

Summary of S2HC Amendments Discussed by Council

Preliminary staff-prepared language follows below. Note that in some cases more than one amendment modifies the same section. Overlapping language will be reconciled prior to the final vote. **Shaded text** indicates the amendment. ~~Strikethrough~~ and underline marks changes from current code.

Updated 3/24/21

Topic	Amendment	Notes
Parks, Natural Areas and Open Spaces	1.1. Prohibit <u>temporary</u> shelter in natural area overlays in all zones	
	1.2. Limit <u>temporary</u> shelters in the OS zone to indoor mass shelters or to outdoor shelters in paved parking lots	
	1.3. Allow permanent shelters in OS via an act of Council	A. Through a Type 3 or 4 Conditional Use OR B. Alternatively, a directive to ID sites for future rezone
Shelters Generally	2.1. Rewording of Outdoor shelter definition for clarity	Technical fix
	2.2. Allow shelters without Conditional Use up to 20 beds on institutional sites in single-dwelling zones	
	2.3. Reduce site size standard for outdoor shelters to 3,000 sq. ft.	
	2.4. Drop 17.44 element	PBOT would carry this topic with a future Title 17 update. In the meantime 17.24 addresses this adequately.
RVs and Tiny Houses	3.1. Discuss RV/tiny houses on wheels element in future hearing	
Group Living	4.1. Clarify allowed building mass (FAR) for congregate structures in single dwelling zones	Technical fix
	4.2. Clarify outdoor area requirements for congregate structures	Technical fix
	4.3. Clarify parking requirements for congregate structures	Technical fix
	4.4. Clarify short term rental occupancy due to removal of household definition	Technical fix

1.1 SHELTERS - EXCLUDE NATURAL RESOURCE OVERLAYS

Prohibit the new non-emergency related temporary mass and outdoor shelter allowance from natural areas in all zones.

Amend 33.296.030.H:

H. Mass and outdoor shelters. Mass shelters and outdoor shelters are allowed as a temporary activity in all zones except for Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, and the Pleasant Valley Natural Resource overlay zone. The temporary shelter is allowed for up to 180 days within a calendar year.

Clarification related to permanent outdoor shelters, to make the list of excluded overlays match for both permanent and temporary shelters:

Amend 33.285.050.C.1:

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.

1.2 PROHIBIT TEMPORARY OUTDOOR SHELTERS IN THE OPEN SPACE ZONE EXCEPT ON PAVED PARKING AREAS

Amend the Shelter to Housing Continuum Project recommended code to prohibit non-emergency related temporary outdoor shelters from OS zones except in paved parking areas. Temporary outdoor shelters will continue to be allowed in other parts of the OS zones when City Council or the Mayor declares an emergency or activates the ECC.

Amend 33.296.030.H:

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 on a site with an institutional use. Within 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 in an existing paved parking area.**

Amend 33.296.040.B:

- B. Temporary activities may not cause the elimination of required off-street parking, except for outdoor shelters, and Farmers Markets. Required parking may be temporarily occupied by an outdoor shelter. Required parking may be temporarily occupied by a Farmers Market, as follows:**
 - 1. The market may occupy up to 3 required spaces or 30 percent of the required spaces, whichever is more; or**
 - 2. If the market occurs at a time other than a peak time for the primary use on the site, the market may occupy all of the required spaces. If this option is used, the operator of the market must keep an analysis on file. The analysis must document when the peak times are for the primary use, and the hours of operation (including set-up and take-down) for the market.**

1.3 ALLOW PERMINANT OUTDOOR SHELTERS IN THE OPEN SPACE ZONE THROUGH A COUNCIL ACTION

This is a staff recommended translation of the P:NW testimony, utilizing a Type 4 Conditional Use. The Council informally expressed a preference for Option B below.

Option A

Amend 33.100.100.B:

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 housingshelters and mass shelters are prohibited. Outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.

5.-7. [No change]

Amend 33.285.040.C:

C. Outdoor shelters.

1. OS zones.

a. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the OS zone.

b. Conditional use. Generally, outdoor shelters with 20 or fewer individual shelters in OS zones are a conditional use reviewed through the following procedures. Certain alterations to existing outdoor shelters may be allowed if they meet Subparagraph C.1.b(2). Approval criteria are in Section 33.815.100, Uses in the Open Space Zone. The outdoor shelter must also meet the standards of 33.285.050.

