

City of Hood River, Oregon

Title 17 Code Amendments: Short-Term Rental (STR) Housing

April 7, 2016

INTRODUCTION

During the autumn of 2015, the Hood River City Council determined that it will regulate short-term rental (STR) housing. The City Council discussed a variety of approaches and took testimony from citizens and other interested parties before reaching general consensus on a framework for STR regulations. This framework was used as the basis for the City Council to initiate potential code amendments in accordance with HRMC 17.08.010 (Legislative Zone Changes and Plan Amendments). This initial draft was presented to the Planning Commission for public hearing.

The Planning Commission held a hearing. Public testimony was provided on February 29th, the record was kept open for written testimony through March 16th. The Planning Commission considered all of the public comment received to date and deliberated on March 21st. As a result of this deliberation the Planning Commission asked staff to prepare a revised draft for its consideration. The Planning Commission reviewed the revised draft at its continued hearing on April 4th and made additional changes. This following code amendments to Title 17 (Zoning) of the Hood River Municipal Code represent the Planning Commission's recommendation.

Key elements of the Planning Commission's recommendation include:

- Hosted Homeshares and Vacation Home Rentals are permitted in all residential and commercial zones, no neighborhoods are excluded.
- In residential zones (R-1, R-2 and R-3):
 - Hosted Homeshares and Vacation Home Rentals are only permitted when accessory to a residential use. The residential use of a property is established by the primary residency of an owner or a long-term renter. A primary residence is the one where the resident is registered to vote, is used as the primary residence for tax purposes, or similar proof that the residence is primary.
 - The transient rental of a primary residence is limited to 90 days in a calendar year.
- In commercial zones (C-1 and C-2):
 - There is no residency requirement.
 - There is no limit on the number of days a short-term rental can be rented.
- Existing non-conforming Homeshare and Vacation Home Rentals would not be required to come into compliance with the parking, primary residence, and number of day regulations for an amortization period of 5 years.

Proposed additions are shown in double underline, proposed deletions are shown in ~~strike through~~. The commentary is intended to provide some background regarding the amendments.

Draft Code Amendment	Commentary
<p>17.01.060 Definitions. As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section.</p> <p>BED AND BREAKFAST FACILITY means a single-family dwelling where travelers and/or guests are lodged for sleeping purposes, which conducts transient rental of rooms with or without a morning meal, and for which compensation is paid.</p> <p>BOARDING HOUSE, LODGING HOUSE, OR ROOMING HOUSE means a building where <u>the non-transient rental of lodging, with or without meals, is provided for compensation for to over five (5) people.</u> four (4) guests.</p> <p>DWELLING UNIT means a single unit providing complete, independent living facilities for one (1) or more person, including permanent provisions for living, sleeping, eating, cooking, and sanitation. <u>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.</u></p> <p>FAMILY means one (1) or more persons, excluding servants, related by blood, marriage, legal adoption, or legal guardianship, occupying a single non-profit housekeeping unit and using common housekeeping facilities; a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit and using common housekeeping facilities.</p> <p>GROUP RESIDENTIAL means residential occupancy of dwelling units by groups of more than five (5) persons who are not related by blood, marriage, legal adoption or legal guardianship, and where communal kitchen and dining facilities are provided. Typical uses include the occupancy of rooming, boarding houses, cooperatives, halfway houses, and intermediate care facilities.</p> <p><u>HOSTED HOMESHARE means the transient rental of a portion of a dwelling while the resident is present.</u></p> <p>HOSTEL means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a non-</p>	<p>B&B. Amendments intended to clarify that a B&B includes a morning meal (Hosted homeshares do not include a meal).</p> <p>Boarding House. Deleted archaic terms and the provision of meals. NOTE: to continue to allow meals (boarding house), code would need to include permitting and inspection requirements. Suggest changing from “host plus over 4 guests” to “over 5 people” for consistency with definition of “family”.</p> <p>Dwelling Unit. Clarify the existing definition.</p> <p>Family. No changes, included for reference only.</p> <p>Group Residential. Update terminology to Rooming House.</p> <p>Hosted Homeshare. New definition.</p> <p>Hostel. Add reference to ORS which is the source of the definition.</p> <p>Multi-Family Dwelling. No changes, included for reference only.</p>

