



# Shelter ▶ to Housing Continuum

## Amendments to the City Code

### Volume Two, Changes to the Zoning Code

Discussion Draft  
October 2020

The Shelter to Housing Continuum Project will further fair housing goals by expanding shelter and housing options throughout the city. The Bureau of Planning and Sustainability, the Portland Housing Bureau and the Joint City-County Office of Homeless Services are partnering to retool city codes to better address our homelessness crisis.

Cover illustrations kindly provided with permission:

Josh Chang for a photograph of the Kenton Women’s Village shelter,  
Multnomah County Communications for a photograph of the Laurelwood Center shelter,  
Multnomah County Communications for a photograph of the Family Village shelter, and  
Guerilla Development Company for a drawing of the “Jolene's First Cousin” group living building.

Cover design by Gaby Jenkins, Bureau of Planning and Sustainability.

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### How to give feedback:

The Bureau of Planning and Sustainability thanks you for taking time out of your schedule to review these proposed changes to Portland's City Code. This Discussion Draft is for public review of the proposed code amendments. Your comments will inform the development of a Proposed Draft that is scheduled for release in November 2020. This Proposed Draft will be reviewed by the Planning and Sustainability Commission (PSC) at one or more public hearings. Following any amendments to the proposal, the PSC will forward a Recommended Draft to the Portland City Council. Additional public hearings will be held before the City Council before any changes to the City Code are put into place by ordinance.

Your comments on this Discussion Draft are due by:

**5 p.m. on Friday, October 30, 2020**

### Send your comments to:

Email: [s2hc@portlandoregon.gov](mailto:s2hc@portlandoregon.gov)

Online: [www.portlandmaps.com/bps/mapapp/proposals/#/s2hc](http://www.portlandmaps.com/bps/mapapp/proposals/#/s2hc)

### For more information:

Visit the project webpage: [www.portland.gov/bps/s2hc](http://www.portland.gov/bps/s2hc)

Community web forums will be announced on this page.

### Contact project staff:

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### Project Timeline:

Public feedback accepted  
until October 30, 2020





# Acknowledgments

## **Portland City Council**

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Jo Ann Hardesty, Commissioner  
Dan Ryan, Commissioner

## **Portland Planning and Sustainability Commission**

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Derek Bradley, Commissioner Hardesty's Office

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# Volume 2: Zoning Code Amendments

This section presents staff proposed zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

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## Commentary

### List of Chapters

This change only removes a reference to Chapter 33.239 from the list of chapters for the entire zoning code, which is a prelude to the zoning code proper. Since Group Living is proposed to be made subject to the same development standards as Household Living, the entirety of Chapter 33.239 is proposed for deletion. The Reasons for the deletion are provided below in the commentary for Chapter 33.239.

## **Title 33, Planning and Zoning**

### **List of Chapters**

#### **Additional Use & Development Regulations**

- 203 Accessory Home Occupations
- 205 Accessory Dwelling Units
- 207 Accessory Short-Term Rentals
- 209 Aviation
- 218 Community Design Standards
- 219 Convenience Stores
- 224 Drive-Through Facilities
- 229 Elderly and Disabled High Density Housing
- 236 Floating Structures
- 237 Food Production and Distribution
- ~~239 Group Living~~
- 243 Helicopter Landing Facilities
- 245 Inclusionary Housing
- 248 Landscaping and Screening
- 251 Manufactured Housing and Manufactured Dwelling Parks
- 254 Mining and Waste-Related
- 258 Nonconforming Situations
- 262 Off-Site Impacts
- 266 Parking and Loading
- 270 Planned Developments
- 272 Major Public Trail
- 274 Radio Frequency Transmission Facilities
- 279 Recreational Fields for Organized Sports
- 281 Schools and School Sites
- 284 Self-Service Storage
- 285 Short Term Housing and Mass Shelters
- 288 Special Street Setbacks
- 293 Superblocks
- 296 Temporary Activities
- 299 Wind Turbines

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## Commentary

### Table of Contents

This proposed change would only remove a reference to Chapter 33.239 from the table of contents for the entire zoning code, which is another prelude to the zoning code proper. Each major division of the zoning code also contains a table of contents. Because other proposed code changes would make Group Living subject to the same development standards as Household Living, the entirety of Chapter 33.239 is proposed for deletion. The Reasons for the deletion are provided below in the commentary for Chapter 33.239.

## Table of Contents

Chapter Number		Page Number
<b>Additional Use and Development Regulations</b>		
203	Accessory Home Occupations	203-1
205	Accessory Dwelling Units	205-1
207	Accessory Short-Term Rentals	207-1
209	Aviation	209-1
218	Community Design Standards	218-1
219	Convenience Stores	219-1
224	Drive-Through Facilities	224-1
229	Elderly and Disabled High Density Housing	229-1
236	Floating Structures	236-1
237	Food Production and Distribution	237-1
<del>239</del>	<del>Group Living</del>	<del>239-1</del>
243	Helicopter Landing Facilities	243-1

[The table of contents for chapters containing additional use and development regulations continues past 243, but there are no other changes]

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## Commentary

### 33.100.100

There are now two uses in the *Community Services* category, mass shelters and short term housing. A third use, outdoor shelters, is proposed for addition and short term housing is proposed to be renamed "short term shelter." The prohibitions in this section are proposed for revision to reflect these changes. The addition of the new outdoor shelters use is explained in commentary below for proposed changes to Chapter 33.285.

## 33.100 Open Space Zone

# 100

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### 33.100.100 Primary Uses

- A. [No change]
- B. **Limited uses.** Uses allowed that are subject to limitations are listed in Table 100-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 100-1.
  - 1.-3. [No change]
  - 4. Community Services. This regulation applies to all parts of Table 100-1 that have note [4]. Most Community Service uses are a conditional use. However, short term, ~~housing and mass, and outdoor~~ shelters are prohibited.
  - 5.-7. [No change]
- C.-D. [No change]

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## Commentary

### 33.110.100.B.1

The Community Service use limitation is proposed for amended because the outdoor shelters use is proposed for addition and short term housing is proposed to be renamed "short term shelter." The references to limitations in this section are proposed for revision to reflect these changes. The actual limitations are explained below in commentary for proposed changes to Chapter 33.285.

### 33.110.100.B.11

The Residential Category contains two uses, household living and group living. In the present code household living is allowed by right in single dwelling zones but group living requires conditional use approval. Portland's *2035 Comprehensive Plan* identifies both types as needed to meet present and future housing needs.

All types of needed housing should be easy to site in residential zones, and easier siting can be accomplished through application of clear and objective standards rather than discretionary approval criteria. A proposed amendment would make group living a limited rather than a conditional use, thus making a certain amount of group living subject to only clear and objective standards. There are two proposed limitations. One would allow no more than 3,500 square feet of group living on a site and the other would require group living to occupy only a dwelling unit. Additional increments of area devoted to group living and group living occupying a congregate living facility rather than a dwelling unit would still require conditional use approval. The size limitation is intended to restrict the group living floor area to parameters of the base zone development standards. In situations where there is more than one building on a site the 3,500 square foot limitation applies to all buildings, not to each building.

These size and dwelling type limitations will help ensure that new residences for household living and group living will be of similar size and character.



## 33.110 Single-Dwelling Zones

110

### 33.110.100 Primary Uses

- A. **Allowed uses.** [No change]
- B. **Limited uses.** Uses allowed that are subject to limitations are listed in Table 110-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 110-1.
1. **Community Service Uses.** This regulation applies to all parts of Table 110-1 that have note [1]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, housing and mass, and outdoor shelters have additional regulations in are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters~~Short Term Housing and Mass Shelters.~~
  - 2-10. [No change]
  11. Group Living. This regulation applies to all parts of Table 110-1 that have note [11]. Up to 3,500 square feet of the total net building area on the site can be in a Group Living Use, but must be in dwelling units. More than 3,500 square feet of net building area in Group Living and Group Living in congregate housing structures are conditional uses.
- C.-D. **Conditional uses.** [No change]

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## Commentary

### Table 110-1

The proposed amendment to Table 110-1 reflects the change to allow up to 3,500 square feet of the net building area on a site in a *Group Living* use, provided the use is within a dwelling unit.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

<b>Table 110-1</b>						
<b>Single-Dwelling Zone Primary Uses</b>						
<b>Use Categories</b>	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>	<b>R2.5</b>
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	<u>L/CU [11]</u>	<u>L/CU [11]</u>	<u>L/CU [11]</u>	<u>L/CU [11]</u>	<u>L/CU [11]</u>	<u>L/CU [11]</u>
<b>Commercial Categories</b>						
Retail Sales And Service	CU [10]	CU [10]	CU [10]	CU [10]	CU [10]	CU [10]
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
<b>Industrial Categories</b>						
Manufacturing And Production	CU [6]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	<u>L/CU [5]</u>	<u>L/CU [5]</u>	<u>L/CU [5]</u>	<u>L/CU [5]</u>	<u>L/CU [5]</u>	<u>L/CU [5]</u>
Community Service	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]
Parks And Open Areas	<u>L/CU [2]</u>	<u>L/CU [2]</u>	<u>L/CU [2]</u>	<u>L/CU [2]</u>	<u>L/CU [2]</u>	<u>L/CU [2]</u>
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	<u>L/CU [3]</u>	<u>L/CU [3]</u>	<u>L/CU [3]</u>	<u>L/CU [3]</u>	<u>L/CU [3]</u>	<u>L/CU [3]</u>
<b>Other Categories</b>						
Agriculture	L [7]	L [7]	<u>L/CU [8]</u>	<u>L/CU [8]</u>	L [9]	L [9]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	<u>L/CU [4]</u>	<u>L/CU [4]</u>	<u>L/CU [4]</u>	<u>L/CU [4]</u>	<u>L/CU [4]</u>	<u>L/CU [4]</u>
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes: [no change]

L = Allowed, But Special Limitations

N = No, Prohibited

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## Commentary

### Table 110-2

The reference to single room occupancy housing type is being proposed for removal from Table 110-2 and other parts of the zoning code. The terms "single room occupancy" and "SRO" overlapped with household living, group living and commercial uses, was confusing, and difficult to administer. Also, the proposed revisions to group living use allowances render a separate single room occupancy use unnecessary, because all residential living configurations allowed under single room occupancy would be allowed as group living under the proposed changes for the congregate housing component of group living.

