



# Regulatory Improvement Code Amendment Package 6

## RICAP 6

City Council Public Hearing  
June 4, 2014



Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.





# Today's Objectives

- Review the Planning and Sustainability Commission's recommended zoning code amendments
- Review related Title 3 and Title 16 amendments
- Hear from community members





# Public Involvement

Published Public *Discussion Draft* on January 6, 2014

- 7 week review and comment period

Published *Proposed Draft* on March 21, 2014

- PSC Public Hearing April 22, 2014

Published *Recommended Draft* on May 19, 2014





# Amendment Categories

RICAP 6 Item Number and Name	Proposed Amendment
<b>Minor Policy Items</b>	
12-14 <b>Minor Policy</b> Short-Term Rentals Bundle	Amend to allow 1 and 2 bedroom short-term rentals, retain conditional use procedure for larger rentals.
18 <b>Radio Frequency (RF) Transmission Facilities</b>	Address Federal Communications Commission (FCC) preemption on RF emissions, clarify Effective Radiated Power thresholds, and convert subjective language to objective standards.
20-24 <b>Temporary Uses Bundle</b>	Address building relocations, construction staging, commercial filming, warming/cooling centers. Clarify applicability of time limits. Restructure chapter.
25 <b>Environmental zone development standards for MCDD projects</b>	Extend Airport Plan District resource enhancement development standards to drainage district projects that occur outside the Airport Plan District.
35, 36 <b>Revocable Permits</b>	Establish a process to allow revocable permits that do not expire to continue as non-conforming uses.
43 <b>Public Art for Ground Floor Windows</b> <b>Added</b>	Remove the requirement to obtain an adjustment for Regional Arts and Culture Council approved public art in lieu of meeting ground floor window requirement.
44 <b>Application of Zoning Code in right-of-way</b> <b>Added</b>	Apply the zoning code to the public right-of-way in the historic resources overlay zone.
<b>Clarification Items</b>	
1 <b>Accessory Home Occupations</b>	Clarify that accessory home occupations must occur on site to better enforce/limit activities occurring in the right-of-way.
2 <b>Transitional Sites</b>	Clarify that the R2.5 setback standards apply to duplex/attached house development on transitional sites.
3 <b>Setbacks for Wall-mounted Mechanical Equipment</b>	Clarify that mechanical units cannot be located in setbacks.
4 <b>Base Zone Design Standards – Garage Wall</b>	Clarify how the 50 percent garage limitation applies for different residential structure types (attached house, detached houses, duplexes).
5-7, 9 <b>Fence Bundle</b>	Correct Figure 110-15 to accurately reflect current fence height regulation. Clarify fence height requirement in front/street setback for multi-dwelling zones. (No amendments to fence height regulations are proposed.)
8 <b>Maximum Height in RH zones</b>	Clarify applicability of the various RH zone height limits.
11 <b>Accessory Home Occupations</b>	Clarify most activities associated with a home occupation must occur on site to better enforce/limit activities occurring in the right-of-way.

RICAP 6 Item Number	Clarification Item
<b>Clarification Items</b>	
15 <b>Community cross-reference</b>	Clarify that exterior finish material language more consistent.
16 <b>Convenience Stores</b>	Clarify the responsible party, notification procedures, and address changes in store ownership. Make Neighborhood Contact requirements more consistent.
17 <b>Interior Parking Lot Landscaping configuration</b>	Revise figure for better clarity.
19 <b>Recreational Fields for Organized Sports, Conditional Use Threshold</b>	Clarify that spectator seating is calculated separate from other exterior improvements for purposes of Conditional Use thresholds. Restructure chapter.
29 <b>Plan Districts and Overlay Zones with Design Overlay Zone</b>	Provide consistent references for when design review is required in the various plan districts and overlay zones.
30 <b>Columbia South Shore – retail sales</b>	Clarify limits for retail sales in EG2/RG2 zones within the Columbia South Shore Plan District.
31 <b>Columbia South Shore – truck parking in setback</b>	Clarify that the Airport Way setback applies to heavy truck parking.
33 <b>Land Division Approval Criteria in Potential Landslide Hazard Areas</b>	Clarify that development on sites be located on areas rendered suitable to limit landslide risk. Clarify the circumstances under which any final plat can be voided.
34 <b>Regulations in Effect at Application</b>	Clarify that the section applies to all applications and addresses how newly adopted regulations are applied.
37 <b>Historic Landmarks Commission and Design Commission membership</b>	Correct membership number (from 8 to 7) to reflect current membership composition.
40 <b>Missing information in Notice of Type III Decision</b>	Add notification requirements for type III decisions, consistent with other existing land use decision notices.
41 <b>Conditional Uses – change within use category</b>	Clarify what constitutes a change of use within the use category.
45 <b>Comprehensive Plan Map Amendments</b> <b>Added</b>	Correct the approval criteria for Comprehensive Plan Map amendments to include the requirement that the proposed map amendment must also be in conformance with Statewide Land Use Planning Goals.





