

ORDINANCE NO. 19-05

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE CONCERNING MISCELLANEOUS CORRECTIONS, UPDATES, AND INTERPRETATIONS IN MULTIPLE SECTIONS CITY WIDE.

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

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

Section 01.030, Interpretation, is deleted in its entirety and replaced to read as follows:

"1.030. INTERPRETATION.

A. Applicability.

If the conditions imposed by a provision of this Code are less restrictive than comparable conditions imposed by another provision of this Code or of any other Ordinance of the City, the provision which is more restrictive shall govern.

B. Authorization of Similar Uses.

The Community Development Director and/or the Planning Commission may rule that a use not specifically permitted in a zone shall be permitted in a zone if it is similar to the permitted uses in the zone, if its effect on adjacent properties is substantially the same as the permitted uses, and if it is not specifically designated as a permitted use in another zone. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Community Development Director and/or Planning Commission finds are similar to those that are prohibited, are not allowed. (formerly Section 1.360)

C. Code Interpretations.

This section provides a process for resolving differences in the interpretation of the Code text.

D. Code Interpretation Procedure.

Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the Community Development Director and shall be processed as follows:

1. Where an interpretation requires discretion, the applicant shall submit a Miscellaneous Review Permit application for a Code Interpretation with applicable fee for a Type II permit. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request. The Community Development Director shall review relevant background information, including, but not limited to, other relevant Code sections and

previous City land use decisions, and follow the Type II decision-making procedures in Article 9.

2. The Community Development Director may refer the application to the Planning Commission and follow Type III decision-making procedures in Article 9.
3. Where a code interpretation may have significant City-wide policy implications, the Community Development Director may bypass the procedures in Sections 1.030.D.1 to 1.030.D.2 and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of Article 9.
4. All decisions on a code interpretation shall be made in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application in accordance with Article 9."

Section 1.355, Penalties, is added to read as follows:

"1.355. PENALTIES.

Except as otherwise provided in this Code, a violation of a provision of this code may be punishable as noted in City Code Section 1.010, Penalties."

Section 1.360, Authorization of Similar Uses, is deleted in its entirety.

Section 1.400, Definitions, is amended by the addition of definitions to read as follows:

"CONSTRUCTION SERVICE ESTABLISHMENT: Business primarily engaged in construction such as plumbing, mechanical, roofing, building construction, etc., including shop storage buildings and yards, dispatch facility with on-site storage of vehicles."

"BILLBOARD VEHICLE: Any wheeled vehicle, whether motorized or not, used primarily for the display of general advertising or general advertising for hire, by means of traversing or parking upon any public street or public parking space in a manner that the advertising image(s) on the vehicle are visible from any portion of the public right-of-way. Also known as "sign truck" or "billboard truck" or "mobile billboard." This definition does not apply to vehicles displaying images related to the same business or establishment of which the vehicle is an operating instrument for other purposes and does not apply to vehicles which are on the public road for the primary purpose of transportation, such as taxis and buses, even if such vehicles display general advertising."

"FAIR MARKET VALUE, CLATSOP ASSESSOR RECORDS: Fair Market Value shall be as indicated on the records of the Clatsop County Assessor of the existing structure, not the value of the proposed alteration and/or new construction. When a "fair market" value is not available, the current "assessed" value as indicated on the records of the Clatsop County Assessor of the existing structure may be used."

“INDOOR ENTERTAINMENT: A facility which provides entertainment for persons of all ages but may also be limited to persons over the age of 21 years, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, adult movie theaters, adult dance halls, and similar facilities.”

“INDUSTRIAL: A structure or use that involves a large-scale business, manufacturing business, seafood industry, warehousing, or other large-scale operation that is not general commercial in nature and/or residential.”

“TRANSPORTATION SERVICE ESTABLISHMENT: Business primarily engaged in moving of goods and/or persons such as freight company, bus depot, intermodal center, delivery vehicle and semi-truck storage areas, etc., but excluding bicycle rental facilities.”

“WIND ENERGY FACILITY: A system that converts wind energy into electricity through the use of a wind turbine generator and may include a nacelle, rotor, blade, tower, and/or turbine pad. A Small-Scale Wind Energy Facility shall be a system of less than 90’ in height, rotor blade of less than 22’ (380 square foot swept area). A Small-Scale Facility is classified as a “utility” and is subject to the height limitations of the zone. All other facilities are prohibited.”

Section 1.400, Definitions, is amended but the deletion of the following definitions to be replaced to read as follows:

“AUTOMOTIVE SERVICE STATION: Any premises used primarily for retail sales of oil, auto accessories, and as a secondary service, minor servicing, excluding body and fender repair. Gasoline service stations are not included in this category. Electrical vehicle charging station not accessory to the primary use on the property is included in this category. Electrical vehicle charging station without a freestanding sign, except directional and/or informational signs less than four square feet each, may be classified as an accessory use to the primary use in a parking lot (including “commercial or public off-street parking lot” use classification) are not included in this category.”

“FENCE: An accessory structure, including landscape planting other than trees, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two or more properties.”

“INDOOR FAMILY ENTERTAINMENT OR RECREATION ESTABLISHMENT: A facility which provides entertainment or recreation for persons of all ages, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, light manufacturing production viewing areas, and similar facilities.”

“LOT COVERAGE: The portion of a lot expressed as a percentage of the total lot area that is occupied by the principal and accessory buildings, including all decks, and other projections extending 12” above ground level of the lot upwards at any point on the structure including handrails, except eaves.”

“MICROWAVE RECEIVING DISH/DEVICE: Any conical or dish shaped device or similar structure used for receiving television or other telecommunication signals transmitted from satellites or earth-based transmitters. Microwave receiving dishes/devices may also be

known as "Television Receive Only" (TVRO) dishes, "Satellite Direct Service" (SDS) dishes, "Multi-Distance Service" (MDS) dishes and "Earth Stations". Microwave receiving dish/device is for receiving only and shall not transmit, repeat, or reflect signals."

"RETAIL SALES ESTABLISHMENTS: Businesses, including a restaurant or bar, which are primarily engaged in selling merchandise to customers for personal, household, or farm use. It includes the sale of moped and other small powered vehicles as long as they are not displayed in an outdoor sales area. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes."

"TOURIST ORIENTED SALES OR SERVICE: A use or business which devotes 50% or more of its primary use gross floor area to uses or activities which are open and or physically accessible to the public and are reasonably expected to be of interest to visitors. A use or business that is primarily used by the general public such as a video rental establishment, pharmacy, etc. and also used by a visitor but not as a tourist destination for 50% of the primary use gross floor area, is not tourist-oriented."

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

Section 2.050.8, Other Applicable Use Standards in the R-1 Zone is deleted in its entirety and replaced to read as follows:

"8. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.095.8, Other Applicable Use Standards in the R-2 Zone, is deleted in its entirety and replaced to read as follows:

"8. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.185.8, Other Applicable Use Standards in the R-3 Zone, is deleted in its entirety and replaced to read as follows:

"8. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.235.2, Other Applicable Standards, in the CR Zone, is deleted in its entirety and replaced to read as follows:

"2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas."

Section 2.335.9, Other Applicable Use Standards in the C-1 Zone, is added to read as follows:

"9. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.235.11, Other Applicable Standards in the CR Zone, is added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.335.2, Other Applicable Use Standards, in the C-1 Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size.”

Section 2.375.3, Other Applicable Use Standards, in the C-2 Zone, is deleted in its entirety and replaced to read as follows:

“3. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size.”

Section 2.375.11, Other Applicable Use Standards in the C-2 Zone, is added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.390.23, Uses Permitted Outright, in the C-3 Zone, is added to read as follows:

“23. Residential Home in a new or existing structure:

- a. Located above or below the first floor with commercial facilities on the first floor of the structure.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.”