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<p>profit organization that holds a valid exemption from federal income taxes under the federal law. <u>(See ORS 446.310.)</u></p> <p>MULTI-FAMILY DWELLING means a building designed or used exclusively for the occupancy of four (4) or more families living independently of each other and having separate housekeeping facilities.</p> <p>NON-RESIDENTIAL USE means an institutional use, public facility, or similar use in the residential (R-1, R-2, and R-3) zone.</p> <p><u>NON-TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.</u></p> <p>RESIDENTIAL OR RESIDENTIAL USE means the occupancy of <u>a dwelling unit living accommodations on a non-transient basis. Uses where tenancy is arranged on a transient basis are not considered residential.</u></p> <p><u>RESIDENTIAL DEVELOPMENT means single-family dwellings, manufactured home, duplexes, triplexes, townhouses, residential condominiums, multi-family dwellings, accessory dwelling units, group residential facilities, and similar structures. In some circumstances the use of residential development for non-residential uses may be approved.</u></p> <p>SINGLE-FAMILY DWELLING means a building designed or used exclusively for the occupancy of one (1) family and having housekeeping facilities for only one (1) family.</p> <p><u>Single-Family Dwelling, Detached (Detached Single Family Dwelling). A detached single-family dwelling unit located on its own lot.</u></p> <p>TOWNHOUSE means a single-family dwelling unit constructed as one (1) of a row of attached units separated by property lines with open space on at least two (2) sides.</p> <p><u>TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.</u></p> <p><u>VACATION HOME RENTAL means the transient rental of an entire dwelling unit.</u></p>	<p>Non-Residential Use. No changes, included for reference only.</p> <p>Non-Transient Rental. New definition.</p> <p>Residential Use. Update definition to be consistent with new non-transient rental definition.</p> <p>Residential Development. New definition is used to clarify where “residential” standards apply.</p> <p>Single-Family Dwelling. No changes, included for reference only. NOTE: current definition not limited to “residential” use.</p> <p>Single-Family Dwelling, Detached. New definition intended to clarify difference between detached and attached SF dwellings</p> <p>Townhouse. No changes, included for reference only.</p> <p>Transient Rental. New definition.</p> <p>Vacation Home Rental. New definition.</p>

Draft Code Amendment	Commentary
<p>17.03.010 Urban Low Density Residential Zone (R-1)</p> <p>A. Permitted Uses.</p> <p>1. <u>Detached single-family dwellings for residential use</u> and accessory structures</p> <p>2. Home Occupations</p> <p>3. <u>Manufactured homes for residential use</u></p> <p>4. Mobile home parks</p> <p>5. Family day care</p> <p>6. Residential care facilities</p> <p>7. Transportation facilities pursuant to 17.20.050(A)</p> <p>8. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review</p> <p>9. Accessory dwelling units</p> <p><u>7. Accessory uses permitted when accessory to residential use:</u></p> <p style="padding-left: 20px;"><u>a. Accessory dwelling units subject to HRMC 17.23</u></p> <p style="padding-left: 20px;"><u>b. Family day care subject to HRMC 17.04.100</u></p> <p style="padding-left: 20px;"><u>c. Home Occupations subject to HRMC 17.04.100</u></p> <p style="padding-left: 20px;"><u>d. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115</u></p> <p>B. Conditional Uses. In the R-1 zone the following uses are allowed subject to the provisions of Chapter 17.06:</p> <p>1. Planned unit-developments</p> <p>2. Schools and child care centers</p> <p>3. Public parks, playgrounds, and related facilities</p> <p>4. Utility or pumping substations</p> <p>5. Churches <u>Religious Institutions</u></p> <p>C. Site Development Requirements.</p> <p>1. Minimum Lot Size: The minimum lot or parcel size shall be 7,000 square feet.</p> <p>2. The minimum requirements for building sites are as follows:</p> <p style="padding-left: 20px;">a. Per dwelling, unit a minimum of 7,000 square feet.</p> <p style="padding-left: 20px;">b. A minimum frontage of fifty (50) feet on a dedicated public street.</p> <p style="padding-left: 20px;">c. A minimum frontage of thirty (30) feet on a public dedicated cul-de-sac.</p> <p>3. Lot Coverage: Pursuant to 17.04.120</p> <p>D. Setback Requirements. The minimum setback requirements shall be as follows:</p>	<p>List has been reorganized to clarify which uses are only permitted as accessory uses.</p> <p>A1. Adding “Detached” refers to new definition (one house on one lot). A1 and A2 - Adding the phrase “...for residential use” is intended to relate these building types to the definition of “residential use” which means non-transient.</p> <p>7d. Hosted homeshares and vacation home rentals have been added as new accessory uses allowed in accordance with new standards.</p> <p>B5. Suggest changing “churches” to “religious institutions” for consistency with terminology used in the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000</p>

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<p>1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.</p> <p>2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.</p> <p>3. Side yard/rear yard.</p> <p>a. No structure shall be placed closer than six (6) feet from the side property line.</p> <p>b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.</p> <p>c. No structure shall be placed closer than ten (10) feet from the rear property line.</p> <p>d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.</p> <p>E. Maximum Building Height. Thirty-five (35) feet for all uses except residential uses <u>development</u>; twenty-eight (28) feet for all residential uses <u>development</u>.</p> <p>F. Parking Regulations.</p> <p>1. Individual dwelling units shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be within the required front yard setback area.</p> <p>2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.</p> <p>3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:</p> <p>a. New construction</p> <p>b. Change of use</p> <p>c. New or expanded parking area</p> <p>G. Signs. All signs shall be in conformance with the sign regulations of this title.</p>	<p>E. Definition of “residential uses” refers to long-term occupancy; however, the height standards should apply regardless whether a house is used for residential or vacation home rental. To solve this issue, see new definition of “residential development”.</p>