# Minor Policy Items

- Radio frequency (cell tower) facilities
- Temporary Activities
- Bank Restoration Standards (Columbia Slough)
- Revocable Permits
- Public Art in lieu of Ground Floor Windows
- Historic Resource Review in the Public Right-of-Way
- Accessory Short-term Rentals



# Radio Frequency Facilities (cell towers)

- Replace ERP thresholds
- Distinguish “personal wireless services” from “radio / tv broadcast facilities”
- Defer to FCC emission standards
- Allow limited modifications to existing facilities

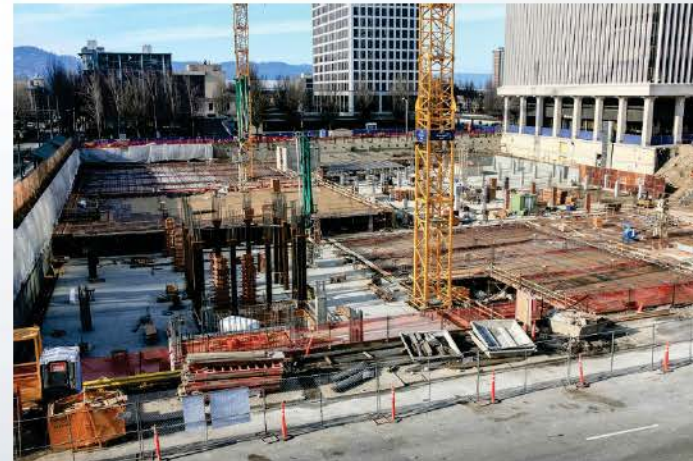




# Temporary Activities

The amendments address:

- Warming/cooling centers
- Temporary filming
- Construction staging
- Clarified time limits