Under the proposal changes a congregate housing structure would be a residential structure that contains a group living use but is not a dwelling unit. For example, this might be a residential building where there is not a kitchen, or a facility where food is prepared for residents, but a kitchen is not accessible to them.

## Development Standards

### 33.110.200 Housing Types Allowed

- A. Purpose.** [No change]
- B. Housing types.** The kinds of housing types allowed in the single-dwelling zones are stated in Table 110-2.

<b>Table 110-2 Housing Types Allowed In The Single-Dwelling Zones</b>						
Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached house (See 33.110.240.C, E & H)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplexes: On corners (See 33.110.265.D)	No	Yes	Yes	Yes	Yes	Yes
On transitional lots (See 33.110.240.H)	No	No	No	Yes	Yes	Yes
Other situations (See 33.110.265.D)						
Manufactured home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
<del>Single Room Occupancy (SRO) units</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>
Attached Duplexes	Only in Planned Developments, See Chapter 33.270.					
<del>Congregate Housing Group structure</del>	Only when in conjunction with an approved conditional use.					
Multi-dwelling structure	Only in Planned Developments, See Chapter 33.270					

Yes = allowed;

No = prohibited.

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## Commentary

### Table 110-4

The proposed removal of note [1] would mean that both group living would become subject to the same building coverage standards as household living.

### 33.110.225 Building Coverage

- A. **Purpose.** The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.
- B. **Building coverage standards.** The maximum combined building coverage allowed on a site for all covered structures is stated in Table 110-4.

<b>Table 110-4</b>	
<b>Maximum Building Coverage Allowed in the RF through R2.5 Zones <del>[1]</del></b>	
<b>Lot Size</b>	<b>Maximum Building Coverage</b>
Less than 3,000 sq. ft.	50% of lot area
3,000 sq. ft. or more but less than 5,000 sq. ft.	1,500 sq. ft. + 37.5% of lot area over 3,000 sq. ft.
5,000 sq. ft. or more but less than 20,000 sq. ft.	2,250 sq. ft. + 15% of lot area over 5,000 sq. ft.
20,000 sq. ft. or more	4,500 sq. ft. + 7.5% of lot area over 20,000 sq. ft.

**Notes:**

~~[1] Group Living uses are subject to the maximum building coverage for institutional development stated in Table 110-5.~~

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## Commentary

### **33.120.100.B.1.a.**

The proposed eliminations would make group living subject to the same development standards as household living. Group living structures would be subject to the floor area ratio limits as household living structures.

### **33.120.100.B.1.b.**

The proposed elimination the conditional use requirement would not apply to facilities supervised by on-site sworn officers. These would continue to be prohibited in multi dwelling zones. The proposed elimination of the conditional use requirement for halfway houses is in keeping with other City changes to destigmatize past offender status in employment and rental applications.



## 33.120 Multi-Dwelling Zones

# 120

### 33.120.100 Primary Uses

- A. Allowed uses.** [No change]
- B. Limited uses.** Uses allowed in these zones subject to limitations are listed in Table 120-1 with an “L”. These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.

- ~~1. Group Living. This regulation applies to all parts of Table 120-1 that have a [1].~~
- ~~a. General regulations. All Group Living uses in the multi-dwelling zones, except for alternative or post incarceration facilities, are allowed as follows:~~
- ~~(1) Seven to 15 residents. Group Living uses for 7 to 15 residents are allowed by right subject to the regulations of Chapter 33.239, Group Living.~~
- ~~(2) More than 15 residents. Group Living facilities for more than 15 residents are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.~~
- ~~(3) Exception. Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in (1) and (2) above. The only exception is residential facilities licensed by or under the authority of the state Department of Human Resources under ORS 443.400 to 443.460. In these cases, staff persons are not counted as residents to determine whether the facility meets the 15 resident cutoff, above which a conditional use is required.~~
- ~~b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional, uses regardless of size. They are also subject to the regulations of Chapter 33.239, Group Living.~~
- 2.-3. [Renumber to be 1.-2.]

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## Commentary

### **33.120.100.B.3 and 4**

There are now two uses in the *Community Services* category, mass shelters and short term housing. A third use, outdoor shelters, is proposed for addition and short term housing is proposed to be renamed "short term shelter." The prohibitions in this section are proposed for revision to reflect these changes. The addition of the new outdoor shelters use is explained in commentary below for proposed changes to Chapter 33.285.

34. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a note [34]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, ~~housing and mass, and outdoor~~ shelters are also regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters. ~~Short Term Housing and Mass Shelters.~~
- a. Limited uses. Community Service and Schools uses are allowed in a multi-dwelling development if all of the Community Service and Schools uses are located on the ground floor. If any portion of a Community Service or Schools use is not on the ground floor of a multi-dwelling development, the Community Services and Schools uses are limited to 20 percent of the net building area;
  - b. Conditional uses. If any portion of the Community Service and Schools uses is not on the ground floor of a multi-dwelling development and the uses exceed 20 percent of the total net building area, then a conditional use review is required.

45. Community Service in RM1 through RM4 and RMP. This regulation applies to all parts of Table 120-1 that have a [45]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, ~~housing and mass, and outdoor~~ shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters. ~~Short Term Housing and Mass Shelters.~~

6.-11. [Renumber to be 5. – 10.]

**C-D.** [No change]

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## Commentary

### Table 120-1

The proposed change to Table 120-1 would make group living allowed in all multi-dwelling zones except for the RMP zone, which is only allows manufactured homes.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

<b>Table 120-1 Multi-Dwelling Zone Primary Uses</b>						
<b>Use Categories</b>	<b>RM1</b>	<b>RM2</b>	<b>RM3</b>	<b>RM4</b>	<b>RX</b>	<b>RMP</b>
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	<del>Y</del> / <u>L</u> [1]	<del>Y</del> / <u>L</u> [1]	<del>Y</del> / <u>L</u> [1]	<del>Y</del> / <u>L</u> [1]	<del>Y</del> / <u>L</u> [1]	N
<b>Commercial Categories</b>						
Retail Sales And Service	L [12]	L [12]	L [12]	L [12]	L [12]	L [101]
Office	L [12]	L [12]	L [12]	L [12]	L [12]	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [23]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
<b>Industrial Categories</b>						
Manufacturing And Production	N	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	L/CU [89]	L/CU [89]	L/CU [89]	L/CU [89]	L/CU [89]	L/CU [89]
Community Service	L/CU [45]	L/CU [45]	L/CU [45]	L/CU [45]	L/CU [34]	L/CU [45]
Parks And Open Areas	L/CU [56]	L/CU [56]	Y	Y	Y	L/CU [56]
Schools	CU	CU	CU	CU	L/CU [34]	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [67]	L/CU [67]	L/CU [67]	L/CU [67]	Y	L/CU [67]
<b>Other Categories</b>						
Agriculture	L [910]	L [910]	L [910]	L [910]	L [910]	L [910]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [78]	L/CU [78]	L/CU [78]	L/CU [78]	L/CU [78]	L/CU [78]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

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## Commentary

### Table 120-2

The reference to single room occupancy housing type is being proposed for removal from Table 120-2 and other parts of the zoning code. The terms "single room occupancy" and "SRO" overlapped with household living, group living and commercial uses, was confusing, and difficult to administer. Also, the proposed revisions to group living use allowances render a separate single room occupancy use unnecessary, because all residential living configurations allowed under single room occupancy would be allowed as group living under the proposed changes for the congregate housing component of group living.

Under the proposal changes a congregate housing structure would be a residential structure that contains a group living use but is not a dwelling unit. For example, this might be a residential building where there is not a kitchen, or a facility where food is prepared for residents, but a kitchen is not accessible to them. These would be allowed in all but the RMP multi-dwelling zone.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

<b>Table 120-2 Housing Types Allowed In The Multi-Dwelling Zones</b>						
<b>Housing Type</b>	<b>RM1</b>	<b>RM2</b>	<b>RM3</b>	<b>RM4</b>	<b>RX</b>	<b>RMP</b>
House	Yes	Yes	Yes	Yes	Yes	No
Attached House (See 33.120.270 C.)	Yes	Yes	Yes	Yes	Yes	No
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	No
Duplex	Yes	Yes	Yes	Yes	Yes	No
Attached Duplex (See 33.120.270.F)	Yes	Yes	Yes	Yes	Yes	No
Triplex	Yes	Yes	Yes	Yes	Yes	No
Fourplex	Yes	Yes	Yes	Yes	Yes	No
Multi-Dwelling Structure	Yes	Yes	Yes	Yes	Yes	No
Multi-Dwelling Development	Yes	Yes	Yes	Yes	Yes	Yes [1]
Manufactured Dwelling (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes [2]
Manufactured Dwelling Park (See Chapter 33.251)	Yes	No	No	No	No	Yes
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	No
<del>Single Room Occupancy (SRO) units</del>	<del>No</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>No</del>
<u>Congregate Housing Group Living Facility</u>	Yes	Yes	Yes	Yes	Yes	No

Yes = allowed; No = prohibited.

Notes:

[1] The only type of multi-dwelling development allowed in the RMP zone is manufactured dwellings in a manufactured dwelling park.

[2] Except on individual lots created under the provisions of 33.642, Land Divisions of Manufactured Dwelling Parks, manufactured dwellings are only allowed in manufactured dwelling parks.

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## Commentary

### **33.130.100.B.1**

The proposed eliminations would make group living subject to the same development standards as household living. Group living structures would be subject to the floor area ratio limits as household living structures.

### **33.130.100.B.2**

The proposed elimination of the conditional use requirement would not apply to facilities supervised by on-site sworn officers. These would continue to be prohibited in multi dwelling zones. The proposed elimination of the conditional use requirement for halfway houses is in keeping with other City changes to destigmatize past o offender status in employment and rental applications.