(1) New outdoor shelters. New outdoor shelters and alterations of outdoor shelters that do not meet Subparagraph C.1.b(2) are reviewed through a Type IV procedure.

(2) 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.

Option B

ID SURPLUS LAND FOR PERMINANT SHELTERS

This is a different approach to the P:NW testimony, using a directive outside of the Zoning Code to identify all surplus land that could be the subject of a future planning action. If any OS-zoned land was identified, a re-zoning action could be initiated with appropriate public involvement. This was informally identified as the preferred option.

Examine surplus city property for suitability for transitional shelter accommodations and affordable housing.

2.1 OUTDOOR SHELTERS – CLARIFY DEFINITION OF OUTDOOR SHELTER

This amendment revises the wording of the definition of outdoor shelter in both Title 33 and Title 30 to clarify that a vehicle can also be considered an individual shelter when part of any outdoor shelter. The wording in the Recommended Draft was unclear and could be read otherwise.

Existing Recommendation:

Outdoor Shelter. Individual tents, yurts, huts, cabins or other similar individual shelters that do not contain sanitary or cooking facilities, vehicles, and recreational vehicles with or without cooking and sanitary facilities, grouped together in an outdoor setting. The shelter is managed by a public agency or a nonprofit 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 shower facilities. See also Mass Shelter and Short Term Shelter.

Amended Language:

Amend 33.910.030:

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.

Amend 30.01.030:

Q. “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.

2.2 ALLOW SHELTERS ON INSTITUTIONAL SITES IN SINGLE DWELLING ZONES

Similar to the approach adopted in 2020 for affordable housing, this change would allow religious institutions and other similar institutional uses in single dwelling zones to host small shelters without a conditional use review. The example code amendment below addresses outdoor shelters. Similar language could be developed for indoor shelters if desired.

For reference, the current S2HC recommendation allows:

- *Indoor shelters as a Type 2 Conditional Use if on the site of an Institutional Use in single dwelling zones.*
- *Outdoor shelters with up to 20 individual shelters are a Type 2 Conditional Use if on the site of an institutional Use in single dwelling zones.*
- *Outdoor shelters with more than 20 individual shelters are prohibited in the single dwelling zones.*
- *Shelters serving domestic violence victims are allowed by right up to 3,500 square feet.*
- *Religious institutions are allowed to host a limited number of people camping in vehicles under Oregon Revised Statutes, Chapter 203, Section 08.*

Amend 33.285.040.C:

C. Outdoor shelters.

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 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.

2.4 OBSTRUCTIONS AND TEMPORARY ENCROACHMENTS IN THE ROW

This amendment deletes the recommended amendments to Title 17.44.B because there are some remaining technical issues that PBOT has raised with this section. PBOT will be embarking on a Title 17 code overhaul and will continue to examine that section as part of it. We are confident that this will not impact the City or County's ability to continue putting portable restrooms and sanitation services in the right of way via other existing code authorities.

In addition, this amendment will remove related references to the Title 17.44.B amendment from Vol. 1.

Delete recommended amendments to 17.44.B (the recommended amendments are show below for reference only)

~~(B. It is unlawful for any person to erect or cause to be erected any structure in, over or upon any dedicated street area, except that Director of the Bureau of Transportation may, based on findings of necessity, grant permission for walls, fences and steps, that otherwise comply with the Code of the City. Also, on buildings whose front is located on the property line, the Director of the Bureau of Transportation may allow decorative facings, certain types of utility meters, utility valves, and other utility appurtenances, to extend into the street area an amount that does not interfere with the public use of said street. The Director of the Bureau of Transportation, upon determining a public need for areas occupied by such walls, fences, steps, facings, or utility meter valves and other appurtenances, may revoke said permission and the property owner or utility will be required to remove them from the street area.~~

B. It is unlawful to place, or cause to be placed, any obstruction within, upon or above any dedicated street area unless the Director of the Bureau of Transportation has, based on findings of necessity, granted a revocable permit to allow:

1. Walls, fences and steps that otherwise comply with the Portland City Code,
2. Decorative facings on buildings that front on a property line,
3. Utility meters, utility valves, and other utility appurtenances that do not significantly interfere with public use of dedicated street area, or
4. Portable sanitation, health, hygiene, day storage, and kitchen facilities.

