

ORDINANCE NO. 4673

**AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, TA 2015-0004,
TEMPORARY LIVING QUARTERS TEXT AMENDMENT**

WHEREAS, on September 30 and December 2, 2015, the Planning Commission conducted a public hearing to consider a City initiated application to amend the Development Code to allow *Temporary Living Quarters* as a Conditional Use within certain Commercial zones, with modified Use Restrictions, and within the Employment/Industrial zone as a Conditional Use, with no Code specified Use Restrictions; and

WHEREAS, the Planning Commission received and considered the submitted staff report, exhibits, and staff-recommended approval of this text amendment; and,

WHEREAS, the Planning Commission voted to recommend approval of the text amendment on December 2, 2015; and,

WHEREAS, no appeal of the Planning Commission's decision was filed; and,

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon the Planning Division Staff Report dated September 23, 2015, the Supplemental Memorandum dated November 25, 2015, and Planning Commission Land Use Order No. 2439; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

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

First reading this 12th day of January, 2016.

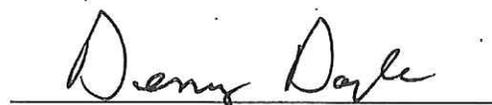
Second reading and passage this 2nd day of February, 2016.

Approved by the Mayor this 3rd day of February, 2016.

Attest:

Approved:


Catherine Jansen, City Recorder


Denny Doyle, Mayor

Section 1: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.10.25, USE RESTRICTS, will be amended to read as follows:

20.10.25. USE RESTRICTIONS

The following Use Restrictions refer to superscripts found in Section 20.10.20.

1. Detached or Attached Dwellings; only 50% of the contiguous area within any NS zone may be developed residentially.
2. No freestanding office structure or group of office structures shall exceed a combined total of 15,000 square feet.
3. No sales or outdoor storage of animals or livestock are allowed with this use.
4. ~~Limited to Hotels and Extended Stay Hotels located on a lot or parcel adjoining U.S. Highway 26, Canyon Road, SW Cedar Hills Boulevard, SW Walker Road, SW Jenkins Road, SW Hocken Avenue, Tualatin Valley Highway or Oregon State Highway 217, subject to the following:~~
 - a. ~~It shall be located on the portion of the lot immediately adjoining the highway roadway.~~
 - b. ~~Signage is allowed as per Section 60.40.35.3. of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all four faces combined or one wall sign up to 64 square feet may orient toward an abutting Arterial or regional traffic route.~~
 - c. ~~Signage shall not be allowed for auxiliary uses such as restaurants, meeting rooms, etc.~~
 - d. ~~Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.~~

Section 2: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.15.20, LAND USES, will be amended to read as follows:

20.15.20. LAND USES

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Employment and Industrial Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.15.25. [ORD 4584; June 2012]

Category and Specific Use		OI	OI-NC	IND
Superscript Numbers Refer to Footnote		P: Permitted C: Conditional N: Prohibited		
Commercial				
1. Animal ¹	A. Animal Care, Major	N	N	C
	B. Animal Care, Minor	P	N	P
2. Care ¹	A. Hospitals	P	N	C
	B. Medical Clinics	P	P ²⁴	C
	C. Child Care Facilities	P	P ²⁴	P
3. Parking as the Principal Use	A. Structures	P	N	C
	B. Surface	N	N	C
4. Retail and Service Business	A. Bulk Retail	C ³	N	N
	B. Eating and Drinking Establishments	P ²	P ²⁴	C ²
	C. Equipment and Supply Sales ⁴	P	N	P ⁵
	D. Equipment Rental Agencies ⁶	C	N	C
	E. Freestanding Retail or Service Business up to and Including 5,000 sq ft ⁷	P	P ²⁴	N
	F. Freestanding or Combination of Retail or Service Business of More than 5,000 but Less than 30,000 sq ft ⁷	C	P ²⁴	N
5. Storage ¹	G. Professional Services	P	P ²⁴	C
	H. Wholesale or Retail Lumber, Building, and or Landscaping Materials Yard		N	
	H. Marijuana Dispensaries	N	N	N
	A. Cold Storage Plants	N	N	P
6. Temporary Living Quarters	B. Self Storage Facilities	N	N	C
	C. Storage or Sale Yard ⁸	N	P ²⁴	P
	D. Storage Yard for Building Materials	N	N	P
		C ⁹	N	N

Category and Specific Use Superscript Numbers Refer to Footnote		OI	OI-NC	IND
		P: Permitted	C: Conditional	N: Prohibited
7. Vehicles ¹	A. Auto, Truck and Trailer Rental	N	N	C
	B. Automotive Service, Major	N	N	P ¹⁰
	C. Automotive Service, Minor	N	N	P
	D. Bulk Fuel Dealerships	N	N	P
	E. Heavy Equipment Sales ¹¹	N	N	P
	F. Trailer, Recreational Vehicle or Boat Storage	N	P ²⁴	P
	G. Trailer Sales or Repair	N	N	C
	H. Vehicle Storage Yards	N	N	C
Industrial				
8.	Concrete Mixing and Asphalt Batch Plants	N	N	C
9.	Fuel Oil Distributors	N	N	P
10.	Heliport	C	C	C
11.	Mail Order Houses, Wholesale or Retail, Exclusive of On-Site Sales to the Public ¹	P	P	P
12.	Manufacturing, Fabricating, Assembly, Processing, Packing, and Storage ¹	P ^{12,13}	P	P ¹³
13.	Motor Freight Terminal	N	N	C
14.	Operation Centers ¹⁴	N	N	P
15.	Laboratory ¹	C	P	P
16.	Salvage Yards, Recycling Centers and Solid Waste Transfer Stations ¹	N	N	C
17.	Warehousing, Wholesale and Distributive Activities ¹	P ¹²	P	P
Civic				
18.	A. Commercial Schools	C	N	N
	B. Educational Institutions	C	N	C
	C. Job Training and Vocational Rehabilitation Services	P	N	P
19.	Public Buildings and Uses ¹⁵	P	N	C
20.	A. Freight ¹⁶	P	N	P
	B. Passenger Facilities	P	N	P

