



# Shelter ▶ to Housing Continuum

## Amendments to the City Code

### Volume Two, Changes to the Zoning Code

Recommended Draft - As Amended  
April 2021

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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[www.portland.gov/bps/translation-interpretation-and-accommodation](http://www.portland.gov/bps/translation-interpretation-and-accommodation)

### Testimony on the Recommended Draft is due on March 17, 2021

This information has been updated to reflect current City Council practice due to the COVID-19 pandemic.

#### How to Testify:

The Shelter to Housing Continuum Recommended Draft will be considered by the Portland City Council. The public is invited to submit formal comments (public testimony) to City Council in writing, online via the Map App, or remotely at the public hearing. Testimony is directed to City Council, which may amend the proposal.

#### To testify in writing:

You must provide your full name and mailing address and use one of the following methods:

- **MapApp:**  
The MapApp is easy as sending an email. Go to: <https://www.portlandmaps.com/bps/mapapp/>, click to view the Shelter to Housing Continuum Project and then click "Testify".
- **U.S. Mail:**  
Portland City Council  
Shelter to Housing Continuum Tetimony  
1221 SW 4th Avenue, Room 130  
Portland, OR 97204

#### To testify at the City Council meeting:

You may speak for three minute to the City Council, and your testimony will be added to the public record. You must provide your full namen and mailing address.

#### Council hearing date: Wednesday March 17, 2021 at 2p.m.

The hearing will be held virtually. You can use a computer, mobile device or telephone to testify during the hearing.

#### You must pre register to testify. See below:

To testify during the hearing, please visit the project website to register: <https://www.portland.gov/bps/s2hc> . You will receive a confirmation email containing information about joining the virtual hearing. The deadline to sign up for the March 17 Council hearing is March 16 at 4:00 p.m. Individual have three minutes to testify, unless stated otherwise at the hearing.

Email the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov) with questions.

To confirm the hearing date and time, check the City Council calendar at <https://www.portlandoregon.gov/auditor/26997> for the most updated information.

#### For more information:

Visit the project webpage at [www.portland.gov/bps/s2hc](http://www.portland.gov/bps/s2hc) or contact Eric Engstrom at [Eric.Engstrom@portlandoregon.gov](mailto:Eric.Engstrom@portlandoregon.gov)

#### Project timeline:





# Acknowledgments

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# 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 removes a reference to Chapter 33.239, and adds a reference to Chapter 33.260, from the list of chapters for the entire zoning code, which is a prelude to the zoning code proper. Since the special standards for Group Living are being eliminated, the entirety of Chapter 33.239 is deleted. The reasons for the deletion are provided below in the commentary for Chapter 33.239. Likewise, the reasons for the addition of the new Chapter 33.260, Occupied Recreational Vehicle are provided in the commentary for Chapter 33.260.

## **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
- 260 Occupied Recreational Vehicle
- 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 change removes a reference to Chapter 33.239 and adds a reference to Chapter 33.260 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. Since the special standards for Group Living are being eliminated, the entirety of Chapter 33.239 is deleted. The Reasons for the deletion are provided below in the commentary for Chapter 33.239. Likewise, Chapter 33.260 is a new chapter of regulations specific to an Occupied Recreational Vehicle on a lot. The reasons for the addition are provided in the commentary for Chapter 33.260.

## 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
245	Inclusionary Housing	245-1
248	Landscaping and Screening	248-1
251	Manufactured Housing and Manufactured Dwelling Parks	251-1
254	Mining and Waste-Related	254-1
258	Nonconforming Situations	258-1
<u>260</u>	<u>Occupied Recreational Vehicle</u>	<u>260-1</u>
262	Off-Site Impacts	262-1
266	Parking and Loading	266-1
270	Planned Developments	270-1

[The table of contents for chapters containing additional use and development regulations continues past 270, but there are no other changes]

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## Commentary

### 33.100.100

The Community Service use category currently includes two types of shelter: mass shelter and short-term housing. Amendments included with this project create a third type of shelter, outdoor shelter, and change the name of short-term housing to short term shelter. See page 74 and 112. The amendment to 33.100.100 is a technical amendment that reflects those changes. Shelters will continue to be prohibited in the OS zones as the purpose of the OS zone has never been to provide permanent facilities for shelter or housing.

Note, all types of shelter may be placed in OS zones as a temporary activity, either during a state of emergency, or for distinct periods of time such as the winter months. See page 96 for information on the code provision under Chapter 33.296, Temporary Activities.

## 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

There are two types of residential use: household living and group living. Currently, Household Living is allowed by right in single dwelling zones, but Group Living requires approval through a conditional use review. However, Portland's 2035 Comprehensive Plan identifies both types of residential uses as needed to meet present and future housing needs. All types of needed housing should have some options in residential zones, and easier siting can be accomplished through application of clear and objective standards rather than discretionary approval criteria.

The intensity of the Household Living use is regulated through limitations on the number of units, the types of residential structures, and development limitations, such as building coverage and height, that control the total size and bulk of structures. Group Living uses can also be accommodated in a variety of structures, but many of them, such as dormitories and assisted living facilities are often of a size that is larger than expected development in the single dwelling zones.

This amendment makes Group Living a limited rather than a conditional use, thus providing an opportunity for some Group Living to be subject to clear and objective standards. The limitation allows no more than 3,500 square feet of net building area on the site to be used for Group Living. The maximum size limitation is similar to the size of a larger dwelling unit, but the Group Living use could be accommodated in a dwelling unit or in the newly defined congregate housing facility. Additional building area devoted to Group Living will still require conditional use approval.

This use limitation allows up to 3,500 square feet of Group Living use on a site—it does not allow a flat 3,500 square feet of the use. The base zone development standards, including setbacks, building coverage, maximum height, and the new floor area ratios that apply when the Residential Infill Project goes into effect in August, limit the overall size of structures on a site. In some cases, the base zone development standards will limit the overall net building area allowed on a site to less than 3,500 square feet. 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.

Generally, these size limitations will help ensure that new residences for household living and group living will be of similar size and character.

### 33.110.100.B.5

This is a technical amendment that reflects the addition of outdoor shelter to the Community Service use category and the change in name for short-term housing.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**



## 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. 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. More than 3,500 square feet of net building area in Group Living is a conditional use.
  - 1-3. [renumber to 2. – 4.]
  54. 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.~~
  - 5-10. [renumber to 6. – 11.]
- C.-D. Conditional uses.** [No change]

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## Commentary

### Table 110-1

The amendment to Table 110-1 changes the use allowance for Group Living from CU to L/CU and works with the note described above to allow up to 3,500 square feet of the net building area on a site in a Group Living use by right, with a larger use subject to a conditional use review.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

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 [1]</u>	<u>L/CU [1]</u>	<u>L/CU [1]</u>	<u>L/CU [1]</u>	<u>L/CU [1]</u>	<u>L/CU [1]</u>
<b>Commercial Categories</b>						
Retail Sales And Service	<u>CU [2±]</u>	<u>CU [2±]</u>	<u>CU [2±]</u>	<u>CU [2±]</u>	<u>CU [2±]</u>	<u>CU [2±]</u>
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	<u>CU [3±]</u>	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 [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>
Community Service	<u>L/CU [54]</u>	<u>L/CU [54]</u>	<u>L/CU [54]</u>	<u>L/CU [54]</u>	<u>L/CU [54]</u>	<u>L/CU [54]</u>
Parks And Open Areas	<u>L/CU [65]</u>	<u>L/CU [65]</u>	<u>L/CU [65]</u>	<u>L/CU [65]</u>	<u>L/CU [65]</u>	<u>L/CU [65]</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 [76]</u>	<u>L/CU [76]</u>	<u>L/CU [76]</u>	<u>L/CU [76]</u>	<u>L/CU [76]</u>	<u>L/CU [76]</u>
<b>Other Categories</b>						
Agriculture	<u>L [87]</u>	<u>L [87]</u>	<u>L/CU [98]</u>	<u>L/CU [98]</u>	<u>L [109]</u>	<u>L [109]</u>
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 [1140]</u>	<u>L/CU [1140]</u>	<u>L/CU [1140]</u>	<u>L/CU [1140]</u>	<u>L/CU [1140]</u>	<u>L/CU [1140]</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 removed from Table 110-2 and the term congregate housing facility is being added. The term "single room occupancy" overlaps with household living, group living and commercial uses. This is confusing, and difficult to administer. Also, the proposed revisions to Group Living use allowances render a separate single room occupancy definition unnecessary, because residential living configurations considered under single room occupancy would be considered a Group Living use, generally in a congregate housing facility. See page 116 for discussion of the new congregate housing facility definition.

In combination with Table 110-1, a group living use, either in a larger dwelling unit or in a congregate housing facility, is an allowed use up to 3,500 square feet of net building area. A larger facility will be subject to a conditional use review.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

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

## 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 33.110.260.C and 33.110.265.C)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See <u>Chapter 33.205</u> )	Yes	Yes	Yes	Yes	Yes	Yes
Duplexes: On corners (See 33.110.265.D)	No	Yes	Yes	Yes	Yes	Yes
Other situations (See 33.110.265.D)	No	No	No	Yes	Yes	Yes
Triplexes (See 33.110.265.E)	No	No	No	Yes	Yes	Yes
Fourplexes (See 33.110.265.E)	No	No	No	Yes	Yes	Yes
Multi-dwelling Structure (See 33.110.265.F)	No	No	No	Yes	Yes	Yes
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
<u>Congregate Housing Facility (See 33.110.100.B.11)</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<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>Group Living Facility</del>	<del>Only when in conjunction with an approved conditional use.</del>					
Multi-dwelling Development	Only in Planned Developments, See Chapter 33.270					

Yes = allowed;

No = prohibited.

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## Commentary

### 33.110.210.B

This amendment works in conjunction with the other amendments that apply to *Group Living* uses.

The Residential Infill Project (adopted 8/12/20; effective 8/1/21) applies a maximum floor area ratio (FAR) to development in the R.25, R5 and R7 single-dwelling residential zones. The FAR limitation is graduated based on the number of dwelling units there are on a site. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This amendment clarifies which FAR limitation applies to a site with a congregate housing facility.

### Table 110-4

In conjunction with the amendment above, these changes clarify what maximum FAR will apply for sites that have a congregate housing facility, a term introduced with this project.

