

Regulatory Improvement Code Amendment Package 6

RICAP 6

City Council Public Hearing
June 4, 2014



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





Today's Objectives

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



Public Involvement

Published Public *Discussion Draft* on January 6, 2014

- 7 week review and comment period

Published *Proposed Draft* on March 21, 2014

- PSC Public Hearing April 22, 2014

Published *Recommended Draft* on May 19, 2014

Amendment Categories

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

RICAP 6 Item Number and Name	Proposed Amendment
Clarification Items	
15 Community cross-reference	Clarify that exterior finish material language more consistent.
16 Convenience Stores	Clarify the responsible party, notification procedures, and address changes in store ownership. Make Neighborhood Contact requirements more consistent.
17 Interior Parking Lot Landscaping configuration	Revise figure for better clarity.
19 Recreational Fields for Organized Sports, Conditional Use Threshold	Clarify that spectator seating is calculated separate from other exterior improvements for purposes of Conditional Use thresholds. Restructure chapter.
29 Plan Districts and Overlay Zones with Design Overlay Zone	Provide consistent references for when design review is required in the various plan districts and overlay zones.
30 Columbia South Shore – retail sales	Clarify limits for retail sales in EG2/G2 zones within the Columbia South Shore Plan District.
31 Columbia South Shore – truck parking in setback	Clarify that the Airport Way setback applies to heavy truck parking.
33 Land Division Approval Criteria in Potential Landslide Hazard Areas	Clarify that development on sites be located on areas rendered suitable to limit landslide risk. Clarify the circumstances under which any final plat can be voided.
34 Regulations in Effect at Application	Clarify that the section applies to all applications and addresses how newly adopted regulations are applied.
37 Historic Landmarks Commission and Design Commission membership	Correct membership number (from 8 to 7) to reflect current membership composition.
40 Missing information in Notice of Type III Decision	Add notification requirements for Type III decisions, consistent with other existing land use decision notices.
41 Conditional Uses – change within use category	Clarify what constitutes a change of use within the use category.
45 Comprehensive Plan Map Amendments	Correct the approval criteria for Comprehensive Plan Map amendments to include the requirement that the proposed map amendment must also be in conformance with Statewide Land Use Planning Goals.



Minor Policy Items

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

Radio Frequency Facilities (cell towers)

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



Temporary Activities

The amendments address:

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





Bank Restoration Standards

Allow bank restoration projects through a permit instead of environmental review





Revocable Permits

Treat Revocable Permits like non-conforming uses and development

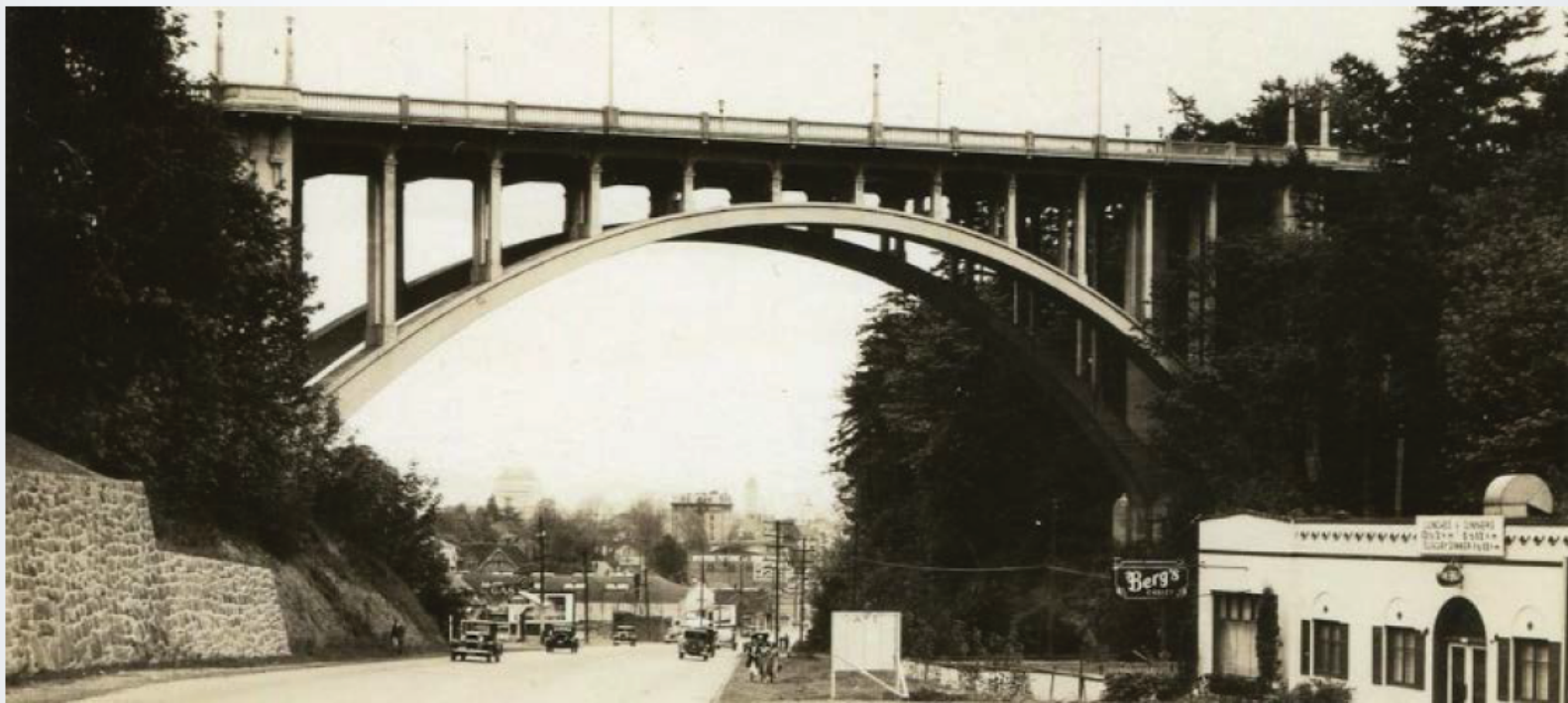


Public Art in lieu of Ground Floor Windows

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



Historic Resource Review in the Public Right-of-Way



Vista Bridge

Amendment Categories

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

RICAP 6 Item Number and Name	Proposed Amendment
Clarification Items	
15 Community cross-reference	Clarify that development on sites be located on areas rendered suitable to limit landslide risk. Clarify the circumstances under which any final plat can be voided.
16 Convenience Stores	Clarify that the section applies to all applications and addresses how newly adopted regulations are applied.
17 Interior Parking Lot Landscaping configuration	Correct membership number (from 8 to 7) to reflect current membership composition.
19 Recreational Fields for Organized Sports, Conditional Use Threshold	Add notification requirements for Type III decisions, consistent with other existing land use decision notices.
29 Plan Districts and Overlay Zones with Design Overlay Zone	Clarify what constitutes a change of use within the use category.
30 Columbia South Shore – retail sales	Clarify that the approval criteria for Comprehensive Plan Map amendments to include the requirement that the proposed map amendment must also be in conformance with Statewide Land Use Planning Goals
31 Columbia South Shore – truck parking in setback	
33 Land Division Approval Criteria in Potential Landslide Hazard Areas	
34 Regulations in Effect at Application	
37 Historic Landmarks Commission and Design Commission membership	
40 Missing information in Notice of Type III Decision	
41 Conditional Uses – change within use category	
45 Comprehensive Plan Map Amendments Added	

Accessory Short-Term Rentals





Short-Term Rental Internet Sites





Peer-to-Peer Rentals

Recommended Create New ShoutOut

- Cozy Condo 2BR with Parking!**
Portland, OR, United States
Add to Favorites
Bedrooms: 2
Total Guests: 4
Wifi
- Nice room in Deep SE Portland**
Portland, OR, United States
Add to Favorites
Total Guests: 2
Wifi
2 Stays
- NE-Historic Piedmont District**
Portland, OR, United States
Add to Favorites
Bedrooms: 4
Total Guests: 12
Wifi
- Mississippi Ave Basement Studio**
Portland, OR, United States
Add to Favorites
Studio
Total Guests: 2
Wifi
5 Stays
- Serene Studio , rec center, parking**
Portland, OR, United States
Add to Favorites
Studio
Total Guests: 2
Wifi
Certified

