33.229 Elderly and Disabled High Density Housing

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33.229.010 Purpose

These regulations provide opportunities to integrate housing for elderly and disabled citizens with other types of housing, and to increase the ability of the elderly and disabled to live independently and close to where services are generally available. The regulations allow increased density with special design and development standards in R3 through RH, C, IR, and EX zones. The regulations are intended only for new developments and projects that involve major remodeling.

33.229.020 Density Increase and Development Standards

A. R3, R2, R1, and IR zones. In the R3, R2, R1, and IR zones, there is no limit on density if all of the following are met:

1. The project complies with the development standards of the base zone, except for density and minimum parking requirements;
2. The project complies with the standards of this chapter; and
3. The lot is at least 10,000 square feet in area.

B. RH and EX zones. In the RH and EX zones, the project can develop to an FAR of 4 to 1 if all of the following are met:

1. The project complies with the development standards of the base zone, except for density and minimum parking requirements;
2. The project complies with the standards of this chapter; and
3. The lot is at least 10,000 square feet in area.

C. Commercial zones. In commercial zones, required parking may be reduced if all of the following are met:

1. The project complies with the development standards of the base zone, except for minimum parking requirements;
2. The project complies with the standards of this chapter; and
3. The site is at least 10,000 square feet in area.

33.229.030 General Requirements

A. Residential uses and structures. Only uses in the Household Living use category are allowed. Only structures with fully self-contained dwelling units are allowed.

B. Project eligibility. The elderly and disabled high density housing provisions are limited to new projects or to existing developments which undergo major remodeling.

C. Occupant restrictions. At a minimum, the units that are over the density allowed by the base zone must be restricted to occupancy by households with a disabled member, or with a member aged 55 years or older. These units are called the "units restricted by covenant" throughout this chapter. Additional units may be restricted by covenant in order to take advantage of the lower parking requirements or other provisions of this chapter.

D. Covenant. The property owner must execute a covenant with the City of Portland, specifying that the property owner will abide by the conditions listed below for the life of the project. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

1. Occupant restriction. Occupancy of a specified number of units will be restricted to households with a disabled member or with a member 55 years of age or older, as required in Subsection C. above.

2. Adaptable features. The property owner will submit a list of the adaptable features in the adaptable units to potential renters or buyers of the units. At a minimum the list will include the following features:

   a. Location of all adaptable features. The list must include a scale drawing of the location of all adaptable kitchen counters, cabinets, and grab bars; and

   b. Installation instructions, equipment, and parts. The list must include the location of the adaptable features, modification instructions, and the equipment and parts needed to adjust or install the features, or to modify the unit as listed in 33.229.040 E.

3. The owner will install equipment required by this chapter when renting to a tenant who requests the modifications. The owner will remove any adaptable features upon request. All modifications will be done at no expense to the renter or buyer.

4. When vacancies occur and there are no eligible applicants on a waiting list, the owner will advertise the units as being accessible and/or adaptable, as applicable.

33.229.040 Design Standards

A. Common Areas. All common areas in the project, including community rooms, laundry facilities, recreation rooms, and shared kitchen and toilet areas, must meet the physical access requirements of Chapter 11 of the Oregon Structural Specialty Code and must be along an accessible route from the sidewalk and parking area to all units restricted by covenant.

B. Individual Units.

1. At least 35 percent of all the units in the project must meet the requirements for Type A units in Chapter 11 of the Oregon Structural Specialty Code and must be along an accessible route from the sidewalk and parking area to all common areas. Any additional units above 35 percent that are restricted by covenant must also meet these requirements.

2. At least 25 percent of the units restricted by covenant must have at least one bedroom. The minimum bedroom size is 150 square feet, except for units that have two or more bedrooms. In this case, only one bedroom must meet this standard.

3. Exception. Projects that are restricted to occupancy by mentally disabled residents for the life of the project have lowered requirements for accessibility and adaptability. The restrictions can be in the form of funding restrictions or in the covenant with the City. In these cases, only 20 percent of the units restricted by covenant need to meet the requirements for Type A units in Chapter 11 of the Oregon Structural Specialty Code. The remaining units restricted by covenant may instead meet the ANSI 117.1 requirements for Type C units. In addition, only 20 percent of the parking spaces required by Subsection C. need to comply with the disabled parking standards.

C. Parking and passenger loading.

1. Motor vehicle parking.

   a. Generally. The minimum parking standard for units restricted by covenant is one space for every four units.

   b. Exception. Only one space for every eight units in the project is required when at least 75 percent of the total units are restricted by covenant to occupancy by elderly individuals.

   c. Parking for disabled persons. If parking is provided at a ratio of less than 1 space per unit, the number of parking spaces that must meet the parking standards for disabled persons (in the Oregon Structural Specialty Code) is calculated based on a ratio of 1 space per unit.

2. Bicycle parking.

   a. Generally. The project must meet the bicycle parking requirements of Chapter 33.266, Parking and Loading.

   b. Exception. The minimum required long-term bicycle parking for units restricted by covenant is one space for every eight units.

3. Passenger Loading. Each project must have at least one passenger loading area that complies with Chapter 11 of the Oregon Structural Specialty Code.

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177422, effective 6/7/03; Ord. No. 187216, effective 7/24/15.)