Section 2.415.3, Other Applicable Use Standards, in the C-3 Zone, is deleted in its entirety and replaced to read as follows:

“3. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.415.11, Other Applicable Use Standards in the C-3 Zone, is added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.430.13, Uses Permitted Outright, in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

“13. Residential home, located above or below the first floor, with commercial facilities on the first floor of existing structure.”

Section 2.430.15, Uses Permitted Outright in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

“15. Single-family and two-family dwelling in a new or existing structure:

- a. Located above or below the first floor with commercial facilities on the first floor of the structure.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.”

Section 2.435.5, Conditional Uses Permitted in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

“5. Multi-family dwelling in a new or existing structure:

- a. Located above or below the first floor, with commercial facilities on the first floor.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.”

Section 2.435.7, Conditional Uses Permitted in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

“7. Residential facility, in a new or existing structure:

- a. Located above or below the first floor, with commercial facilities on the first floor.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.”

Section 2.445.4, Other Applicable Use Standards, in the C-4 Zone, is deleted in its entirety and replaced to read as follows:

- “4. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size.”

Section 2.445.12, Other Applicable Use Standards in the C-4 Zone, is added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.485.1, Other Applicable Use Standards, in the GI Zone, is deleted in its entirety and replaced to read as follows:

- “1. Outdoor Storage.

All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.485.8, Other Applicable Use Standards in the GI Zone, is deleted in its entirety and replaced to read as follows:

“8. Lighting shall not exceed 28’ in height. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.515.13, Development Standards and Procedural Requirements in the A-1 Zone, is hereby added to read as follows:

“13. All uses shall comply with applicable lighting standards in Section 3.128.”

2.515.14, Development Standards and Procedural Requirements, in the A-1 Zone, is added to read as follows:

“14. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.540.7, Development Standards and Procedural Requirements in the A-2 Zone is deleted in its entirety and replaced to read as follows:

“7. Uses located between the extended rights-of-way of 7th Street and 14th Street are not required to provide off-street parking or loading. Uses located in other portions of the A-2 Zone shall comply with the access, parking and loading standards specified in Article 7.”

Section 2.540.12, Development Standards and Procedural Requirements in the A-2 Zone, is hereby added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

2.540.13, Development Standards and Procedural Requirements, in the A-2 Zone, is added to read as follows:

“13. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.565.10, Development Standards and Procedural Requirements in the A-2A Zone, is hereby added to read as follows:

“10. All uses shall comply with applicable lighting standards in Section 3.128.”

2.565.11, Development Standards and Procedural Requirements, in the A-2A Zone, is added to read as follows:

“11. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.590.10, Development Standards and Procedural Requirements in the A-3 Zone, is hereby added to read as follows:

“10. All uses shall comply with applicable lighting standards in Section 3.128.”

2.590.11, Development Standards and Procedural Requirements, in the A-3 Zone, is added to read as follows:

“11. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.615.9, Development Standards and Procedural Requirements in the A-4 Zone, is hereby added to read as follows:

“9. All uses shall comply with applicable lighting standards in Section 3.128.”

2.615.10, Development Standards and Procedural Requirements, in the A-4 Zone, is added to read as follows:

“10. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.665.11, Development Standards and Procedural Requirements in the S-1 Zone, is hereby added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

2.665.12, Development Standards and Procedural Requirements, in the S-1 Zone, is added to read as follows:

“12. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.690.2, Development Standards and Procedural Requirements, in the S-2 Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.690.12, Development Standards and Procedural Requirements in the S-2 Zone, is hereby added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.715.2, Development Standards and Procedural Requirements, in the S-2A Zone, is deleted in its entirety and replaced to read as follows:

- “2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.715.10, Development Standards and Procedural Requirements in the S-2A Zone, is hereby added to read as follows:

- “10. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.740.6, Development Standards and Procedural Requirements in the S-5 Zone, is hereby added to read as follows:

- “6. All uses shall comply with applicable lighting standards in Section 3.128.”

2.740.7, Development Standards and Procedural Requirements, in the S-5 Zone, is added to read as follows:

- “7. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.860.3, Other Applicable Use Standards, in the IN Zone, is deleted in its entirety and replaced to read as follows:

- “3. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.860.10, Other Applicable Use Standards in the IN Zone, is hereby added to read as follows:

- “10. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.880.3, Other Applicable Use Standards in the LR Zone, is hereby added to read as follows:

- “3. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.880.4, Other Applicable Use Standards, in the LR Zone, is added to read as follows:

- “4. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.”

Section 2.902.2, Other Applicable Use Standards, in the MH Zone, is deleted in its entirety and replaced to read as follows:

"2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas."

Section 2.902.12, Other Applicable Use Standards in the MH Zone, is hereby added to read as follows:

"12. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.916.2, Other Applicable Use Standards, in the FA Zone, is deleted in its entirety and replaced to read as follows:

"2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas."

Section 2.916.12, Other Applicable Use Standards in the FA Zone, is hereby added to read as follows:

"12. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.934.2, Other Applicable Use Standards, in the AH-HC Zone, is deleted in its entirety and replaced to read as follows:

"2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas."

Section 2.934.15, Other Applicable Use Standards in the AH-HC Zone, is deleted in its entirety and replaced to read as follows:

"15. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.948.2, Other Applicable Use Standards, in the HC Zone, is deleted in its entirety and replaced to read as follows:

"2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas."

Section 2.948.13, Other Applicable Use Standards in the HC Zone, is hereby added to read as follows:

"13. All uses shall comply with applicable lighting standards in Section 3.128."

Section 2.964.2, Other Applicable Use Standards, in the CA Zone, is deleted in its entirety and replaced to read as follows:

"2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas."

Section 2.964.12, Other Applicable Use Standards in the CA Zone, is hereby added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.972.2, Other Applicable Use Standards, in the HR Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.972.12, Other Applicable Use Standards in the HR Zone, is hereby added to read as follows:

“12. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.981.2, Other Applicable Use Standards, in the LS Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.981.11, Other Applicable Use Standards in the LS Zone, is hereby added to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

Section 2.992.2, Other Applicable Use Standards, in the AH-MP Zone, is deleted in its entirety and replaced to read as follows:

“2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas.”

Section 2.992.11, Other Applicable Use Standards in the AH-MP Zone, is deleted in its entirety and replaced to read as follows:

“11. All uses shall comply with applicable lighting standards in Section 3.128.”

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

Section 3.005, ACCESS TO STREETS, is deleted in its entirety and replaced to read as follows:

“3.005. ACCESS TO STREETS.

Every lot shall abut a street, other than an alley, for at least 25 feet, except as follows:

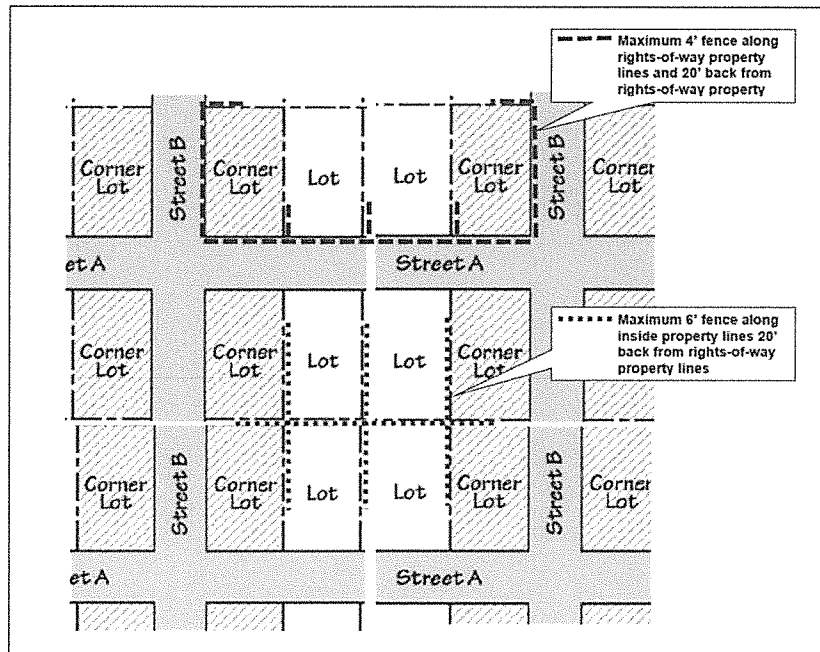
1. recorded easement of 25' may be used to satisfy this requirement; or
2. pre-existing platted lot fronting on an alley may use the alley for "access to street" if the alley is already developed or can be developed to comply with emergency vehicle access requirements to the site as approved by the City."