Category and Specific Use Superscript Numbers Refer to Footnote		OI	OI-NC	IND
		P: Permitted	C: Conditional	N: Prohibited
21. Recreation ¹	A. Public Parks and Recreational Facilities	P	N	P
	B. Private Recreation Facilities ¹⁷	P	P	P
22. Transit Centers ¹⁸		P	P	C
23. Utilities	A. Facilities Related to Utility Distribution, such as Substations, Water Towers, Pump Stations, other than Transmission Lines or Power Plants	C	C	C
Office				
24. Office ¹		P	P	P ¹⁹
25. Financial Institutions ¹		P	P ²⁴	C
Other				
26. Planned Unit Development		C	C	C

Section 3: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.15.25, USE RESTRICTS, will be amended to read as follows:

20.15.25. USE RESTRICTIONS

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

1. Ancillary showrooms and retail area are Permitted if comprising not more than 10% of gross building floor area, and provided that no individual retail use exceeds 2,000 square feet of gross building floor area. Ancillary showrooms and retail area are Conditional if use is between 10% and 20% of gross building floor area and no individual retail business use exceeds 5,000 square feet of gross building floor area.
2. Drive-through uses are Prohibited; walk-ups Permitted.
3. Bulk retail shall not exceed 30,000 square feet and shall not abut an existing residential zone.
4. Industrial and professional equipment and supply stores, including incidental service and repair of the same.
5. Includes incidental service and repair, but excludes retail sales of specific items on display.
6. Exclusive of trucks, vehicles, or heavy equipment.
7. No outdoor storage or sales of animals or livestock are allowed with this use.
8. For contractor's equipment, house mover, delivery vehicles, trucking terminal, used equipment in operable condition, and transit storage.
9. ~~Temporary Living Quarters are Prohibited except extended stay hotels are Conditional if meeting the following criteria:~~
 - a. ~~Site size a maximum of five acres.~~
 - b. ~~Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.~~
10. Entirely within enclosed building.
11. Including incidental service and repair.
12. Manufacturing, assembly, fabricating, processing, packing, storage, wholesale and distribution activities shall meet the following requirements:
 - a. Activities are entirely enclosed within a building or structure whose appearance is compatible with normal industrial or office

building design.

- b. Odors, noise, vibrations or other emissions are controlled within the confines of the building or structure.
 - c. Are not for servicing or use by the general public.
 - d. Do not entail outdoor storage of raw materials or finished products.
 - e. Do not entail movement of heavy equipment on and off the site, except truck deliveries.
 - f. Do not involve bringing live animals or the waste or by product of dead animals to the site.
 - g. Do not involve outdoor testing of products or processes on the site.
 - h. Do not involve highly combustible, explosive or hazardous materials or waste.
 - i. Examples of uses which normally meet all of the above characteristics include but are not limited to: printing, publishing and allied arts, communications equipment, electronic components, measuring, analyzing and controlling instruments manufacturing.
13. Any use having the primary function of storing, utilizing or manufacturing of explosive material is Prohibited.
14. For public agencies and utility uses. If major and minor automotive services are provided, the following limitations shall apply:
- a. Fueling, repair, washing, and servicing of vehicles is limited to fleet vehicles parked on site for these uses established after August 23, 2007. [ORD 4584; June 2012]
 - b. All automotive service activities with the exception of those described in Subsection c, below shall be undertaken in an enclosed building.
 - c. The following automotive service activities are not required to be conducted within an enclosed building:
 - d. Vehicle fueling from a fixed source;
 - 1. Routine check of fluid level and tire pressure and replacement of minor equipment such as light bulbs and windshield wipers. Should such a check result in the need to replace fluids, e.g., oil, anti-freeze, the vehicle shall be moved into the enclosed building on site for this operation.
 - 2. Emergency repair of disabled vehicles, e.g., tire replacement.

[ORD 4443; August 2007]

15. Excluding services offered on premises to individuals or the general public.
16. Such as switching yards, spur or holding tracks and freight depots, but not within 200 feet of a residential zone.
17. Privately owned facilities, such as fitness clubs, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities.
18. Stations and stops exclusive of terminals or transit storage areas.
19. Unless the Office use is within a multi-story Office building only, or is ancillary to the primary use, Office is Permitted as principal use up to 15% of the total land area of a site.
20. If tower is proposed to be set back less than 50 feet from abutting Residential or Multiple Use zoning districts then a W3 application is required.
21. On parent parcel containing an existing tower supporting one carrier and shall be consistent with other approvals.
22. Provided the buildings or structures are not exclusively used for single-family or multi-family residential purposes.
23. W3 when located on streetlights, or traffic signal lights, or high voltage power utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 in the right-of-way of designated Freeways and Arterial Streets.
24. The use is permitted as an ancillary use to serve the employees and/or support the primary permitted use of the site. The ancillary use is intended to provide flexibility for and complement the operation of the primary use of the site. The ancillary use is not intended for the use by the general public. [ORD 4649; Feb 2015]