### **33.130.100.B.6**

The Community Service use limitation has a proposed amendment to add outdoor shelters because outdoor shelters are a new type of type of Community Services use. See additional commentary below for Chapter 33.285 development standards.



## 33.130 Commercial/Mixed Use Zones

130

### 33.130.100 Primary Uses

- A. Allowed uses.** [no change]
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.
- ~~1. Group Living. This regulation applies to all parts of Table 130-1 that have a [1].~~
- ~~a. General regulations. All Group Living uses, except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.~~
- ~~b. Alternative or post incarceration facilities. Group Living uses that consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.~~
- 2-5. [Renumber to be 1. - 4.]
56. Community Services. This regulation applies to all parts of Table 130-1 that have a [56]. Most Community Service uses are allowed by right. Short term, ~~housing and mass, and outdoor~~ shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term, Mass, and Outdoor Shelters~~Short Term Housing and Mass Shelters~~.
- 7-12. [Renumber to 6. – 11.]
- C-D.** [no change]

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## Commentary

### Table 130-1

The proposed changes to Table 130-1 would make group living an allowed use in all commercial/mixed use zones. Because of these changes the first note would no longer be needed, and the elimination of the first note would require current notes 2 through 12 to be renumbered 1 through 11.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

**Table 130-1  
 Commercial/Mixed Use Zone Primary Uses**

Use Categories	CR	CM1	CM2	CM3	CE	CX
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	<u>Y/L/</u> <del>CU</del> [1]	<u>Y/L/</u> <del>CU</del> [1]	<u>Y/L/</u> <del>CU</del> [1]	<u>Y/L/</u> <del>CU</del> [1]	<u>Y/L/</u> <del>CU</del> [1]	<u>Y/L/</u> <del>CU</del> [1]
<b>Commercial Categories</b>						
Retail Sales And Service	L [12]	L [12]	Y	Y	Y	Y
Office	L [12]	L [12]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [12]	L [12]	L [12]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [45]
Commercial Parking	N	N	L [89]	L [89]	Y	CU [89]
Self-Service Storage	N	N	N	L [34]	L [34]	L [34]
Commercial Outdoor Recreation	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	CU	CU	CU	Y
<b>Industrial Categories</b>						
Manufacturing and Production	N	L/CU [23,45]	L/CU [23,45]	L/CU [23,45]	L/CU [23,45]	L/CU [23,45]
Warehouse and Freight Movement	N	N	N	L [23,45]	L [23,45]	N
Wholesale Sales	N	N	L [23,45]	L [23,45]	L [23,45]	L [23,45]
Industrial Service	N	N	CU [23,45]	CU [23,45]	CU [23,45]	CU [23,45]
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	Y/CU [78]	Y/CU [78]	Y/CU [78]	Y/CU [78]	Y/CU [78]	Y/CU [78]
Community Service	L/CU [56]	L/CU [56]	L/CU [56]	L/CU [56]	L/CU [56]	L/CU [56]
Parks and Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y
Colleges	N	Y	Y	Y	Y	Y
Medical Centers	N	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y
<b>Other Categories</b>						
Agriculture	L [910]	L [910]	L/CU [1011]	L/CU [1112]	L/CU [1112]	L/CU [1011]
Aviation and Surface Passenger Terminals	N	N	N	N	CU	CU
Detention Facilities	N	N	N	CU	CU	CU
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	N	L/CU [67]	L/CU [67]	L/CU [67]	L/CU [67]	L/CU [67]
Rail Lines and Utility Corridors	N	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

L = Allowed, But Special Limitations

N = No, Prohibited

**33.140.100.B.2.a**

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## Commentary

The proposed elimination of conditional use requirements and use limitations applies to the EX zone only. These changes would make group living, whether household or congregate, subject to the same development standards as household living and congregate living structures would be subject to the floor area ratio limits as household living structures.

### **33.140.100.B.2.b**

The proposed language would eliminate the conditional use requirement but would not apply to facilities supervised by on-site sworn officers. These would continue to be conditional uses. The proposed elimination of the conditional use requirement for halfway houses is in keeping with other City changes to destigmatize past offender status in employment and rental applications.

### **33.140.100.B.9**

A proposed change would provide a new conditional use opportunity for outdoors shelters to operate in industrial zones on publicly owned land, on sites of two acres or less. This opportunity is described in greater detail in the commentary for Chapter 33.285 below. Other changes make reference to the new outdoor shelter use and change in name for the use "short term housing" to "short term shelter."

### **33.140.100 B.10**

Proposed changes combine and place current use Community Service limitations in a more logical order without changing the substance of the limitations.

### **33.140.100 B.11**

The proposed change would separate the Daycare use limitation from the Community Service limitations since daycare is not a Community Service use.

## 33.140 Employment and Industrial Zones

# 140

### 33.140.100 Primary Uses

- A. Allowed uses.** [No change]
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.
1. [No change]
  2. ~~Group Living. This regulation applies to all parts of Table 140-1 that have a [2]~~
    - a. ~~General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.~~
    - b. ~~Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.~~
  - 3-8. [Re-number to 2. – 7.]
  89. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [89]. Most Community Service uses are allowed by right. Short term, housing and mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters~~Short Term Housing and Mass Shelters~~.
  910. Community Service in the EX zones. This regulation applies to all parts of Table 140-1 that have a [910].
    - a. Short term and mass shelters are prohibited. Outdoor shelters ~~Most Community Service uses are allowed by right. Short term housing and mass shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters~~ Housing and Mass Shelters.
    - b. All other Community Service uses up to 3,000 square feet of net building area are allowed. Uses larger than 3,000 square feet of net building area are a conditional use.
  1011. ~~Community Service and Daycare uses~~ limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [1011]. ~~Community Service uses or Daycare uses up to 3,000 square feet of net building area are allowed. Community Service uses or Daycare uses larger than 3,000 square feet of net building area are a conditional use. Short term housing and mass shelters of any size are prohibited.~~
  - 12-17. [Re-number to 11. – 16.]
- C-D.** [No change]

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## Commentary

### Table 140-1

A proposed change to Table 140-1 would make group living an allowed use in the EX zone. Because of this change the second note would no longer be needed, and the elimination of the second note would require current notes 3 through 17 to be renumbered 2 through 16.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

<b>Table 140-1 Employment and Industrial Zone Primary Uses</b>						
<b>Use Categories</b>	<b>EG1</b>	<b>EG2</b>	<b>EX</b>	<b>IG1</b>	<b>IG2</b>	<b>IH</b>
<b>Residential Categories</b>						
Household Living	N	N	Y	CU [1]	CU [1]	CU [1]
Group Living	N	N	<del>Y</del> /CU [2]	N	N	N
<b>Commercial Categories</b>						
Retail Sales And Service	L/CU [23]	L/CU [23]	Y	L/CU [34]	L/CU [45]	L/CU [56]
Office	Y	Y	Y	L/CU [34]	L/CU [45]	L/CU [56]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [1415]	CU [1415]	CU [1415]	CU [1415]	CU [1415]	CU [1415]
Self-Service Storage	Y	Y	L [67]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
<b>Industrial Categories</b>						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Bulk Fossil Fuel Terminal	L [1617]	L [1617]	N	L [1617]	L [1617]	L [1617]
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [78]	L/CU [78]	L/CU [78]

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### Table 140-1

Another A proposed change to Table 140-1 would provide a new conditional use opportunity for outdoors shelters to operate in industrial zones on publicly owned land, on sites of two acres or less. This opportunity is not obvious from the change to note 9 alone but is described in greater detail in the commentary for Chapter 33.285 below.



Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

<b>Table 140-1 Employment and Industrial Zone Primary Uses</b>						
<b>Use Categories</b>	<b>EG1</b>	<b>EG2</b>	<b>EX</b>	<b>IG1</b>	<b>IG2</b>	<b>IH</b>
<b>Institutional Categories</b>						
Basic Utilities	Y/CU <u>[1112]</u>	Y/CU <u>[1112]</u>	Y/CU <u>[1112]</u>	Y/CU <u>[1213]</u>	Y/CU <u>[1213]</u>	Y/CU <u>[1213]</u>
Community Service	L/CU <u>[89]</u>	L/CU <u>[89]</u>	L/CU <u>[810]</u>	L/CU <u>[911]</u>	L/CU <u>[911]</u>	L/CU <u>[911]</u>
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU <u>[1011]</u>	L/CU <u>[1011]</u>	L/CU <u>[1011]</u>
<b>Other Categories</b>						
Agriculture	L <u>[1516]</u>	L <u>[1516]</u>	L <u>[1516]</u>	L <u>[1516]</u>	L <u>[1516]</u>	L <u>[1516]</u>
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU <u>[1314]</u>	L/CU <u>[1314]</u>	L/CU <u>[1314]</u>	L/CU <u>[1314]</u>	L/CU <u>[1314]</u>	L/CU <u>[1314]</u>
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### **33.150.100.B.4**

Changes are proposed to make reference to the new outdoor shelter use and change in name for the use "short term housing" to "short term shelter."

### **33.150.100.B.9**

Group living regulations are proposed for amendment to clarify how they apply to the perimeter of an IR zone. The clarifications match allowances proposed for group living in the single dwelling zone.