Section 3.035.A, ACCESSORY STRUCTURES, Fences, Walls, and Hedges, is deleted in its entirety and replaced to read as follows:

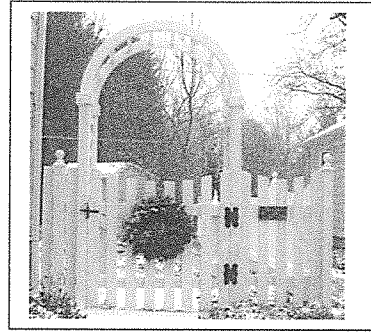
"3.035. ACCESSORY STRUCTURES.

A. Fences, Walls, and Hedges.

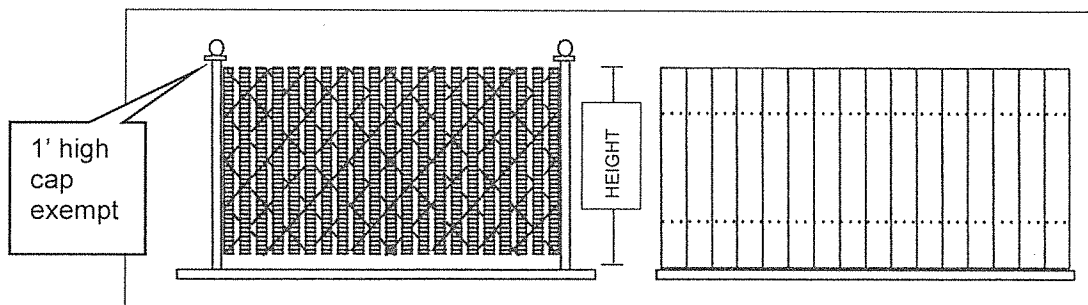
1. Except as provided in City Code Section 6.100 concerning Clear Vision Area, fences, walls, or mature hedges not over 48 inches in height may occupy the required front yard of any lot, or the required side yard along the flanking street of a corner lot.
2. Fences or hedges located back of the required front or flanking street side yard located on inside property lines shall not exceed a height of six (6) feet.
3. Fence or hedges located back of the required front or flanking street side yard along an unimproved alley right-of-way shall be considered as an inside property line and shall not exceed a height of six (6) feet.



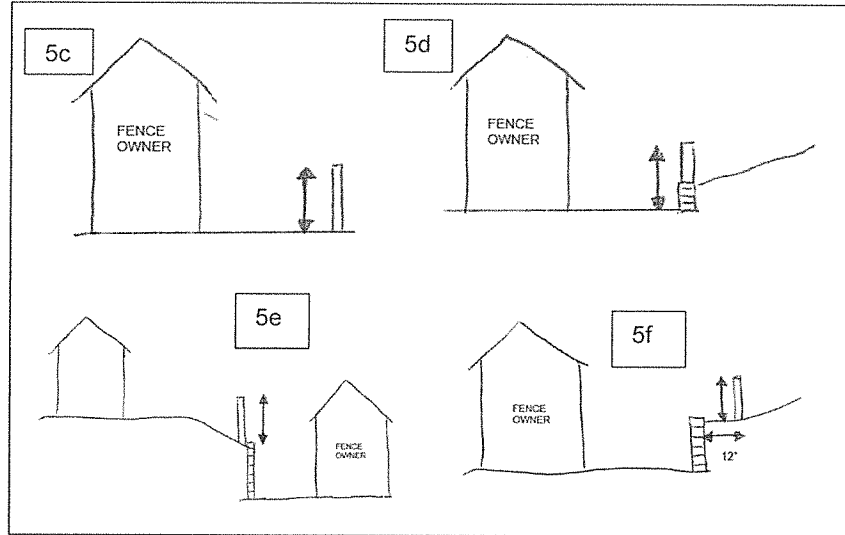
4. Arbor and gateway entrances of fences or hedges may be 8' tall but shall not exceed 5' in width.



5. Fence height shall be measured to the highest portion of the fence on the fence owner's side as follows:
- a. Posts, caps, and/or lights not exceeding one foot above the maximum allowable fence height are excluded from maximum fence height;



- b. Arbors and gateways as noted in Section 3.035.A.4;
- c. Fence at grade level shall be measured from grade level on the fence owner's side of the property;
- d. Fence on top of a retaining wall or other similar structure less than 3' high shall be measured from grade level on the fence owner's side of the property including the retaining wall and shall not exceed a combined maximum of six (6) feet from the lowest level, or a maximum of 42" from the top of the retaining wall or other similar structure to the top of the fence, whichever is greater;
- e. Fence on top of a retaining wall or other similar structure greater than 3' high shall be measured from grade level at the top of the retaining wall;
- f. Fence set back 12" from the top of the retaining wall or other similar structure regardless of height shall be measured from grade level at the top of the retaining wall.



6. Trees and other intermittent landscaping are exempt from the height limitation except as noted in City Code Section 6.100 concerning Clear Vision Area.
7. Fences or hedges located 20' back of the required front yard, 15' back of the required flanking street side yard, 5' back of the required side yard, or back of the rear yard as required by the zone are exempt from the fence height limitation but are limited by the height of the zone."

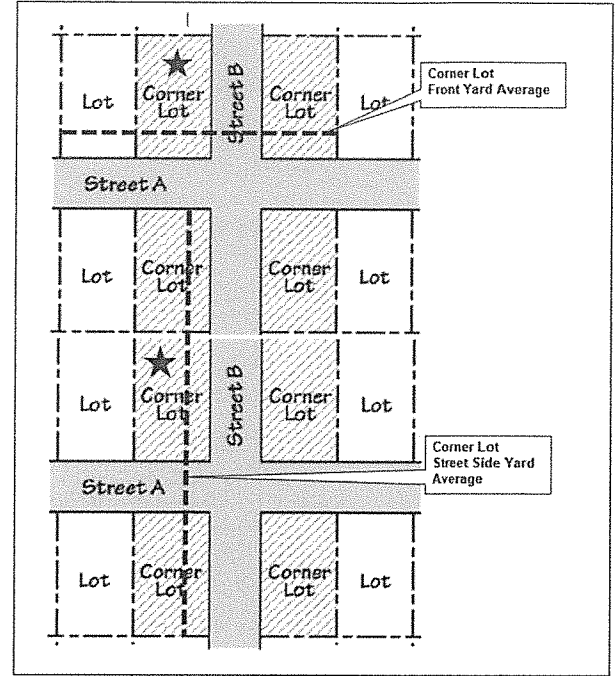
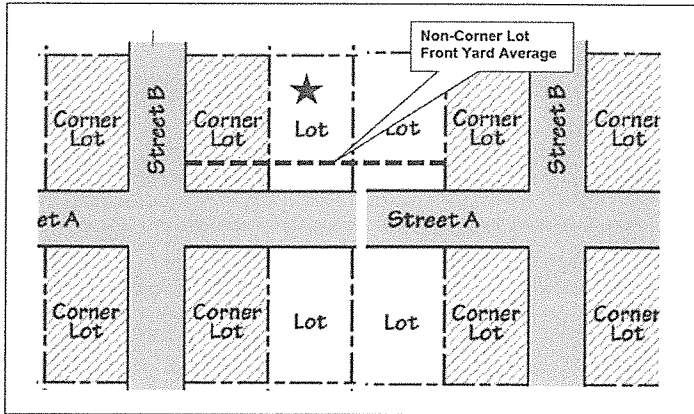
Section 3.070.B, EXCEPTIONS TO YARDS, Front Yard Exceptions, is deleted in its entirety and replaced to read as follows:

"B. Front and Street Side Yard Exceptions.