Draft Code Amendment	Commentary
<p>17.03.020 Urban Standard Density Residential Zone (R-2)</p> <p>A. Permitted Uses.</p> <p>1. Detached single <u>Single</u> -family dwellings <u>for residential use</u> and accessory structures</p> <p>2. Duplexes <u>for residential use</u></p> <p>3. Home occupations</p> <p>3<u>4</u>. Manufactured homes <u>for residential use</u></p> <p>5. Bed and breakfast facilities</p> <p>4<u>6</u>. Mobile home parks</p> <p>7. Family day care</p> <p>5<u>8</u>. Residential care facilities</p> <p>6<u>9</u>. Group residential, if less than fifteen (15) persons</p> <p>7<u>10</u>. Transportation facilities pursuant to 17.20.050(A)</p> <p>8<u>11</u>. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review</p> <p>12. Accessory dwelling units</p> <p><u>9. Accessory uses permitted when accessory to residential use:</u></p> <p style="padding-left: 20px;"><u>a. Accessory dwelling units subject to HRMC 17.23</u></p> <p style="padding-left: 20px;"><u>b. Bed and breakfast facilities subject to HRMC 17.04.110</u></p> <p style="padding-left: 20px;"><u>c. Family day care subject to HRMC 17.04.100</u></p> <p style="padding-left: 20px;"><u>d. Home Occupations in accordance with HRMC 17.04.100</u></p> <p style="padding-left: 20px;"><u>e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115</u></p> <p>B. Conditional Uses.</p> <p>1. Planned unit developments</p> <p>2. Schools and child care centers</p> <p>3. Public parks, playgrounds, and related facilities</p> <p>4. Utility or pumping substations</p> <p>5. Churches <u>Religious institutions</u></p> <p>6. Townhouse projects <u>for residential use</u></p> <p>C. Site Development Standards. The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:</p> <p>1. Per dwelling unit or duplex, a minimum of 5,000 square feet.</p> <p>2. Per townhouse building, a minimum of 2,100 square feet.</p> <p>3. A minimum frontage of fifty (50) feet on a dedicated public street.</p>	<p>A. List has been reorganized to clarify which uses are only permitted as accessory uses.</p> <p>.</p> <p>A1. Adding “Detached” refers to new definition (one house on one lot).</p> <p>A1, A2 and A3 and B6 - Adding the phrase “...for residential use” to these uses is intended to relate these building types to the definition of “residential use” which means non-transient.</p> <p>9e. Hosted homeshares and vacation home rentals have been added as new permitted uses allowed in accordance with new standards.</p> <p>B5. Suggest changing “churches” to “religious institutions” for consistency with terminology used in the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000</p>

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<p>4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.</p> <p>5. Lot Coverage: Pursuant to 17.04.120</p> <p>D. Setback Requirements. The minimum setback requirements shall be as follows:</p> <ol style="list-style-type: none"> 1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street. 2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line. 3. Side yard/ rear yard. <ol style="list-style-type: none"> a. No structure shall be placed closer than five (5) feet from the side property line. b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line. c. No structure shall be placed closer than ten (10) feet from the rear property line. d. Projections may not encroach more than three (3) inches for each foot of required yard setback width. <p>E. Maximum Building Height. Thirty-five (35) feet for all uses except residential uses <u>development</u>; twenty-eight (28) feet for all residential uses <u>development</u>.</p> <p>F. Parking Regulations.</p> <ol style="list-style-type: none"> 1. Each dwelling unit shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be in the required front yard setback area. 2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area. 3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances: <ol style="list-style-type: none"> a. New construction b. Change of use c. New or expanded parking area 4. Bicycle parking as required by 17.20.040. <p>G. Signs. All signs shall be in conformance with the sign regulations of this title.</p>	<p>E. Definition of “residential uses” refers to long-term occupancy; however, the height standards should apply regardless whether a house is used for residential or vacation home rental. To solve this issue, see new definition of “residential development”.</p>