## 33.150 Campus Institutional Zones

150

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### 33.150.100 Primary Uses

- A. Allowed Uses.** [no change]
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 150-1 with an “L”. These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 150-1.
- 1.-3. [No change]
4. Community Service. This regulation applies to all parts of Table 150-1 that have note [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
- 5.-8. [No change]
9. Group Living in the IR Zone. This regulation applies to all parts of table 150-1 that have a note [9]. Structures for Group Living uses~~facilities~~ in the IR zone are regulated as follows:
- a. Structures for Group Living uses~~facilities~~ must be included in the mission statement of the campus’s impact mitigation plan;
  - b. The impact mitigation plan’s implemented mitigation measures must accommodate the impacts the structure for Group Living uses~~facility~~ will create;
  - c. Structures for Group Living uses~~A facility~~ located less than 150 feet from ~~another single-dwelling residential zone~~ are limited to 3,500 square feet of net building area. Must meet the standards for Group Living in that zone. Where two or more residential zones are within 150 feet of the Group Living development, the controlling regulations are those of the lower density zone.
- 10.-12. [No change]

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## Commentary

### Table 150-1

The symbol for group living in IR zones contains a proposed change from "Y" to "L" to recognize that there are some use limitations that apply Congregate Living Facilities in an IR zone that are also within 150 feet of a residential zone.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

<b>Table 150-1 Campus Institutional Zone Primary Uses</b>			
<b>Use Categories</b>	<b>CI1</b>	<b>CI2</b>	<b>IR</b>
<b>Residential Categories</b>			
Household Living	N	Y	Y
Group Living	N	Y	<del>Y</del> <u>L</u> [9]
<b>Commercial Categories</b>			
Retail Sales And Service	CU [1]	Y	L/CU [10]
Office	N	Y	L/CU [10]
Quick Vehicle Servicing	N	N	N
Vehicle Repair	N	N	N
Commercial Parking	N	Y	N
Self-Service Storage	N	N	N
Commercial Outdoor Recreation	N	N	N
Major Event Entertainment	CU	CU	CU
<b>Industrial Categories</b>			
Manufacturing And Production	L [2]	L/CU [2]	N
Warehouse And Freight Movement	N	N	CU
Wholesale Sales	N	N	N
Industrial Service	L [2]	L/CU [2]	N
Bulk Fossil Fuel Terminal	N	N	N
Railroad Yards	N	N	CU
Waste-Related	N	N	N

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### Table 150-1

Table 150-1 is proposed for revision to recognize that some shelters are a limited rather than a conditional use in the CI1 and IR zones.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

<b>Table 150-1 Campus Institutional Zone Primary Uses</b>			
<b>Use Categories</b>	<b>CI1</b>	<b>CI2</b>	<b>IR</b>
<b>Institutional Categories</b>			
Basic Utilities	L/CU [3]	L/CU [3]	L/CU [3]
Community Service	<u>L/</u> CU [4]	Y	<u>L/</u> CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	L/CU [5]
Schools	N	N	L/CU [11]
Colleges	Y/CU [6]	Y/CU [6]	L/CU [11]
Medical Centers	Y	Y	L/CU [11]
Religious Institutions	CU	CU	CU
Daycare	Y	Y	L/CU [12]
<b>Other Categories</b>			
Agriculture	L [7]	L [7]	L [7]
Aviation And Surface Passenger Terminals	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Radio Frequency Transmission Facilities	L/CU [8]	L/CU [8]	L/CU [8]
Rail Lines And Utility Corridors	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

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## Commentary

### 33.200 Table

The table of "Additional Use & Development Regulations" would be amended to delete reference to the 33.239 Group Living Chapter. The reasons for the deletion are contained in in the commentary below for Chapter 33.239.



## 200s

### Additional Use & Development Regulations

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33.203 Accessory Home Occupations

33.205 Accessory Dwelling Units

33.207 Accessory Short-Term Rentals

33.209 Aviation

33.218 Community Design Standards

33.219 Convenience Stores

33.224 Drive-Through Facilities

33.229 Elderly and Disabled High Density Housing

33.236 Floating Structures

33.237 Food Production and Distribution

~~33.239 Group Living~~

33.243 Helicopter Landing Facilities

[The 200's table of contents for chapters containing additional use and development regulations continues past Chapter 243, but there are no other changes]

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## Commentary

### Chapter 33.239

The entire chapter is proposed for deletion. This chapter contains use and development standards that apply to Group Living uses. These standards apply in addition to those the base zones. Because Group Living use allowances have been liberalized and made comparable to those for Household Living, and because Group Living and Household Living uses now share the same development standards, there is no longer a need for Group Living specific development standards. Nothing in this chapter that is proposed for deletion is proposed for addition to the base zones. However, some new standards, like a 3,500 square foot per site limitation on Group Living use, are proposed for addition to the base zones.

## **33.239 Group Living**

**239**

### **33.239.010 Purpose**

The regulations ensure that uses in the Group Living category will be compatible with the character of residential and commercial areas.

### **33.239.020 Use Regulations.**

The regulations of this chapter apply to all uses in the Group Living use category. The base zone chapters state whether Group Living uses are allowed, limited, conditional uses, or prohibited. If they are conditional uses, they are subject to the regulations of Chapter 33.815 in addition to the provisions of this chapter. Group Living uses that are accessory to a College, Medical Center, or Religious Institution, such as dormitories, fraternities, or monasteries, and that are part of an approved conditional use master plan, are exempt from the regulations of this chapter.

### **33.239.030 Development Standards**

The development standards of the base zone, overlay zone, or plan district apply unless superseded by the standards below.

#### **A. Resident Density.**

1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.
2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.
3. Density standard. Group Living uses are limited to the following number of residents per square foot of site area:

<b>Zone</b>	<b>Number of Residents</b>
RF through R5 zones	1.5 residents per 1,000 square feet
R2.5 zone	2 residents per 1,000 square feet
RM1 zone	2.5 residents per 1,000 square feet
RM2 zone	3 residents per 1,000 square feet
RM3, RM4, RX, IR, CI2, C, and E zones	Not limited (must comply with the building or housing code, and the FAR of the base zone)

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## Commentary

### Chapter 33.239

Chapter deletions continue.

**B. ~~Minimum Spacing~~**

- ~~1. Purpose. The minimum spacing standards assure that large Group Living uses do not unduly affect the character of residential and commercial areas.~~
- ~~2. Spacing standards. Group living facilities that are conditional uses must be at least 600 feet from a site with any other group living facility that is also a conditional use.~~

**C. ~~Required outdoor area.~~** ~~The requirement for outdoor areas applies in all residential zones except RX. Larger areas may be required as part of a conditional use review. The outdoor area requirement is 24 square feet for each sleeping unit 48 square feet for every 3 residents, with a minimum dimension of 6 feet by 6 feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and must measure at least 20 feet in all directions.~~

**D. ~~Parking and loading.~~** ~~Parking requirements are stated in Chapter 33.266, Parking and Loading.~~

**33.239.040 Other Regulations**

~~Uses in the Group Living use category may also be subject to County, State, or Federal licensing requirements. For more information, applicants should contact the Department of Human Services of the county in which the use will be located.~~

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## Commentary

### 33.285.010

Throughout this chapter and the rest of the zoning code the term "short term housing" is being proposed for a name change; the new name is "short term shelter." Housing is a Residential use and Shelter is a Community Service use. Shelters offer a provider-to-client relationships or a host-to-guest relationships rather than landlord-to-tenant relationships.

Carrying out the City's continuum of care programs would benefit from a clearer distinction between shelter and housing because the object of these programs is to provide Portlanders the housing they need. Shelter is an interim measure, provided until housing becomes available, or until shelter clients receive the support needed to make them more ready for housing. People enter the care system through either outdoor or mass shelters and may receive additional transitional services in short term shelters. Success is achieved with placement in housing, indefinite shelter stays are not the goal of continuum programs.

Outdoor shelter is a new type of Community Service use being proposed for addition to the code. What the proposed code calls "outdoor shelter" the state law calls "transitional housing accommodations" but the intent is to conform the City Code to state law with the two terms having the same meaning. The state law says, "Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations. The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities." ORS 446.265 was extensively amended in 2017. Before 2017 cities were limited to only two outdoor shelters and the only accommodations allowed were yurts. Since the two-shelter limit has been removed and the range of accommodations expanded, it now makes sense to provide for outdoor shelters in the City Code as a new type of Community Service use.

### 33.285.020 Description

The examples of yurts, huts, cabins and tents are drawn from ORS 442.265. These are not meant to be a complete list of examples.

## 33.285 Short Term ~~Housing, Mass, and Outdoor Mass~~ Shelters

285

Sections:

- 33.285.010 Purpose
- 33.285.020 Description
- 33.285.030 Where These Regulations Apply
- 33.285.040 Use Regulations
- 33.285.050 Standards

### 33.285.010 Purpose

This chapter provides regulations for Community Service uses that provide short term ~~housing, or mass,~~ or outdoor shelter. These regulations recognize that it is in the public interest to provide ~~short term housing and~~ shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short term ~~shelters, housing, and mass shelters, and outdoor shelters~~ have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.

### 33.285.020 Description

Short term ~~shelters, housing and mass shelters, and outdoor shelters~~ are defined in Chapter 33.910, Definitions. ~~Both~~ These facilities are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings, or may include a group of small accommodations, such as tents, huts, cabins, or yurts.

In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a short term ~~shelter, housing facility~~ as a hotel, which is included in the Retail Sales and Services category.

### 33.285.030 Where These Regulations Apply

The regulations of Sections 33.285.040 through 33.258.050 apply to short term ~~shelters, housing and mass shelters, and outdoor shelters~~ in all zones.

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## Commentary

### **33.285.040.A.1-3**

These proposes changes employ references to the three Community Service uses in the proposed code rather than the two uses in the existing code, changes references to "short term housing" to "short term shelter," and increases the allowed number of shelter beds in some zones from 15 to 20.

### **33.285.040.A.1-3**

The proposed code would allow by right any 3,500 square foot or smaller short term shelter that provides services exclusively to victims of sexual or domestic violence.