PROPERTY TYPE

- Apartment
- House
- Bedroom
- B&B
- Hostel
- Hotel

REFINE SEARCH

- Instantly Bookable
- # Bedrooms:
- Any
- Less than US\$50
- US\$50 - US\$100
- US\$100 - US\$200
- More than US\$200

AMENITIES

- Bed Linen & Towels
- Kitchen

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

Type II Conditional Use Review

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



Short-term rentals by the numbers...

1600

Portland listings on airbnb.com as of May 2014

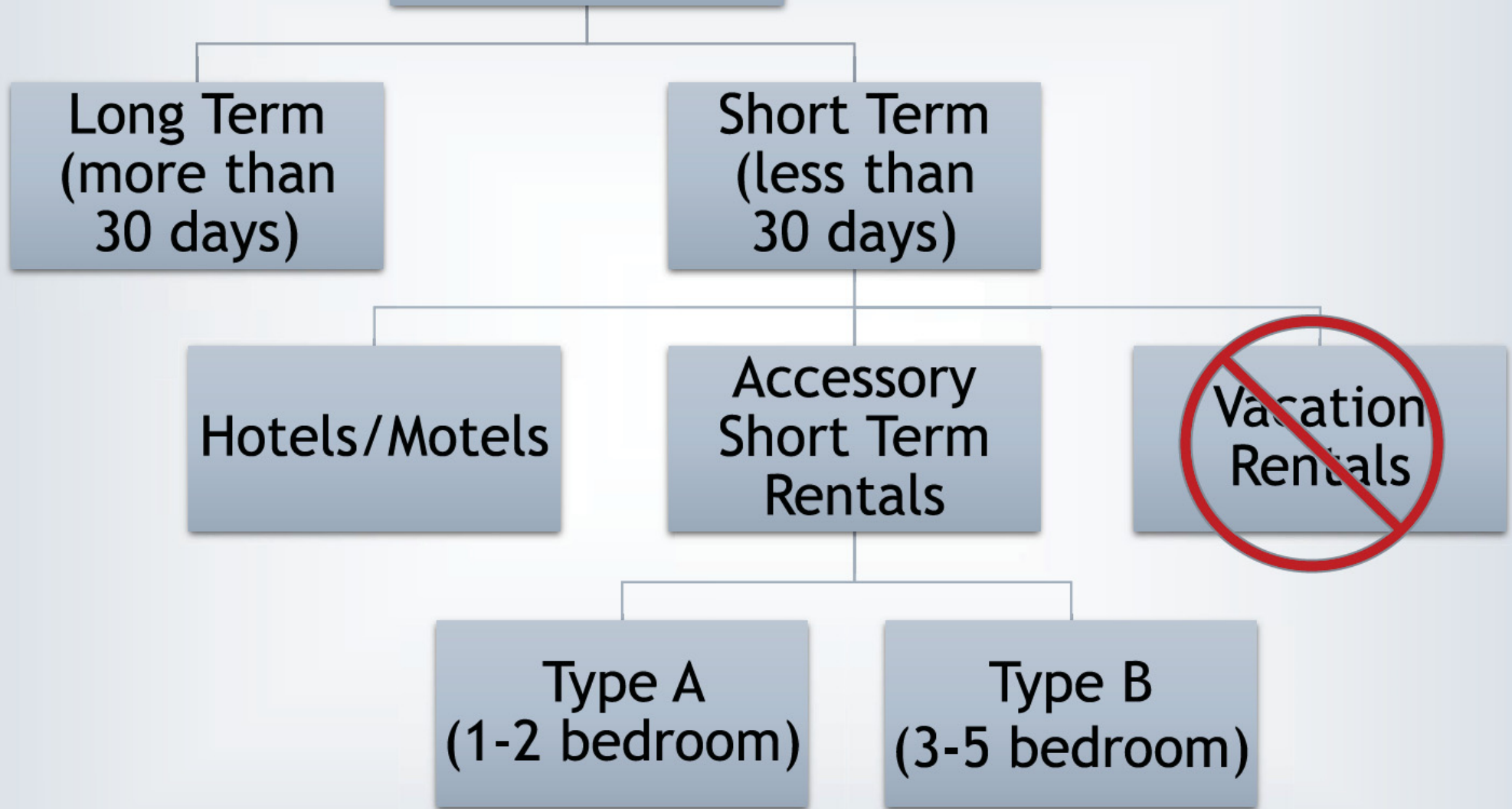
24

Bed & Breakfast facilities approved since 2004

27

STR code compliance cases in 2013

Rental Types



Proposed Type A Accessory Short-Term Rental Regulations

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

1. Accessory Use

Allow as accessory to residential use.

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



2. Building Type

Single-Dwelling Code

Building Code Occupancy – R3



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





2. Building Type

Multi-Dwelling Code

Building Code Occupancy – R2



