

SINGLE ROOM OCCUPANCIES AND OTHER STANDARDS TO ADDRESS HB 3395 (2023)

This document integrates new state requirements related to Single Room Occupancies (as passed under HB 3395 (2023) and HB 2138 (2025)) into the Independence Development Code. The draft:

- Uses the definition of Single Room Occupancies from ORS 197A.430 to replace existing city standards related to boarding houses, quad or quint dwellings, and lodging houses.
- Removes the taking of boarders and renting of rooms as a separate use type. The taking of boarders is considered a normal activity in a residential home.
- Retains the city classifications of dormitories and fraternities, sororities, and student houses, though the uses are only allowed in the High-Density Residential Zone.¹

Additionally, the draft adds a new use in commercial zones for “residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income” (as required under HB 3395).

The draft will be considered at a Public Hearing on November 3, 2025.

SUBCHAPTER 13: DEFINITIONS

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BOARDING HOUSE

~~"Boarding House" means a building or portion thereof used for the purpose of providing meals or meals and lodging for pay or family occupying such dwelling. An establishment where meals are served for compensation to more than five persons shall be considered a restaurant. An establishment with more than five sleeping rooms shall be considered a hotel.~~

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DORMITORY

"Dormitory" means a building other than a hotel, ~~boarding house, or rooming house~~ single room occupancy use, or fraternity, sorority, student house that is and used primarily for sleeping purposes.

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DWELLING UNIT

¹ Please note: The existing code does not clearly articulate the parking requirement for classifications fraternities, sororities, and student houses and dormitories.

"Dwelling Unit" means one or more habitable rooms occupied or intended or designed to be occupied by one family and having facilities for living, sleeping, cooking, and eating; such definition shall not include a hotel, motel, single room occupancy, ~~camp ground~~campground or recreational vehicle.

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~~DWELLING, QUAD OR QUINT~~

~~"Dwelling, Quad or Quint" means a dwelling unit consisting of four or five rooms used for both living and sleeping, designed around a central kitchen, and intended primarily for occupancy by unrelated individuals. For the purpose of determining residential density, the number of dwelling units in each quad or quint shall be considered to be the number of dwelling rooms surrounding the core kitchen divided by two.~~

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FRATERNITY, SORORITY, STUDENT HOUSE

"Fraternity, Sorority, Student House" means a residential building in which living accommodations are furnished to the students of an educational institution.

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ROOMING HOUSE

~~"Rooming House" means a dwelling or portion thereof where sleeping rooms are provided, where no meals are provided, and where lodging for three or more persons is provided for compensation. An establishment having more than five sleeping rooms shall be considered a hotel.~~

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SINGLE ROOM OCCUPANCY USE

"Single room occupancy use" means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. The number of units allowed on a particular site is articulated in ORS 197A.430.

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SUBCHAPTER 17: ALLOWED USES IN RESIDENTIAL ZONES

ALLOWED USES	ZONE			
RESIDENTIAL USES	RS	RM	RH	MX
Single-Family dwelling, with a floor area of not less than 1,000 square feet	P	P	P	P
Two-family dwelling (duplex)	P	P	P	P
Medium-density residential structure such as a townhouse or row houses, as part of a subdivision or planned unit development	P ¹	P	P	P
Triplex or Quadplex			P	P ²
Multi-family buildings, including apartment houses, courtyard apartments and garden apartments			P	P
Dwelling, quad or quint		CU	P	CU
Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61		CU	CU	
The taking of boarders or renting of rooms by a resident family, provided that the total number of boarders and roomers does not exceed two in any single-family dwelling or exceed four in any duplex	P	P		
Rooming house <u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>	CU <u>P</u>	CU <u>P</u>	PP <u>PP</u>	CU <u>CU</u>
Boarding house	CU	CU	P	CU
Dormitory			P	
Fraternity, sorority, or student house			P	
Residential home, as defined by this ordinance	P	P	P	
Residential facility, as defined in this ordinance	CU	P	P	
Nursing home			P	
Planned unit development	CU	CU	CU	CU
Parking area or structure for a multi-family dwelling		P	P	
Accessory uses and structures ³	P	P	P	P
PUBLIC/QUASI-PUBLIC USE				
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and sidewalks; including any project identified in the Transportation System Plan.	P	P	P	P
Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include, but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power.	CU	CU	CU	CU
Church	CU	CU	CU	CU

Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members.	CU	CU	CU	CU
Garden, orchard, or crop cultivation provided that only the occasional sale or trading of plants and produce grown on the premises shall be permitted. No cattle, horses, other livestock, poultry, or farm animals may be maintained in this zone.	P	P	P	P
Playground or park.	P	P	P	P
School (elementary, junior high, high school).	CU	CU	CU	CU
LIMITED BUSINESS				
Child care facility, as defined by this ordinance, complying with ORS 657A.030 and 657A.250 to 657A.460.	P	P	P	P
Day-Care Home, as defined in this ordinance <u>ordinance</u> .		P	P	
Home occupation	P	P	P	P
Barber shop, provided that no assistants are employed.	CU	CU	CU	
Beauty shop, provided that no assistants are employed.	CU	CU	CU	
Bed and breakfast establishment.	CU	CU	P	CU
Medical Marijuana Grow Site.	P	P	P	
Office having a maximum floor area of 2,000 square feet or less				P ⁴
Retail, except drive-through facilities and vehicle servicing/repair having a maximum floor area of 2,000 square feet or less				P ⁴

Notes:

P = Permitted use; CU = Conditional Use

1. Allowance is limited to a maximum of two attached townhouse or rowhouse units.
2. Permitted without a subsequent Site Design Review so long as the lot for the triplex or quadplex was identified, reviewed, and approved by the Planning Commission at the time of the underlying subdivision application.
3. Accessory uses allowed in residential zones include:
 - a. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
 - b. Private garage, as defined in this ordinance;
 - c. Parking area for one commercial vehicle having a gross vehicle weight less than 20,000 pounds;
 - d. Parking or storage area for a boat, camper, trailer, or recreational vehicle of the residents;
 - e. Swimming pool for private use;
 - f. Guest house or quarters not in the main building, when such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and are not used for residential purposes;
 - g. Accessory dwelling units
4. If sought, subject to Neighborhood Commercial Overlay provisions in Subchapter 47.

SUBCHAPTER 30: ALLOWED USES IN COMMERCIAL ZONES

ALLOWED USES	ZONE	
COMMERCIAL USES	MUPC¹	DRZ
A commercial activity involving retail sales and service and which is not listed as a conditional or prohibited use	P	P
A commercial activity involving personal or professional services and which is not listed as a conditional or prohibited use	P	P
Office	P	P
Hotel or Lodging Use	P	P
Bed and breakfast establishment, including Air BnB, VRBO, and other similar uses	P	
Recreational vehicle park	CU ²	
Campground	CU ²	
Vehicle Servicing/Repair	CU ²	
Hospital	CU	CU
Veterinary clinic	CU	CU
Kennel	CU ²	
Crematory	CU ²	
Medical Marijuana Dispensary, subject to the special use limitations in the underlying zone	P	P
Recreational Marijuana Retailer, subject to the special use limitations in the underlying zone	P	P
Marijuana Research Facility, subject to the special use limitations in the underlying zone	P	P
Marijuana Testing Laboratory; subject to the special use limitations in the underlying zone	P	P
Transmitter station, towers, relay stations and similar facilities for electronic communications	CU	CU
MANUFACTURING/INDUSTRIAL USES	MUPC¹	DRZ
Light industrial uses	P	
Freight forwarding facility	CU ²	
Small scale manufacturing and production, including jewelry, candy, wine, beer, spirits, or other similar artisan products, less than 5,000 square feet, where at least 25% of the manufacturing area is dedicated to retail sales		P
PUBLIC/QUASI-PUBLIC USES	MUPC¹	DRZ
Structure or facility necessary for the City or for a public utility to provide service within the City. Such structures shall include, but not be limited to: construction, operation, maintenance, or repair of electric service meters, lines, transformers, and poles; natural gas lines; telephone lines and poles; water and sewer lines; streets, pathways and	P	P