The Director of the Bureau of Transportation, upon determining a public need for a street area occupied by any of the above, may revoke a permit and the holder of the revoked permit will be required to remove all obstructions from the street area.)

2.3 MINIMUM SITE SIZE FOR OUTDOOR SHELTERS

Amend the Shelter to Housing Continuum Project recommended draft zoning code to reduce the minimum site size for an Outdoor Shelter from 5,000 to 3,000 square feet.

Amend 33.285.050.C.2:

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.

3.1 OCCUPIED RV OR TINY HOUSE ON WHEELS

Discuss RV/tiny houses on wheels element in future hearing to allow more public comment. The existing recommendations are shown for reference.

29.50.050 Illegal Residential Occupancy.

When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.

Residential occupancy of structures or spaces not intended for permanent residential use or occupancy is unlawful, including but not limited to structures placed, constructed or converted without permit; tents, campers, motor homes, recreational vehicles, and other vehicles.

A. Exceptions:

1. Individual sleeping accommodations within outdoor shelters legally established in conformance with Portland City Code Chapters 33.285 or 33.815, or allowed as temporary occupancies under Portland City Code Chapter 33.296;

2. Vehicles on institutional property as allowed by Oregon Revised Statutes, Chapter 203, Section 082;

3. Recreational vehicles within in a manufactured dwelling park or mobile home park as provided by Oregon Revised Statutes, Chapter 197, Section 493;

4. Motor homes and recreational vehicles within a recreational vehicle park allowed as a commercial use by Portland City Code Chapters 33.130 or 33.140; and

5. One occupied recreational vehicle provided:

a. The recreational vehicle is on a site with a house, attached house, or manufactured home. See Portland City Code Chapter 33.260.

b. The recreational vehicle is a travel trailer, park model recreational vehicle, camper or motor home.

c. A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump is provided on the site. A water connection and sanitary sewer dump is not required if the vehicle lacks internal plumbing.

6. Camping under emergency circumstances as authorized by Portland City Code Sections 14A.50.020 B., 33.296.030, or by declaration by the Mayor.

B. When a property has an illegal residential occupancy, the use shall be abated or brought into compliance with the current regulations for a space of the same occupancy.

Title 33 elements:

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.

4.1 GROUP LIVING – APPLY FAR TO CONGREGATE HOUSING FACILITIES IN SINGLE-DWELLING ZONES

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. The amendment was inadvertently left out of the Proposed Draft.

Amend 33.110.210.B:

- 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.

Amend Table 110-4:

Table 110-4 Summary of Development Standards In Single-Dwelling Zones						
Standard	RF	R20	R10	R7	R5	R 2 · 5
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [42] - 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 [23]	0.5 to 1 0.6 to 1 0.7 to 1 [23]	0.7 to 1 0.8 to 1 0.9 to 1 [23]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [42] - 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.

Minimum Setbacks - Front building setback - Side building setback - Rear building setback - Garage entrance setback (See 33.110.220)	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	15 ft. 5 ft. 5 ft. 18 ft.	10 ft. 5 ft. 5 ft. 18 ft.	10 ft. 0/5 ft. 5 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 - Minimum dimension (See 33.110.240 235)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.

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

[2] Including accessory dwelling units.

[23] Additional FAR and height may be allowed. See 33.110.265.F.

4.2 GROUP LIVING – CLARIFY OUTDOOR AREA REQUIREMENTS FOR CONGREGATE HOUSING FACILITIES IN MULTI-DWELLING AND COMMERCIAL MIXED-USE ZONES

Outdoor area requirements in the multi-dwelling and commercial mixed-use 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. The amendment was inadvertently left out of the Proposed Draft.

Amend 33.120.240.B:

- 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.

Amend 33.130.228.B.1:

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.

4.3 GROUP LIVING – CLARIFY PARKING REQUIREMENTS FOR GROUP LIVING USES

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 Group Living uses more like Household Living uses in single-dwelling zones and as such, this amendment aligns the minimum parking requirements for Household and Group Living uses in the single- zones. This amendment also eliminates a remaining reference to the SRO residential structure type and updates the minimum parking requirement for Group Living (when a conditional use is required) to relate to bedrooms rather than residents. Both of these changes are consistent with other changes recommended as part of the Shelter to Housing Continuum project.