Draft Code Amendment	Commentary
<p>17.03.030 Urban High Density Residential Zone (R-3)</p> <p>A. Permitted Uses.</p> <ol style="list-style-type: none"> 1. Detached single <u>Single-family dwellings for residential use</u> and accessory structures 2. Duplexes and triplexes <u>for residential use</u> 3. Multi-family dwellings <u>for residential use</u>, subject to site plan review 4. Rooming and boarding houses 5. <u>Manufactured homes for residential use</u> 6. Home occupations 7. Bed and breakfast facilities 8. Mobile home parks 9. Family day care 610. Residential care facilities 711. Group residential, if fifteen (15) or more persons, subject to site plan review 812. Transportation facilities pursuant to 17.20.050(A) 913. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review 14. Accessory dwelling units 10. Accessory uses permitted when accessory to residential use: <ol style="list-style-type: none"> a. <u>Accessory dwelling units subject to HRMC 17.23</u> b. <u>Bed and breakfast facilities subject to HRMC 17.04.110</u> c. <u>Family day care subject to HRMC 17.04.100</u> d. <u>Home Occupations in accordance with HRMC 17.04.100</u> e. <u>Hosted homeshares and vacation home rentals subject to HRMC 17.04.115</u> <p>B. Conditional Uses.</p> <ol style="list-style-type: none"> 1. Hospitals, sanitariums, rest homes, nursing or convalescent home 2. Schools and child care centers 3. Public parks, playgrounds, and related facilities 4. Utility or pumping substations 5. Churches <u>Religious institutions</u> 6. Planned unit developments 7. Professional offices 8. Hostels 9. Townhouse projects <u>for residential use</u> 	<p>A. List has been reorganized to clarify which uses are only permitted as accessory uses.</p> <p>A1. Adding “Detached” refers to new definition (one house on one lot).</p> <p>Adding the phrase “...for residential use” to subsection A1 - A4 is intended to relate these building types to the definition of “residential use” which means non-transient.</p> <p>A4. Rooming and boarding houses are covered by the definition of Group Residential.</p> <p>10e. Hosted homeshares and vacation home rentals have been added as new accessory uses allowed in accordance with new standards.</p> <p>B5. Suggest changing “churches” to “religious institutions” for consistency with terminology used in the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000</p>

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<p>C. Site Development Standards. The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:</p> <ol style="list-style-type: none"> 1. Per dwelling unit or duplex, a minimum of 5,000 square feet. 2. Per townhouse building, a minimum of 2,100 square feet. 3. A minimum frontage of fifty (50) feet on a dedicated public street. 4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac. 5. Lot Coverage: Pursuant to 17.04.120 <p>D. Setback Requirements. The minimum setback requirements shall be as follows:</p> <ol style="list-style-type: none"> 1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street. 2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line. 3. Side yard/ rear yard. <ol style="list-style-type: none"> a. No structure shall be placed closer than five (5) feet from the side property line. b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line. c. No structure shall be placed closer than ten (10) feet from the rear property line. d. Projections may not encroach more than three (3) inches for each foot of required yard setback width. <p>E. Maximum Building Height. Thirty-five (35) feet for all uses except residential uses-development; twenty-eight (28) feet for all residential uses-development.</p> <p>F. Parking Regulations.</p> <ol style="list-style-type: none"> 1. Each dwelling unit shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be in the required front yard setback area. 2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area. 3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances: <ol style="list-style-type: none"> a. New construction b. Change of use 	<p>E. Definition of “residential uses” refers to long-term occupancy; however, the height standards should apply regardless whether a house is used for residential or vacation home rental. To solve this issue, see new definition of “residential development”.</p>

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<p>c. New or expanded parking area</p> <p>4. Bicycle parking as required by 17.20.040.</p> <p>G. Signs. All signs shall be in conformance with the sign regulations of this title.</p>	
<p>17.03.040 Office/Residential Zone (C-1)</p> <p>A. Permitted Uses.</p> <p>1. Detached single <u>Single</u> family dwellings <u>for residential use</u> and accessory structures</p> <p>2. Duplexes and triplexes <u>for residential use</u></p> <p>3. Rooming and boarding houses</p> <p>4. Manufactured homes</p> <p>5. Home occupation</p> <p>6. Bed and breakfast facilities</p> <p>7. Family day care</p> <p>8. Residential care facility</p> <p>9. Group residential, if less than fifteen (15) persons</p> <p>10. Transportation facilities pursuant to 17.20.050(A)</p> <p><u>11. Hosted homeshares subject to Section 17.04.115</u></p> <p><u>12. Vacation home rentals subject to Section 17.04.115</u></p> <p>B. Permitted Uses Subject to Site Plan Review.</p> <p>1. Professional offices</p> <p>2. Change of use</p> <p>3. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces</p> <p>4. Multi-family dwellings <u>for residential use</u></p> <p>5. Group residential, if fifteen (15) or more persons</p> <p>6. Transportation facilities pursuant to 17.20.050(B)</p> <p>C. Conditional Uses.</p> <p>1. Hospitals, sanitariums, rest homes, nursing or convalescent homes</p> <p>2. Schools and child care centers</p> <p>3. Public parks, playgrounds and related facilities</p> <p>4. Utility or pumping substations</p> <p>5. Churches <u>Religious institutions</u></p> <p>6. Planned unit developments</p>	<p>A1. Adding “Detached” refers to new definition (one house on one lot).</p> <p>A1, A2 and B4 and C9 - Adding the phrase “...for residential use” to subsection is intended to relate these building types to the definition of “residential use” which means non-transient.</p> <p>A3. Rooming and boarding houses are covered by the definition of Group Residential.</p> <p>A11-12. Hosted homeshares and vacation home rentals have been added as new permitted uses allowed in accordance with new standards. They are not required to be accessory to a residential use in the commercial zones.</p> <p>C5. Suggest changing “churches” to “religious institutions” for consistency with terminology used in the land use provisions of the Religious Land Use and</p>