### 33.285.040 Use Regulations

#### A. Short term ~~shelters~~housing.

1. R, ~~CI1~~, and IR zones. ~~A n~~New short term ~~shelter~~housing, an expansion of net building area, or an increase in the number of occupants in an existing short term ~~shelter~~housing in R, ~~CI1~~, and IR zones is subject to the following regulations:
  - a. Allowed use. ~~A n~~New short term ~~shelter~~housing and alterations to an existing short term ~~shelter~~housing is allowed as follows~~if it meets one of the following~~:
    - (1) ~~A s~~Short term ~~shelter~~housing with ~~for~~ up to ~~2015~~ beds is an allowed use in the RM1 – RMP and IR zones ~~if it is~~when provided on the site of an existing ~~i~~nstitutional use and ~~meets~~ the standards of 33.285.050 are met.
    - (2) An alteration or expansion that does not increase the net building area of the short term ~~shelter~~housing by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
  - b. Conditional use. If the short term ~~shelter~~housing does not meet Subparagraph A.1.a, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term, ~~Housing and Mass, and Outdoor Shelters in R, CI1, and IR Zones~~. The short term ~~shelter~~housing must also meet the standards of 33.285.050:
    - (1) If the short term ~~shelter~~housing is provided in an existing structure, or is on the site of an existing ~~i~~nstitutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past ~~in~~ 5 years.
    - (2) All other short term ~~shelter~~housing proposals are reviewed through a Type III procedure.
2. C, E, and ~~CI2~~ zones. ~~A s~~Short term ~~shelter~~housing is allowed in C, E, and ~~CI2~~ zones ~~if it meets~~when the standards ~~in~~of Section 33.285.050 are met. Expansion of net building area or increase in the number of occupants in an existing short term ~~shelter~~housing ~~facility~~ is allowed if it meets the standards in Section 33.285.050.
3. OS and I zones. ~~A s~~Short term ~~shelter~~housing is prohibited in OS and I zones.
4. Exemption. ~~A s~~Short term ~~shelter~~housing that exclusively serves victims of sexual or domestic violence is allowed by right in RM1-RMP, C, E, CI, and IR zones. In RF-R2.5 zones, a short term shelter that exclusively serves victims of sexual or domestic violence is allowed by right but is limited to a net building area of 3,500 square feet. ~~if it meets the size limitations for Group Living uses.~~

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## Commentary

### 33.285.040.B.1

The proposed amendments make the existing code clearer by grammatical changes, reference three Community Service uses, and allow mass shelters in the CI1 zone.

**B. Mass shelters.**

1. RF through R2.5 zones. Generally, a new mass shelters, expansions of net building area and increases in the number of occupants in an existing mass shelters in RF through R2.5 zones ~~is~~are a conditional use and ~~is~~are, reviewed through the following procedures. Certain alterations to an existing mass shelters may be allowed if they meet Subparagraph B.1.b. The standards of Section 33.285.050 do not apply to a mass shelters reviewed as conditional uses.
  - a. New mass shelters. The following procedures apply to a new mass shelters and alterations to an existing mass shelters that do not meet subparagraph B.1.b. The approval criteria are in Section 33.815.107, Short Term, ~~Housing and Mass, and Outdoor Shelters~~ in R, C11, and IR Zones:
    - (1) If the mass shelter is provided in an existing structure or is on ~~a~~the site of an existing ~~institutional u~~se, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past~~in~~ 5 years.
    - (2) All other mass shelters are reviewed through a Type III procedure.
  - b. Existing mass shelters. An alteration or expansion that does not increase the net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

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## Commentary

### 33.285.040.B.2-3

The proposed amendments reference three *Community Service* uses and allow mass shelters in the CI1 zone.

2. RM1, RM2, RMP, CI1 and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RM1, RM2, RMP, CI1 and IR zones may choose to be an allowed use or a conditional use, as stated below.
  - a. Allowed use. A new mass shelter and alteration of an existing mass shelter is allowed if it meets one of the following:
    - (1) A mass shelter that meets the standards of Section 33.285.050 is an allowed use.
    - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
  - b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. The approval criteria are in Section 33.815.107, Short Term, ~~Housing and Mass, and Outdoor~~ Shelters in R, CI1, and IR Zones. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as a conditional use.
    - (1) If the mass shelter is provided in an existing structure or is on ~~at the~~ the site of an existing ~~institutional use~~, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area ~~within the past~~ in 5 years.
    - (2) All other mass shelters are reviewed through a Type III procedure.
3. RM3, RM4 and RX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RM3, RM4, and RX zones may choose to be an allowed use or a conditional use, as stated below.
  - a. Allowed use. A new mass shelter, or alteration of an existing mass shelter, is allowed if it meets one of the following:
    - (1) A mass shelter that meets the standards of Section 33.285.050 is an allowed use.
    - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

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## Commentary

### 33.285.040.B.4

The proposed amendments help explain that mass shelters that do not meet development standards require conditional use reviews.

- b. Conditional use. If the mass shelter does not meet Subparagraph B.3.a, it is a conditional use as follows. Approval criteria are in Section 33.815.107, Short Term, ~~Housing and Mass, and Outdoor~~ Shelters in R, CI1, and IR Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
  - (1) If the mass shelter is provided in an existing structure or is on ~~at~~ the site of an existing ~~institutional use~~, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past ~~in~~ 5 years.
  - (2) All other mass shelters are reviewed through a Type III procedure.
- 4. C, EX, and CI2 zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in C, EX, and CI2 zones may choose to be an allowed use or a conditional use, as stated below.
  - a. Allowed use. A new mass shelter, or alteration of an existing mass shelter is allowed if it meets one of the following:
    - (1) A mass shelters that meets the standards of Section 33. 285.050 is an allowed use.
    - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
  - b. Conditional use. If the mass shelter does not meet the standards of 33.285.050, it is a conditional use, as follows. Approval criteria are in Section 33.815.140, Mass and Outdoor ~~Shelters and Specified Group Living Uses~~ in the C, CI2, E and EI Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
    - (1) If the mass shelter is provided within an existing structure, or on ~~at~~ the site of an existing ~~institutional use~~, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past ~~in~~ 5 years.
    - (2) All other mass shelters are reviewed through a Type III procedure.

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## Commentary

### 33.285.040.B.5

The proposed amendments help explain that mass shelters in EG zones require conditional use reviews, assign review procedure types, and deletes a reference to "Specified Group Living Uses."

### 33.285.040.B.7

The amendment would provide a new exemption from conditional use review for mass shelters serving the victims of sexual or domestic violence.



5. EG zones. Generally, a mass shelters in EG zones ~~is~~are a conditional use, reviewed through the following procedures. Certain alterations to an existing mass shelters may be allowed if they meet Subparagraph B.5.b. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters and Specified Group Living Uses in the C, CI2, EX, and CI Zzones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
  - a. The following procedures apply to a new mass shelters and alterations to an existing ~~of~~ mass shelters that do not meet Subparagraph B.5.b:
    - (1) If the mass shelter is provided within an existing structure, or on atthe site of an existing ~~i~~nstitutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area within the past~~in~~ 5 years.
    - (2) All other mass shelters are reviewed through a Type III procedure.
  - b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
6. OS and I zones. Mass shelters in OS and I zones are prohibited.
7. Exemption. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in RM1 – RMP, C, E, CI, and IR zones. In RF-R2.5 zones, a mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right but is limited to a net building area of 3,500 square feet if it meets the size limitations for Group Living ~~uses.~~

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## Commentary

### 33.285.040.C.1-3

Outdoor Shelter is a new type of community service proposed for addition to the code. So, a new set of regulations is proposed to describe where outdoor shelters are allowed, where they are prohibited, what standards apply to allowed shelters, when a conditional use might be required, and what procedure types apply to required conditional uses.

The number of accommodations in some zones has a proposed cap of 20. An accommodation is a tent, yurt, hut, cabin or similar temporary habitat designed for occupancy by one person. Vehicles, including recreational vehicles and tiny houses on wheels, are allowed accommodations on properties owned by religious institutions. State law caps the number of vehicles on these institutional sites at three, but the 2021 Oregon Legislature may consider increasing this cap. When allowed, a vehicle on an institutional site might be occupied by more than one person.

### **C. Outdoor shelters.**

1. OS zones. Outdoor shelters are prohibited in the OS zone.
2. R, CI1, and IR zones. A new outdoor shelter, an expansion of net building area, or an increase in the number of occupants in an existing outdoor shelter in R, CI1, and IR zones is subject to the following regulations:
  - a. Allowed use. New outdoor shelters and alterations to existing outdoor shelters are allowed as follows:
    - (1) An outdoor shelter with up to 20 accommodations is an allowed use in the RM1 – RMP, and IR zones when provided on the site of an existing institutional use and the standards of 33.285.050 are met.
    - (2) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of accommodations or occupants and if the alteration or expansion complies with all conditions of approval.
  - b. Prohibited use. Outdoor shelters with more than 20 accommodations are prohibited in the RF through R2.5, and CI1 zones.
  - b. Conditional use. If the outdoor shelter does not meet Subparagraph C.2.a, and it is not prohibited, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The outdoor shelter must also meet the standards of 33.285.050:
    - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
    - (2) All other outdoor shelters are reviewed through a Type III procedure.
3. C, EX, and CI2 zones. New outdoor shelters or alteration or expansion of an existing outdoor shelters in C, EX, and CI2 zones are allowed as follows:
  - a. Allowed use. A new outdoor shelter and an alteration or expansion of an existing outdoor shelter is allowed if it meets one of the following:
    - (1) An outdoor shelter with up to 20 accommodations is an allowed use if it meets the standards of Section 33.285.050.
    - (2) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of accommodations or occupants and if the alteration or expansion complies with all conditions of approval and the standards of Section 33.285.050.

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## Commentary

### **33.285.040.C.4**

These proposed regulations explain that outdoor shelters are almost always a conditional use in EG and I zones. The exception is small expansions of existing shelters. Where conditional uses are required, procedure types are assigned.

### **33.285.050**

The proposed amendments change the name of "Short Term Housing" to "Short Term Shelter" and removes an unnecessary reference to the adjustment process. Most development standards are adjustable, when a standard is not adjustable a prohibition on adjustments is particularly noted.