The following exceptions to the front and street side yard requirements are authorized for a lot in any zone:

1. Lots with Development on Both Abutting Lots.
 If there are dwellings on both abutting lots with front and/or street side yards, as applicable, of less than the required depth for the zone, the front and/or street side yard of the lot may equal the average front and/or street side yard of the abutting lots.
2. Lots with Development on only One Abutting Lot.
 If there is a dwelling on only one abutting lot and/or lot across the right-of-way as noted in Section B.3, with a front and/or street side yard of less depth than the required depth for the zone, the front and/or street side yard for the lot may equal a depth halfway between the depth of the abutting lot and/or lot across the right-of-way, and the required front and/or street side yard depth.
3. Corner Lot.

On a corner lot, if there is a dwelling on one abutting lot and the lot across the right-of-way on the same side of the street with a front and/or street side yard of less depth than the required depth for the zone, the front and/or street side yard for the lot may equal a depth halfway between the depth of the abutting lot and the lot across the right-of-way on the same side of the street.”



4. Alley Setback.

An alley is defined as a right-of-way and is considered as a “street side yard” resulting in corner lot setback requirements. The street side yard setback on an alley may be reduced to 5’ unless a smaller setback is allowed in the zone upon written approval by the City Engineer based on location of public utilities within the right-of-way and processed as an administrative Type I permit by the Planner.”

Section 3.070.C, EXCEPTIONS TO YARDS, Structures Within Yards, is deleted in its entirety and replaced to read as follows:

“C. Structures Within Yards.

The following structures may be located within the required yard setback area unless otherwise limited by compliance with other requirements such as Building Codes, Attached Housing-Mill Pond Zone construction restrictions, or other Code requirements.

1. Decks, walkways, or uncovered porches, 12 inches or less in height above grade.
2. Stairs of a maximum 3’ in width and required landings for the stairs to access existing building entrances. This does not include deck/porch areas not required per Building Codes for the stair construction.

3. Ramp and/or other access required for handicap accessibility meeting American With Disabilities Act and Building Code requirements.
4. Stairs of a maximum 3' in width for new construction. This does not include landings, deck/porch areas, or stairs in excess of 3' in width."

Section 3.070.E, EXCEPTIONS TO YARDS, Encroachments beyond the property line, is added to read as follows:

"E. Existing Encroachments Beyond the Property Line.

In order to reduce encroachments of existing structures constructed beyond the property line, a structure may be altered and/or moved to reduce the encroachment without the need to comply with the required setbacks along that property line nor the need for a variance if it meets the following requirements.

1. The portion of the existing structure encroaching beyond the property line was constructed prior to 1976 as verified by aerial or other dated photograph, County Assessor records, and/or other document of verification acceptable to the City; or
2. The encroachment was constructed by a previous owner; or
3. The encroachment was due to an act of nature such as a landslide, and not including neglect or deferred maintenance; and
4. It is not feasible or reasonable to comply with the full required setback such as other development on the lot, lot dimensions, geologic issues, topography, etc."

Section 3.095.A and 3.095.B, Home Occupations, are deleted in their entirety and replaced to read as follows:

"3.095. HOME OCCUPATIONS.

Home occupations are permitted in residential zones in order to provide for low-impact businesses which the owners or residents can operate within the dwelling, or in an adjacent structure. The regulations are intended to ensure that the occupation will not be a detriment to the surrounding neighborhood and that it will be subordinate to the main use of the property.

A. Class A.

A Class A home occupation is one where the residents use their home as a place of work, with no non-resident persons associated with the business, and with only an occasional customer coming to the site a maximum of twice per week. Examples include artists, crafts people, writers, and consultants. Class A home occupations also provide an opportunity for a home to be used as a business address but not as a place

of work. A Class A business is only conducted within the dwelling itself, and not in accessory structures.

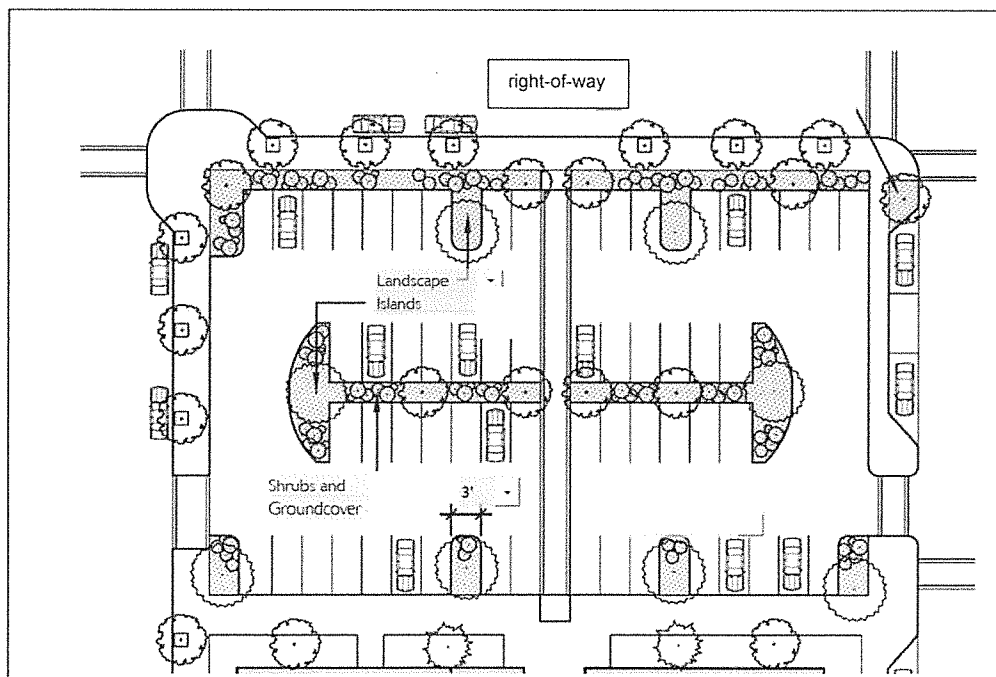
B. Class B.

1. A Class B home occupation is one where one of the following factors occur:
 - a. Customers come to the home more than twice per week; or
 - b. One non-resident associated with the business would come to the site; additional non-resident persons associated with the business may be allowed if they do not come to the site; or
 - c. The home occupation is conducted in an adjacent structure.

Examples include counseling, hair styling, woodworking, and contract construction.”

Section 3.120.A.8, Landscaping Requirements, is deleted in its entirety and replaced to read as follows:

- “8. Parking areas with 20 spaces or more shall have a minimum of one landscaping divider per ten (10) parking spaces. Each ten (10) parking spaces shall be bordered by a landscaped area. Such area shall consist of a curbed planter of at least three (3) feet by 16 feet, or at least 48 square feet. Each planter shall contain at least one (1) tree, along with hedge or shrub material. An exception to allow a maximum of one row of parking spaces within a parking area to exceed the maximum ten spaces between landscaped planters by one or two spaces may be approved as an administrative Type I permit if the amount of overall required landscaping is not reduced.”



3.120.A.15, Landscaping Requirements, is added to read as follows:

“15. There shall be a 15’ landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5’ beyond a bumper guard into the landscaped area.”

Section 3.128, Lighting Standards, is hereby added to read as follows:

“3.128. LIGHTING STANDARDS.

Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky.”

Section 3.130.D, Maintenance of Public Access to the Water is added to read as follow:

“D. Applicability.

"Public access" is used broadly to include direct physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas.”

Section 3.158, Legal Lot Determination, is added to read as follows:

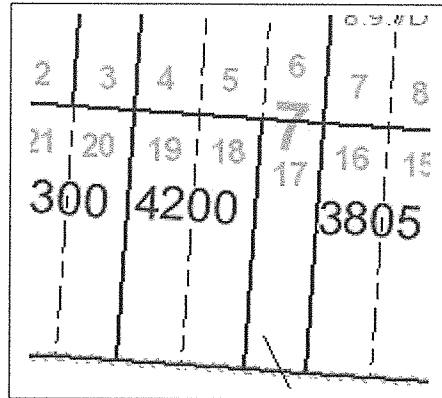
“3.158. LEGAL LOT DETERMINATION.

A. Process.

The Community Development Director or the Planner may determine whether a lot individually or in combination with contiguous property held in a single ownership has an area or dimension meeting the lot size requirements of the zone in which the property is located for a proposed use. Requests for a Legal Lot Determination shall be submitted in writing to the Community Development Department for review and approval. The Community Development Director or Planner may require a current title report or other evidence of ownership prior to making a determination. Conditions of any Determination shall include conditions as are necessary for the lot, individually or in combination with contiguous property, to be deemed as “buildable” in accordance with City regulations. The existence of a County Tax Lot designation is not considered as a determination of “legal lot” for zoning purposes. This determination may be used to review subsequent applications to the department.

B. Combining of Lots.

When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a covenant preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations.



Example: To build on Tax Lot 4200, the sale, transfer or encumbrance of platted lots 18 & 19 would need to be restricted by a recorded deed or memorandum.”

Section 3.140.A.6 and 3.140.A.7, MANUFACTURED HOME ON INDIVIDUAL LOT, is deleted in its entirety and replaced to read as follows:

6. The manufactured home shall have a garage or carport with minimum dimensions of 14' x 20'. The structure shall be sided and roofed to match the manufactured home. Carports shall be designed to include an enclosed, ground-level storage area of at least 56 square feet as an integral part of the structure. The garage or carport shall be constructed at the time of the manufactured home placement and shall be completed prior to occupancy of the dwelling.
7. Manufactured homes shall be prohibited within, or adjacent to, or across a public right-of-way from a historic district, or adjacent to or across a public right-of-way from a historic landmark, or structure identified as Primary, Secondary, Eligible/Significant, or Eligible/Contributing.”

Section 3.150, MICROWAVE RECEIVING DISH, is deleted in its entirety and replaced to read as follows:

“3.150. MICROWAVE RECEIVING DISH/DEVICE.

A. The following standards shall be applicable to all microwave receiving dishes/devices.

1. Residential Zones.

All private microwave receiving dishes/devices in residential zones larger than 20” in diameter for conical dishes or 3 square feet if not conical, shall be located as follows:

- a. in the rear yard, no closer than five (5) feet from any rear or side lot line; and
- b. screened by sight obscuring fences and/or dense landscape buffers; and
- c. mounted as close to existing grade level as possible. In residential zones; and
- d. not mounted on the roofs of structures.

2. All Other Zones or Devices.

All microwave receiving dishes/devices except as noted in Section 3.150.A.1, shall be reviewed and approved by the Community Development Director and shall be located as follows:

- a. to ensure they have minimal visual impact; and
- b. screened by sight obscuring fences, dense landscape buffers, and/or location of dish/device so that it is not highly visible from adjacent properties or right-of-way.

If the Community Development Director believes that substantial issues are involved, the Director may schedule a public hearing in accordance with the procedures specified in Article 9.

3. Permits.

No microwave receiving dish/device shall be installed until a permit has been obtained from the Community Development Department.

B. Historic Properties.

A Microwave Receiving Dish/Device shall not be located on the front or street side facade of a structure designated as historic.”

Section 3.180.C.1 concerning Non-Conforming Uses, Discontinuance of Non-conforming Use, is hereby deleted in its entirety and replaced to read as follows:

- “1. If a nonconforming use involving a structure is discontinued for a period of one (1) year, further use of the property shall conform to this Code except as follows:
- a. When a residential structure has been used in the past for more units than allowed, the use may continue, even if ceased for one year, with the following conditions:
 - 1) Structure was not converted back to the lesser number of units (i.e. removal of kitchen, etc.); and
 - 2) Units were legal non-conforming units and not converted without necessary permits; and

- 3) The number of units are allowed outright or conditionally in the zone (i.e., duplex or multi-family dwelling in R-2, etc.); and
- 4) The number of units does not exceed the density for the zone (i.e., the lot square footage divided by 43,560 square feet (acre) x maximum density of zone = number of units allowed by density; and
- 5) Provide required off-street parking spaces per unit, except as allowed by Section 3.020.B.7, or obtain a variance; and
- 6) If the structure is destroyed per Section 3.190.D, the new use shall comply with the zone requirements and/or Section 3.190.E.”

Section 3.190.C concerning Change of Nonconforming Structures is hereby deleted in its entirety and replaced to read as follows:

“A nonconforming structure may be enlarged or altered in a way that does not increase its nonconformity. Any structure or portion thereof may be altered to decrease its nonconformity. The following alterations are allowed:

1. Addition of second utility meter. The second meter does not validate the nonconforming use but is solely for purposes of the existing use until such time as it is destroyed and must come into compliance with the Code per Section 3.190.D.”

Section 3.210.A.4, Off-Street Sales and Storage Lots, is deleted in its entirety and replaced to read as follows:

“A. Requirements.

4. Security, display, or outdoor lighting shall comply with applicable lighting standards in Section 3.128.”

Section 3.215, Outdoor Storage Area Enclosures, is added to read as follows:

“3.215. OUTDOOR STORAGE AREA ENCLOSURES.

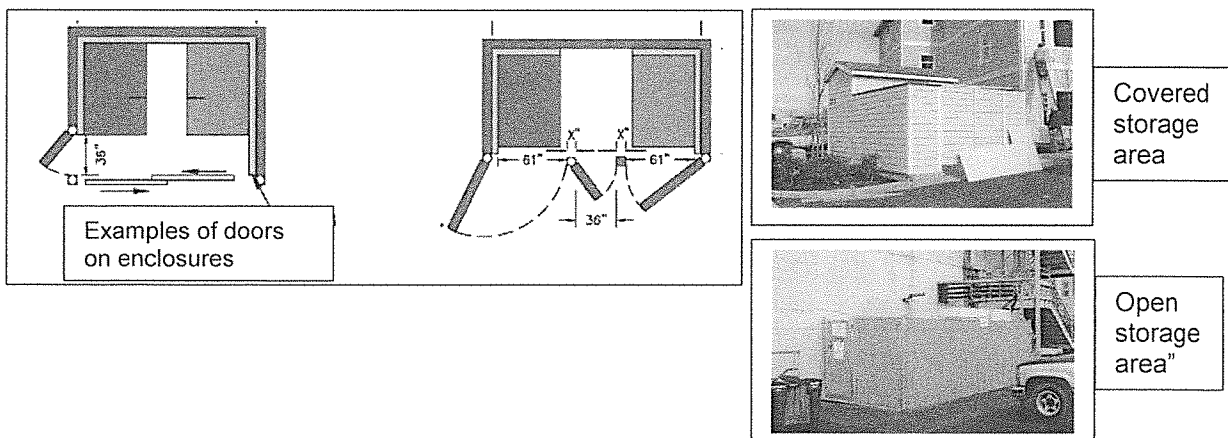
1. Outdoor Storage Area Enclosure Required.