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<p>7. Public facilities and uses</p> <p>8. Hostels</p> <p>9. Townhouse projects <u>for residential use</u></p> <p>D. Site Development Requirements.</p> <p>1. Minimum Lot Area: Per dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.</p> <p>2. Minimum Townhouse Lot Area: A minimum of 5,000 square feet for the first two (2) residential units and 1,500 square feet each for any additional residential units.</p> <p>3. Minimum Frontage:</p> <p>a. Fifty (50) feet on a dedicated public street, or</p> <p>b. Thirty (30) feet on a public dedicated cul-de-sac.</p> <p>E. Setback Requirements.</p> <p>1. Professional offices: The standards outlined in the R-3 zone apply.</p> <p>2. Residential <u>development uses</u> or a combination of professional offices and residential <u>development uses</u>: The standards outlined in the R-3 zone apply.</p> <p>F. Maximum Building Height. Thirty-five (35) feet.</p> <p>G. Parking Regulations.</p> <p>1. Professional Offices:</p> <p>a. One (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.</p> <p>b. In no case shall there be less than two (2) off-street parking spaces.</p> <p>c. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.</p> <p>d. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance</p>	<p>Institutionalized Persons Act of 2000</p> <p>E. Definition of “residential uses” refers to long-term occupancy; however, the setback standards should apply regardless whether a house is used for residential or vacation home rental. To solve this issue, see new definition of “residential development”.</p>

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<p>with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.</p> <p>2. Residential <u>Development</u> Uses:</p> <p>a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.</p> <p>b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.</p> <p>c. Required setback areas may be utilized for off-street parking for multi-family dwellings.</p> <p>d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.</p> <p>3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:</p> <p>a. New construction</p> <p>b. Change of use</p> <p>c. New parking area</p> <p>4. Bicycle parking as required by 17.20.040.</p> <p>H. Lighting. Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.</p> <p>I. Signs. All signs shall be in conformance with the sign regulations of this title.</p> <p>J. Landscaping. All landscaping shall be in conformance with the landscape standards in this title.</p>	<p>G2. Definition of “residential uses” refers to long-term occupancy. Use of this term works here as other “uses” of residential developments (e.g., vacation home rentals) will be subject to their own parking standards.</p>

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<p>17.03.050 General Commercial Zone (C-2)</p> <p>A. Permitted Uses. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed in the C-2 Zone:</p> <ol style="list-style-type: none"> 1. Rooming and boarding houses 2. Home occupations 3. Bed and breakfast 4. Family day care 5. Residential care facility 6. Group residential, if less than 15 persons 7. Transportation facilities pursuant to 17.20.050(A) 8. Accessory dwelling units 9. <u>Residential use of existing detached single-family dwellings, manufactured homes, duplexes and triplexes</u> 10. <u>Hosted homeshares subject to Section 17.04.115</u> 11. <u>Vacation home rentals subject to Section 17.04.115</u> <p>B. Permitted Uses Subject to Site Plan Review. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed in the C-2 Zone subject to Site Plan Review:</p> <ol style="list-style-type: none"> 1. Commercial uses 2. Industrial uses incidental and essential to an on-site commercial use (Refer to the section below, “K”) 3. Change of use 4. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces 5. Multi-family dwellings <u>for residential use</u>, with a minimum density of 11 units/net acre. 6. Group residential, if fifteen (15) or more persons 7. Transportation facilities pursuant to 17.20.050(B) 8. Professional Office and Office Uses. 9. <u>Hostels</u> <p>C. Conditional Uses. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed with a conditional use permit in the C-2 Zone:</p> <ol style="list-style-type: none"> 1. Residential uses <u>development</u>, excluding multi-family, subject to the following: a) 	<p>A9. Clarified that existing detached SF dwellings, duplexes and triplexes can be used for residential. New dwellings, other than MF, are subject to a CU/PUD per the current requirements.</p> <p>A10-11. Added new hosted homeshare and vacation home rental as a permitted uses. They are not required to be accessory to a residential use in the commercial zones.</p> <p>B5. Adding the phrase “...for residential use” is intended to relate this building type to the definition of “residential use” which means non-transient.</p> <p>B9. Moved hostels from CU to SPR to be consistent with hotel/motels which are commercial uses.</p> <p>C. Definition of “residential uses” refers to long-term occupancy; however, the CU/PUD requirement applies whether a house is used for residential or</p>