- b. Conditional use. If the outdoor shelter does not meet Subparagraph C.3.a., it is a conditional use and is reviewed through the following procedures. The approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, C12, E and I Zones. The outdoor shelter must also meet the standards of 33.285.050.
  - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
  - (2) All other outdoor shelters are reviewed through a Type III procedure.
- 4. EG and I zones. Generally, outdoor shelters in EG and I zones are a conditional use, reviewed through the following procedures. Certain alterations to existing outdoor shelters may be allowed if they meet Subparagraph C.4.b. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, C12, E, and I Zones. The outdoor shelter must also meet the standards of 33.285.050.
  - a. The following procedures apply to new outdoor shelters and alterations of outdoor shelters that do not meet Subparagraph C.4.b:
    - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
    - (2) All other outdoor shelters are reviewed through a Type III procedure.
  - b. Existing outdoor shelters. An alteration or expansion that does not increase the net building or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of accommodations or occupants and if the alteration or expansion complies with all conditions of approval.

### **33.285.050 Standards**

- A. **Short term shelters**~~housing~~. ~~Adjustments to the standards of this subsection are processed as stated in Chapter 33.805, Adjustments.~~
  - 1. Existing structures and additions to existing structures. ~~A~~ Short term shelter~~housing~~ provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.
  - 2. New structures. ~~A~~ Short term shelter~~housing~~ provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.

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## Commentary

### 33.285.050.A.3.

The standard proposed for deletion because the chapter it references is proposed for repeal by other code changes. Some of which would provide necessary Group Living density standards in the base zones. The deletion means that Short Term Shelters would become subject to the same density standards (floor area ratio, dwelling unit, square footage, etc.) as other buildings in the same zone.

### 33.285.050.A.5.

The proposed addition of "motor vehicle" to the parking standard means that other code requirements for loading or bicycle parking still apply.

### 33.285.050.A.5.

The proposed shelter spacing requirement is proposed for elimination. During the winter of 2019, 4,015 people were identified as homeless on a single night. This Point-In-Time Count of Homelessness is conducted every two years. From 2015 to 2019 the percentage of unsheltered chronically homeless people increased. The City is seeking additional shelter facilities for the chronically homeless. The deletion does not mean that the City is carrying out a policy to concentrate Mass Shelters in only a few places, but it would increase the number of potential shelter spaces. During the COVID pandemic the amount of usable shelter space was cut approximately in half to provide for more social distancing. Because existing facilities have lower capacity, new facilities are needed just to serve the same amount of people

### Table 285-1

The proposal changes the allowed number of shelter beds. A prior legislative decision that changed the City's commercial zoning to the new commercial/mixed use zoning inaccurately assigned the number of allowed beds in the prior zone to the most closely corresponding new zone, so new assignments have been made. Additional information was provided to the City from the Joint Office about the optimum size of a larger shelter. Shelters with over 120 beds become increasingly difficult to manage. The number 140 was chosen to include the optimum of 120 but still allow for an occasional overflow during harsh weather. The lowest capacity shelter would have a cap of 20 rather than 15. These are most likely to be operated by religious institutions.

~~3.~~ Density. The density standards for Group Living in Section 33.239.030.A must be met.

34. Hours of operation. The short term shelter facility must be open 24 hours a day.

45. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.

56. Parking. No motor vehicle parking is required.

**B. Mass shelters.**

1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.

2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility ~~and within 600 feet of the facility~~. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

<b>Table 285-1 Maximum Number of Shelter Beds for Mass Shelters</b>	
<b>Zone of Site</b>	<b>Maximum Number of Shelter Beds</b>
EX, CX, CM3, and CE	<del>200</del> <u>140</u>
CM2 and CI2	<del>75</del> <u>140</u>
CR, CM1, and <del>CI1</del>	25
RX, RM3, and RM4	50
RM1, RM2, RMP, <del>CI1</del> , IR [1]	<del>15</del> <u>20</u>

Notes:

[1] The mass shelter must be operated on the site of an existing Institutional Use.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.

4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.

5. Supervision. On-site supervision must be provided at all times.

6. Toilets. At least one toilet must be provided for every 15 shelter beds.

7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.

8. Parking. No motor vehicle parking is required.

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## Commentary

### **33.285.050.C**

These are standards proposed for the new Outdoor Shelter use.

#### **33.285.050.C.1**

These proposals say where a shelter may not locate. Contaminated sites were also considered for exclusion, but the map of these sites is maintained by the Oregon Department of Environmental Quality rather than the City and would be difficult to reference during review of an application for development.

#### **33.285.050.C.2.a**

All shelters require some degree support from government agencies, a minimum shelter size would prevent the proliferation of mini shelters and thus provide realistic economies of scale for onsite operators and supporting agencies.

#### **33.285.050.C.3.b**

A maximum shelter size is proposed for industrial zones to help preserve the City's limited supply of industrial land for industrial use. Addition industrial land supply safeguards a described in the commentary for Chapter 33.815 below.

#### **33.285.050.C.3**

The proposal does not mean that the shelter must be open for intake or discharge or provide services at any hour, just that those persons allowed to live in the shelter are allowed to live there 24 hours a day. The proposal is not intended to allow queuing or loitering outside the facility.

#### **33.285.050.C.4**

As explained in other parts of the city code not proposed for change a shelter must be operated by a government agency or a not-for-profit corporation. Supervisors, who could be a residents, volunteers, or employees, would be responsible to and serve at the pleasure of the operator.



**C. Outdoor shelters.**

1. Outdoor shelters are prohibited in:
  - a. Environmental overlay zones;
  - b. Scenic overlay zones; and
  - c. The special flood hazard area.
2. Minimum and maximum site size.
  - a. The minimum required site size for an outdoor shelter is 5,000 square feet. Institutional uses are exempt from this standard. Adjustments are prohibited.
  - b. In I zones, the maximum site size for an outdoor shelter is 2 acres. Adjustments are prohibited.
3. The facility must operate 24 hours a day.
4. The facility must have a designated supervisor.

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## Commentary

### 33.285.050.C.5-6

The proposed setbacks and screening requirements are similar to other requirements applicable to non-residential uses that adjoin residential property lines.

### 33.285.050.C.7

Although an internal pedestrian system would not be required by the proposed standard, Americans With Disabilities Act requirements would be met through the state standards. Particularly applicable are these two accessible route sections of the *2019 Oregon Structural Specialty Code*:

1104.1 Site arrival points. At least one accessible route within the site shall be provided from public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served.

1104.2 Within a site. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.

### 33.285.050.C.8

The proposal to exempt outdoor shelters from onsite motor vehicle parking requirements does not mean that bicycle parking and loading areas may not be provided.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

5. All development associated with the outdoor shelter must be setback at least 5 feet from street lot lines and at least 25 feet from the lot line of any abutting R zoned property that is not part of the outdoor shelter site.
6. The site must be screened from the street and any adjacent properties. Screening from the street must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, with the exception that a fence can be a minimum of 3-feet high. Screening from adjacent properties must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
7. An on-site pedestrian circulation system is not required.
8. No motor vehicle parking is required.

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## Commentary

### 33.296.030

These proposed development standards allow quick responses to shelter needs.

### 33.296.030.G

The proposed amendment would allow temporary shelters during an emergency for the length of the emergency.

### 33.296.030.H

The proposal would allow some temporary shelters not necessarily associated with an emergency response. These shelters would be allowed for up to 180 days in certain zones. Additional commentary for Chapter 33.815 explains that the 180 day limit could be exceeded by an approved conditional use.

## 33.296 Temporary Activities

296

### 33.296.030 Temporary Activities Allowed

A-F. [No change]

**G. Natural disasters and emergencies.** Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. Temporary activities include food, water, and equipment distribution centers, medical facilities, short term shelters, mass shelters, outdoor shelters, warming or cooling shelters, and triage stations.

**H. Mass and outdoor shelters.** In C and E zones, mass shelters and outdoor shelters are allowed as a temporary activity for up to 180 days. In R zones, mass shelters and outdoor shelters are allowed as a temporary activity for up to 180 days on the site of an existing institutional use.

~~**I.**~~ **Radio Frequency Transmission Facilities.** Temporary facilities for personal wireless service facilities are allowed for up to 120 days in a calendar year. Meeting this regulation must be documented through a zoning permit.

~~**J.**~~ **Commercial filming.** In all zones, commercial filming is allowed as a temporary activity. For all sites, except sites in the OS zone, the time between filming events must be four times as long as the duration of the last event.

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## Commentary

### 33.420.045.DD

This proposed code change would exempt outdoor shelters from design review. These shelters are composed of temporary accommodations that do not lend themselves to design review because the criteria are written for the review of permanent improvements.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

## 33.420 Design Overlay

420

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### 33.420.045 Exempt From Design Review

The following items are exempt from design review:

**A-CC.** [No change]

**DD.** Development associated with an outdoor shelter.

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## Commentary

### Chapter 33.815 List of Sections

The list of sections would be amended to recognize changes proposed for two sections of conditional use approval criteria. Descriptions of these proposed changes is contained in commentary for Sections 33.815.107 and 33.815.140 below.



## 33.815 Conditional Uses

815

### Sections:

General [no change]

### Approval Criteria

- 33.815.100 Uses in the Open Space Zones
- 33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones
- 33.815.107 Short Term, ~~Housing and Mass,~~ and Outdoor Shelters in R, CI1, and IR Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial/Mixed Use Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the CM2 and CM3 Zones in the Hollywood Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the IG1, IG2, and IH Zones
- 33.815.140 ~~Specified Mass and Outdoor Shelters And Group Living Uses~~ in the C, CI2, E, and EI Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities
- 33.815.215 Major Event Entertainment
- 33.815.220 Mining and Waste-Related
- 33.815.222 Park-and-Ride Facilities for Mass Transit
- 33.815.223 Public Safety Facilities
- 33.815.225 Radio Frequency Transmission Facilities
- 33.815.230 Rail Lines and Utility Corridors

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## Commentary

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

- 33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District
- 33.815.301 Industrial Businesses in the Columbia South Shore Plan District
- 33.815.302 Professional / Technical Facilities in the Columbia South Shore Plan District
  
- 33.815.303 Retail Sales And Service Uses in the Columbia South Shore Plan District
- 33.815.304 Retail Sales And Service Uses on Specified Sites in the CX and EX Zones in the Central City Plan District
- 33.815.305 Replacement Parking Facilities in the Central City Plan District
- 33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District
- 33.815.310 Industrial Uses in the IR Zone
- 33.815.315 Utility Scale Energy Production in Specified C Zones

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## Commentary

### **33.815.107**

Other proposed changes to the city code made existing conditional use approval criteria applicable to outdoor shelters in residential and institutional residential zones and in the Campus Institutional 1 zone. The proposed changes to the section heading make outdoor shelters subject to conditional use approval criteria and change the term "short term housing" to "short term shelter."