**33.110.210 Floor Area Ratios**

- A. Purpose.** [No change]
- B. Maximum FAR.** Maximum floor area ratios are stated in Table 110-4. The maximum FAR allowed is based on the total number of dwelling units on the site and whether a bonus option is chosen. The maximum FAR for a site with a congregate housing facility is the same as shown in Table 110-4 for a site with 1 total dwelling unit. The maximum FAR for institutional uses is stated in 33.110.270. Adjustments to the maximum FAR ratios, including bonus ratios, are prohibited.
- C-D.** [No change]

Standard	RF	R20	R10	R7	R5	R 2 · 5
Maximum FAR - 1 total dwelling unit <u>[1]</u> - 2 total dwelling units [ <del>1</del> 2] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	no limit	no limit	no limit	0.4 to 1 0.5 to 1 0.6 to 1 [ <del>2</del> 3]	0.5 to 1 0.6 to 1 0.7 to 1 [ <del>2</del> 3]	0.7 to 1 0.8 to 1 0.9 to 1 [ <del>2</del> 3]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [ <del>1</del> 2] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	NA	NA	NA	0.4 to 1 0.6 to 1 0.7 to 1	0.5 to 1 0.7 to 1 0.8 to 1	0.7 to 1 0.9 to 1 1 to 1
Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft. [23]	30 ft. [23]	35 ft.

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## Commentary

### Table 110-4 (contd)

Footnote [1] clarifies the maximum FAR that should apply to sites with a congregate housing facility.

### Table 110-5

This amendment changes the way building coverage will be calculated for Group Living uses going forward. With the change to allow some Group Living use by right rather than requiring a CU for all Group Living uses, they should be subject to the same building coverage allowance as Household Living uses on a site. Building coverage for Household Living is a sliding scale that adjusts building coverage percentage downward as the lot size increases. However, accessory housing that may be part of a college campus or religious institution is subject to the development standards for the institution.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**



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

Minimum Setbacks						
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.
- Side building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	0/5 ft.
- Rear building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Maximum Building Coverage (See 33.110.225)	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6
Required Outdoor Area						
- Minimum area	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.
- Minimum dimension (See 33.110.240 <del>235</del> )	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

[1] Including any site with a congregate housing facility.

[~~4~~2] Including accessory dwelling units.

[~~2~~3] Additional FAR and height may be allowed. See 33.110.265.F.

### 33.110.225 Building Coverage

- A. Purpose.** The building coverage standards limit the footprint of buildings and work together with the height, setback and floor area ratio standards to control the overall bulk of structures. They are intended to ensure 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 110-5.

Table 110-5 Maximum Building Coverage Allowed in the RF through R2.5 Zones <del>[1]</del>	
Lot Size	Maximum Building Coverage
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 110-8.~~

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## Commentary

### **33.110.265.E.3.**

The standards referencing ICC A117.1 are revised to remove cross references to the international code council set of standards for Type C visitable units. Instead, specific requirements for visitable units are now wholly contained within the zoning code.

The ICC standards were more extensive, and much more specific. Reverting to the set of standards previously recommended by the Planning and Sustainability Commission with the Residential Infill Project will help facilitate and streamline implementation and plan review as well as keep all the relevant standards in one location.

The standards require a no step entry and specify the grade tolerances for the path leading to that entry. This is the only standard that is potentially adjustable, in order to account for the large degree of variability that may be present in different lot development situations, and recognizes that there may be other ways to provide an accessible route that do not strictly conform to the slope limits.

Minimum door widths ensure that most mobility devices can travel through the space.

A bathroom containing at least a toilet and a sink is required on the visitable floor. Minimum clear dimensional requirements ensure that most mobility devices can be maneuvered around bathroom fixtures. These clearances are adapted from ICC A117.1 Sec. 304.3.

And lastly, the requirement for a minimum of 200 square feet of living area provides options for a bedroom space, or other living space besides just a half bath and stairwell on the visitable floor.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

### 33.110.265 Residential infill options

A.-D. [No change]

**E. Triplexes and fourplexes.** Triplexes and fourplexes that meet the following standards are allowed on interior and corner lots in the R7 through R2.5 zones. Triplexes and fourplexes are prohibited on lots that abut a street that has not been accepted for maintenance by the City of Portland, or the State of Oregon in the case of state highways, and are prohibited on lots that abut a private street that connects to a street or highway that has not been accepted for maintenance by the City or State. See Title 17.42, Property Owner Responsibility for Streets. Payment in lieu of street improvements does not satisfy this requirement. Triplexes and fourplexes are also prohibited on lots where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District was demolished within the past ten years unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure that was demolished was an accessory structure, or the demolition was approved through demolition review.

1.-2. [No change]

3. Visitability.

- a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
  - Promote a diverse supply of more physically accessible housing;
  - Allow people of all ages and abilities to easily enter and visit the residence;
  - Foster community interaction by reducing barriers that can lead to social isolation; and
  - Enhance public safety for all residents and visitors.
- b. VISIBLE unit standards. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet all of the following visitability standards:~~the requirements for Type C visible units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.~~

(1) Visible entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.

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## Commentary

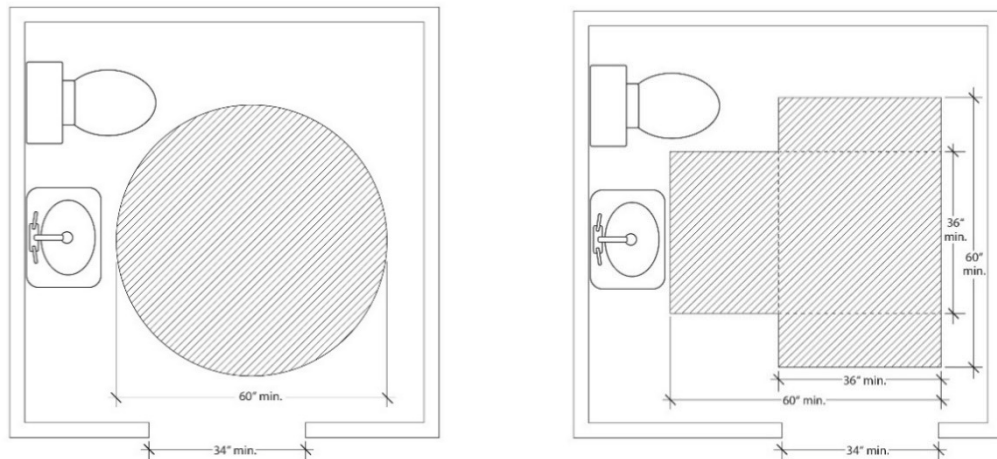
See previous commentary page.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

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

- (2) Visible bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited;
  - (3) Visible living area. There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited; and
  - (4) Visible doors. All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide. Adjustments are prohibited.
- c. Exemptions. The following are exempt from the standards of this Subsection:
- (1) Lots with an average slope of 20 percent or greater;
  - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
  - (3) Conversion of an existing residential structure to a triplex or fourplex.

**Figure 110-14**  
**Visible Bathroom Clearances**



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## Commentary

### 33.110.265.F.6.

See commentary for 33.110.265.E.3 for triplexes. This commentary also applies to the amendments that amend the language for fourplexes and multi-dwelling structures.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

- F. Affordable fourplexes and multi-dwelling structures.** Fourplexes and multi-dwelling structures with no more than six dwelling units are allowed on interior and corner lots in the R7 through R2.5 zones when the following standards are met. Fourplexes and multi-dwelling structures are prohibited on lots that abut a street that has not been accepted for maintenance by the City of Portland, or the State of Oregon in the case of state highways, and are prohibited on lots that abut a private street that connects to a street or highway that has not been accepted for maintenance by the City or State. See Title 17.42, Property Owner Responsibility for Streets. Payment in lieu of street improvements does not satisfy this requirement. Fourplexes and multi-dwelling structures are also prohibited on lots where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District was demolished within the past ten years unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure that was demolished was an accessory structure, or the demolition was approved through demolition review.

1.-5. [No change]

6. Visitability.

- a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
- Promote a diverse supply of more physically accessible housing;
  - Allow people of all ages and abilities to easily enter and visit the residence;
  - Foster community interaction by reducing barriers that can lead to social isolation; and
  - Enhance public safety for all residents and visitors.
- b. VISIBLE unit standards. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet all of the following visitability standards~~the requirements for Type C visible units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.~~
- (1) Visible entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
- (2) Visible bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited;

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## Commentary

Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021



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

(3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and

(4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

c. Exemptions. The following are exempt from the standards of this Subsection:

(1) Lots with an average slope of 20 percent or greater;

(2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

(3) Conversion of an existing residential structure to a fourplex or multi-dwelling structure.

**G.** [No change]

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## Commentary

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

The current Group Living use regulations limit the number of residents that can reside together in a non-household situation (i.e. Group Living use) by right to 15. This is a way of controlling the density of residents, and it is more limiting than current Household Living density standards in the multi-dwelling zones. With the recent changes made by the Better Housing by Design project to regulate development by floor area rather than by unit density, the current Group Living use limitation is no longer related to any density regulations for Household Living, and places alternative living arrangements (such as co-housing, assisted living or dormitories) at a greater disadvantage compared to apartments/dwelling units in multi-dwelling zones. The removal of the limitation means that a Group Living use becomes an allowed use, similar to Household Living. Both are subject to maximum FAR.

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

The elimination of the conditional use requirement for Group Living uses in post incarceration facilities allows these situations to be treated the same as other Group Living situations. This is in keeping with City changes to destigmatize past offenders that have also resulted in city rule changes in employment and rental applications. With the current conditional use requirement, most post incarceration facilities have instead operated under the city's definition of household and Household Living use, which is allowed by right. The change expands this to Group Living uses in post incarceration facilities in the multi-dwelling zones. It should be noted that facilities where people are under judicial detainment and the direct supervision of sworn officers fall under the Detention Facilities use category and are not Group Living.

The remaining limitations are renumbered.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

## 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**

The Community Service use limitation is being amended to incorporate the addition of a third type of shelter, outdoor shelter, as a Community Service use. In addition, "short term housing" is being renamed "short term shelter." The references to limitations in this section are revised to reflect these changes. The actual limitations are explained below in commentary for proposed changes to Chapter 33.285 starting on page 74.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

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 change to Table 120-1 reflects the removal of the use limitations for Group Living in the multi-dwelling zones. For the RMP zone, which only allows manufactured homes that typically can't accommodate a Group Living use, the prohibition on Group Living uses remains.

