or,~~
- B. ~~If not located at the perimeter of the parent parcel, the public open space shall be visible from the public right of way, and shall be accessible via a minimum five (5) foot wide pedestrian pathway.~~
- C. ~~Pedestrian scale lighting consistent with the City's Technical Lighting Standards shall be provided.~~

~~**60.05.45.4. Public Open Space.** Open space available for public use but in private ownership should be accessible to the public, designed for safety, include active, passive or both spaces and improvements, but should not include environmentally sensitive areas. (Standard 60.05.25.4)~~

Section 3: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.35 Planned Unit Development, is amended to read as follows with deleted matter in strikethrough:

60.35.15 Open space

3. Standards

- E. For developments ten (10) acres or greater, at least twenty-five (25) percent of the total required open space shall be active space or meet the commons criteria in this chapter.

1 **Section 4: The Development Code, Ordinance No. 2050, Chapter 90 –**
2 **Definitions, is amended to read as follows with deleted matter in**
3 **strikethrough and new matter in highlight:**

4
5 *****

6 ~~Active Space [ORD 4430; March 2007] Active space is an area which requires~~
7 ~~intensive development and often includes playgrounds and ball fields.~~

8
9 *****

10
11 **Compatibility, Flexible and Zero Yard Setbacks.** [ORD 4224; August 2002]
12 For the purposes of how the phrase “compatible with the surrounding area” is used
13 in the Flexible and Zero Yard Setback for Proposed Residential Land Division and
14 the Flexible Setback for Proposed Land Division applications, the phrase is defined
15 as abutting properties and properties directly across the street from the proposed
16 development. Properties directly across the street from the development shall be
17 those properties perpendicular from the property line of the proposed development.

18
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20
21 **Open Space.** An area of land publicly or privately owned, that remains in a
22 natural or landscaped condition for the purpose of: providing usable space for a
23 variety of recreational activities, providing adequate space for light and air,
24 protecting natural resources, or any combination thereof. Open space shall be
25 permanently reserved by common ownership among the owners of a development,
26 dedicated to the public, or by other appropriate means. Open space may be
27 accessible to the general public or owners of a development and may be created for
28 the purpose of passive or active use or both.

29
30 **Open Space, Common.** For the purposes of defining common open space as used
31 in Section 60.05.25.1, open space which is under common ownership of all property
32 owners of the development for which the open space was required.

33
34 **Open Space, Passive.** [ORD 4332; November 2004] Open space where human
35 activities are limited to defined walking and seating areas or areas with no human
36 physical activity such as wetlands.

37
38 *****

39
40 **Setback.** The minimum allowable horizontal distance from a given point or line of
41 reference to ~~the nearest vertical wall or other element of a principal building or~~
42 ~~structure as defined herein~~ a line which is parallel to the point or line of reference.
43 The point of line of reference will be the lot line following any required dedication or
44 a special or reservation line if one is required pursuant to this ordinance.

1 *****

2
3 **Yard.** A required ~~open-space~~ area of land on the same lot with a principal use
4 unoccupied and unobstructed by any structure or portion of a structure from 30
5 inches above the general ground level of the graded lot upward, provided, however,
6 that fences, walls, poles, posts, other customary yard accessories, ornaments and
7 furniture or other allowed accessory structures or uses may be permitted in any
8 yard subject to height limitations and requirements limiting obstruction of
9 visibility.

10
11 **Yard, Front.** A required ~~open-space~~ area of land extending the full width of the lot
12 between ~~a building and~~ the front lot line or reservation line to a line which is
13 parallel to the front lot line or reservation line. The distance between the two lines
14 is established by the setback requirement for the subject zoning district. The
15 required area of land is to remain, unoccupied and unobstructed from the ground
16 upward except as specified elsewhere in this ordinance.

17
18 **Yard, Rear.** A required ~~open-space~~ area of land extending the full width of the lot
19 between ~~a building and~~ the rear lot line or reservation line to a line which is
20 parallel to the rear lot line or reservation line. The distance between the two lines
21 is established by the setback requirement for the subject zoning district. The
22 required area of land is to remain unoccupied and unobstructed from the ground
23 upward except as specified elsewhere in this ordinance. [ORD 4071; October 1999]

24
25 **Yard, Side.** A required ~~open-space~~ area of land extending from the front yard to
26 the rear yard between ~~a building and~~ the nearest side lot line or reservation line to
27 a line which is parallel to the side lot line or reservation line. The distance between
28 the two lines is established by the setback requirement for the subject zoning
29 district. The required area of land is to remain unoccupied and unobstructed from
30 the ground upward except as specified elsewhere in this ordinance.