### **33.815.107.A-C**

Existing conditional use approval criteria are not underlined because they are not new, but they are newly applied to outdoor shelters.

### **33.815.107 Short Term, ~~Housing and Mass~~, and Outdoor Shelters in R, CI1, and IR Zones**

These approval criteria apply to Community Service uses that provide short term, ~~housing and mass~~, and outdoor shelters in R, CI1, and IR zones. Approval criterion A and C must be met for all mass shelters and short term ~~shelters housing~~. Criterion A through E must be met for all outdoor shelters, and for mass shelters and short term ~~shelters housing~~ where the net building area on the site is increasing by more than 1500 square feet or 10 percent, whichever is greater. The approval criteria are as follows:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
  - 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
  - 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
  
- B. Physical compatibility.**
  - 1. The proposal will preserve any City-designated scenic resources; and
  - 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
  - 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.
  
- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
  - 1. Noise, glare from lights, late-night operations, odors, and litter; and
  - 2. Privacy issues.

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## Commentary

### 33.815.107.D-E

Existing conditional use approval criteria are not underlined because they are not new, but they are newly applied to outdoor shelters.

**D. Public services.**

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
  - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
  - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

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## Commentary

### **33.815.140**

Other proposed changes to the city code made existing conditional use approval criteria applicable to outdoor shelters in commercial zones, the Campus Institutional 2 zone, employment zones and Industrial zones. The proposed changes to the section heading make outdoor shelters subject to conditional use approval criteria and delete a reference to a chapter of development standards for group living that is proposed for deletion.

### **33.815.140.A-C**

Existing conditional use approval criteria are not underlined because they are not new, but they are newly applied to outdoor shelters.



**33.815.140 ~~Specified Mass and Outdoor Shelters and Group Living Uses in the C, CI2, E, and EI Zones~~**

These criteria apply to mass and outdoor shelters in the C, CI2, E, and EI zones, ~~or to Group Living uses that consist of alternative or post-incarceration facilities in the C or EX zones.~~

**A. Physical compatibility.**

1. The proposal will preserve any City-designated scenic resources; and
2. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

**B. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.

**C. Public services.**

1. The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;
2. Transportation system:
  - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
  - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

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## Commentary

### 33.815.140.E

Existing conditional use approval criteria are not underlined because they are not new, but they are newly applied to outdoor shelters.

### 33.815.140.E

These are proposed new approval are criteria applicable only to outdoor shelters in industrial zones. In addition to the proposed two-acre site cap described in commentary above for proposed changes to Chapter 33.285, they work to maintain the City's limited supply of industrial land.

### 33.815.140.E.1

This proposed criterion references the city's inventory of buildable employment land. This inventory is a map adopted by Council ordinance and acknowledged complying with Statewide Planning Goal 9 within the meaning *Oregon Revised Statutes*, Chapter 197, and is also an acknowledged Portland 2035 *Comprehensive Plan* supporting document. This inventory map is viewable from files maintained by the City's corporate geographic information system. Occasional updates of this map are made for informational and research purposes, but the only map applicable for the purpose of this approval criterion is the last acknowledged version adopted by Council ordinance.

Statewide Planning Goal 9 and its administrative rule generally require the exclusion of publicly owned land from buildable land inventories, but the Council ordinance did designate some public land owned by the Port of Portland and Prosper Portland as available for employment uses. The required check against the inventory map will ensure that land inventoried as needed for employment uses will not be converted to non-industrial uses/

### 33.815.140.E.2

This proposed criterion helps ensure that shelters allowed on industrially-zoned public land will not interfere with adjoining industrial uses.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**D. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

**E. Additional criteria for outdoor shelters in I zones.** The following criteria apply to outdoor shelters in I zones:

1. The outdoor shelter must be on publicly owned property that was not identified as being in an industrial use or identified as vacant or underutilized land needed for future industrial use in the City's inventory of buildable employment land.
2. The shelter will not have a significant adverse effect on truck and freight movement.

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## Commentary

### 33.900 List of Terms

Three terms are proposed for deletion and five terms are proposed to be added. For clarity, most of the unchanged terms are not included on the list of deleted and added terms. The reasons for the proposed additions and deletions are stated in the commentary for Chapter 33.910 below.

## 33.900 List of Terms

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Congregate Housing *See Residential Structure Types*

~~Group Living Facility~~ *See Residential Structure Types*

~~Household.~~

### Residential Structure Types

- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Congregate Housing
- Duplex
- Dwelling Unit
- Fourplex
- ~~Group Living Structure~~
- House
- Houseboat Moorage
- Manufactured Dwelling
  - Manufactured Home
  - Mobile Home
  - Residential Trailer
- Multi-Dwelling Development
- Multi-Dwelling Structure
- ~~Single Room Occupancy Housing (SRO)~~
- Triplex

### Outdoor Shelter

~~Single Room Occupancy Housing (SRO)~~ *See Residential Structure Types*

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## Commentary

33.910

### DEFINITIONS

#### **Congregate Housing**

See the commentary under Residential Structure types for an explanation.

#### **Density**

A reference to single room occupancy is proposed for deletion because all residential configurations that could be accomplished under single room occupancy may be accomplished by the proposed amendments for Group Living.

#### **Group Living Structure**

This definition is proposed for replacement by a new definition for "Congregate Living Structure," which is explained in more detail in commentary below.

#### **Household**

The definition of "Household" is proposed for deletion for both functional and policy reasons.

For many years the City has employed a practical reading of the definition of "household" noting that one person plus five additional persons can be a household, whether they are related or not. A person only needs one bedroom, so any dwelling unit with six bedrooms or less is considered to be occupied by "Household Living." Since proposed changes described in the commentary for Chapter 920 below employ the six-bedroom standard, the definition of "household" is proposed for deletion.

From a policy perspective, and intended or not, various definitions of householding in other city zoning codes have been viewed as validating the "traditional family" as the cultural norm and regarding other chosen living arrangements as a departure from the ideal. Zoning should be about the use of land. Categorizing and elevating one type of human association over another serves no public purpose in a zoning code. The proposed changes would place relatives and roommates on equal footing under the Portland zoning code.

## 33.910 Definitions

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**Congregate Housing.** See Residential Structure Types.

**Density.** A measurement of the number of people, dwelling units, ~~living units in Single Room Occupancy (SRO) housing,~~ or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. See Chapter 33.205, Accessory Dwelling Units for how density is calculated for ADUs. See also Intensity.

**~~Group Living Structure.~~** See Residential Structure Types.

**~~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; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.~~

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## Commentary

### Mass Shelter

A change in terminology from "structure" to "building" is proposed because only buildings can be certified for human occupancy. A state-authorized exception allows accommodations that are not buildings, or even structures, to be occupied within outdoor shelters.

The proposal substitutes the term "bedroom" for "sleeping room" because "bedroom" is a more understandable term. The term "sleeping room" is defined in the 2019 Oregon Structural Specialty Code as, "a room used or intended for sleeping," which has the same meaning as "bedroom" in Title 33. Title 30 of the Portland City Code has additional definitions of "bedroom" that apply to inclusionary housing.

### Outdoor Shelter

The word "usually" is included within the proposed definition because shelters are allowed for 180 days as a temporary activity but may remain longer as an approved conditional use. For approved conditional uses it is assumed that clients will transition through the facility, but the provider will operate the shelter for longer than 180 days.

The definition of "Outdoor Shelter" is based on the ORS 446.265 definition of "Transitional Housing Accommodations," which provides:

- (1) Inside an urban growth boundary, a local government may authorize the establishment of transitional housing accommodations used as individual living units by one or more individuals. Use of transitional housing accommodations is limited to persons who lack permanent or safe shelter and who cannot be placed in other low income housing. A local government may limit the maximum amount of time that an individual or a family may use the accommodations.
- (2) Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations. The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.
- (3) Transitional housing accommodations are not subject to ORS chapter 90. [Note not included in statute: ORS chapter 90 is Oregon's Landlord Tenant Law.]
- (4) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat.



Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**Mass Shelter.** A ~~structure~~building that contains one or more open sleeping areas, or is divided only by non-permanent partitions, and furnished with beds, cots, floor mats, or bunks. Individual ~~sleeping~~bedrooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, with no minimum length of stay on a daily basis. Where individual bedrooms are provided, the facility is a short term shelter. See also Outdoor Shelter and Short Term Shelter.

**Outdoor Shelter.** Individual tents, yurts, huts cabins or other similar accommodations that do not contain sanitary or cooking facilities, grouped together in an outdoor setting. The shelter is managed by a public agency or a not-for-profit corporation, with or without a fee, and with no minimum length of stay. An outdoor shelter may or may not include buildings that have food preparation or shower facilities. See also Mass Shelter and Short Term Shelter

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## Commentary

### Residential Structure Types

#### Congregate Housing

Group living may occupy dwelling units with seven or more bedrooms. Occupancy of a dwelling unit with six or fewer bedrooms is household living. Dwelling units have complete bathroom and kitchen facilities and may solely comprises or be part of several residential structure types. The proposed new term for a residential structure, or a part of a residential structure, that does not meet the definition of "dwelling unit" is "congregate housing." Examples might include some forms of co-housing and communal living, bunkhouses, and monasteries. It might be possible for residential structures to contain both dwelling units and congregate housing.

#### Group Living Facility

The existing definition of "Group Living Facility" is proposed for replacement by a new definition for "Congregate Housing."

#### Single Room Occupancy Housing

The definitions "Single Room Occupancy Housing" and "SRO" are proposed for elimination because all allowed configurations of single room occupancy living under the existing code would be allowed within the proposed Congregate Housing structure type under the Group Living use category.