# Bank Restoration Standards

Allow bank restoration projects through a permit instead of environmental review







# Revocable Permits

Treat Revocable Permits like non-conforming uses and development





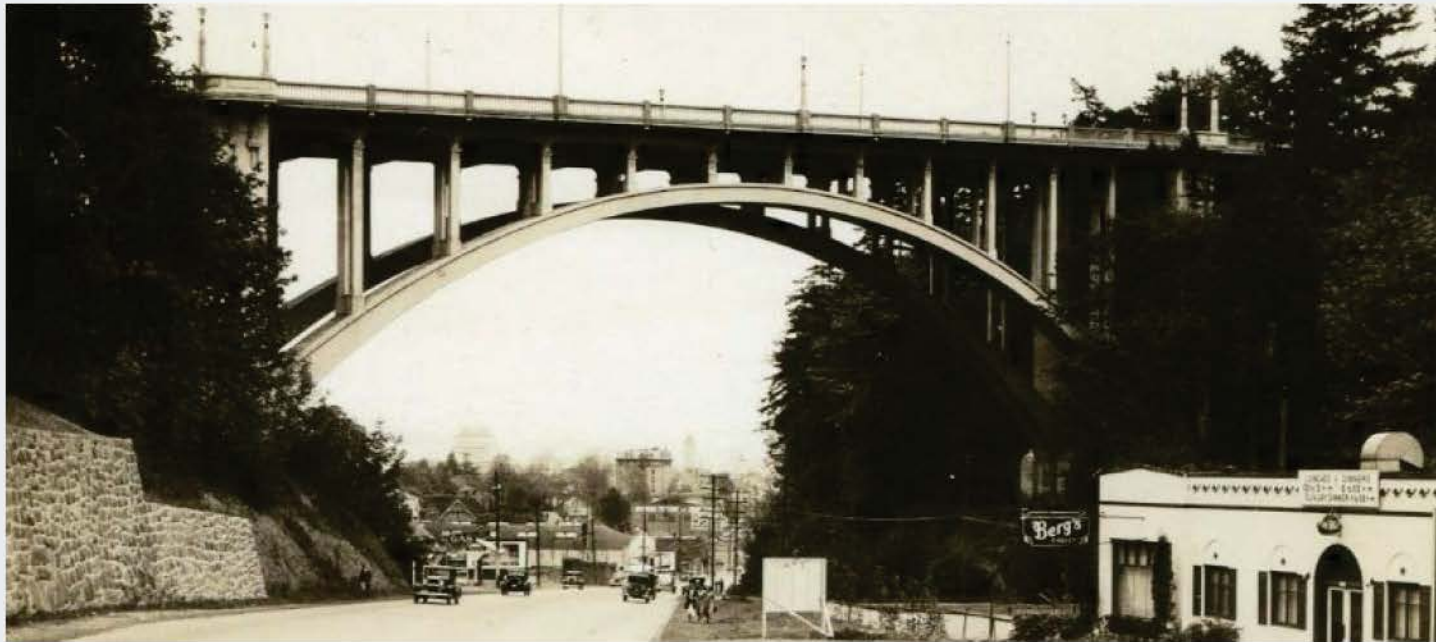
# Public Art in lieu of Ground Floor Windows

Eliminate the need for an adjustment review, when public art has been approved by the Regional Arts and Culture Council.





# Historic Resource Review in the Public Right-of-Way



Vista Bridge





# Amendment Categories

RICAP 6 Item Number and Name	Proposed Amendment
<b>Minor Policy Items – These items include changes to existing policy or are more substantive in nature.</b>	
12-14 Short Term Rental / Bed and Breakfast Bundle	Establish a permit (similar to Type B home occupation permit) to allow 1 and 2 bedroom short-term rentals. Retain conditional use procedure for larger rentals.
18 Radio Frequency (RF) Transmission Facilities	Address Federal Communications Commission (FCC) preemption on RF emissions, clarify Effective Radiated Power thresholds, and convert subjective language to objective standards.
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2	RICAP 6

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# Accessory Short-Term Rentals



# Short-Term Rental Internet Sites





# Peer-to-Peer Rentals

Recommended Create New ShoutOut

**Cozy Condo 2BR with Parking!**  
Portland, OR, United States  
Add to Favorites  
Bedrooms: 2  
Total Guests: 4  
Wifi

**Nice room in Deep SE Portland**  
Portland, OR, United States  
Add to Favorites  
Total Guests: 2  
Wifi  
2 Stays

**NE-Historic Piedmont District**  
Portland, OR, United States  
Add to Favorites  
Bedrooms: 4  
Total Guests: 12  
Wifi

**Mississippi Ave Basement Studio**  
Portland, OR, United States  
Add to Favorites  
Studio  
Total Guests: 2  
Wifi  
5 Stays

**Serene Studio, rec center, parking**  
Portland, OR, United States  
Add to Favorites  
Studio  
Total Guests: 2  
Wifi  
Certified

Currently, these short-term rentals are regulated as Bed and Breakfast Facilities



# Type II Conditional Use Review

- Administrative land use decision
- Appealable to Hearings Officer
- 8-10 week process
- Fee: \$4,130
- Public notice sent to property owners and recognized organizations within 150 feet







