

ORDINANCE NO. 19-04

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE CONCERNING
TRANSIENT LODGING CITY WIDE.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Article 1, Basic Provisions, is amended as follows:

Section 1.400, Definitions, delete existing specific definitions in their entirety and replace to read as follows:

"BED AND BREAKFAST: Any transient lodging facility which contains between three (3) and seven (7) guest bedrooms, which is owner or manager occupied, and which may provide a morning meal. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification."

"HOME STAY LODGING: A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification. Such facilities may or may not provide a morning meal. Rooms used by transient guests shall not include a kitchen. (Astoria City Code Section 8.755)"

"HOTEL: A building in which lodging is provided for guests for compensation, which may also provide incidental services such as restaurants, meeting rooms, or recreational facilities subject to Development Code standards."

"INN: A transient lodging facility with up to 11 guest bedrooms, which is owner or manager occupied, and which may provide a morning meal. Inns may conduct associated business activities on an occasional basis, such as wedding receptions, club meetings and luncheons, conferences, and reunions."

"MOTEL: A building in which lodging is provided for guests for compensation and where the majority of rooms have direct access to the outside without the necessity of passing through the main lobby of the building."

Section 1.400, Definitions, specific definitions are added to read as follows:

"KITCHEN: Room for preparation of food and includes a cooking stove or ability to heat food other than with a microwave oven."

"OWNER OCCUPIED: Occupancy of a residence by an individual owner."

"OWNER: For purposes of transient lodging codes, the term owner only includes individuals, holding fee simple title to property, the beneficiaries of a revocable living trust, or a purchaser under a recorded instrument of sale. This does not include corporations, limited liability companies or similar organizations, an authorized agent of

the owner, or those holding easements, leaseholds, or purchasers of less than fee interest.”

“PRIMARY RESIDENCE: Dwelling maintained as the permanent residence of the owner for not less than six months of the year.”

“TIME SHARE: A dwelling unit that is occupied for other than permanent occupancy by one family and whose ownership is divided into periods of time under an arrangement, plan, scheme, or device, whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or otherwise, where a purchaser, in exchange for consideration, receives a right to use the dwelling unit for a period of time less than a full year during any given year. Use of the dwelling for less than a 30-day period by one family shall be classified as “transient lodging” and the same as a “hotel” or “motel”.”

“TOURIST LODGING FACILITY: See “Transient Lodging Facility”.”

“TRANSIENT: A transient includes any person entitled to occupy a residence for less than 30 consecutive calendar days. The day a transient guest checks out shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.”

“TRANSIENT LODGING FACILITY: Any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast establishment, home stay lodging, vacation rental, or other such transient lodging facility known by their advertising and/or management platform names. Transient Lodging Facility also means space in mobile home or trailer parks, or similar structure of space or portions thereof so occupied, provided such occupancy is for less than a 30-day period.”

“VACATION RENTAL: A transient lodging facility available for transient rental, and which is not occupied by an owner or manager at the same time as the guests. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification. For the purposes of this Code, a Vacation Rental is classified the same as a “hotel” or “motel”.”

Section 2. Astoria Development Code Article 2, Use Zones, is amended as follows:

Section 2.025.8, Conditional Uses Permitted in R-1 Zone, is deleted in its entirety and replaced to read as follows:

- “8. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.”

Section 2.065.6, Uses Permitted Outright in R-2 Zone, is deleted in its entirety and replaced to read as follows:

- “6. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.”

Section 2.070.13, Conditional Uses Permitted in R-2 Zone is added to read as follows:

- “13. Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use.”

Section 2.155.7, Uses Permitted Outright in R-3 Zone, is deleted in its entirety and replaced to read as follows:

- “7. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.”

Section 2.160.12, Conditional Uses Permitted in R-3 Zone, is added to read as follows:

- “12. Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use.”

Section 2.350.3, Uses Permitted Outright in the C-2 Zone, is deleted in its entirety and replaced to read as follows:

- “3. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility~~ and associated uses except as follows:
 - a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.350.3.b.
 - b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.”

Section 2.390.10, Uses Permitted Outright in the C-3 Zone, is deleted in its entirety and replaced to read as follows:

- “10. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility~~ and associated uses except as follows:
 - a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling

unit may not be used as a motel or hotel, except as noted in Section 2.390.10.b.

- b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.”

Section 2.435.4, Conditional Uses Permitted in C-4 Zone, is deleted in its entirety and replaced to read as follows:

- “4. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), ~~or other tourist lodging facility~~ and associated uses except as follows:
 - a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.435.4.b.
 - b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.”

Section 2.585.14.b, Conditional Uses Permitted in A-3 Zone, is deleted in its entirety and replaced to read as follows:

- “b. Bed and breakfast, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), or inn.”

Section 2.894.2, Conditional Uses Permitted in MH Zone, is deleted in its entirety and replaced to read as follows:

- “2. Bed and breakfast, inn, or home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800).”

Section 3. Astoria Development Code Article 3, Additional Land Use and Development Standards, is amended as follows:

Section 3.020.B.9, Accessory Dwelling Unit, Standards, is deleted in its entirety and replaced to read as follows:

- “9. Home Stay Lodging.

Home Stay Lodging in conjunction with an Accessory Dwelling Unit may be allowed as follows:

- a. Home Stay Lodging (which satisfies requirements in City Code Sections 8.750 to 8.800) may be allowed on properties in conjunction with an

Accessory Dwelling Unit as listed in the allowable uses within specific zones in compliance with Section 3.100 (Home Stay Lodging).”

Section 3.100, Home Stay Lodging, is added to read as follows:

“3.100. HOME STAY LODGING.