Amend 33.266.110.B.2:

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.

Amend Table 266-2 (Residential Categories only):

Table 266-2 Parking Spaces by Use [2] (Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
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 residents bedrooms	None

4.4 ACCESSORY SHORT-TERM RENTAL

This amendment retains the limit on the number of guests allowed in a Type A accessory short-term rental (ASTR). The current code effectively limits the number of guests in Type A ASTR (i.e. renting no more than 2 bedrooms) to 5 by limiting the number of residents and guests to no more than is allowed for a household. The Shelter to Housing Continuum project is removing the definition of household, so the language for the number of guests allowed in a Type A ASTR needs to be revised to ensure that the current limit is continued.

Amend 33.207.040.B.5

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.



Bureau of Planning and Sustainability

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MEMO

DATE: March 9, 2021
TO: Commissioner Rubio
FROM: Eric Engstrom
SUBJECT: Shelter to Housing Continuum (S2HC) - Technical Amendments

This memo contains staff-recommended technical amendments for the Shelter to Housing Continuum Title 33, Title 30, and Title 17 code amendments. These amendments are necessary to clarify or add code language to carry out the policy decisions related to the Shelter to Housing Continuum code amendments. The amended code language is highlight through shaded text. In general, these amendments are intended to resolve technical issues discovered after publication of the Recommended Draft.

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use City TTY 503-823-6868, or Oregon Relay Service 711.

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Title 33 and Title 30 Technical Amendments

Item	Topic	Amendment
1	Group Living - Apply floor area ratios (FAR) to congregate housing facilities in single-dwelling zones	33.110.210.B: This amendment will assign an FAR maximum to sites with congregate housing facilities. This amendment addresses Title 33 code adopted with the Residential Infill Project. Without this amendment it may be unclear how to apply FAR to congregate housing facilities.
2	Group Living - Clarify the outdoor area requirements for congregate housing facilities	Ensure congregate housing facilities provide outdoor area in the multi-dwelling and commercial mixed-use zones. The removal of chapter 33.239 left us with an unintended gap regarding outdoor area standards that apply to congregate housing. This amendment adapts the current policy that housing should provide outdoor areas to the new code structure.
3	Group Living - Clarify parking requirements for Group Living uses	Do not apply a minimum parking space requirement to Group Living uses that are allowed by right in the single-dwelling zone. This puts Group Living at rough parity with Household Living with regard to parking standards. The Residential Infill project had abolished off-street parking requirements for Household Living.
4	Outdoor shelters - Clarify definition of outdoor shelter	Revise the definition of outdoor shelter to clarify that a vehicle can be considered an individual shelter when part of an approved outdoor shelter. This amendment affect both Title 33 and Title 30. This is a wording clarification.
5	Accessory short-term rental - Clarify the number of guests allowed	Ensure that no more than 5 guests are allowed in a Type A short-term rental. The elimination of the "Household" definition left BDS with a question about how to enforce one aspect of the short term rental regulations.
6	Obstructions and temporary encroachments in the ROW	Delete amendments to 17.44.B. PBOT has requested this element be pulled from the package for further discussion. They are planning a larger scale review of Title 17 and would like to consider this topic as part of that work.

ITEM #1

GROUP LIVING – APPLY FAR TO CONGREGATE HOUSING FACILITIES IN SINGLE-DWELLING ZONES

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. The amendment was inadvertently left out of the Proposed Draft.

Amend 33.110.210.B:

- 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.

Amend Table 110-4:

Table 110-4 Summary of Development Standards In Single-Dwelling Zones						
Standard	RF	R20	R10	R7	R5	R 2 . 5
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [12] - 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 [23]	0.5 to 1 0.6 to 1 0.7 to 1 [23]	0.7 to 1 0.8 to 1 0.9 to 1 [23]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [12] - 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.

Minimum Setbacks - Front building setback - Side building setback - Rear building setback - Garage entrance setback (See 33.110.220)	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft. 0/5 ft. 5 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 - Minimum dimension (See 33.110.240 235)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.

1 Including any site with a congregate housing facility.

2 Including accessory dwelling units.

3 Additional FAR and height may be allowed. See 33.110.265.F.

ITEM #2

GROUP LIVING – CLARIFY OUTDOOR AREA REQUIREMENTS FOR CONGREGATE HOUSING FACILITIES IN MULTI-DWELLING AND COMMERCIAL MIXED-USE ZONES

Outdoor area requirements in the multi-dwelling and commercial mixed-use 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. The amendment was inadvertently left out of the Proposed Draft.