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<p>shall be reviewed through the Planned Unit Development (PUD) process; b) PUD common open space criterion is not applicable; and c) shall achieve a minimum of 11 units/net acre.</p> <p>2. Residential uses <u>development</u> a minimum of 11 units/acre in conjunction with commercial uses on the same lot or parcel.</p> <p>3. Hospitals, sanitariums, rest homes, nursing or convalescent home</p> <p>4. Schools and day care facilities</p> <p>5 Public parks, playgrounds, and related facilities</p> <p>6. Utility or pumping substations</p> <p>7. Churches</p> <p>8. Commercial Uses on parcels of more than 1.5 acres.</p> <p>9. Public facilities and uses</p> <p>10. Hostels</p>	<p>vacation home rental. To solve this issue, see new definition of “residential development”.</p> <p>C10. Moved hostels from CU to SPR to be consistent with hotel/motels which are commercial uses.</p>
<p>D. Special Restrictions on development in the C-2 Zone within the Waterfront Area. The Waterfront Area, as defined in Section 17.01.060, includes certain development restrictions that apply in addition to and supersede the regulations that apply in the C-2 Zone generally. Uses generally allowed outright, subject to site plan review and conditionally in the Waterfront Area are those set forth in Subsections A, B and C, respectively, except that all of the following additional restrictions apply to development within the Waterfront Area, none of which are eligible for a variance under HRMC Chapter 17.18:</p> <p>1. Residential uses <u>development</u> is are prohibited unless combined with commercial uses in the same structure, i.e, must be mixed use; all such development that includes a residential component requires a conditional use permit.</p> <p>2. There is no minimum required residential density in the C-2 Zone within the Waterfront Area.</p> <p>3. No more than 50% of the gross floor area of any building may be devoted to residential <u>development</u> use, and the building primary use shall be commercial, not residential.</p> <p>4. No residential <u>development</u> use is allowed on the ground floor, and no more than 50% of the ground floor may be used for parking.</p> <p>5. For any residential <u>development</u> uses approved in the C-2 Zone within the Waterfront Area, a deed restriction, in a form acceptable to the city attorney, shall be recorded with title to the residential property that precludes any residential owner, lessee or guest from objecting to normal and customary commercial, recreational or light industrial uses (including operation of the city’s wastewater</p>	<p>D. Definition of “residential uses” refers to long-term occupancy; however, these restrictions apply whether a house/condo is used for residential or vacation home rental. To solve this issue, see new definition of “residential development”.</p>

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<p>treatment plant) and any impacts there from, such as noise, dust, glare, odors, hours of operation, truck traffic, parking and the like.</p> <p>6. The City may impose reasonable conditions on the approval of any residential development use in the C-2 Zone within the Waterfront Area to ensure compliance with these special restrictions.</p> <p>E. Site Development Requirements.</p> <ol style="list-style-type: none"> 1. Minimum Lot Area: None. 2. Minimum Frontage: <ol style="list-style-type: none"> a. Fifty (50) feet on a dedicated public street or b. Thirty (30) feet on a public dedicated cul-de-sac. <p>F. Setback Requirements. The minimum setback requirements shall be as follows:</p> <ol style="list-style-type: none"> 1. Front - not required. 2. Side and rear - not required except in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two (2) stories. <p>G. Maximum Building Height.</p> <ol style="list-style-type: none"> 1. Thirty-five (35) feet for residential development use. 2. Forty-five (45) feet for commercial use or for mixed commercial and residential development use. 3. No commercial structure shall exceed a height of forty-five (45) feet. 	<p>G. Definition of “residential uses” refers to long-term occupancy; however, these restrictions apply whether a house/condo is used for residential or vacation home rental. To solve this issue, see new definition of “residential development”.</p>
<p>H. Parking Regulations.</p> <ol style="list-style-type: none"> 1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. 2. In no case shall there be less than two (2) off-street parking spaces. 3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24. 4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this 	

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<p>section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.</p> <p>5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:</p> <ul style="list-style-type: none"> a. New construction b. Change of use c. New parking area <p>6. All residential uses <u>development</u> shall comply with the off-street parking standards as follows, unless exempt above:</p> <ul style="list-style-type: none"> a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area. b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site. c. Required setback areas may be utilized for off-street parking for multi-family dwellings. d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas. e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities. <p>7. Bicycle parking as required by 17.20.040.</p> <p>I. Lighting. Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.</p> <p>J. Signs. All signs shall be in conformance with the sign regulations in this title.</p> <p>K. Landscaping. All landscaping shall be in conformance with the landscaping standards in this title.</p> <p>L. Manufacturing.</p>	<p>H6. Definition of “residential uses” refers to long-term occupancy. Use of this term works here as other “uses” of residential developments (e.g., vacation home rentals) will be subject to their own parking standards.</p>