A. Purpose.

The City’s purpose in regulating Home Stay Lodgings is to allow for economic use of underutilized bedrooms in dwellings; provide financial assistance to preserve both the housing stock and historic properties within the City; to ensure that Home Stay Lodging facilities are appropriately located; are compatible with surrounding allowed uses; are conducive to the public peace, health, safety, and welfare of the City; do not reduce the number of potential long-term housing units; and support tourism.

B. Standards

1. Primary Residence. Every Home Stay Lodging shall be located in the owner’s primary residence.
2. Occupancy. The Home Stay Lodging shall be owner occupied while occupied by transients.
3. Location. Home Stay Lodgings may be allowable in conjunction with an Accessory Dwelling Unit as follows:
 - a. R-1 Zone: Home Stay Lodging shall not be allowed in conjunction with an Accessory Dwelling Unit.
 - b. R-2 Zone: Home Stay Lodging shall require an Administrative Conditional Use permit through the Community Development Department if located in conjunction with an Accessory Dwelling Unit.
 - c. R-3 Zone: Home Stay Lodging shall require an Administrative Conditional Use permit through the Community Development Department if located in conjunction with an Accessory Dwelling Unit.”
 - d. Home Stay Lodging facility shall not be allowed within an Accessory Dwelling Unit.
4. No Kitchen. Home Stay Lodgings may not contain a kitchen.
5. Mobile vehicles. Home Stay Lodging shall not be located in motor homes, travel trailers, or other mobile vehicles.”

Section 4. Astoria Development Code Article 7, Parking, is amended as follows:

Section 7.100, Off-Street Parking Space Requirements by Use, is deleted in its entirety and replaced to read as follows:

<u>“Use Category</u>	<u>Minimum Parking per Land Use</u>
Bed and Breakfast, Inn	1 additional off-street space for each bedroom used for transient lodging plus off-street spaces required for the dwelling and associated uses such as assembly areas or restaurant.
Home Stay Lodging	1 additional off-street space for each bedroom used for transient lodging plus off-street spaces required for the dwelling.
Hotels, Motels, other transient lodging facilities not listed, and similar uses	1 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.”

Section 5. Astoria Development Code Article 8, Signs, is amended as follows:

Section 8.160.A.1, Sign Regulations in Residential Zones, Permanent Signs is deleted in its entirety and replaced to read as follows:

- “1. Sites with 1 or 2 dwelling units in a building, Home Occupations, and Home Stay Lodging.”

Section 8.160.A.3, Sign Regulations in Residential Zones, Permanent Signs is deleted in its entirety and replaced to read as follows:

- “3. Conditional Uses, except Home Stay Lodging, Bed and Breakfast, Inn, or Home Occupation.”

Section 6. Astoria Development Code Article 11, Conditional Uses, is amended as follows:

Section 11.020, Conditional Use, Application and Procedures, is deleted in its entirety and replaced to read as follows:

- “A. Procedures.
 1. Application.

A request for a new, enlarged or otherwise altered development listed in the Development Code as a conditional use shall be made on forms provided by the Community Development Department. The Community Development Director shall specify what information is required for the application; additional information may be required where determined by the Director,

and reviewed by the Astoria Planning Commission or Community Development Director.

2. Public Notice.

Public notice and procedures on applications shall be in accordance with the Administrative Procedures in Article 9 except as noted in Section 11.022.

B. Decision.

The Community Development Director and/or Planning Commission shall base their decision on whether the use complies with:

1. Applicable policies of the Comprehensive Plan.
2. Applicable aquatic and shoreland standards in Article 4.
3. For aquatic areas, whether the use or activity meets the resource capability and purpose of the zone in which it is proposed when such a determination is required in accordance with Article 5.
4. For aquatic uses, the findings of an Impact Assessment where required by Article 5.
5. Development standards of the applicable zone.
6. Basic conditional use standards of Section 11.030.
7. Appropriate conditional use standards of Section 11.130 to 11.170.”

Section 11.022, Classification of Conditional Use Review, is added to read as follows:

“11.022. CLASSIFICATION OF CONDITIONAL USE REVIEW.

Permits shall be processed and reviewed as a Type II or Type III permit in accordance with the procedures specified in Sections 9.020 to 9.030 as follows:

A. Type II Procedure (Administrative/Staff Review with Notice).

Type II includes minor conditional uses which are minimal uses and which will have little or no impact on adjacent property or users. Administrative approval by the Community Development Director of Type II conditional uses may be granted.

Type II conditional uses include:

1. Home Stay Lodging in conjunction with an Accessory Dwelling Unit.
2. Accessory Dwelling Unit in R-1 Zone.

B. Type III Procedure (Quasi-judicial with Public Hearing).

Type III includes conditional uses which are significant and are likely to create impacts on adjacent property or users. A Type III conditional use may be granted by the Planning Commission.”

Section 7. Astoria Development Code Article 14, Overlay Zones, is amended as follows:

Section 14.132.1.b, Conditional Uses Permitted in A-4 Zone, is deleted in its entirety and replaced to read as follows:

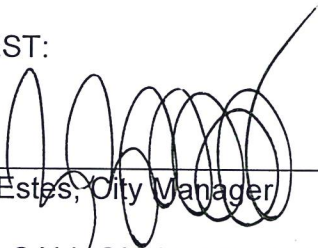
“b. Bed and breakfast, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), or inn.”

Section 8. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS 1 DAY OF July, 2019.

APPROVED BY THE MAYOR THIS 1 DAY OF July, 2019.

ATTEST:



Brett Estes, City Manager



Mayor

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner

Rocka
Brownson
Herman
West

X
X
X
X

Mayor Jones