The other amendments within the table reflect the use notation renumbering.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

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

### 33.120.200

#### Table 120-2

The reference to the single room occupancy housing type is being removed from Table 120-2 and the term congregate housing facility is being added. The term "single room occupancy" overlaps with household living, group living and commercial uses. This is confusing, and difficult to administer. Also, the proposed revisions to Group Living use allowances render a separate single room occupancy definition unnecessary, because residential living configurations considered under single room occupancy would be considered a Group Living use, generally in a congregate housing facility. See page 116 for discussion of the new congregate housing facility definition. Congregate housing facilities will continue to be prohibited in the RMP zone.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**



### 33.120.200 Housing Types Allowed

- A. Purpose.** A broad range of housing types are allowed in the multi-dwelling zones. This range allows for efficient use of land, provides options to increase housing variety and housing opportunities, and promotes affordable and energy-efficient housing.
- B. Housing types.** The types of housing allowed in the multi-dwelling zones are stated in Table 120-2.

Housing Type	RM1	RM2	RM3	RM4	RX	RMP
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

### 33.120.211.C.4

The standards referencing ICC A117.1 are revised to remove cross references to the international code council (ICC) set of standards for Type C visitable units. Instead, specific requirements for visitable units are now wholly contained within the zoning code.

The ICC standards, originally adopted as part of the Better Housing by Design Project (effective March 1, 2020), were much more extensive and detailed than the zoning code standards.

Implementation of this regulation using the ICC standards has proven impractical, given that such reviews require expertise with building code regulations, while the actual review of projects using this zoning code provision is by BDS land use planners experienced with zoning code regulations.

Changing the visitability standards to zoning code regulations will help facilitate and streamline implementation and plan review as well as keep all the relevant standards in one location. Besides much greater regulatory simplicity compared to the ICC standards, these zoning code visitability standards include the following differences from ICC standards:

- No step, barrier free access to the unit with a maximum slope of 1:8 (ICC standards have maximum slopes of 1:20 or 1:12, which may still apply in some situations per building code regulations).
- Greater requirements for bathroom maneuvering space (the ICC standards also required wall reinforcement for grab bars).
- Doorway openings of 34 inches (clearance is 31 $\frac{3}{4}$  inches in the ICC code).

The current requirement for a minimum of 200 square feet of living area is retained, which provides opportunity for a bedroom space or other living space, besides just a half bath and stairwell on the visitable floor.

The amended visitability bonus are only available for housing types that are not subject to commercial building code requirements for accessible units, such as attached houses, duplexes, and townhouses (townhouses are considered in the zoning code to be multi-level units in a multi-dwelling structure, when located together on a single property). This is intended to promote physically accessible housing units in structure types that are not usually required to provide accessible units.

(Commentary continues on next commentary page.)

### 33.120.211 Floor Area Bonus Options

A.-B. [No change]

**C. Bonus options.**

1.-3. [No change]

4. Visitable units bonus option. Bonus FAR is allowed up to the maximum with visitable units bonus as stated in Table 120-5 when at least 25 percent of all the dwelling units on the site meet the following visitability standards, except that this bonus is not available for projects with buildings that are required by the Oregon Structural Specialty Code to include Type A or Type B accessible units:~~are built to either Type A or Type C standards as described below. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type A or Type C standards cited below are retained for the life of the dwelling unit:~~
  - a. ~~Dwelling units in houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, and multi-level dwelling units in multi-dwelling structures or multi-dwelling development must meet the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance;~~
  - b. ~~Other types of dwelling units must meet the requirements for Type A units as defined in the Oregon Structural Specialty Code.~~
  - a. Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
  - b. Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 120-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
  - c. Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
  - d. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

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## Commentary

(contd from previous commentary)

A change from the current code is that the amendments no longer include a visitability bonus option for housing types, such as multi-dwelling structures with single-level units, that are already subject to commercial building code accessibility requirements. The previous code provided a FAR bonus for such projects that had 25 percent of units built to building code Type A unit standards, which require a greater level of accessibility than the more usual requirement for Type B units. The bonus option for multi-dwelling projects to use the Type A unit standards required BDS planners to review proposals against commercial building code regulations, which has proven impractical to administer. Instead, the remaining bonus options for multi-dwelling structures will be bonuses for affordable units, such as the inclusionary housing bonus, which reflects City priorities for supporting the creation of affordable housing. Multi-dwelling structures subject to the commercial building code will continue to be required to provide accessible units (typically Type B units), which are typically required for all units accessed by elevators and ground-floor units.

### Figure 120-1

This figure, which was initially part of the PSC's recommendation, is added to illustrate how to accommodate the unobstructed area within the bathroom, as stated in the regulations above.

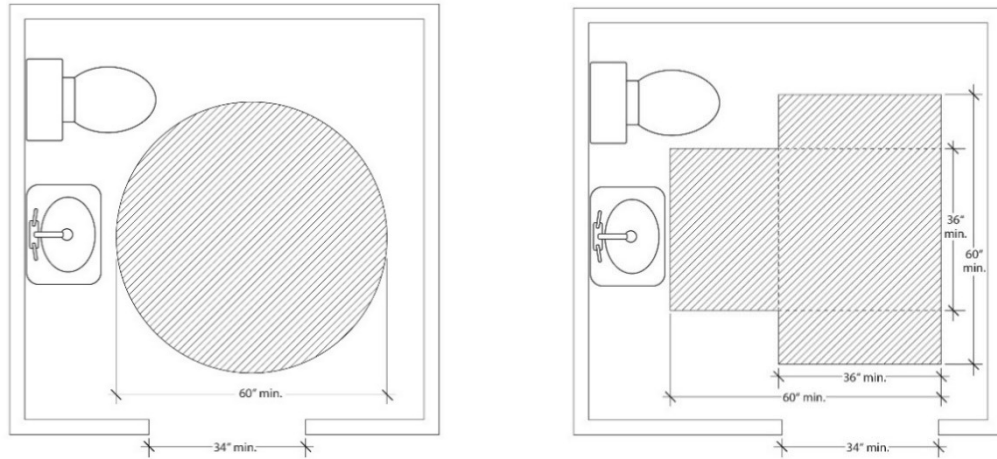
### 33.120.213.B.

The minimum density provisions in the multi-dwelling zones were written with the intention of ensuring a minimum number of dwelling units in areas closer to services. With the amendments to allow Group Living uses by right in the multi-dwelling zones, along with the acknowledgement of Group Living uses that are within larger dwelling units of 9 to 12 bedrooms, means that dwelling units with Group Living would maintain higher intensity uses near services. However, a potential for a conflict may arise with calculating a minimum density of dwelling units for Group Living uses (i.e. a project providing larger dwelling units such as for co-housing or for shared micro units may not be meeting the minimum number of dwelling units). This minimum density provision best applies to units provided for Household Living uses.

This amendment clarifies the minimum density regulations do not apply to Group Living uses.

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

**Figure 120-1**  
**Visitable Bathroom Clearances**



**Renumber Figures 120-1 through 120-16 to be Figures 120-2 through 120-17**

### **33.120.213 Minimum Density**

- A. Purpose.** The minimum density standards ensure that the service capacity is effectively utilized and that the City's housing goals are met. The standards also ensure that incremental development will not preclude the ability to meet the intended development intensity of the zoning of a site.
- B. Minimum density.** The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Group Living uses are exempt from minimum density requirements. Land within an Environmental zone may be subtracted from the calculation of minimum density.

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## Commentary

### **33.120.240.B.**

Outdoor area requirements in the multi-dwelling zones are based on number of dwelling units. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This amendment clarifies how the outdoor area requirement applies to residential uses and how it applies to a congregate housing facility.

### 33.120.240 Required Outdoor and Common Areas

- A. [no change]
- B. **Outdoor area and common area requirements.** In the RM1 through RM4 zones, on sites with a residential use, both outdoor and common areas are required. Required common area may count toward required outdoor area, but individual private outdoor area may not count toward required common area. The standards of this section do not apply in the RX and RMP zones.
1. [No change]
  2. Required common area.
    - a. Required common area standard. On sites that are more than 20,000 square feet in total site area, and on sites with a congregate housing facility, at least 10 percent of total site area must be provided as common area. At least 50 percent of the required common area must be outdoor area, such as outdoor courtyards or outdoor play areas. Up to 50 percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.
    - b. Exemption. The required common area standard does not apply to sites where:
      - (1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;
      - (2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and
      - (3) Each dwelling unit has at least 200 square feet of individual outdoor area with a minimum dimension of 10 feet by 10 feet.
- C. [no change]

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## Commentary

### **33.130.100.B.1a & b**

The removal of the special standards for *Group Living uses* in 33.239 means that the base zones no longer need to reference this chapter, and that *Group Living uses* are allowed by right subject to the base zone development standards, including height and floor area limits.

The elimination of the conditional use requirement for *Group Living uses* in post incarceration facilities allows these situations to be treated the same as other group living situations. This is in keeping with City changes to destigmatize past offenders that have also resulted in city rule changes in employment and rental applications. With the current conditional use requirement, most post incarceration facilities have instead operated under the city's definition of household and Household Living use, which is allowed by right. The change expands this to *Group Living uses* in post incarceration facilities in the commercial zones. It should be noted that facilities where people are under judicial detainment and the direct supervision of sworn officers fall under the Detention Facilities use category and are not *Group Living*.

The remaining limitations are renumbered.

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

The *Community Service use* limitation is being amended to incorporate the addition of a third type of shelter, outdoor shelter, as a *Community Service use*. In addition, short term housing is being renamed "short term shelter." The references to limitations in this section are revised to reflect these changes. The actual limitations are explained below in commentary for proposed changes to Chapter 33.285.



## 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 change to Table 130-1 reflects the removal of any use limitations for Group Living in the commercial/mixed use zones. These uses are now allowed by right in all cases.

The other changes within the table are to reflect the renumbering of the use limit notations.

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

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## Commentary

### **33.130.207.B**

The minimum density requirement in *CM2* and *CM3* zones was added as part of the Mixed Use Zone project. The intent was to require mixed use development that includes residential dwelling units to provide a minimum number of units to ensure adequate residential development in places close to services. The assumption was that the minimum dwelling units apply to Household Living uses.

However, a potential for a conflict may arise with calculating a minimum density of dwelling units for Group Living uses (i.e. a project providing larger dwelling units such as for co-housing or for shared micro units may not be meeting the minimum number of dwelling units). This minimum density provision best applies to units provided for Household Living uses.

The amendment clarifies that the minimum density provision in the *CM2* and *CM3* zones does not apply to Group Living uses.

### **33.130.228.B.1**

Outdoor area requirements for residential uses in commercial mixed-use zones are based on the number of dwelling units. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This technical clarifies how the outdoor area requirement applies to a congregate housing facility.