Outdoor storage areas shall be enclosed to provide physical and/or visual buffers. Required enclosures shall be maintained in such condition as to not become so defective, unsightly, or in such condition of deterioration, disrepair, or unsanitary condition that the same causes potential depreciation of the values of surrounding properties or is materially detrimental to nearby properties and/or improvements.

2. Applicability.

The provisions of this Section shall apply to all new construction or major renovation of the existing structures, where "major renovation" is defined as construction valued at 25% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section. The provisions shall also apply to all new storage areas; relocation of an existing storage area; and/or expansion of an existing storage area.

3. In addition to other Code requirements such as Historic and/or Design Review, enclosures shall be provided as follows:
 - a. Outdoor storage areas shall be enclosed by appropriate vegetation, fencing, or walls, except for single-family and two-family residential use.
 - b. Section 3.215 does not apply to outdoor retail sales areas.
 - c. An enclosed storage area visible from other properties and/or rights-of-way shall be required to include a cover to buffer the view from other properties and/or rights-of-way. The minimum clearance inside a covered enclosure shall be 7'6" with a 6'8" high entryway for pedestrian access.
 - d. Enclosed storage areas greater than 7' tall shall contain a pedestrian access door in addition to the main service doors.
 - e. The design and location of any enclosed solid waste disposal storage area shall be reviewed and approved by the collection service company.
 - f. Unless approved by the Planner, access to enclosed storage areas shall not be blocked by parking spaces.



Section 3.230.B, RESTAURANT AS AN ACCESSORY USE TO AN INN, Hours of Operation is deleted in its entirety and replaced to read as follows:

"B. Hours of Operation.

The restaurant shall be open no more than five (5) nights per week, and shall not seat guests before 7:00 a.m. or after 9:00 p.m.”

Section 3.230.F, RESTAURANT AS AN ACCESSORY USE TO AN INN, is amended with the addition to read as follows:

“F. Associated Business Activities.

Approved “associated business activities” within an inn are not subject to the requirements of Section 3.230.”

Section 4. Astoria Development Code Article 4, Columbia River Aquatic and Shoreland Regional Standards, is amended as follows:

4.160.2.e, Columbia River Estuary and Shoreland Regional Standards Residential, Commercial and Industrial Development, is added to read as follows:

“e. There shall be a 15’ landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5’ beyond a bumper guard into the landscaped area.”

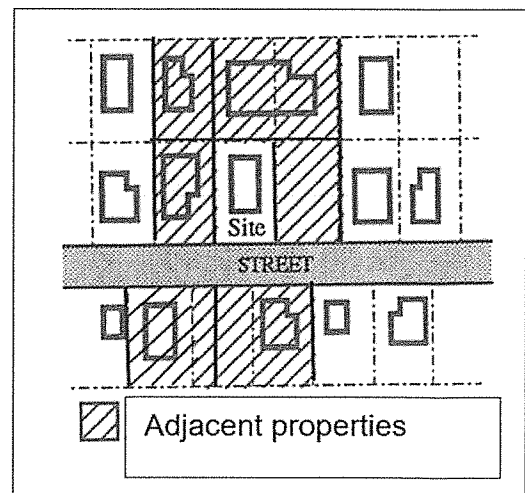
Section 5. Astoria Development Code Article 6, Historic Properties, is amended as follows:

Section 6.070.A, New Construction, Certificate of Appropriateness, is deleted in its entirety and replaced to read as follows:

“A. Certificate of Appropriateness.

No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark as described in Section 6.040, without first obtaining a Certificate of Appropriateness from the Historic Landmarks Commission.

In obtaining a Certificate of Appropriateness as required above, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.”



Section 6. Astoria Development Code Article 7, Parking, is amended as follows:

Section 7.030.C and 7.030.D, Off-Street Parking and Loading, Location, is added to read as follows:

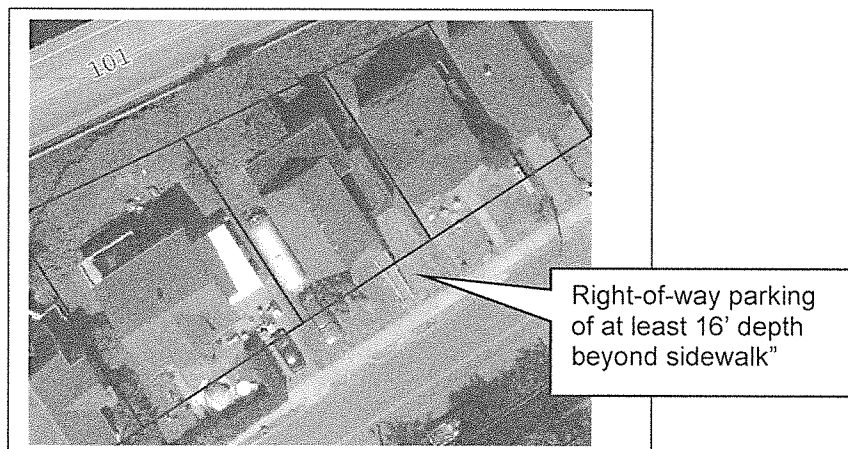
“C. Allowed On-Street Parking.

When on-street (within a right-of-way) parking spaces are allowed to be counted toward the required off-street parking spaces for a proposed use/site, the on-street parking spaces shall not be used exclusively by that use/site but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

D. Existing Parking within Right-of-Way.

Existing parking areas located within a right-of-way between the property line and the paved portion of the right-of-way may be counted toward the required off-street parking spaces as follows:

1. The parking area shall exist at the time of the proposed use application;
2. The parking area shall meet minimum parking space dimensions and not extend into pedestrian walkway/sidewalk, or into adjacent properties;
3. The City Engineer shall review and approve the location of the parking space;
4. The applicant shall obtain an administrative Type I permit for use of the area for parking.
5. The parking area shall be in compliance with City Code 6.100 (Clear Vision Ordinance) and shall not create a safety hazard.
6. Recreational vehicles boats, and/or non-operable vehicles shall not be parked and/or stored in the parking areas located within a right-of-way between the property line and the paved portion of the right-of-way as allowed in Section 7.030.D.



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

“The following are minimum off-street parking requirements by use category. The Community Development Director or Planning Commission, as applicable, may increase the required off-street parking based on anticipated need for a specific conditional use. Off-street vehicle parking requirements are calculated to include consideration of employee and customer/client uses.”

Section 7.110.C, Parking and Loading Area Development Requirements, is deleted in its entirety and replaced to read as follows:

“C. Bumper guards or wheel barriers.

Permanently affixed bumper guards or wheel barriers are required and shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be surfaced as required in Section 7.110.B or landscaped. The vehicle may extend past the bumper guard into a landscaped area a maximum of 2.5’.”

Section 7.110.E, Parking and Loading Area Development Requirements, is hereby deleted in its entirety and replace to read as follows:

“E. Access.

Parking or loading areas having more than four (4) spaces in the same block shall be designed so that vehicles do not back into public streets, or do not use public streets for maneuvering. All entrances and exits onto public streets shall first have a Driveway Permit from the Engineering Department and shall be designed and constructed to City standards. This does not prohibit individual driveways located within the same block for separate, independent uses.”

Section 7.110.F, Parking and Loading Area Development Requirements is deleted in its entirety and replaced to read as follows:

“F. Lighting.

Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128.”

Section 7.170, Landscaping of Outdoor Storage or Parking Areas, is deleted in its entirety and replaced to read as follows:

“A. A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater.

Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property.

- B. There shall be a 15' landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5' beyond a bumper guard into the landscaped area."

