

33.207 Accessory Short-Term Rentals

207

Sections:

- 33.207.010 Purpose
- 33.207.020 Description and Definitions
- 33.207.030 Where These Regulations Apply
- 33.207.040 Type A Accessory Short-Term Rentals
- 33.207.050 Type B Accessory Short-Term Rentals
- 33.207.060 Monitoring
- 33.207.070 Pre-Established Bed and Breakfast Facilities

33.207.010 Purpose

This chapter provides standards for the establishment of accessory short-term rentals. The regulations are intended to allow for a more efficient use of residential structures, without detracting from neighborhood character, and ensuring that the primary use remains residential. In some situations, the operator can take advantage of the scale and architectural or historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

33.207.020 Description and Definitions

- A. Description.** An accessory short-term rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. There are two types of accessory short-term rental:
 - 1. Type A. A Type A accessory short-term rental is where no more than 2 bedrooms are rented to overnight guests.
 - 2. Type B. A Type B accessory short-term rental is where 3 or more bedrooms are rented to overnight guests.
- B. Definitions.** For the purposes of this chapter, the following words have the following meanings:
 - 1. Resident. The individual or family who resides in the dwelling unit. The resident can be the owner or a long-term renter.
 - 2. Operator. The resident or a person or entity that is designated by the resident to manage the accessory short-term rental.

33.207.030 Where These Regulations Apply

- A.** Except as follows, the regulations of this chapter apply to accessory short-term rentals in all zones.

- B.** In zones where Retail Sales And Service uses are allowed, limited or conditional uses, the following applies:
1. In multi-dwelling and campus institutional zones, accessory short-term rentals may be regulated either as a Retail Sales And Service use, or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.
 2. In commercial/mixed use, employment, and industrial zones the following applies:
 - a. Type A accessory short-term rentals. Type A accessory short-term rentals may be regulated as either a Retail Sales and Service use or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.
 - b. Type B accessory short-term rentals. The Type B accessory short-term rental regulations do not apply in the commercial, employment and industrial zones. Accessory short-term rentals where 3 or more bedrooms are rented to overnight guests are regulated as a Retail Sales and Service use.

33.207.040 Type A Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type A accessory short-term rental must be accessory to a residential use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .040.B.2 or .040.B.3, the bedrooms rented to overnight guests must be within the dwelling unit that the resident occupies.
2. Permit required. A Type A accessory short-term rental requires a Type A accessory short-term rental permit consistent with Subsection 040.C.
3. Allowed structure type. A Type A accessory short-term rental is allowed in all residential structure types when accessory to a residential use.
4. Cap. The number of dwelling units in a multi-dwelling structure, triplex, fourplex, or cottage cluster that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure or on the site, whichever is greater.
5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

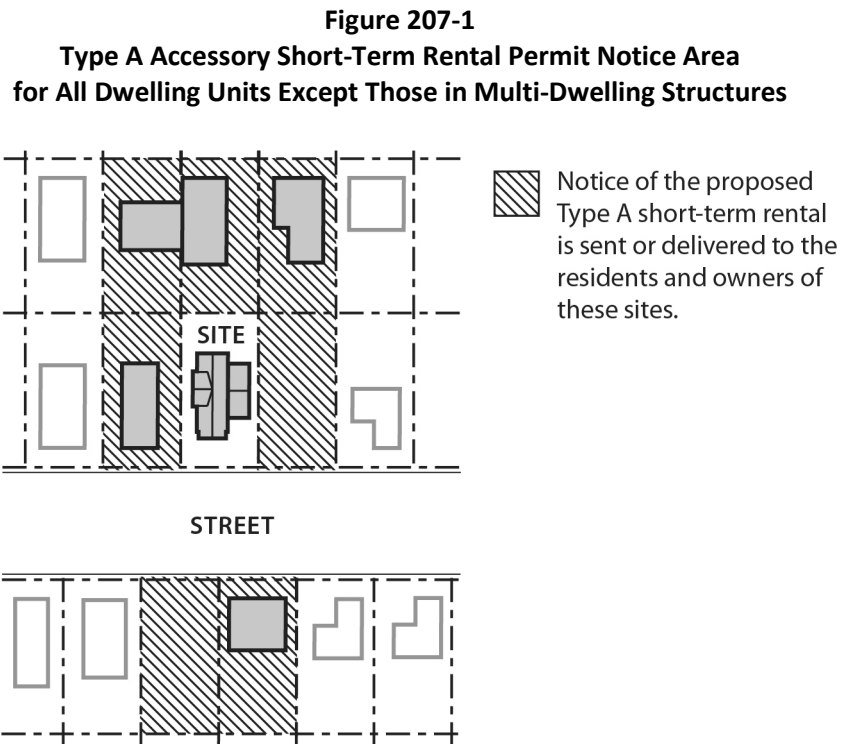
B. Standards. The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:

1. Maximum size. A Type A accessory short-term rental is limited to renting a maximum of 2 bedrooms to overnight guests.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling

unit, but the maximum number of bedrooms on the site that can be rented to overnight guests is 2.