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<p>*** M. Commercial buildings between 25,000 square feet and 50,000 square feet. ***</p>	
<p>17.04.110 Bed and Breakfast Facilities. Bed and Breakfast facilities are permitted in the Urban Standard Density Residential (R-2), Urban High Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2). A. Review Procedures. 1. Applications: Applications for Bed and Breakfasts Permits shall be accompanied by a plot plan drawn to scale indicating the location of existing or proposed structures, number of guests or bedrooms, and location of the required off-street vehicle parking. 2. Review: Where permitted, Bed and Breakfast facilities are permitted outright as accessory uses, and as such shall be processed as administrative actions, per the Administrative Actions provisions (Section 17.09.030), and approved, approved with conditions, or denied by the Director. B. Approval Standards. 1. The structure shall retain the characteristics of a single-family dwelling. 2. The number of guestrooms shall be limited to five (5). The number of guests shall be limited to ten (10). 3. In addition to required off-street parking for the residential use, one (1) hard surfaced off-street parking space shall be provided for each bed and breakfast guestroom. Parking areas shall not be located in the front yard. Parking areas may be adjacent to the Bed and Breakfast establishment. Alternative parking plans that meet the requirements of this chapter may be approved by the Planning Director. 4. Signs shall be limited to one (1) non-illuminated sign not exceeding one and one-half (1½) square feet. No off-premises signs are permitted. 5. A bed and breakfast facility shall be subject to the Hotel Tax pursuant to Chapter 5.09 of the Hood River Municipal Code. Where a morning meal is provided as part of the guest room charges, the hotel tax will be imposed on eighty percent (80%) of the rent charged by the bed and breakfast operator. 6. A bed and breakfast facility shall be subject to approval by the County Health Officer, the City Fire Marshal, and the City Building Official. 7. The bed and breakfast facility shall be owner or manager occupied. C. Time Limit. A bed and breakfast facilities permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.</p>	<p>City's existing B&B standards are included here for comparison. No changes are proposed.</p>

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<p><u>17.04.115 Hosted Homeshares and Vacation Home Rentals</u> <u>Existing dwelling units may be used as hosted homeshares or vacation home rentals in the Urban Low Density Residential Zone (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2).</u></p> <p><u>A. License Required.</u> <u>1. Persons operating a hosted homeshare or vacation home rental shall obtain a short-term rental operating license pursuant to Chapter 5.10 of the Hood River Municipal Code.</u></p> <p><u>B. Use Restrictions – All Zones.</u> <u>1. The room(s) for transient rental shall not include rooms within a detached or attached accessory dwelling unit or within a recreational vehicle, travel trailer, or tent or other temporary shelter.</u> <u>2. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.</u> <u>3. One (1) hard surfaced off-street parking space shall be provided for every two guestrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.</u></p> <p><u>C. Additional Use Restrictions – Residential Zones (R-1, R-2 and R-3)</u> <u>1. Hosted homeshares and vacation home rentals are only permitted as an accessory use to an existing residential use. For the purposes of this section, the residential use of a property shall be established through its continued use as the primary residence of an owner or a long-term renter. A primary residence is the one where the resident is registered to vote or is used as the primary home for tax purposes. Similar proof that a dwelling unit is a resident’s primary residence may be provided.</u></p>	<p>New code standards apply to Hosted Homeshare (HH) and Vacation Home Rental (VHR).</p> <p>B1. ADU are currently prohibited from being used as short-term vacation rentals per Ch. 17.23.</p> <p>B3. The parking requirement has been updated to reflect the PC’s direction.</p> <p>C1. The Planning Commission recommends that HHs and VHRs only be allowed in a primary residence in the residential zones.</p>

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<p><u>2. The accessory use of a primary residence as a hosted homeshare or vacation home rental is limited to a total of ninety (90) days per calendar year.</u></p> <p><u>D. Prior Existing (Nonconforming) Use. Except as provided in subsection D5, any hosted home share or vacation home rental lawfully established and actually in existence prior to the effective date of this 2016 ordinance may continue as a legal nonconforming use until 5 years from the adoption date of this ordinance (the “amortization period”), at which time use of the property shall come into full compliance with the then-applicable provisions of this HRMC Title 17. For purposes of hosted home share and vacation home rentals, the nonconforming use provisions in HRMC Chapter 17.05 (Nonconforming Uses and Structures) shall apply except as specifically modified in this section:</u></p> <p><u>1. A hosted home share or vacation home rental in the R-1, R-2 and R-3 zones shall be deemed to be lawfully established and actually in existence if, at any time between January 1, 2013 and the effective date of this 2016 ordinance all of the following occurred:</u></p> <p><u>a. The home was actually used as a hosted home share or vacation home rental as defined in HRMC 17.01.060;</u></p> <p><u>b. The owner obtained from the City a Certificate of Authority to Collect Transient Room Tax; and</u></p> <p><u>c. The owner actually paid a Hotel Tax to the City pursuant to HRMC Chapter 5.09.</u></p> <p><u>2. The proponent of the nonconforming use status of a hosted home share or vacation home rental has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted home share or vacation home rental.</u></p> <p><u>3. In addition to proving the elements of a nonconforming hosted home share or vacation home rental as described in subsection D1 of this section, to maintain that status, the owner shall obtain a Short Term Rental Operating License under HRMC Chapter 5.09 within 60 days of the effective date of this 2016 Ordinance and maintain in good standing that License for the duration of the amortization period provided in this section. Failure to maintain the Short Term Rental Operating License in good standing for the duration of the amortization period shall result in the immediate termination of any nonconforming use status the home may otherwise have had by operation of law and without the need for any action by the City. The non-conforming use status provided for herein does not transfer with</u></p>	<p>C2. The Planning Commission recommended a 90 day limit in residential zones.</p> <p>D. This section is intended to allow the amortization of existing HHs and VHRs which may be non-conforming with the parking, primary residence, or 90 day limit.</p> <p>D1. The Planning Commission recommended a window of 1/1/13 to 12/31/15; however the City Attorney suggests that the “effective date of the ordinance” would be the more appropriate end date.</p> <p>This section will work in conjunction with the licensing renewal requirements in Title 5 to require that existing HH and VHRs remain in good standing to maintain their license, and thus remain in compliance with this section.</p> <p>D3. As drafted existing nonconforming HHs and VHRs will have 60 days to obtain a license.</p>