# Short-term rentals by the numbers...

1600

Portland listings on airbnb.com as of May 2014

24

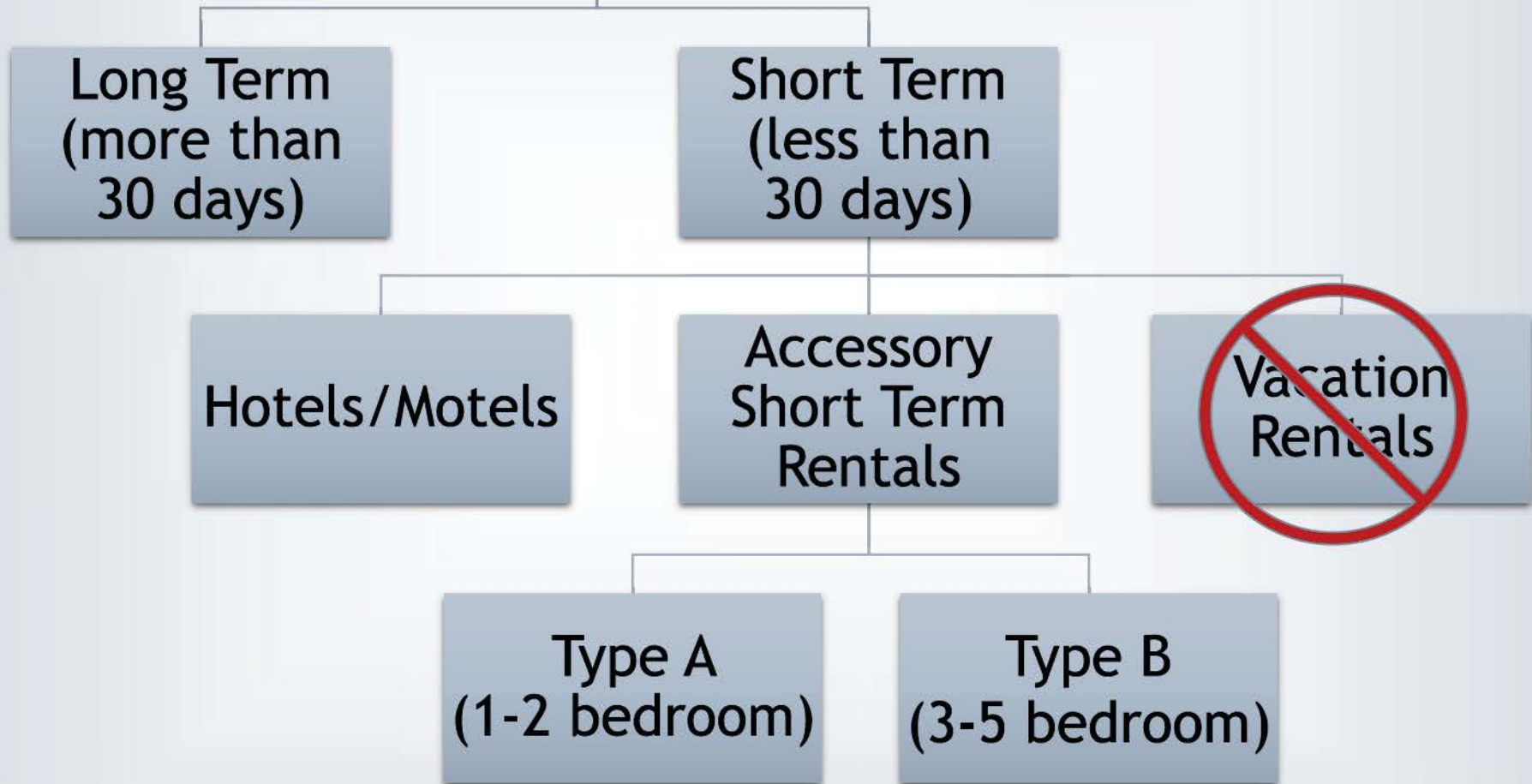
Bed & Breakfast facilities approved since 2004

27

STR code compliance cases in 2013



# Rental Types



# Proposed Type A Accessory Short-Term Rental Regulations

1. Accessory Use
2. Building Types
3. Bedroom Requirements
4. Process
5. Required Notice
6. Number of Guests
7. Home Occupations
8. Employees
9. Commercial Meetings
10. Private Social Gatherings



# 1. Accessory Use

Allow as accessory to residential use.