sidewalks including any project identified in the Transportation System Plan.		
Buildings and structures operated by a governmental agency or by a public utility and necessary for public service. Such facilities shall include but not be limited to fire stations, libraries, electrical substations, and water storage tanks. Such facilities shall not include commercial plants for the generating of electrical power	CU	CU
Church	CU	CU
Community or neighborhood club building, swimming pool, and other allied facilities owned and operated by a nonprofit community club for the improvement of the neighborhood or recreation of the members	CU	CU
Playground or park	P	P
Child Care Facility	P ³	P ³
School (elementary, junior high, senior high)	CU	CU
Trade or commercial school	CU	CU
Bus terminal or depot	CU	
Heliport	CU ²	
RESIDENTIAL USES	MUPC¹	DRZ
New single-family dwelling, with a floor area of not less than 1,000 square feet	P ^{4, 5, 6}	
Existing single-family dwelling, with a floor area of not less than 1,000 square feet	P ^{5, 6}	
Duplex	P ^{4, 5, 6}	
Attached single family residential dwellings (townhomes, rowhouses)	P ^{4, 5, 6}	P
<u>Single room occupancy use, subject to the requirements in ORS 197A.430</u>	<u>P^{4, 5, 6}</u>	<u>P</u>
Live/work unit	P	P
Residential use on the second or third-story of a commercial building.	P	P
Triplex or Quadplex	P ^{4, 5, 6}	P
Multiple-family residential dwellings, all floors	P ⁷	P
<u>Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income</u>	<u>P</u>	<u>P</u>
Residential home, as defined in this ordinance	P	P
Accessory uses to multiple-family or lodging uses such as clubhouses, open roof coverings, decks or patios for gatherings, outdoor pools or spas, or outdoor activity space.	P	P

Notes:

1. For the purposes of this code, the Mixed-Use Pedestrian Friendly Commercial (MUPC) zone includes both the standard Mixed-Use Pedestrian Friendly Commercial (MUPC) designation and the Mixed-

Use Pedestrian Friendly Commercial-Transitional (MUPC-T) designation, unless otherwise specifically noted.

2. This use is allowed within the MUPC Zone as a Conditional Use but is not allowed in the Downtown Overlay Zone.
3. This use is allowed so long as the activity is licensed through the State of Oregon.
4. Only permitted in the Mixed-Use Pedestrian Friendly Commercial-Transitional (MUPC-T) designation.
5. The accessory uses and structures allowed for residential uses in Subchapter 17 are allowed for residential uses in the MUPC Zone.
6. Single-family dwellings, duplexes, triplexes, quadplexes, [single room occupancy uses](#) and accessory structures for residential uses within the MUPC Zone are subject to the dimension requirements for the High-Density Residential (RH) zone found in Subchapter 18, and the Residential Design Standards in Subchapter 19.
7. Standalone apartment buildings are allowed within the MUPC zone in the Central Talmadge subarea, so long as the subject property does not directly front Monmouth Street and the property is set along a secondary road such as E Street, 16th or 17th Street.

SUBCHAPTER 73: PARKING

73.005 Parking Areas Required

Any building constructed, enlarged, altered or subject to a change of use shall establish and maintain parking areas in accordance with the provisions of this chapter.

73.010 Required Number of Parking Spaces

The number of parking spaces required for any building or land use shall be determined from the following table.

<p>A. RESIDENTIAL USES²:</p> <ol style="list-style-type: none"> 1. All residential zones 2. Multiple-family or attached dwellings 3. Residential unit in a mixed-use building 4. Rooming or boarding house <u>Single room occupancy use</u> 	<p style="text-align: center;"><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per unit (minimum) Three (3) spaces per unit (maximum)</p> <p>One (1) space per unit (minimum) Two (2) spaces per unit (maximum)</p> <p>One (1) space per unit</p> <p>One (1) space for every 3 single room occupancy units <u>Four (4) spaces for every 5-guest facilities,</u> plus one (1) space for the owner or manager.</p>
<p>B. INSTITUTIONS:</p> <ol style="list-style-type: none"> 1. Welfare or correctional institution 2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged. 3. Hospital 4. Child care facilities 	<p style="text-align: center;"><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per five beds for patients or inmates.</p> <p>One (1) space per two beds for patients or residents.</p> <p>Two (2) spaces per patient bed.</p> <p>Zero (0) spaces</p> <p>No minimum parking requirement.</p>

² For residential uses, off-street parking includes the garage or carport area.