## Residential Structure Types

- **Accessory Dwelling Unit.** [No change]
- **Attached Duplex.** [No change]
- **Attached House.** [No change]
- **Congregate Housing.** Part of a structure, a structure or structures that do not meet the definition of dwelling unit but are designed for residential occupancy and contain a Group Living use. Individual living quarters that contain independent provisions for sleeping, cooking and sanitation are considered dwelling units.
- **Duplex.** [No change]
- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. ~~Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.~~
- **Fourplex.** [No change]
- ~~**Group Living Facility.** A structure or structures that contain sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses.~~
- **House.** [No change]
- **Houseboat Moorage.** [No change]
- **Manufactured Dwelling.** [No change]
- **Multi-Dwelling Development.** [No change]
- **Multi-Dwelling Structure.** [No change]
- ~~**Single Room Occupancy Housing (SRO).** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.~~
- **Triplex.** [No change]

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## Commentary

### Short Term Shelter

The word "housing" has been replaced with the word shelter to distinguish short term shelters, a community service use, from residential use. These shelters are often the transitional bridge to permanent housing. Short term shelters provide a host-to-guest or provider-to-client relationship rather than a landlord-to-tenant relationship.

### Accessory Recreational Vehicle

The term "tiny houses on wheels" is a proposed addition to the list of accessory recreational vehicles. Even though the term contains the word "houses" are not buildings or residential structures, are not subject to the 2019 Oregon Structural Specialty Code and are regulated as vehicles under state law. Ownership of a tiny house on wheels is confirmed by vehicle registration rather than by deed. Accessory recreational vehicles are not intended for long term habitation, but state law provides exceptions for four places where this restriction does not apply: within outdoor shelters, on property owned by religious institutions, within manufactured dwelling parks, and within recreational vehicle parks. These exceptions are proposed to be added to Title 29 of the City Code. Any lot containing two or more tiny houses on wheels would be a "campground" within the meaning of state law and require a state license.

Tiny houses without wheels are residential structures allowing long term habitation. When on their own lot they are a house, and when they are on the same lot as a larger house they are an accessory dwelling unit.

**Short Term Shelter**~~Housing~~. A ~~structure~~building that contains one or more individual ~~sleeping~~bedrooms, and where ~~occupancy~~tenancy of all rooms may be arranged with no minimum length of stay for periods of less than one month. The short term ~~shelter~~housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide ~~shelters~~short term housing, with or without a fee. Examples include transitional housing, and emergency shelters where individual rooms are provided. Where individual bedrooms are not provided, the facility ~~may be~~is a mass shelter. See also Mass Shelter and Outdoor Shelter.

**Single Room Occupancy Housing (SRO)**. ~~See Residential Structure Types.~~

#### **Vehicle Types.**

- **Recreational Vehicle.** A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
  - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers, ~~and fifth-wheel trailers,~~ and tiny houses on wheels. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.
  - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.

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## Commentary

### **33.920.100.A**

The proposal describes *Group Living* as residential occupancy of a dwelling unit with more than six bedrooms or residential occupancy of a congregant housing structure. This is more affirmative description than the existing characterization of group living as simply other than household living.

### **33.920.100.C**

Inappropriate language is removed from the code and replaced with the single term, "persons with disabling conditions." The Social Security Administration maintains an extensive list of "disabling conditions" that serves as better than the deleted terms.

## 33.920 Description of Use Categories

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### 33.920.100 Group Living

- A. Characteristics.** Group Living is the residential occupancy of a dwelling unit that contains more than six bedrooms. Group Living is also the residential occupancy of a congregate housing structure. ~~Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household.~~ Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Generally, Group Living uses often include ~~structures have~~ a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions)
- B.** [no changes]
- C. Examples.** Examples include houses with 7 or more bedrooms; dormitories; communes and other co-living arrangements; fraternities and sororities; monasteries and convents; nursing and convalescent homes; ~~some-group~~ homes for persons with disabling conditions ~~the physically disabled, mentally retarded, or emotionally disturbed;~~ some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.

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## Commentary

### 33.920.100.D.1

The term "tenancy" is proposed to be replaced by the term "length of stay" because the guests or clients of a shelter to not establish a tenant-to-landlord relationship with the shelter provider.

### 33.920.100.D.2

An exception is proposed for modification because it relies on the deleted definition of "household." The proposed amendment also clarifies that renting a bedroom in a house with six or fewer bedrooms is household rather than group living.



**D. Exceptions.**

1. ~~Lodging~~ Situations where ~~the length of stay tenancy~~ may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where ~~tenancy~~ the length of stay may be arranged for periods less than one month may be classified as a Community Service use such as short term, ~~housing~~ or mass or outdoor shelters.
2. Lodging ~~where the residents meet the definition of Household, and~~ where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit with six or fewer bedrooms is classified as Household Living.
3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

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## Commentary

### **33.920.110.A**

The proposed characteristics of household living have been revised to count number of bedrooms rooms as a substitute for the reference to the deleted definition of "household." Six bedrooms was chosen as the threshold between Household and Group Living because this was been the City's working definition of household for many years. Though not a land use reason, making the split between six and seven or bedrooms offers compatibility with other city programs. For example, the construction of a dwelling unit with seven or more bedrooms requires the application of some provisions commercial rather than residential codes, including a requirement to install a fire suppression sprinkler system in the building. The reference to single room occupancy is proposed for removal because all that can be accomplished under existing single room occupancy allowances could be accomplished under proposed group living regulations within a congregate housing structure.

### **33.920.110.D.1**

The reference to single room occupancy is proposed for removal for the reason stated in the commentary for 33.920.110.A above. The term "tenancy" is proposed to be replaced by the term "length of stay" because guests in a hotel do not establish a tenant-to-landlord relationship with the hotel owner.

### **33.920.110.D.2 (existing 2)**

The reference to single room occupancy is proposed for removal for the reason stated in the commentary for 33.920.110.A above.

### **33.920.110.D.3 (existing 3)**

The restriction on guest houses with kitchens is proposed for elimination because this is the same thing as an accessory dwelling unit, which are allowed when the accessory dwelling unit regulations are met.

### **33.920.110.D.4 (renumbered to 2)**

Proposal adds a reference to outdoor shelters.

### **33.920.110.D.2 (new 2)**

Proposal adds a reference to group living.

### 33.920.110 Household Living

- A. Characteristics.** Household Living is ~~characterized by the residential occupancy of a dwelling unit that contains six or fewer bedrooms by a household.~~ Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where ~~tenancy~~ the length of stay may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). ~~Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy housing (SROs), that do not have totally self-contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).~~
- B. Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations.
- C. Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other ~~structures~~ dwelling units with six or fewer bedrooms self-contained dwelling units. ~~Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.~~
- D. Exceptions.**
1. ~~Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis. Situations where the length of stay may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category.~~
  2. ~~SROs that contain programs which include common dining are classified as Group Living.~~
  3. ~~Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.~~
  4. In certain situations, lodging where the length of stay may tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term, housing or mass, or outdoor shelter.
  3. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit with more than six bedrooms is classified as Group Living.

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## Commentary

### **33.920.410.B**

The term "transitional housing unit" is oddly placed. It appears first and only near the very end of Title 33 and is not mentioned in any of the preceding Title 33 regulations. The term is proposed for deletion because what it attempts to allow, shelter for less than 180 days, is more clearly allowed by proposed changes to Chapter 33.296. A new allowance for charitable meal service or food distribution is also provided

### **33.920.420.A**

Proposed changes to again note that not all stays establish tenancy and add a reference to outdoor shelters.

### **33.920.420.B**

Proposed change to add hygiene facilities to the list of allowed accessory uses.

### **33.920.420.B**

Proposed changes to add outdoor shelters and surplus food charitable meal service or food distribution centers to the list of examples.

### Institutional Use Categories

#### 33.920.410 Colleges

- A. **Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. **Accessory Uses.** Accessory uses include offices, housing for faculty, staff and students, ~~up to six transitional housing units,~~ food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, charitable meal service and food distribution, and support commercial. ~~A transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year.~~
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- D. **Exceptions.** Business and trade schools are classified as Retail Sales And Service.

#### 33.920.420 Community Services

- A. **Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass ~~shelter,~~ outdoor, or short term shelter with no minimum length of stay ~~housing where tenancy may be arranged for periods of less than one month~~ when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. **Accessory uses.** Accessory uses may include offices, meeting areas, food preparation areas, food membership distribution, parking, health and hygiene facilities, therapy areas, daycare uses, and athletic facilities
- C. **Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters, outdoor shelters or short term shelters ~~housing~~ when operated by a public or non-profit agency, vocational training for ~~the physically or mentally disabled~~ persons with disabling conditions, crematoriums, columbariums, mausoleums, ~~soup kitchens,~~ park-and-ride facilities for mass transit, and ~~surplus food~~ charitable meal service or food distribution centers.
- D. [no changes]

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## Commentary

### **33.920.470.B.**

Proposed changes would allow food service, charitable meal service, food distribution, and living in vehicles. These are parallel to allowances provided in state law for religious institutions. State law caps the number of allowed vehicles at three. The 2021 Oregon Legislature may consider increasing this cap.

### **33.920.480.B.**

Proposed changes would allow food service, charitable meal service, and food distribution and replace a temporary use allowance with a clearer allowance provided in the amendments to Chapter 33.296.

### 33.920.470 Religious Institutions

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory uses.** Accessory uses include Sunday school facilities, food membership distribution, food service, charitable meal service and food distribution, parking, caretaker's housing, ~~up to six transitional housing units~~, and congregate housinggroup living facilities such as convents. ~~A transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year.~~ A religious institution may allow overnight living in vehicles ~~car camping for up to three vehicles~~ as specified in ORS 203.082.
- C. **Examples.** Examples include churches, temples, synagogues, and mosques.

### 33.920.480 Schools

- A. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. **Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, before or after-school daycare, and charitable meal service and food distribution. ~~up to six transitional housing units. A transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year~~
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. **Exceptions.**
  1. Preschools are classified as Daycare uses.
  2. Business and trade schools are classified as Retail Sales and Service.