Amend 33.120.240.B:

- 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.

Amend 33.130.228.B.1:

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.

ITEM #3

GROUP LIVING – CLARIFY PARKING REQUIREMENTS FOR GROUP LIVING USES

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 Group Living uses more like Household Living uses in single-dwelling zones and as such, this amendment aligns the minimum parking requirements for Household and Group Living uses in the single- zones. This amendment also eliminates a remaining reference to the SRO residential structure type and updates the minimum parking requirement for Group Living (when a conditional use is required) to relate to bedrooms rather than residents. Both of these changes are consistent with other changes recommended as part of the Shelter to Housing Continuum project.

Amend 33.266.110.B.2:

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.

Amend Table 266-2 (Residential Categories only):

Table 266-2 Parking Spaces by Use [2] (Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
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 residents bedrooms	None

ITEM #4

OUTDOOR SHELTERS – CLARIFY DEFINITION OF OUTDOOR SHELTER

This amendment revises the wording of the definition of outdoor shelter in both Title 33 and Title 30 to clarify that a vehicle can also be considered an individual shelter when part of any outdoor shelter. The wording in the Recommended Draft was unclear and could be read otherwise.

Amend 33.910.030:

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 shower facilities. See also Mass Shelter and Short Term Shelter.

Amend 30.01.030:

Q. “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 shower facilities. See also Mass Shelter and Short Term Shelter.

ITEM #5

ACCESSORY SHORT-TERM RENTAL

This amendment retains the limit on the number of guests allowed in a Type A accessory short-term rental (ASTR). The current code effectively limits the number of guests in Type A ASTR (i.e. renting no more than 2 bedrooms) to 5 by limiting the number of residents and guests to no more than is allowed for a household. The Shelter to Housing Continuum project is removing the definition of household, so the language for the number of guests allowed in a Type A ASTR needs to be revised to ensure that the current limit is continued.

Amend 33.207.040.B.5

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.~~

ITEM #6

OBSTRUCTIONS AND TEMPORARY ENCROACHMENTS IN THE ROW

This amendment deletes the recommended amendments to Title 17.44.B because there are some remaining technical issues that PBOT has raised with this section. PBOT will be embarking on a Title 17 code overhaul and will continue to examine that section as part of it. We are confident this will not impact the City or County's ability to continue putting portable restrooms and sanitation services in the right of way via other existing code authorities. Currently, PBOT permitting authority lies in PCC 17.24, which already allows for permitting facilities/structures that the 17.44 amendments were proposing. PBOT has and will continue to permit portable sanitation and hygiene stations, day storage units, and other structures/facilities.

Delete recommended amendments to 17.44.B (the recommended amendments are shown below for reference only)

~~(B. It is unlawful for any person to erect or cause to be erected any structure in, over or upon any dedicated street area, except that Director of the Bureau of Transportation may, based on findings of necessity, grant permission for walls, fences and steps, that otherwise comply with the Code of the City. Also, on buildings whose front is located on the property line, the Director of the Bureau of Transportation may allow decorative facings, certain types of utility meters, utility valves, and other utility appurtenances, to extend into the street area an amount that does not interfere with the public use of said street. The Director of the Bureau of Transportation, upon determining a public need for areas occupied by such walls, fences, steps, facings, or utility meter valves and other appurtenances, may revoke said permission and the property owner or utility will be required to remove them from the street area.~~

B. It is unlawful to place, or cause to be placed, any obstruction within, upon or above any dedicated street area unless the Director of the Bureau of Transportation has, based on findings of necessity, granted a revocable permit to allow:

1. Walls, fences and steps that otherwise comply with the Portland City Code,
2. Decorative facings on buildings that front on a property line,
3. Utility meters, utility valves, and other utility appurtenances that do not significantly interfere with public use of dedicated street area, or
4. Portable sanitation, health, hygiene, day storage, and kitchen facilities.

The Director of the Bureau of Transportation, upon determining a public need for a street area occupied by any of the above, may revoke a permit

and the holder of the revoked permit will be required to remove all obstructions from the street area.)