### 33.130.207 Minimum Density

- A. **Purpose.** The minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.
- B. **Minimum Density.** The minimum density requirements for the CM2 and CM3 zones are stated in Table 130-2. Minimum density applies to new development when at least one dwelling unit is proposed. Group Living uses are exempt from minimum density requirements. Land within an Environmental zone may be subtracted from the calculation of minimum density.

### 33.130.228 Required Outdoor Areas

- A. [no change]
- B. **Requirements**
  - 1. Amount required:
    - a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
    - b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site;
    - c. For any site with a congregate housing facility, at least 10 percent total site area must be provided as common area.
  - 2-4. [no change]

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## Commentary

### **33.140.100.B.2.a**

#### **33.140.100.B.1**

With the amendment that classifies a dwelling unit with 9 or more bedrooms as a Group Living use, there is a need to reference Group Living in this notation in case there are houseboats that have 9 or more bedrooms. Note [1] will apply to both Household and Group Living uses in the I zones.

#### **33.140.100.B.2.a & b**

The removal of the special standards for Group Living uses in 33.239 means that the EX zone no longer needs to reference this chapter, and that Group Living uses are allowed by right subject to the base zone development standards, including height and floor area limits.

The elimination of the conditional use requirement for Group Living uses in post incarceration facilities in EX allows these situations to be treated the same as other Group Living uses. This is in keeping with City changes to destigmatize past offenders that have also resulted in city rule changes in employment and rental applications. With the current conditional use requirement, most post incarceration facilities have instead operated under the city's definition of household and Household Living use, which is allowed by right. The change expands this to Group Living uses in post incarceration facilities in the EX zone. It should be noted that facilities where people are under judicial detainment and the direct supervision of sworn officers fall under the Detention Facilities use category and are not Group Living.

The remaining limitations are renumbered.

#### **33.140.100.B.8**

The Community Service use limitation is amended to incorporate the addition of a third type of shelter, outdoor shelter, as a Community Service use. In addition, "short term housing" is being renamed "short term shelter." The references to limitations in this section are revised to reflect these changes. The actual limitations are explained below in commentary for changes to Chapter 33.285.

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

This amendment consolidates the Community Service use limits in the I zones. This includes the references to the forms of shelter. The changes combine and place Community Service use limitations in a more logical order without changing the substance of the limitations (i.e., short term and mass shelters are currently prohibited in I zones) Since Daycare falls under the 'all other' Community Service uses, it does not need to be expressed separately, since it is also limited to 3,000 square feet of net building area.

## 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. Household Living and Group Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living and Group Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household and Group Living in other structures is prohibited.
  - ~~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. [Renumber to 2. – 7.]
  - ~~89.~~ 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.~~ 910. Community Service in the IX 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.~~

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## Commentary

### 33.140.100 B.11

Notation [11] has been combined with notations 8 and 9, therefore it is deleted here.

### Table 140-1

The change to Table 140-1 reflects the removal of any use limitations for Group Living in the EX zone, as well as the changes made to Community Service use limitations detailed on the previous page.

The other changes within the table are to reflect the renumbering of the use limit notations.



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

11. ~~Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. 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 10. – 15.]

C-D. [No change]

<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]	CU [1] <del>N</del>	CU [1] <del>N</del>	CU [1] <del>N</del>
<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 [1315]	CU [1315]	CU [1315]	CU [1315]	CU [1315]	CU [1315]
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 [1517]	L [1517]	N	L [1517]	L [1517]	L [1517]
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

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

**Table 140-1  
 Employment and Industrial Zone Primary Uses**

<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 <del>[1012]</del>	Y/CU <del>[1012]</del>	Y/CU <del>[1012]</del>	Y/CU <del>[1113]</del>	Y/CU <del>[1113]</del>	Y/CU <del>[1113]</del>
Community Service	L/CU <del>[89]</del>	L/CU <del>[89]</del>	L/CU <del>[810]</del>	L/CU <del>[911]</del>	L/CU <del>[911]</del>	L/CU <del>[911]</del>
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 <del>[911]</del>	L/CU <del>[911]</del>	L/CU <del>[911]</del>
<b>Other Categories</b>						
Agriculture	L <del>[1416]</del>	L <del>[1416]</del>	L <del>[1416]</del>	L <del>[1416]</del>	L <del>[1416]</del>	L <del>[1416]</del>
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 <del>[1214]</del>	L/CU <del>[1214]</del>	L/CU <del>[1214]</del>	L/CU <del>[1214]</del>	L/CU <del>[1214]</del>	L/CU <del>[1214]</del>
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.a. & b.**

This amendment provides a reference for the special use regulations that apply to short term, mass and outdoor shelters. When this code section (33.150) was created in 2018, there was no reference to these special standards. The provisions in 33.285 are the location for determining the use allowances for shelters in the CI1, CI2, and IR zones. The paragraph is split to acknowledge that other types of Community Services uses are allowed in the CI2 zone, but are conditional uses in the CI1 and IR zone. This clarifies current code.

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

The provisions for Group Living are being clarified to reference the Group Living use on the Institution site instead of a group living facility. Since special group living standards are being removed, condition "c" that applies to these standards is no longer relevant. Any group living use that is provided in conjunction with an institutional campus in IR is still required to be reviewed as part of an impact mitigation plan, and the plan will have to consider mitigation measures based upon review of the impact of a group living use on adjoining areas.

## 33.150 Campus Institutional Zones

150

### 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].

a. In the CI1 and IR zones, 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.

b. In the CI2 zones, most Community Service uses are allowed by right. 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]. Group Living ~~uses~~facilities in the IR zone are regulated as follows:

a. The Group Living ~~use~~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 Group Living ~~use~~facility will create;

~~c. A facility located less than 150 feet from another residential zone 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

Table 150-1 is revised to recognize that some shelters are a limited allowed use rather than a conditional use in the CI1, and IR zones. Similarly, in the CI2 zone, larger mass and outdoor shelters will trigger a conditional use review and are not always allowed by right. See previous page on use limitations.

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	Y [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
<b>Institutional Categories</b>			
Basic Utilities	L/CU [3]	L/CU [3]	L/CU [3]
Community Service	<u>L/CU [4]</u>	<u>L/CU [4]</u> <del>Y</del>	<u>L/CU [4]</u>
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" is amended to delete the reference to the 33.239 Group Living Chapter. The reasons for the deletion are contained in the commentary below for Chapter 33.239.

The table is also amended to add the new chapter, 33.260, Occupied Recreational Vehicle. The reasons for this addition are contained in the commentary below for Chapter 33.260.



## 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

33.245 Inclusionary Housing

33.248 Landscaping and Screening

33.251 Manufactured Housing and Manufactured Dwelling Parks

33.254 Mining and Waste-Related

33.258 Nonconforming Situations

33.260 Occupied Recreational Vehicle

33.262 Off-Site Impacts

33.266 Parking and Loading

33.270 Planned Development

[The 200's table of contents for chapters containing additional use and development regulations continues past Chapter 270, but there are no other changes]

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## Commentary

### **33.205.040.C.5 Visitability Standard**

See commentary related to 33.110.265.E.3

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

## 33.205 Accessory Dwelling Units

205

### 33.205.040 Development Standards

A.-B. [No change]

C. **Requirements for accessory dwelling units.** Accessory dwelling units must meet the following:

1.-4. [No change]

5. Visitability.

a-b. [No change]

c. **Visitability unit standards.** Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet the following visitability standards: ~~the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.~~

(1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.

(2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 205-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;

(3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and

(4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

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## Commentary

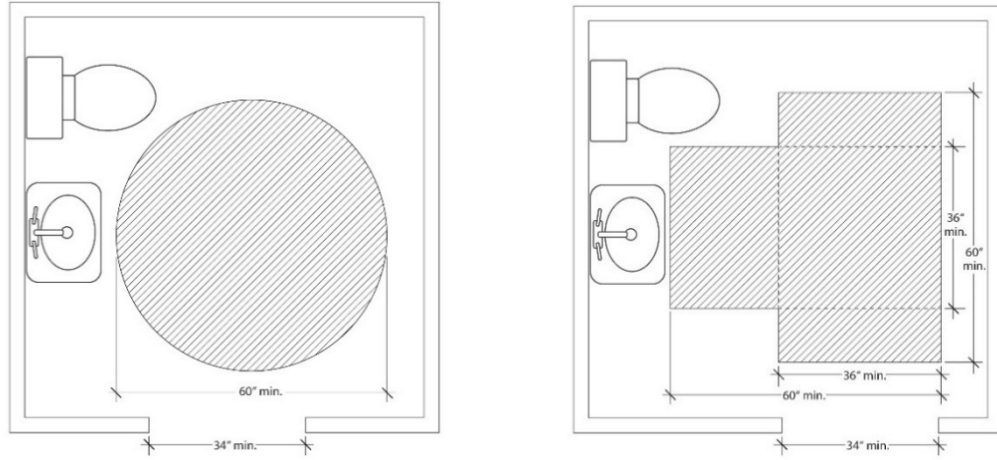
### Figure 205-1

This figure is added to illustrate how to accommodate the unobstructed area within the bathroom, as stated in the regulations above.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

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

**Figure 205-1**  
**Visitable Bathroom Clearances**



d. [No change]

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## Commentary

### **33.207.040.A.**

The current standards for Accessory Short-term rentals (ASTR) limit them to being accessory to a Household Living use. Because other code amendments contained in the report define dwelling units with 9 or more bedrooms as a Group Living use, there may be circumstances when the residents of a 9 bedroom house may choose to apply for a short-term rental permit to rent up to 2 bedrooms on a short-term basis. This amendment changes the requirement to be accessory to a residential use, thus allowing an ASTR to occur in smaller dwelling units under the Household Living use and larger dwelling units under the Group Living use.

### **33.207.040.B.**

The current standard for an ASTR limits the number of people staying both long-term and short-term (residents and guests) to the total allowed to occupy a dwelling unit under the Title 33 definitions of household. The definition of household is being removed and, so this reference no longer provides the oversight needed to limit the number of guests for a Type A ASTR. This amendment revises the current language to provide a maximum number of five guests that are allowed with the renting of one or two bedrooms. This number is similar to how BDS currently interprets the household definition relationship since that definition allowed 5 additional people beyond the immediate sphere of relationships.