Section 7. Astoria Development Code Article 8, Signs, is amended to read as follows:

Section 8.050.A.3, Prohibited Signs, is deleted in its entirety and replaced to read as follows:

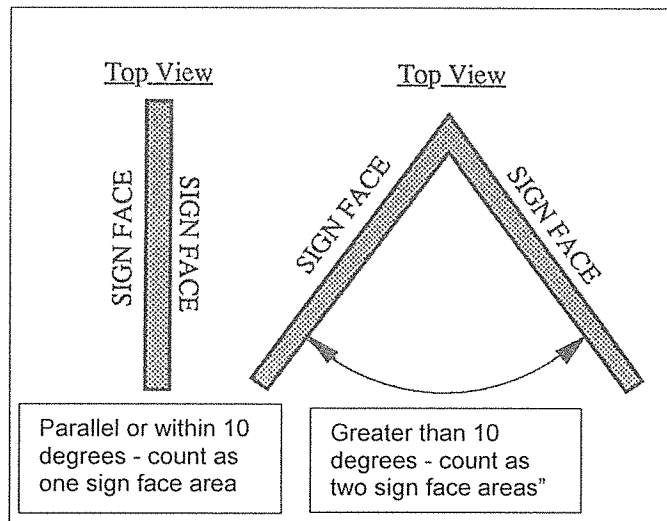
- "3. Signs which flash, revolve, rotate, swing, undulate or otherwise attract attention through the movement or flashing of parts of the sign, including inflatable signs, large balloons, flags, pennants, animation sign on vehicles, billboard vehicles, or similar devices.

This prohibition does not include the following signs:

- a. barber poles of maximum of 4' in total fixture height may rotate;
- b. changeable text signs;
- c. time and temperature signs;
- d. signs, other than animation signs, on vehicles such as buses, delivery vehicles, etc. that are used other than solely for display of signage."

Section 8.070.A.1, General Sign Regulations, Sign Face Area, is deleted in its entirety and replaced to read as follows:

- "1. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face [See 8.120(A.1), Figure 1]. Sign area does not include foundations, supports, and other essential structures which do not serve as a backdrop or border to the sign. Only one (1) side of a double-faced sign is counted in measuring the sign face area, except for a double-faced changeable text sign. If the sign faces are not parallel or within 10 degrees of parallel, each is considered one sign face and both faces are counted."



Section 8.080.A.3, Specific Sign Regulations (Applicable to All Zones), Wall or Roof Signs, is added to read as follows:

- “3. Number. Permanent wall signage of a maximum of twelve (12) square feet per frontage shall be calculated as one sign.”

Section 8.080.C.4, Specific Sign Regulations (Applicable to All Zones), Projecting Signs, is deleted in its entirety and replaced to read as follows:

- “4. Angle of sign. The angle between the two sides of a projecting sign may not be greater than 10° (ten degrees), and the two sides may not be visible at the same time from adjacent properties or streets. Signs that are greater than 10° (ten degrees) shall be counted as two signs in number and square footage.”

Section 8.080.G.1, Specific Sign Regulations (Applicable to All Zones), Permanent Window Signs, is deleted in its entirety and replaced to read as follows:

- “1. Number. Permanent window signage of a maximum of twelve (12) square feet per frontage shall be calculated as one sign.”

Section 8.080.K.7, Specific Sign Regulations (Applicable to All Zones), Temporary Signs, is added to read as follows:

- “7. Number of Signs.

Only one Temporary Sign shall be allowed for each business, use, or activity unless otherwise noted. Sites without buildings shall be allowed no more than one Temporary Sign. The sign shall not be included in the total number of signs allowed.”

8.080.M.4.b.4, Specific Sign Regulations (Applicable to All Zones), Changeable Text Signs, Standards, Location, is added to read as follows:

- “4) The sign shall not be located on a vehicle whether moving or parked.”

Section 8. Astoria Development Code Article 9, Administrative Procedures, is amended as follows:

Section 9.010.A and 9.010.B, Application Information and General Review Procedures, and Table 9.010 are hereby deleted in their entirety and replaced to read as follows:

“9.010. APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES.

A. Purpose.

The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

B. Applicability of Review Procedures.

All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this article. The procedure “Type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in ~~subsections~~ Sections 9.010.B.1 to 9.010.B.4 below. The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City’s failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

1. Type I Procedure (Staff Review – Zoning Checklist).

Type I decisions are made by the Community Development Director, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).

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

Type II decisions are made by the Community Development Director, with public notice and an opportunity for appeal to the Planning Commission, Historic Landmarks Commission, or Design Review Commission. Alternatively, the Community Development Director may refer a Type II application to the appropriate Commission/Committee for its review and decision in a public meeting.

a. If the Community Development Director refers a Type II application to the Commission/Committee at the time of the application, it will be classified as a Type III with associated fees.

b. If the Community Development Director refers a Type II application to the

Commission/Committee after the public notice has been issued, it will be classified as a Type III with no additional fees.

- c. If the applicant requests that a Type II application be referred to the Commission/Committee after the public notice has been issued, it will be classified as a Type III and the applicant shall pay the difference of the fees.

3. Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions are made by the Commission/Committee after a public hearing, with an opportunity for appeal to the City Council. In the case of a Quasi-Judicial zone change, a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

4. Type IV Procedure (Legislative Review).

The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and Comprehensive Plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.”

Section 9.010.C.4, Application Information and General Review Procedures, is hereby deleted in its entirety and replaced to read as follows:

“C. Content.

An application for a land use action or permit shall consist of:

4. City staff shall provide a zoning checklist to an applicant that identifies all required submittal information. The applicant is required to submit the completed zoning checklist with an application.”

Section 9.010.C.5, Application Information and General Review Procedures, is added to read as follows:

- “5. Signature of the applicant on the permit application is deemed to grant City staff and/or City representative permission to enter upon the exterior portion of the property for photos, site visits, inspections until the permit is finalized, all other inspections, and the project is deemed complete by the City.”

Section 9.010.D, Application Information and General Review Procedures, is hereby deleted in its entirety and replaced to read as follows:

“D. Submittal.

A complete application and all supporting documents and evidence shall be submitted at least 28-30 days prior to the date of a hearing. Exceptions may be made to this requirement by the Community Development Director on a case-by-case basis.”

Section 9.010.G, Application Information and General Review Procedures, is hereby deleted in its entirety and replaced to read as follows:

“G. Multiple Requests.

Where a proposed development requires more than one development permit or zone change request from the City, the applicant may request that the City consider all necessary permit and zone change requests in a consolidated manner. If the applicant requests that the City consolidate its review of the development proposal, all necessary public hearings before the applicable Commission should be held on the same date if possible.”

Section 9.010.I, Application Information and General Review Procedures, Pre-Application Meeting, is hereby deleted in their entirety and replaced to read as follows:

“I. Pre-Application Meeting.

Prior to submittal of a Type II, III, or IV application, a pre-application meeting with the Community Development Director and/or the Planner may be required. The Community Development Director shall determine the classification, submittal requirements, and the appropriate process for any application.”

Section 9.010.K.d, Application Information and General Review Procedures, Applications for Development Review is hereby deleted in its entirety and replaced to read as follows:

“d. Person or entity authorized by the Board or Commission/Commission; or”

Section 9.020.B.1.h, Public Notice, Mailed Notice - Distribution, Time Requirements, is deleted in its entirety and replaced to read as follows:

“h. Appeals - Parties to the record of the permit being appealed.”

Section 9.020.B.3, Public Notice, Mailed Notice - Distribution, Time Requirements, is deleted in its entirety and replaced to read as follows:

“3. Notice shall be mailed not less than 20 calendar days prior to the hearing requiring the notice; or if two or more evidentiary hearings are allowed, 10 calendar days prior to the first evidentiary hearing. In calculating the “days”, the day a notice is mailed, and the day of the hearing is not included in the calculation.”

Section 9.020.C, PUBLIC NOTICE, Published Notice, is deleted in its entirety and replaced to read as follows:

“C. Published Notice.

Notice shall be given for any proposed administrative/staff review with notice (Type II), quasi-judicial (Type III), or legislative (Type IV) land use action by publication in a newspaper of general circulation in the City of Astoria.”

