

ORDINANCE NO. 17-07

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTION 1.400 AND SECTION 3.020 PERTAINING TO ARTICLE 1 – DEFINITIONS AND ARTICLE 3 – ACCESSORY DWELLING UNITS

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code is amended by the addition to Section 1.400 pertaining to a new definition to read as follows:

“Article 1: Section 1.400

Accessory Dwelling Unit: An accessory dwelling unit is one additional subordinate or auxiliary living unit, including kitchen facilities, in an existing house or detached from the main dwelling. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling.”

Section 2. Astoria Development Code is amended by the addition to Section 3.020 to read as follows:

“3.020. ACCESSORY DWELLING UNITS (ADUs).

A. Purpose.

The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house and neighborhood.

B. Standards.

1. Size.

a. Primary Structure.

A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage.

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller. Only one unit per single family lot and per main dwelling is permitted.

2. Creation of the Unit.

- a. The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. Construction of new units are also permitted and can be built over new detached or attached garages or as separate detached units.
- b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.
- c. An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.

3. Location of Entrances & New Units.

In addition to the main entrance, one entrance to the house for the ADU may be located on the side or rear of the house. An additional entrance on the main dwelling shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion. The location of the entrance to a detached unit can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street. In cases where new units are placed on a corner lot, they shall be located on a side yard or rear of the lot.

4. Zones in Which Permitted.

Accessory Dwelling Units are permitted outright or conditional as an accessory use to any existing single-family dwelling in all zones.

5. Owner Occupancy.

- a. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.
- b. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.

6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space. If on street parking is available on a city street built to a city standard identified in the Transportation System Plan and has parking on both sides of the street, one space may be credited to the requirement of three total spaces.

8. Height: The height of new detached units shall not exceed 20 feet or 80% of the height of the main dwelling, whichever is less.

9. Homestay Lodging

Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017. (Ordinance 17-XX, Adopted April 17, 2017)

C. Permits.

1. Permit Required.

A Type I or Type III permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or
- b. The subject lot ceases to provide the approved number of parking spaces; or
- c. The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.

D. Non-conforming Accessory Dwelling Units.

1. The portion of a single-family dwelling **or detached accessory structure** which meets the definition of Accessory Dwelling Unit which was in existence prior to

January 1, 2004, may continue in existence provided the following requirements are met:

- a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.
 - b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.
 - c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".
2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:
- a. The permit review shall be in accordance with Article 9 concerning Type II administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.
 - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:
 - 1) That full compliance would be impractical; and
 - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and
 - 3) That the granting of the permit will not create a safety hazard.
3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040."


Section 4. The Community Development Director shall evaluate the accessory dwelling unit program in April 2018 to recommend if any additional changes are required to make improvements. A staff report shall be produced and reviewed by the Astoria Planning Commission with a recommendation to the City Council. This section 4 is adopted by the Council but shall not be codified in the Astoria City Code.

Section 5. 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 April, 2017.

APPROVED BY THE MAYOR THIS 17 DAY OF April, 2017.

Arline LaMear
Mayor

ATTEST:


Brett Estes, City Manager

ROLL CALL ON ADOPTION:		YEA	NAY	ABSENT
Commissioner	Nemlowill	X		
	Brownson	X		
	Price		X	
	Jones	X		
Mayor LaMear	X			