## 33.207 Accessory Short-Term Rentals

207

### 33.207.040 Type A Accessory Short-Term Rentals

#### A. Use-related regulations.

1. Accessory use. A Type A accessory short-term rental must be accessory to a residential~~Household Living~~ use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .040.B.2 or .040.B.3, the bedrooms rented to overnight guests must be within the dwelling unit that the resident occupies.
2. [No change]
3. Allowed structure type. A Type A accessory short-term rental is allowed in all residential structure types when accessory to a residential~~Household Living~~ use.
- 4-5. [No change]

#### B. Standards. The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:

- 1-4. [No change]
5. Number of ~~residents and guests~~. The ~~total~~maximum number of ~~residents and guests~~ occupying a ~~dwelling unit with~~ a Type A accessory short-term rental may not exceed 5~~the number allowed for a household. For sites with an accessory dwelling unit, the total number of residents and guests occupying both dwelling units may not exceed the number allowed for a household.~~
- 6-9. [Re-number to 5. – 8.]

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## Commentary

### **33.207.050.A.**

Similar to 33.207.040.A, above, this removes the limitation on the type of residential use category that may provide a Type B accessory short-term rental (ASTR) on site. Often, older homes may have a larger number of bedrooms, and the Type B ASTR review process allows up to 5 bedrooms to be used on a short-term basis. A 9 bedroom house, which will be classified as containing a Group Living use going forward, can also be allowed to use 5 bedrooms as an ASTR when approved through a conditional use.



### **33.207.050 Type B Accessory Short-Term Rentals**

#### **A. Use-related regulations.**

1. Accessory use. A Type B accessory short-term rental must be accessory to a residential~~Household Living~~ use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .050.B.2 or .050.B.3, the bedrooms rented to guests must be within the dwelling unit that the resident occupies.
2. Conditional use review. A Type B accessory short-term rental requires a conditional use review. A Type B accessory short-term rental that proposes commercial meetings is processed through a Type III procedure. All other Type B accessory short-term rentals are processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and Other Uses in R Zones.
3. Allowed structure type. A Type B accessory short-term rental is allowed in all residential structure types when accessory to a residential~~Household Living~~ use.
4. Cap. The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure, whichever is greater.
5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

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## Commentary

### **33.236.030 Houseboats**

The current code states that houseboats generally contain Household Living uses. Because of the amendments to the definition of Group Living, a 9 bedroom houseboat will now be considered to contain a Group Living use. The amendment acknowledges this potential and includes reference to Group Living uses

The other amendment to this paragraph corrects a mistaken interpretation that identifies "single dwelling" and "multi dwelling" as a type of use, when they are intended to refer to development types. The amendments change these references to "dwelling unit" and "multi dwelling development" to be consistent with the development type references used elsewhere in the code.

## 33.236 Floating Structures

236

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### 33.236.030 Houseboats

Houseboats and houseboat moorages are classified under the ~~general use~~ categories of Household Living or Group Living. An individual houseboat outside of a houseboat moorage is considered to be one dwelling unit connected to a single dwelling use of the upland lot. A houseboat moorage is considered to be a multi-dwelling development connected to the upland lot use. Generally, an individual houseboat outside of a houseboat moorage is allowed only where a ~~house~~ single dwelling use would be allowed on the upland lot, and a houseboat moorage is allowed only where a multi-dwelling development use is allowed on the upland lot.

In the I zones, houseboats and houseboat moorages are a conditional use.

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## Commentary

### Chapter 33.239

This chapter is being deleted. It contains development standards that apply to Group Living uses. These standards apply in addition to those in 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. The chief regulation within this chapter regulates density of people and will instead be replaced by a use limitation for area in the single dwelling zones, and by floor area in other 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 continued.

Outside of single dwelling zones, group living is an allowed use, so CU spacing standards are not as critical. Group Living uses within single dwelling zones that exceed 3,500 square feet will still trigger a Conditional Use review which includes approval criteria to consider the concentrations of non-household living uses.

Other development standards such as outdoor area will be regulated through base zone standards. Parking will continue to be regulated through 33.266.

**~~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

### **Chapter 33.260 Occupied Recreational Vehicle**

This is a new chapter to address the amendments in Title 29 that will now allow a single occupied residential vehicle (or tiny house on wheels) on the site of a house, attached, or manufactured home. In general, these regulations provide code direction for an occupied recreational vehicle that is outside of an organized RV park (a Retail Sales and Service use) or an Outdoor Shelter (a Community Service use). Prior to this, Title 29 prohibited occupying a recreational vehicle outside of an RV park, so these regulations were previously not needed.

#### **33.260.010 Purpose**

This section specifies the purpose of the chapter, which is to provide the direction on how to regulate an occupied recreational vehicle allowed under Title 29.

#### **33.260.020 When This Chapter Applies**

The regulations of this chapter provide guidance for an occupied recreational vehicle that is parked on the site of a house, attached house or manufactured home, as expanded within Title 29. Other situations (RV park, Outdoor Shelter, Space in a mobile home park) are regulated through other provisions in the code.

#### **33.260.030 Occupied Recreational Vehicles**

This section provides the standards that will apply to a recreational vehicle (RV) that is occupied on a lot with a house, attached house, or manufactured home. These standards clarify that the RV has to meet the parking requirements, whether it is occupied or not. However, an occupied RV does not count as a dwelling unit for purposes of the density standards. Since the RV is a vehicle and not a structure, it does not have to meet any development standards for structures. Any structures that are built adjacent or connected to the RV do have to meet the development standards for the applicable structure. This could be deck, or a covered patio. Lastly, RVs cannot be used as an accessory short-term rental.



## **33.260 Occupied Recreational Vehicle**

**260**

Sections:

33.260.010 Purpose

33.260.020 When This Chapter Applies

33.260.030 Occupied Recreational Vehicles

### **33.260.010 Purpose**

Title 29 of the Portland City Code allows the residential occupancy of recreational vehicles under certain circumstances. This chapter provides direction on how Title 33 regulations apply to occupied recreational vehicles.

### **33.260.020 When This Chapter Applies**

This chapter applies to an occupied recreation vehicle on a site with a house, attached house, or manufactured home.

### **33.260.030 Occupied Recreational Vehicles**

An occupied recreational vehicle is a vehicle and is not a building, structure or dwelling unit in terms of Title 33. The following standards clarify how Title 33 applies to an occupied recreational vehicle.

- A. Parking.** Chapter 33.266 applies to both occupied and unoccupied recreational vehicles. The development standards in 33.266 that apply to parking area and recreational vehicles on a site also apply occupied recreational vehicles.
- A. Density.** Because an occupied recreational vehicle is not a dwelling unit, building or structure it does not count toward minimum or maximum density or FAR.
- C. Other development standards.** Occupied recreational vehicles are not subject to development standards in this Title that apply to buildings or structures. However, structures attached to an occupied recreational vehicle are subject to all applicable development standards in this Title.
- D. Accessory short-term rentals.** An occupied recreational vehicle is prohibited from being an accessory short-term rental.

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## Commentary

### **33.266.110.B.2.**

As part of the Residential Infill Project, City Council eliminated minimum parking requirements for Household Living uses in single-dwelling zones. The Shelter to Housing Continuum project is amending the zoning code to treat smaller Group Living uses more like Household Living uses in single-dwelling zones. To align with this treatment, this amendment removes the parking requirement for Group Living uses that do not trigger a Conditional Use review in single dwelling zones. Those uses would be limited to a floor area of 3,500 square feet, similar to the size of a house.

## 33.266 Parking, Loading, And Transportation And Parking Demand Management

266

### 33.266.110 Minimum Required Parking Spaces

- A. [No change]
- B. **Minimum number of required parking spaces.**
  - 1. [no change]
  - 2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service the following minimum parking requirements apply:
    - a. Household Living uses.
      - (1) Single-dwelling zones. No parking is required for Household Living uses in the single-dwelling zones.
      - (2) All other zones. The minimum number of parking spaces required for Household Living uses in all other zones is stated in Table 266-1.
    - b. All other uses.
      - (1) Group Living. No parking is required for Group Living uses in single-dwelling zones that do not require a conditional use review. The minimum number of parking spaces required for all other Group Living uses is stated in Table 266-1.
      - (2) All other uses. The minimum number of parking spaces required is stated in Table 266-1.
  - 3. [No change]

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## Commentary

### Table 266-2

This amendment eliminates a remaining reference in the parking minimums table to the SRO residential structure type. This structure type has been removed from the zoning code to remove the confusion regarding the use types that an SRO may fall under.

The amendment also updates the minimum parking requirement for Group Living when parking may be required to relate to bedrooms rather than residents. This aligns with the other changes which distinguish Group Living Uses from Household Living uses based upon the number of bedrooms.

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

<b>Table 266-2</b> <b>Parking Spaces by Use [2]</b> <b>(Refer to Table 266-1 to determine which standard applies.)</b>			
<b>Use Categories</b>	<b>Specific Uses</b>	<b>Standard A</b>	<b>Standard B</b>
<b>Residential Categories</b>			
Household Living		1 per 2 units, except SROs exempt	None, except 1.35 per unit on sites that are both in a commercial/mixed use or multi-dwelling zone and close to transit (close to transit is described in 33.266.110.B.1.) Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 <del>residents</del> <u>bedrooms</u>	None

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## Commentary

### **33.270.200.B Visitability**

See commentary related to 33.110.265.E.3.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**

## 33.270 Planned Development

270

### 33.270.200 Additional requirements for Planned Developments in the R7 and R5 Zones

- A. Where this standard applies.** In the R7 and R5 zones, unless exempted by Subsection C., the standards of this section apply when the total number of proposed dwelling units is at least 75 percent of the maximum number of dwelling units allowed through the Planned Development,
- B. Visitability.** At least 33 percent of the dwelling units on the Planned Development site must meet the the following standards: requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.
1. Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
  2. Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 270-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
  3. Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
  4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

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## Commentary

### Figure 270-1

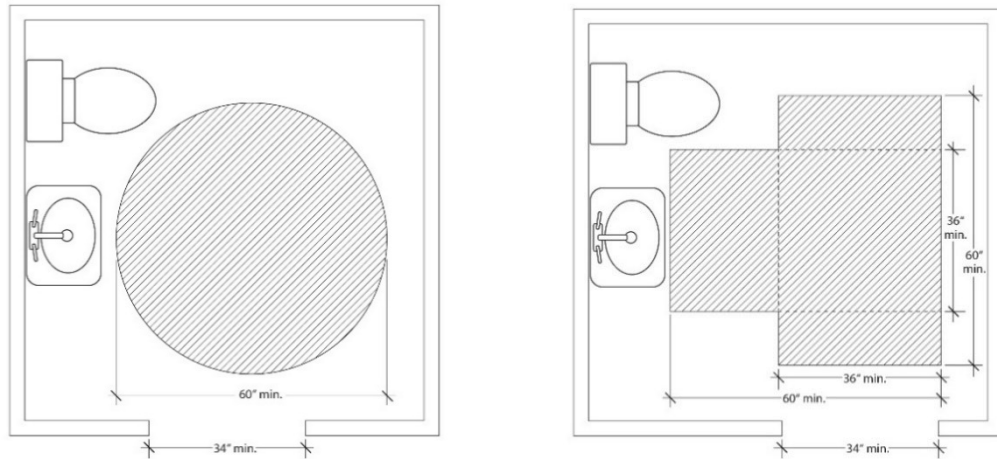
This figure is added to illustrate how to accommodate the unobstructed area within the bathroom, as stated in the regulations above.