Section 9.020.D, Public Notice, Posted Notice, is deleted in its entirety and replaced to read as follows:

“D. Posted Notice.

For Type III applications, at least 14 days before the first hearing, the Community Development Director or designee shall post notice of the hearing on the project site in clear view from a public right-of-way. Posting near the main entryway inside a storefront window of a commercial or industrial building visible to the public is allowable. For applications that are not site specific, the Community Development Director may select an appropriate site or sites to post the notice. Posted notice may be removed after the first public hearing has been held.”

Section 9.060, Compliance with Conditions of Approval, is deleted in its entirety and replaced to read as follows:

“9.060. COMPLIANCE WITH CONDITIONS OF APPROVAL.

Compliance with conditions established for a request and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code. See Section 1.010 of the Astoria City Code concerning penalties.

Amendments to existing permit conditions and/or approved plans may be allowed as follows:

1. Minor changes that would have no impact or minimal impact to the design, use, or location of the project shall be reviewed administratively as a Type I permit.
2. All other proposed changes shall be reviewed as an administrative Type II permit or as a Type III permit as determined by the Community Development Director.”

Section 9.070, Limitations on Refiling of Application, is deleted in its entirety and replaced to read as follows:

“9.070. LIMITATIONS ON REFILING OF APPLICATION.

Applications for which a substantially similar application has been denied will be heard by the Planning Commission/Committee only after a period of six (6) months has elapsed from date of the earlier decision, unless the Commission/Committee finds that special circumstances justify earlier reapplication. If a request is withdrawn prior to the Commission/Committee public hearing, there shall be no limitation on refileing of an application.”

Section 9.100.B.1.b, TIME LIMIT ON PERMITS, Permit Extensions, Permit Extension Time Limit, is deleted in its entirety and replaced to read as follows:

- “b. Following the first one-year permit extension by the Community Development Director, the original granting authority may grant subsequent one-year extensions. Temporary Use Permit extensions may be granted by the Community Development Director as a Type II permit.”

Section 9. Astoria Development Code, Article 11, Conditional Use, is amended as follows:

Section 11.110.D, Conditional Uses, Light Manufacturing, is deleted in its entirety and replaced to read as follows:

- “D. Lighting.

All uses shall comply with applicable lighting standards in Section 3.128.”

Section 11.120.S, Conditional Use, Manufactured Dwelling Park, is deleted in its entirety and replaced to read as follows:

- “S. Lighting.

Roadways and walkways designed for the general use of the park residents shall be lighted during the hours of darkness. Such lighting shall not be under control of the manufactured dwelling occupant.

All uses shall comply with applicable lighting standards in Section 3.128.”

Section 10. Astoria Development Code Article 12, Variances, is amended as follows:

Section 12.030.C concerning General Criteria for Variances is hereby deleted in its entirety and replaced to read as follows:

- “C. No variance may be granted which will permit a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction. A variance may be granted for lot dimension and/or square footage (lot size) but not for density.”

Section 12.060.A & B, CLASSIFICATION OF VARIANCES, deleted in their entirety and replaced to read as follows:

“12.060. CLASSIFICATION OF VARIANCES.

- A. Type II.

Type II includes minor variances which are small changes from the Code requirements, and which will have little or no effect on adjacent property or users.

Administrative approval by the Community Development Director of Type II variances may be granted.

Type II variances include:

1. Location of structures in relation to required yards;
2. Variances from minimum lot width, depth, and lot coverage;
3. Variances from other quantitative standards by 10% or less.
4. Variances from the requirements of the Flood Hazard Overlay Zone section 2.800 to 2.825. *(Added by Ordinance 09-03, 8/3/09)*
5. Variance from fence height up to a maximum of 8’.
6. Variance from off-street parking for a maximum of two spaces for multi-family dwellings and non-residential uses.
7. Variance from off-street parking for single-family and two-family dwellings, including their accessory uses.

B. Type III.

Type III includes variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. A Type III variance may be granted by the Planning Commission.

Type III variances include, but are not limited to:

1. Variances from quantitative standards other than those identified in Section 12.060.A by more than 10%;
2. Variances from other provisions of this chapter except density and use restrictions.”

Section 12.090, Variances, is renamed to read as follows:

“12.090. ACTION ON TYPE II VARIANCE APPLICATION.”

Section 12.100, Variances is deleted in its entirety and replaced to read as follows:

“12.100. APPEAL OF A TYPE II VARIANCE.

The decision of the Community Development Director on a Type II Variance may be appealed to the Planning Commission in accordance with 9.040.”

Section 12.110, Variances is deleted in its entirety and replaced to read as follows:

"12.110. ACTION ON TYPE III VARIANCE APPLICATION.

Hearings on a Type III Variance will be held in accordance with 9.030."

Section 12.120, Variances is deleted in its entirety and replaced to read as follows:

"12.120. APPEAL OF A TYPE III VARIANCE.

The decision of the Planning Commission decision on a Type III Variance may be appealed to the City Council in accordance with 9.040."

Section 10. Astoria Development Code Article 13, Land Division, is amended as follows:

Section 13.430.B, Subdivisions, BUILDING SITES, Access, is deleted in its entirety and replaced to read as follows:

"B. Access.

Every lot and parcel shall abut a street, other than an alley, for at least 25 feet, except as follows:

1. recorded easement of 25' may be used to satisfy this requirement; or
2. pre-existing platted lot fronting on an alley may use the alley for "access to street" if the alley is already developed or can be developed to comply with emergency vehicle access requirements to the site as approved by the City."

Section 11. Astoria Development Code Article 14, Overlay Zones, is amended as follows:

Section 14.070.A.2, Other Development Standards in the Civic Greenway Area, is deleted in its entirety and replaced to read as follows:

"2. Exterior lighting.

All uses shall comply with applicable lighting standards in Section 3.128."

Section 14.115.H.2, Design Standards and Guidelines in the Bridge Vista Area, Lighting, is deleted in its entirety and replaced to read as follows:

"2. Standards Regarding Glare for All Uses.

All uses shall comply with applicable lighting standards in Section 3.128."

Section 14.137.A.1, Other Development Standards in the Neighborhood Greenway Overlay Zone, is deleted in its entirety and replaced to read as follows:

"1. Exterior lighting.

All uses shall comply with applicable lighting standards in Section 3.128.”

Section 14.510.4, Development Standards and Procedural Requirements in the CRESO Zone, is added to read as follows:

“4. There shall be a 15’ landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5’ beyond a bumper guard into the landscaped area.”

Section 12. Astoria Development Code Article 15, Wireless Communication Service Facilities, is amended as follows:

Section 15.020.B.4, Applicability for Wireless Communication Facilities, is amended by the addition to read as follows:

“4. Microwave Receiving Dish/Device (See Section 3.150).”

Section 15.065.B.8.b, Wireless Communication Facility Ordinance, Standards and Review Criteria, Location, Siting and Design Requirements, Lighting, is deleted in its entirety and replaced to read as follows:

“b. Exterior lighting shall comply with applicable lighting standards in Section 3.128.”

Section 13. Astoria Development Code Article 16, Standards for Small Scale Solar Energy Facilities, is amended as follows:

Section 16.040.H.2, Standards and Review Criteria for Solar Facilities, Lighting, is deleted in its entirety and replaced to read as follows:

“2. Exterior lighting shall comply with applicable lighting standards in Section 3.128.”

Section 14. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

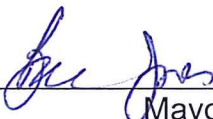
ADOPTED BY THE COMMON COUNCIL THIS 17 DAY OF June, 2019.

APPROVED BY THE MAYOR THIS 17 DAY OF June, 2019.

ATTEST:



Brett Estes, City Manager



Mayor

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner

Rocka
Brownson
Herman
West

X
X
X
X
X

Mayor Jones