<p>5. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone</p>	
<p>C. PLACES OF PUBLIC ASSEMBLY</p> <ol style="list-style-type: none"> 1. Church 2. Library; reading room 3. Elementary or Junior High school 4. High School 5. College; commercial school for adults 6. Other auditoriums; meeting room 7. Place of public assembly without fixed seats 8. The uses listed above in the Downtown Overlay Zone or Downtown Riverfront Zone 	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per four seats or eight (8) feet of bench length in the main auditorium.</p> <p>One (1) space per 400 square feet of floor area, plus one (1) space per two employees.</p> <p>One and one-half (1 1/2) spaces per classroom, plus one (1) space per administrative employee.</p> <p>One and one-half (1 1/2) spaces per classroom, plus one (1) space per administrative employee, plus one (1) space for each six students.</p> <p>One and one-half (1 1/2) spaces per in classroom, plus one (1) space per five students the school is designed to accommodate.</p> <p>One (1) space per four seats or eight (8) feet of bench length.</p> <p>One (1) space per 100 square feet.</p> <p>No minimum parking requirement.</p>
<p>D. COMMERCIAL</p> <ol style="list-style-type: none"> 1. All retail and service-oriented commercial uses. 	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per 500 square feet.</p>

<p>2. Restaurants and bars.</p> <p>3. Lodging</p> <p>4. The uses listed in (D)(1) and (D)(2) in the Downtown Overlay Zone or Downtown Riverfront Zone</p>	<p>One (1) space per 250 square feet.</p> <p>One (1) stall per unit plus two (2) visitor parking stalls</p> <p>No minimum parking requirement.</p>
<p>E. INDUSTRIAL</p> <p>1. Industrial uses, except warehousing.</p> <p>2. Warehousing</p> <p>3. Public utilities (gas, water, telephone, etc.), not including business offices.</p> <p>4. The uses listed above in the Downtown Overlay Zone and Downtown Riverfront Zone</p>	<p><u>NUMBER OF SPACES REQUIRED</u></p> <p>One (1) space per 700 square feet gross floor area.</p> <p>One (1) space per 1,000 square feet of gross floor area.</p> <p>One (1) space per two employees on the largest shift, plus one (1) space per company vehicle; a minimum of two (2) spaces is required.</p> <p>No minimum parking requirement.</p>
<p>F. OTHER</p> <p>The number of parking spaces required for buildings and uses not specifically listed in this section shall be determined by the Planning Commission.</p>	

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73.025 Parking of Bicycles

A. All parking lots for public or industrial uses shall provide a minimum of one (1) bicycle parking space for every ten (10) vehicle parking spaces. Bicycle parking within the Mixed Use Pedestrian Friendly Commercial (MUPC) zone shall be provided at a minimum rate of two (2) spaces per business.

B. Any apartment, dormitory, fraternity, sorority, student home, or other multiple-family residential structure having more than four (4) dwelling units or more than 12 residents shall provide a parking area for bicycles. -Single room

occupancy uses having 12 or more units shall also provide bicycle parking. The parking area shall be adequate to hold and permit the locking of one (1) bicycle for every two (2) dwelling units in the building or one (1) bicycle for every four (4) persons residing in the building, whichever requirement is less.

C. Bicycle parking areas shall include the following:

1. A sheltered area having direct access to an adjacent sidewalk or parking area. The bicycle parking areas need not be fully enclosed, but shall provide shelter from precipitation.
2. A parking surface of asphaltic concrete, Portland cement, or similar hard-surface paving material.
3. Racks, frames, posts, or other devices of metal, concrete, wood, or other durable material.

D. The requirements of Section 73.025 do not apply to single family, two-family, and three-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses, or other developments with less than ten (10) vehicle parking spaces.