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

2. Building Type

Commercial Code

Building Code Occupancy - R1



Change of occupancy from R2 to R1 requires:

- Architect's structural research and analysis
- Fire sprinklers
- New doors / windows
- "Rated" corridors

3. Bedroom Requirements

BDS will verify that bedrooms:

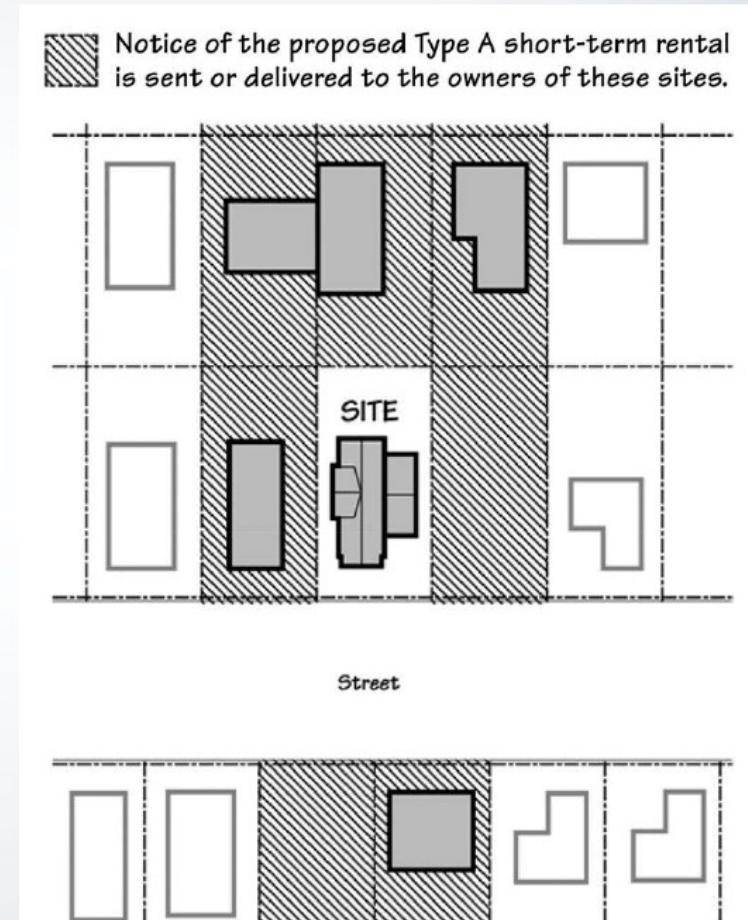
- Met the building code requirements for sleeping rooms at the time they were created or converted; and
- Have smoke detectors that are interconnected with smoke detectors in adjacent hallways.

4. Type A Accessory Short-Term Rental Permit

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

5. Required Notice

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



6. Number of Guests

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

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

Home Occupations, Employees, Meetings, and Gatherings

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



Recommendation

Approve both RICAP 6 Ordinances to:

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