**Note that the existing code on this page is based on the adopted Residential Infill Project which goes into effect on August 1, 2021**



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

**Figure 270-1**  
**Visitable Bathroom Clearances**



C. Exemptions. [No change]

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## Commentary

### 33.285.010

Throughout the zoning code, the term "short term housing" is being changed to "short term shelter". Long-term housing is a type of residential use and short-term shelter is a Community Service use. Shelters offer a provider-to-client relationship or a host-to-guest relationship rather than a landlord-to-tenant relationship.

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 housing continuum programs.

Outdoor shelter is a new type of Community Service use added to the code. What the zoning 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 similar 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 zoning code as a new type of Community Service use. Recognizing that temporary shelter outdoors may also be in the form of a vehicle, including a recreational vehicle, we are also incorporating staying in a vehicle as a form of individual shelter in the outdoor shelter definition.

### 33.285.020 Description

The term outdoor shelter is added, and a new definition of outdoor shelter is found with examples under 33.910.

## 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.

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**

Within the single-dwelling residential zones, smaller short-term shelter facilities with up to 20 beds can be placed on the site of an institutional use by right. Institutional uses include a range of uses such as religious institutions, schools, and other community service uses. However, parks uses within a single-dwelling zone are not included. Larger short-term shelters or those not affiliated with an institution use are still subject to a Conditional Use review.

Within the multi-dwelling residential, CI1 and IR zones, the number of short-term shelter beds allowed by right is being increased from 15 to 30 beds. The requirement that the shelter be on the site of an institutional use is removed, to provide greater siting flexibility.

When the campus institutional zones were created as part of the 2035 Comprehensive Plan staff inadvertently left out a maximum number of allowed short-term shelter beds in the CI1 zone, so it has been unclear if any short-term shelters would be allowed within the CI zone. This amendment establishes the same allowance for the CI1 zone as the multi-dwelling and IR zones by allowing up to 30 beds as part of an institution. The CI2 zone, which is a more urban zone, is addressed with the commercial zones.

### **33.285.040.A.4**

The existing exemption for short-term shelters for victims of sexual or domestic violence is being amended because the previous limitations, which were tied to the density limits in the Group Living chapter (33.239), have been eliminated. Going forward, the exemption will mirror the use limits for Group Living use in the base zone, with the exception of EG zones where group living is prohibited, but a short-term shelter for victims of violence is allowed.

### 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 short term shelter with up to 20 beds is an allowed used in the RF – R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.
    - (2) ~~A s~~Short term shelter housing with for up to 30~~15~~ beds is an allowed use in the RM1 – RMP, ~~CI1~~, and IR zones ~~if it is~~when provided on the site of an existing Institutional Use and meets the standards of 33.285.050 are met.
    - (3) ~~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 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 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

This section is being removed and the use regulations applicable to the RF-R2.5 zones are incorporated in the next paragraph, B.2, which will be renumbered as B.1. Currently, mass shelters in single dwelling zones are always a conditional use. However, similar to the amendments for short-term and outdoor shelters, smaller mass shelters with up to 20 beds will be allowed by right in single-dwelling zones if on the site of an institution. The changes to the previous B.2., and to Table 285-1 implement this change, and this section is no longer needed.

**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 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, C1, and IR Zones:~~
    - (1) ~~If the mass shelter is provided in an existing structure or is on a~~ 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 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

As mentioned above, the single-dwelling zones are added to this paragraph to acknowledge that smaller mass shelters with up to 20 beds will be allowed by right in single-dwelling zones if they meet the standards of 33.285.050 which include Table 285-1.

Other amendments are grammatical corrections or technical amendments related to amendments made elsewhere in this document. However, one amendment moves the mass shelter use regulations for the CI1 zone to the paragraph B.2 (now B.1), because the CI1 zone is a lower intensity institutional campus zone located in a single-dwelling residential setting. While the end result is similar in terms of the number of beds allowed without a conditional use review (30), the move means that a mass shelter in a CI1 subject to a conditional use review will need to meet the criteria for a shelter in an R- or IR-zone. These approval criteria are more consistent for a shelter in this situation, since the CI1 zones are more often located within residential areas.

B.2 & B.3 are renumbered to B.1 and B.2.



12. RF-R2.5, 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 RF-R2.5, 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.12.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~~ 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.
23. 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**

In general, these amendments are grammatical corrections or technical amendments related to amendments made elsewhere in this document. In addition, the use regulations for the CI2 zone have been split from the CI1 zone, with the CI2 use regulations and conditional use approval criteria reference remaining here, and the CI1 zone use regulations moving to 33.285.040.B.2 (now B.1). It should be noted that the threshold standards that indicate the size of a mass shelter allowed by right are located under Table 285-1 within the development standards of 33.285.050.

B.4 is renumbered to B.3

- b. Conditional use. If the mass shelter does not meet Subparagraph B.~~23~~.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 athe 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 mass shelters are reviewed through a Type III procedure.
34. 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 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 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 athe 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 mass shelters are reviewed through a Type III procedure.

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## Commentary

### **33.285.040.B.5**

In general, these amendments clarify the code to update amendments made elsewhere in the code, as well as to make some grammatical corrections. Since the EG zones are intended to provide necessary employment lands, a request for a new mass shelter remains subject to a conditional use review.

B.5 is renumbered to B.4.

### **33.285.040.B.7**

The existing exemption for mass shelters for victims of sexual or domestic violence is being amended because the previous limitations, which were tied to the density limits in the Group Living chapter (33.239), have been eliminated. Going forward, the exemption will generally mirror the use limits for Group Living use in the base zone, with the exception of EG zones where group living is prohibited, but a mass shelter for victims of violence is allowed.

B.6 & 7 are renumbered to B.5 & 6.

45. 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.45.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 zones. 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.45.b:
- (1) If the mass shelter is provided within an existing structure, or on at the site of an existing ~~i~~nstitutional ~~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 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.
56. OS and I zones. Mass shelters in OS and I zones are prohibited.
67. 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.

Outdoor Shelter is a new type of Community Service use being added to the code. It is defined in the Definitions Chapter, 33.910 as being a collection of individual shelters such as tents, cabins, yurts, or even vehicles and RVs, if they are used for overnight shelter. The individual shelters are grouped together in an outdoor setting. The outdoor shelter could also include additional buildings providing food preparation and hygiene or other services. A new set of use regulations is established to describe where outdoor shelters are allowed, where they are prohibited, where a conditional use might be required, and what procedure types apply to required conditional uses.

#### 33.285.040.C.1

Outdoor shelters in OS zones are prohibited. Mass and short-term shelters are also prohibited in OS zones, since providing shelter or housing does not fall into the purpose of the OS zone. However, under the Temporary Activities chapter, 33.296, a temporary emergency or seasonal outdoor shelter may be provided in an OS zone.

#### 33.285.040.C.2

These amendments establish the use limitations for outdoor shelters in the R, CI1 and IR zones. In single-dwelling residential zones, an outdoor shelter may be allowed by right with up to 20 individual shelters as described in 33.910, if on a site of an institutional use other than a parks and opens space use. Other situations trigger a conditional use review.

In the lower intensity multi-dwelling (RM1, RM2, RMP), CI1, and the IR zones, an outdoor shelter may be allowed by right with up to 30 individual shelters as described in 33.910. More than 30 triggers a conditional use (CU) review, and the applicable approval criteria are the same as those that currently apply to mass or short-term shelters in residential zones.

In the higher intensity multi-dwelling (RM3, RM4, RX) zones, that number of individual shelters allowed by right is increased to 60. More than 60 triggers the conditional use review.

In single dwelling (RF-R2.5) and CI1 zone, all outdoor shelters are subject to a CU review, and in no case may an outdoor shelter contain more than 20 individual shelters in these zones.

#### 33.285.040.C.3

In the C, EX, and CI2 zones, an outdoor shelter may be allowed by right with up to 60 individual shelters. More than 60 triggers a CU review, and the applicable approval criteria are the same as those that currently apply to mass shelters in C, CI2, E, and I zones.

In all cases when a CU is required, the level of review is lowered to a Type II staff review in cases where the outdoor shelter is located on the site of an institution, instead of a Type III review, which requires a hearing. This is a similar provision for all types of shelters.

Additionally, state law allows religious institutions to provide overnight vehicle camping as part of their operation. Currently, the limit is three vehicles, but the 2021 Oregon Legislature may consider increasing this cap.

Additional development standards for outdoor shelters are provided in 33.285.050.

**C. Outdoor shelters.**

1. OS zones. Outdoor shelters are prohibited in the OS zone.
2. R, CI1, and IR zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in R, CI1, and IR zones is subject to the following regulations:
  - a. Allowed use. A new outdoor shelter, or an alteration to an existing outdoor shelter is allowed if it meets one of the following:
    - (1) An outdoor shelter with up to 20 individual shelters is an allowed use in the RF through R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.
    - (2) An outdoor shelter with up to 30 individual shelters is an allowed use in the RM1, RM2, RMP, CI1, and IR zones when the standards of 33.285.050 are met.
    - (3) An outdoor shelter with up to 60 individual shelters is an allowed use in the RM3, RM4, and RX zones when the standards of 33.285.050 are met.
    - (4) 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 individual shelters and if the alteration or expansion complies with all conditions of approval.
  - b. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the RF through R2.5 zones.
  - c. 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. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in C, EX, and CI2 zones is subject to the following regulations:
  - a. Allowed use. A new outdoor shelter, or 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 60 individual shelters 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 individual shelters 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 amendments establish the use limitations for outdoor shelters in the EG and I zones. Generally, outdoor shelters are a conditional use (CU) in EG and I zones. The exception is small expansions of existing shelters. For the CU review, the applicable approval criteria are the same as those that currently apply to mass shelters in C, CI2, E, and I. Similar to the other zones, when a new outdoor shelter is proposed on the site of an institutional use, a lower, Type II staff review is used instead of a Type III review which requires a hearing.