This means that the individual or family who operate the Accessory Short-Term Rental must occupy the unit as their primary residence.





## 2. Building Type

Single-Dwelling Code

Building Code Occupancy – R3



Allows “Lodging House” – renting up to 5 guest rooms





## 2. Building Type

Multi-Dwelling Code

Building Code Occupancy – R2



When long-term changes to short-term tenancies, the occupancy must change to R1.





## 2. Building Type

Commercial Code

Building Code Occupancy - R1



- Change of occupancy from R2 to R1 requires:
- Architect's structural research and analysis
  - Fire sprinklers
  - New doors / windows
  - "Rated" corridors



# 3. Bedroom Requirements

BDS will verify that bedrooms:

- Met the building code requirements for sleeping rooms at the time they were created or converted; and
- Have smoke detectors that are interconnected with smoke detectors in adjacent hallways.





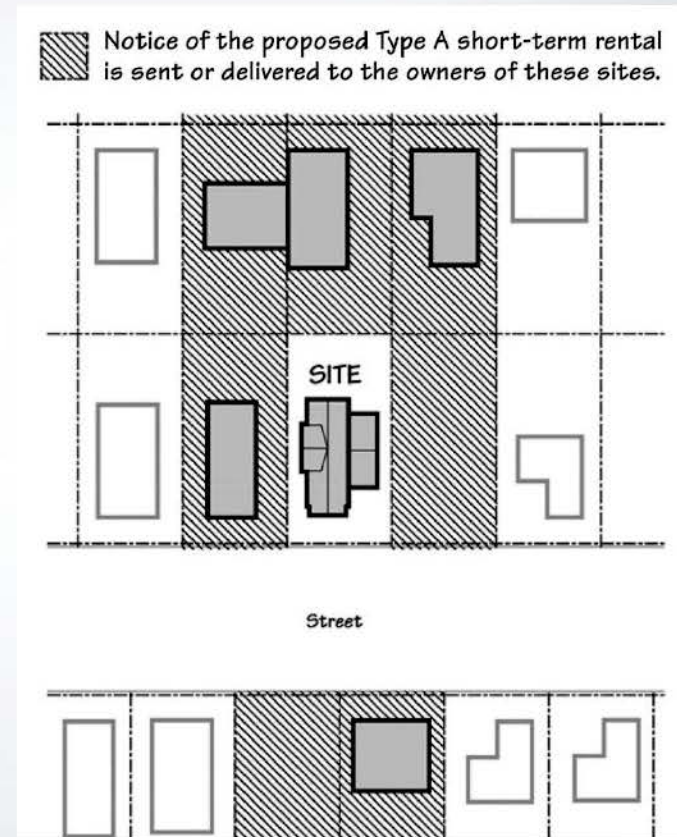
## 4. Type A Accessory Short-Term Rental Permit

- Administrative permit
- 1-2 week process
- Inspection required
- Renewal required every 2 years
- Estimated fee: \$180
- May be revoked for failure to comply with the regulations



# 5. Required Notice

Operator sends a notice to all recognized organizations and owners of property abutting or across the street from the residence.



## 6. Number of Guests

Maximum number of guests is the same as what is currently allowed in a household:

“One or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit...”



# Home Occupations, Employees, Meetings, and Gatherings

7. Home Occupations are not allowed.
8. Nonresident employees are not allowed.
9. Commercial meetings are not allowed.
10. Private Social Gatherings are not limited.





# Recommendation

## Approve both RICAP 6 Ordinances to:

- Amend Title 33 (Zoning Code), Title 3 (Administration), and Title 16 (Vehicles) as shown in the RICAP 6 *Recommended Draft Report*
- Adopt the commentary as legislative intent