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<p><u>title to the property.</u></p> <p><u>4. A valid non-conforming hosted home share or vacation home rental under this subsection D may be nonconforming with regard to subsection 17.04.115.B.3, C.1 and C.2 requirements provided that the extent of the non-conformity is limited to the maximum number of nights of transient rental which previously occurred in any one of the following calendar years: 2013, 2014 or 2015.</u></p> <p><u>5. In the event that the amortization period provided for herein is insufficient compensation for a property owner to recoup his or her reasonable investment in the property's use as a transient rental (i.e., hosted home share or vacation home rental), such a property owner shall apply for and seek additional or other compensation from the City by providing documentation of the owner's reasonable investments in the nonconforming use of the property exclusively for its use as a transient rental that exceed the value that can be recouped by continued transient rental use of the property for the amortization period and which cannot be put to any other economically viable use of the property.</u></p>	<p>D4. As written, this section allows uses to be non-conforming with B3 (parking) and C1 (primary residence) and C2 (90 days). Compliance with other standards (e.g., occupancy) would be required.</p> <p>D5. As requested by the Planning Commission, the City Attorney has provided language outlining a process by which property owners can extend the amortization period.</p>
<p>CHAPTER 17.23 ACCESSORY DWELLING UNITS (ADU)</p> <p>17.23.010 General Requirements</p> <p>A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted by this chapter in the R-1, R-2, R-3, C-1 and C-2 Zones.</p> <p>B. Only one ADU may be created per parcel or ownership accessory to a single-family dwelling (no townhouse or duplex).</p> <p>C. An application for an ADU shall be processed as a ministerial decision.</p> <p>D. Only the property owner, which includes title holders and contract purchasers, may apply for an ADU. The property owner must occupy the primary dwelling or the ADU as their principal residence for at least six months out of the year (case by case basis for exceptions). A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies either the main dwelling or the ADU and shall show proof of a 12 month lease for the ADU occupant.</p> <p>E. The ADU occupant shall provide proof that at least one occupant is locally employed (Gorge – Hood River, Wasco, Skamania, and Klickitat counties), a relative or on a local assistance program for the rent.</p> <p>F. One off-street parking space shall be provided in addition to the off-street parking that is required for the primary dwelling pursuant to this Title. If the</p>	

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<p>existing dwelling does not currently have the two required spaces, only the one for the ADU will be required. In no case shall the residential parking requirement be diminished to provide the ADU parking.</p> <p>G. ADU's shall contain 800 square feet or less.</p> <p>H. All other applicable standards including, but not limited to, setbacks must be met.</p> <p>I. Upon sale of the property, a new owner shall be required to reregister the ADU, paying a reauthorization fee set by resolution of City Council.</p> <p>J. If a garage or detached building does not currently meet setbacks, it may not be converted to an ADU.</p> <p>K. All applicable standards in the City's building, plumbing, electrical, fire and other applicable codes for dwelling units must be met.</p> <p>L. The owner of the property shall accept full responsibility for sewer and water bills.</p> <p>M. An ADU may not be used as a <u>hosted homeshare or vacation home rental</u> short term, vacation rental.</p> <p>N. The application and permit fee for an ADU shall be 1% of the building permit fee plus an amount to be set by resolution of the City Council.</p> <p>O. Beginning January 1st of each year the City will undertake an annual review of ADU permits to ensure compliance.</p>	<p>M. ADUs are currently prohibited from being used as short-term vacation rentals. Proposed amendments would update terminology to refer to hosted homeshares and vacation home rentals.</p>