### **33.285.050.A**

These amendments change the name of "Short Term Housing" to "Short Term Shelter" and remove an unnecessary reference to the adjustment process. Most development standards are adjustable. When a standard is not adjustable, a prohibition on adjustments is 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, CI2, 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, CI2, 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 individual shelters 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 density standard is deleted because the chapter it references is being removed as stated earlier in the document. The deletion means that Short Term Shelters are subject to the general development standards applicable to other structures in the base zone.

The existing 4-6 are renumbered to 3-5.

### 33.285.050.A.5.

This amendment clarifies that a short-term shelter is exempt from motor vehicle parking but may still need to meet minimum requirements for loading spaces or bicycle parking at the ratios given in 33.266, Parking, Loading, and Transportation and Parking Demand Management.

### 33.285.050.B.2.

The minimum spacing requirement for shelter beds is being eliminated. During the winter of 2019, 4,015 people were identified as homeless on a single night. From 2015 to 2019 the percentage of unsheltered chronically homeless people increased. The City is seeking additional mass 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 locations. Table 285-1 will continue to limit the size of individual mass shelters, but the geographic separation of a maximum number of shelter beds is removed. As seen during the recent COVID-19 health emergency and social distancing, providing an adequate number of beds can become even more of an issue during times of crisis.

### Table 285-1

The amendment expands the allowed number of shelter beds in several zones and establishes the opportunity for a mass shelter to be placed on the site of an institutional use, other than parks and open area uses, by right within a single family zone. In this case a maximum number of 20 beds matches changes for other shelter types. A prior legislative decision that changed the City's commercial zoning to the new commercial/mixed use zoning split the previous CG zone (which allowed up to 200 beds) into the CE zone (which allows 200 beds) and CM2 zone (which allows 75 beds). However, the CM2 zone is often located in areas with a high level of supporting services and transit. During discussions with the Joint Office of Homeless Services about the optimum size of a larger shelter, mass shelters with over 120 beds become increasingly difficult to manage. The number 140 was chosen for the CM2 and CI2 to include the optimum of 120 but still allow for an occasional overflow. Shelters in lower density multi-dwelling zones have an increased allowance of 30 beds. The requirement within the multi-dwelling zones that they be operated on a site of an institutional use has been removed, but is still in place for by-right mass shelters in single dwelling zones. Other numbers for RX, RM3, and RM4 have been increased to match maximums for outdoor shelters.

### 33.285.050.B.8.

Similar to A.5 above, this amendment clarifies that the exemption applies to motor vehicle parking.

~~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	200
CM2 and CI2	<del>75</del> <u>140</u>
<del>CR, CM1, and CI1</del>	25
RX, RM3, and RM4	<del>50</del> <u>60</u>
RM1, RM2, RMP, <del>CI1, IR, CR, CM1</del> <del>[4]</del>	<del>15</del> <u>30</u>
RF-R2.5 [1]	<u>20</u>

Notes:

[1] The mass shelter must be operated on the site of an existing ~~institutional use, excluding sites in a Parks and Open Areas 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 new standards for the Outdoor Shelter use.

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

These standards are intended to keep outdoor shelters out of sensitive or hazardous areas that are mapped on City zoning maps. 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 of support from government or non-profit agencies; a minimum shelter size would prevent the proliferation of mini outdoor shelters and thus provide realistic economies of scale for onsite operators and supporting agencies. The minimum site size of 3,000 square feet was determined by the City Council.

#### **33.285.050.C.2.b**

A maximum outdoor shelter size is proposed for industrial zones to help preserve the City's limited supply of industrial land for industrial use. Additional industrial land supply safeguards are provided under Chapter 33.815, Conditional Uses, below.

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

This provision is intended to allow persons to be at the shelter at all hours. It does not mean that the shelter must be open for intake or discharge or provide services at any hour. Being operational for 24 hours should limit queuing or loitering outside the facility.

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

As stated in the definition (33.910), outdoor shelters must be operated by a government agency or a not-for-profit corporation. Supervisors, who could be residents, volunteers, or employees, would be responsible to and serve at the pleasure of the operator.

**C. Outdoor shelters.**

1. An outdoor shelter is prohibited in:
  - a. Environmental overlay zones;
  - b. Pleasant Valley Natural Resource overlay zones;
  - c. River Natural overlay zones;
  - d. River Environmental overlay zones;
  - e. Scenic overlay zones; and
  - f. The special flood hazard area.
2. Minimum and maximum site size.
  - a. The minimum required site size for an outdoor shelter is 3,000 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 and outdoor activities that adjoin residential property lines.

### 33.285.050.C.7

This removes the requirement for an outdoor shelter to provide a pedestrian circulation system that is up to the zoning code minimums. This usually requires 6-foot paved connections to the street and to other areas onsite.

Although an on-site pedestrian system would not be required by the proposed standard, Americans With Disabilities Act (ADA) requirements would be met though the state standards that are triggered through a building/site permit. 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.

This accessible route would not have to be as wide as the zoning code requires and would only link those facilities required to be accessible (common building, etc.). It should provide some cost savings for setting up an outdoor shelter.

### 33.285.050.C.8

This provision exempts the outdoor shelter from motor vehicle parking requirements, but it does not exempt it from bicycle parking or loading requirements. It is anticipated that outdoor shelters will not trigger a loading space requirement, while the bike parking requirement will likely be the minimum requirement of 2 short-term and 2 long-term space (i.e. a total of 2 staple racks).

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 outdoor shelter 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. The outdoor shelter is exempt from all pedestrian standards required by other chapters in this code.
8. No motor vehicle parking is required.

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## Commentary

### **33.296.030**

These amendments to the allowed temporary activities allow a more efficient response to limited duration or temporary shelter needs.

### **33.296.030.G**

Generally, temporary activities that engage this section of the code are the result of a natural disaster or an emergency declaration made by the City Council (like the current Housing Emergency declared back in October 2015, and since extended until April 2021). This amendment includes the determination of a shelter shortage as a form of emergency to align with the changes stated in Title 15, and it clarifies that a variety of shelters and medical facilities may be established under the emergency for the length of the declared emergency. Recent emergency declarations have included the housing emergency and the COVID-19 emergency.

### **33.296.030.H**

This new provision accommodates the temporary operation of a mass shelter or an outdoor shelter on sites for up to 180 days within a calendar year. Temporary mass shelters, which are defined as being within a building could use this provision in all zones. Temporary outdoor shelters, which would be camps or other temporary structures cannot locate in Open Space (OS) zones or on environmentally sensitive or flood hazard areas in other zones. The new standard allows city agencies, institutions, and other interested parties to maintain a temporary shelter without the need for an emergency declaration by City Council in Title 15 and is usually the mechanism to invoke G. above. This provides an opportunity for agencies and owners to agree to open up properties or buildings on a temporary basis, or in situations where seasonal shelters may be needed, but no formal housing or weather emergency has been called.

The calendar year time period means the period between January 1<sup>st</sup> and December 31<sup>st</sup> of any calendar year. If a shelter were to open on October 1<sup>st</sup> of one year and be extended until March 31<sup>st</sup> of the next year, the shelter would have been open for 92 days in the first year and 90 days in the second year. A shelter that is open between January 1, and June 30 of one year would not be able to reopen until the following calendar year.



## 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, shelter shortage, 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.**

1. Mass shelters. Mass shelters are allowed as a temporary activity for up to 180 days within a calendar year.
2. Outdoor shelters. Outside of OS zones, outdoor shelters are allowed as a temporary activity for up to 180 days within a calendar year when the outdoor shelter is located outside of Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, the Pleasant Valley Natural Resource overlay zone, and the special flood hazard area.

~~I~~**H. 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~~**I. 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 code addition exempts outdoor shelters from design review. These shelters are generally composed of a mixture of temporary units such as tents, yurts or cabins that do not lend themselves to design review because the criteria are written for the review of permanent buildings or improvements. While an outdoor shelter may be permanently located, the design and layout of the individual shelters may change over time.

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

## 33.815 Conditional Uses

815

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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 CI 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
- 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**

The new outdoor shelter Community Service use has similar characteristics to the mass and short-term shelters. As a result, the existing conditional use approval criteria for these forms of shelter will also apply to outdoor shelters. The approval criteria in 33.815.107 will apply to outdoor shelters within R, CI1 and IR zones. The CI1 zone is added because it generally applies to institutions with a lower intensity of development that are within residential zones. The other main change is to update the reference for short-term shelters from short-term housing.

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

There are no changes made to the existing conditional use approval criteria, but they are included here since they will apply 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~~, or 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

There are no changes made to the existing conditional use approval criteria, but they are included here since they will apply 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**

Within Commercial, Employment and Industrial zones, the conditional use approval criteria that currently apply to mass shelters is expanded to apply to outdoor shelters that require a conditional use review. The CI2 zone is also added to the list of zones where these criteria apply. The CI2 zone is usually applied to more intense institutional campuses that are often within commercial area. In addition, since alternative or post incarceration group living uses will no longer be subject to a separate conditional use review, the heading addressing those uses is removed from the approval criteria.

While mass shelters are listed elsewhere as prohibited in I-zones, some outdoor shelters may be allowed through a conditional use review. The heading and introduction are reworded to indicate that these are the approval criteria for outdoor shelters in an I zone. Certain specific criteria related to that zone are explained below.

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

There are no changes made to the existing conditional use approval criteria, but they are included here since they will apply 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.D

There are no changes made to the existing conditional use approval criteria, but they are included here since they will apply to outdoor shelters.

### 33.815.140.E

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

#### 33.815.140.E.1

This criterion references the city's inventory of buildable employment land. This inventory is a map adopted by Council ordinance. The map is acknowledged as complying with Statewide Planning Goal 9 within the meaning of *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, such as an outdoor shelter.

#### 33.815.140.E.2

This proposed criterion helps ensure that shelters allowed on industrial-zoned public land will not negatively interfere with the truck and freight movement in the area.

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

Several terms are deleted or added to the definitions Chapter. For clarity, most of the unchanged terms are not included on the list of deleted and added terms. The reasons for the additions and deletions are stated in the commentary for Chapter 33.910 below.

## 33.900 List of Terms

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Congregate Housing Facility *See Residential Structure Types*

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

~~Household.~~

### Residential Structure Types

- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Congregate Housing Facility
- 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 Facility**

See the commentary under Residential Structure types for an explanation.

#### **Density**

A reference to single room occupancy is deleted because all residential configurations that could be accomplished under single room occupancy may be accomplished by the proposed amendments for Group Living, and a measurement of density by living units will not be required elsewhere in the code.