3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
 4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
 5. Number of guests. The maximum number of guests occupying a Type A accessory short-term rental may not exceed 5.
 6. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed.
 7. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed and may be subject to other county or state requirements.
 8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This is not considered a commercial meeting.
 9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.
 10. Advertisements. No advertisement can state more than the approved number of bedrooms or guests for a Type A accessory short-term rental. This includes any wording, images, or descriptions that indicate a higher capacity available for the approved number of bedrooms or guests allowed.
- C. Type A accessory short-term rental permit.** The resident of a dwelling unit with a Type A accessory short-term rental must obtain a permit from the Bureau of Development Services. It is the responsibility of the resident to obtain the permit every two years. The permit requires the resident, and operator if the operator is not the resident, to agree to abide by the requirements of this section, and document that the required notification requirements have been met:

1. Notification. The resident must:
 - a. Prepare a notification letter that:
 - (1) Describes the operation and the number of bedrooms that will be rented to overnight guests;
 - (2) Includes information on how to contact the resident, and the operator if the operator is not the resident, by phone; and
 - (3) Describes how the standards in Subsection .040.A and B are met.
 - b. Mail or deliver the notification letter as follows:
 - (1) All residential structure types except multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a residential structure other than a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, and all residents and owners of property abutting or across the street from the accessory short-term rental. See Figure 207-1.
 - (2) Multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the accessory short-term rental.
2. Required information for permit. In order to apply for a Type A accessory short-term rental permit, the resident or operator must submit to the Bureau of Development Services:
 - a. Two copies of the completed application form bearing the address of the property, and the name, signature, address, and telephone number of the following:
 - (1) Resident;
 - (2) Operator; and
 - (3) Property owner or their authorized agent.
 - b. A copy of the notification letter.



- D. Revoking a Type A accessory short-term rental permit.** A Type A accessory short-term rental permit can be revoked according to the procedures in City Code Section 3.30.040 for failure to comply with the regulations of this Chapter. When a Type A accessory short-term rental permit has been revoked, a new Type A accessory short-term rental permit will not be issued for the dwelling unit for 2 years.

33.207.050 Type B Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type B accessory short-term rental must be accessory to a residential use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .050.B.2 or .050.B.3, the bedrooms rented to guests must be within the dwelling unit that the resident occupies.
2. Conditional use review. In residential and campus institutional zones, A Type B accessory short-term rental requires a conditional use review. A Type B accessory short-term rental that proposes commercial meetings is processed through a Type III procedure. All other Type B accessory short-term rentals are processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and Other Uses in R Zones.
3. Allowed structure type. A Type B accessory short-term rental is allowed in all residential structure types when accessory to a residential use.

4. Cap. The number of dwelling units in a multi-dwelling structure, triplex, fourplex, or cottage cluster that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure or on the site, whichever is greater.
5. Prohibition.
 - a. Type B accessory short-term rentals are prohibited in commercial/mixed use, employment, and industrial zones.
 - b. Accessory short-term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

B. Standards.

1. Maximum size. Type B accessory short-term rental is limited to renting a maximum of 5 bedrooms to overnight guests. In the single-dwelling zones, a Type B accessory short-term rental over this size limit is prohibited.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
5. Number of residents and overnight guests. The total number of residents and overnight guests occupying a dwelling unit with a Type B accessory short-term rental may be limited as part of a conditional use approval.
6. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.

7. Services to guests and visitors. Serving alcohol and food to guests and visitors is allowed and may be subject to other county or state requirements.
8. Commercial meetings.
 - a. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are regulated as follows:
 - (1) In the single-dwelling zones, commercial meetings are prohibited;
 - (2) In all other zones, up to 24 commercial meetings per year may be approved as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.
 - b. Historic resources. A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This does not count as a commercial meeting.
 - c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by City staff upon request.
9. Appearance. Residential structures may be remodeled for the development of an accessory short-term rental. However, structural alterations may not be made that prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.
10. A Type B accessory home occupation is prohibited with a Type B accessory short-term rental.
11. Advertisements. No advertisement can state more than the approved number of bedrooms or guests for a Type B accessory short-term rental. This includes any wording, images, or descriptions that indicate a higher capacity available for the approved number of bedrooms or guests allowed.

33.207.060 Monitoring

All accessory short-term rental permit holders must provide transactional data of guest stays upon City request. Transactional data is data provided directly from the listing platform and must include guest names, guest home addresses, guest phone numbers, dates of stay, and number of guests. Failure to provide transactional data within 30 days of City request is a violation and subject to enforcement or permit revocation.

33.207.070 Pre-Established Bed and Breakfast Facilities

- A. Facilities without a revocable permit.** Bed and breakfast facilities that were operating before May 24, 1988, and which did not receive a revocable permit, may continue to

operate as an approved conditional use if the operator can show proof that the operation was established through City licensing. The requirements for verification are listed below.

1. The facility was operating with a City business license or was granted exemption from the business license requirement;
 2. City transient lodging taxes were paid part or all of the tax period preceding May 24, 1988; and
 3. The owner or operator can document that the Portland Bureau of Planning or Buildings approved the site for a bed and breakfast facility prior to purchase, construction, or remodeling of the facility.
- B. Alterations and Expansions.** The approved conditional use status provided for in Subsection 070.A applies only to the number of bedrooms and size of facility that existed on January 1, 1991. Any expansions of building area or alterations that increase the intensity of the facility are not allowed unless approved through a conditional use review as provided in Section 33.207.050.A.2.
- C. Facilities with a revocable permit.** Bed and breakfast facilities operating under approved revocable permits are subject to the regulations for revocable permits in 33.700.120, Status of Prior Revocable Permits.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 178657, effective 9/3/04; Ord. No. 186736, effective 8/29/14; Ord. No. 186976, effective 2/13/15; Ord. No. 188259, effective 3/31/17; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191779, effective 10/1/24.)