#### **Group Living Structure**

This definition is replaced by a new definition for "Congregate Housing Facility", which is explained in more detail in commentary below.

#### **Household**

The definition of "Household" is being deleted 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, when there is no other relationship by blood, marriage, partnership, adoption, or guardianship. At a minimum one person using one bedroom and renting out 5 other bedrooms could be a household. However, a 'family' could potentially occupy several bedrooms while still renting out 5 bedrooms individually, meaning that the household could take up 7 or 8 bedrooms and be considered to be occupied by "Household Living." These relationships are hard to monitor and enforce. The amendment deletes the definition of "household" is deleted, and uses a threshold for household living based upon the number of bedrooms per dwelling unit within the Use Category for Household Living. During deliberations with the Planning and Sustainability Commission, the Commission recommended raising this threshold to distinguish between Household and Group Living from 6 bedrooms to 8 bedrooms.

From a policy perspective, and intended or not, various definitions of households in other city zoning codes have been viewed as validating the "traditional family" as the cultural norm, and dismissing 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 change places relatives and roommates (up to a limit) on equal footing under the Portland zoning code.



## 33.910 Definitions

910

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**Congregate Housing Facility.** 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

Minor changes to the existing mass shelter definition will help to distinguish a mass shelter from the newly defined outdoor shelter, as well as from a short-term shelter. Generally, 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 (see below). The term "sleeping room" has been replaced by "bedroom" as the term "bedroom" is more commonly understood within the zoning code. 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. For all shelters, no minimum length of stay is required, to distinguish them from residential use categories.

### Outdoor Shelter

This is a new definition that addresses the city's need to provide a form of legal temporary shelter such as tents, cabins or other non-permanent structures for our houseless community. This based on an updated state statute (ORS 446.265) for "transitional housing accommodations". The zoning code replaces the state word "accommodations" with "individual shelters" to allow a wider definition for the types of situations that could count as individual shelters, including recreational vehicles or other vehicles. Outdoor shelters may include food and hygiene facilities and other services, but the range of services can vary. The intent is for these facilities to be run by public agencies or non-profits including institutions.

Below is the state rule from ORS 446.265 to provide context:

- (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: 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.

**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 shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. The shelter is managed by a public agency or a non-profit agency, 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 sanitary facilities. See also Mass Shelter and Short Term Shelter.

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## Commentary

### Residential Structure Types

#### Congregate Housing Facility

The congregate housing facility definition replaces the current group living facility definition and works in conjunction with the dwelling unit definition to provide a clear distinction between these two residential housing types. While a group living use may occupy a dwelling unit with nine or more bedrooms, there are many situations where the living situation is not arranged around a traditional dwelling unit layout. These can include residential structures that don't contain any kitchen facilities such as some dormitories, SROs and residential hotels, or they may contain some limited kitchen facilities within a larger-scale living situation, which we have defined as being a ratio of less than one kitchen per every 12 bedrooms. Or they may contain a larger commercial kitchen, but one that is not anticipated to be shared by residents within the facility, such as with assisted living facilities or other facilities that include meal programs.

In conjunction with this definition, the definition of dwelling unit is amended to not include facilities that meet the definition of congregate housing facility. However, it is possible that a building could have a combination of dwelling units and a congregate housing facility.

#### Dwelling Unit

The definition of dwelling unit is amended to clarify that a congregate housing facility (above) is not considered a dwelling unit.

#### Group Living Facility

The existing definition of "Group Living Facility" is removed, and generally replaced by the new definition for "Congregate Housing Facility." In addition, some buildings that were defined as a group living facility because they were used for a group living use may now be defined as a dwelling unit if the facility contains the components that make up a dwelling unit, such as some forms of co-housing or communal living.

#### Single Room Occupancy Housing

The definitions "Single Room Occupancy Housing" and "SRO" are eliminated because the configurations of single room occupancy structures used as residential spaces will fall under either the new Congregate Housing Facility structure type or as a larger dwelling unit under the Group Living use category.

## Residential Structure Types

- **Accessory Dwelling Unit.** [No change]
- **Attached Duplex.** [No change]
- **Attached House.** [No change]
- **Congregate Housing Facility.** A building, buildings, or portion of a building that includes separate bedrooms and individual or shared bathrooms but does not include a kitchen or if it does include a kitchen the number of kitchens is less than one kitchen per 12 bedrooms.
- **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, except that a congregate housing facility is not a dwelling unit. 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 uses. As mentioned above, all shelters are defined to not require any minimum length of stay, unlike residential uses. 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.

### Vehicle Type

#### Accessory Recreational Vehicle

This change aligns with terminology used by the State of Oregon Department of Motor Vehicles (including ORS 801.100-610 and 174.101) for recreational vehicles. A tiny house on wheels may be titled/registered by the DMV as a travel trailer, or a park model RV, depending on the size and configuration. A new standard is added to Title 29 (29.50.050) to allow the occupancy of a recreational vehicle on the site of a house, attached house of manufactured home, and a new chapter, 33.260 (see page 68) provides the zoning guidelines applicable to the occupied recreational vehicle.

**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 travel~~vacation~~ trailers, park model recreational vehicles, campers, and fifth-wheel trailers. 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**

This amendment describes *Group Living* as residential occupancy of a dwelling unit with more than eight bedrooms or residential occupancy of a congregate housing facility. This is a more affirmative description than the existing characterization of group living as simply other than Household Living and provides specific situations for when a residential use is a *Group Living* use. Note that "residential facilities" regulated by the state remain as a *Group Living* use. These state distinctions are still based on number of residents/patients.

### **33.920.100.C**

The examples listed in this paragraph are revised to provide more clarity and to remove situations that could possibly be either a *Group Living* or *Household Living* use. For example, communes, post incarceration facilities, or convents where the residents share a dwelling unit with 8 or fewer bedrooms would be considered *Household Living*, not *Group Living*. So, these examples have been removed. If a cohousing community resides in a dwelling unit with 9 or more bedrooms or in a defined congregate housing facility, it would be *Group Living* per those examples.

In addition, out-of-date 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 provides a more holistic term.

### **33.920.100.D.1**

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

### **33.920.100.D.2**

This exception is modified because it relies on the deleted definition of "household." Instead the exception relies on the new description for *Household Living*, which is living within a dwelling unit containing eight or fewer bedrooms.



## 33.920 Description of Use Categories

920

### 33.920.100 Group Living

- A. Characteristics.** Group Living is the residential occupancy of a dwelling unit that contains more than eight bedrooms. Group Living is also the residential occupancy of a congregate housing facility. 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 and other dwelling units with nine or more bedrooms; dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; single room occupancy housing or SROs, rooming houses, residential hotels and other congregate housing facilities; some group homes for persons with disabling conditions~~the physically disabled, mentally retarded, or emotionally disturbed; and some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.~~
- D. Exceptions.**
1. Lodging 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 eight 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 characteristic of Household Living has been revised to count the number of bedrooms as a substitute for using the deleted definition of household, which counted the number of people. Eight bedrooms is chosen as the threshold between Household and Group Living because this considers an allowance for some bedrooms to be occupied by related individuals while considering additional rooms being used for non-related individuals. It also corresponds to some recent smaller co-housing provided through the market where the individuals share a common space. The eight bedroom threshold was increased from six at the conclusion of discussion at the Planning and Sustainability Commission. It distinguishes the uses without relying on a count of the number of people living in a unit. It should be noted that this distinction may or may not line up with current building codes, and some 7 or 8 bedroom homes could require the application of our commercial building codes rather than residential building codes, potentially requiring of a fire suppression sprinkler system in the building. The reference to single room occupancy is being removed because the configuration of single room occupancy structures will fall under either the new Congregate Housing Facility structure type or as a larger dwelling unit under the Group Living use category. Note that the reference to "residential homes" remains as this is regulated at the State level as a household living use. These state distinctions are still based on number of residents/patients.

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

The reference to single room occupancy is removed for the reason stated in the commentary for 33.920.110.A above. The term "tenancy" is 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 removed 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 eliminated 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)**

This exception adds a reference to outdoor shelters.

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

This exception provides a cross reference for the Group Living use within larger dwelling units.

### 33.920.110 Household Living

- A. Characteristics.** Household Living is ~~characterized by the residential occupancy of a dwelling unit that contains eight 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 eight 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 eight bedrooms is classified as Group Living.

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## Commentary

### **33.920.410.B**

The reference to the term "transitional housing unit" as an accessory use to a college was initially implemented with the revisions for mass shelters in 2016, and it was intended to allow institutions to temporarily house individuals or households. However, with the expansion allowing various shelters as a temporary activity in 33.296, this reference to an accessory use is no longer needed. A new allowance for charitable meal service or food distribution is provided, as these are services that institutions often provide to those in need. This has been especially evident with the current epidemic.

### **33.920.420.A**

This change clarifies that the shelters within the Community Service use category do not require any minimum length of stay, and remove the word 'tenancy' which implies a landlord/tenant relationship. In addition, the use category includes outdoor shelters as a form of Community Service use.

### **33.920.420.B**

This change adds hygiene facilities to the list of allowed accessory uses. These facilities would likely be part of a shelter but could also be incorporated into other examples like community centers and social service facilities.

### **33.920.420.C**

These changes add outdoor shelters to the list of examples and replace "soup kitchens" with "charitable meal service or food distribution centers" in 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.**

The reference to the term "transitional housing unit" as an accessory use to a religious institution was initially expanded with the revisions for mass shelters in 2016, and it was intended to allow institutions to temporarily house individuals of households. However, with the expansion allowing various shelters as a temporary activity in 33.296, this reference to an accessory use is no longer needed. A new allowance for charitable meal service or food distribution is provided as these are services that institutions often provide to those in need, in addition to the usual food service that a church provides its congregants. This has been especially evident with the current epidemic.

Other changes include replacement of "group living facilities" with "congregate housing facilities" to be consistent with our changes in definitions. The current allowance for car camping is replaced with the term living in vehicles which is more consistent with the state law that allows religious institutions to offer overnight stays. State law caps the number of allowed vehicles at three. The 2021 Oregon Legislature may consider increasing this cap.

### **33.920.480.B.**

The reference to the term "transitional housing unit" as an accessory use to a school was initially implemented with the revisions for mass shelters in 2016, and it was intended to allow institutions to temporarily house individuals of households. However, with the expansion allowing various shelters as a temporary activity in 33.296, this reference to an accessory use is no longer needed. A new allowance for charitable meal service or food distribution is provided as these are services that institutions often provide to those in need. This has been especially evident with the current epidemic.

### 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.