

ARTICLE 11

CONDITIONAL USES

11.010. PURPOSE.

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled.

11.020. APPLICATION AND PROCEDURES.

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.

(Section 11.020.A amended by Ord 19-07, 7-1-2019)

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.

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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 11.020.B amended by Ord 19-07, 7-1-2019)

11.022. CLASSIFICATION OF CONDITIONAL USE REVIEW.
(Section 11.022 added by Ord 19-07, 7-1-2019)

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. *(Section 11.022.A.2 deleted by Ordinance 21-02, 2-16-21)*

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 11.022 added by Ord 19-07, 7-1-2019)

11.030. BASIC CONDITIONAL USE STANDARDS.

- A. Before a conditional use is approved, findings will be made that the use (except for housing developments) will comply with the following standards:
1. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.
 2. An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.
 3. The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.
 4. The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.
 5. The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.
- B. Housing developments will comply only with standards 2, 3, and 4 above.

11.040. SPECIAL CONDITIONS.

A. Non-Residential.

In permitting a conditional use or the modification of an existing conditional use not involving a housing development (e.g. multi-family development, manufactured dwelling park), the Planning Commission may impose, in addition to those standards and requirements expressly specified in this Code, other conditions which it considers necessary to protect the best interest of the surrounding property or the City as a whole. These conditions are:

1. Controlling the location or placement of buildings on land or over aquatic area;

2. Increasing the required lot size or yard dimensions;
3. Reducing the required height and size of buildings;
4. Controlling the location and number of vehicle access points;
5. Increasing the required off-street parking spaces;
6. Increasing the required street width;
7. Limiting the number, size, location, and lighting of signs;
8. Requiring diking, fencing, screening, landscaping, berms, or other items to protect adjacent or aquatic areas;
9. Designating sites for open space;
10. Specifying the types of materials to be used;
11. Specifying the hours of operation and/or time of year the activity may occur;
12. Completion of a monitoring program.

B. Residential.

In permitting a conditional use, or the modification of a conditional use, involving a housing development, the Planning Commission may impose Conditions 4, 6, 7, 8, and 9 above.

11.050. EXISTING CONDITIONAL USES.

In the case of a use existing prior to its present classification by this Code as a conditional use, any change in use or in lot area or any alteration of a structure will conform with the requirements dealing with conditional uses.

11.060. EXPANSION OF AN EXISTING CONDITIONAL USE.

- A. The Community Development Director may authorize the expansion of an existing conditional use not to exceed 10% of the gross floor area of the use, or, where a use does not involve a structure, 10% of the gross site area of the use, in accordance with Article 9.
- B. The Planning Commission may authorize the expansion of an existing conditional use in excess of 10% of the gross floor area of the use, or, where a use does not involve a structure, 10% of the gross site area of the use, in accordance with Article 9.

11.070. PERFORMANCE BOND.

The Planning Commission may require that the applicant for a conditional use furnish to the City a performance bond up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plan and specifications as approved by the Planning Commission and that the standards established in granting the conditional use are observed.

SPECIAL CONDITIONAL USE STANDARDS

11.080. ANIMAL HOSPITAL OR KENNEL.

Pens shall be enclosed to the extent that noise and odor does not affect adjacent property. Kennels shall be connected to City sewers for animal waste disposal. No more than 50 animals shall be kept on site at any time.

11.090. AUTOMOTIVE SALES AND SERVICE.

Service stations shall be located on a site of at least 20,000 square feet. Body and paint shops shall contain all noise, fumes, odors or other emissions on site. Materials or parts shall be stored in an enclosed structure or behind a fence or hedge.

11.100. DRIVE-THRU PURCHASE OR SERVICE FACILITIES.

No use with a drive-thru purchase or service facility which makes it possible for a person to transact business from a vehicle will be permitted unless the City Engineer determines that the access is adequate, and will not unduly restrict traffic flow.

11.110. LIGHT MANUFACTURING.

A. Nuisances.

No use shall generate odor, dust, gas, fumes, glare or vibration beyond the property line or site boundary.

B. Storage.

Storage of materials and equipment shall be screened from adjacent properties or public streets by sight-obscuring fencing, landscaping or both. Clear vision areas shall not be obscured.

C. Buffer.

Where a use abuts a residential zone, or other sensitive use (regardless of the presence of a street) a buffer of at least 10 feet shall be established. Such buffer may include plantings, berms, walls, and fencing adequate to provide a separation of the use from the residential area.

D. Lighting.

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

(Section 11.110.D amended by Ord 19-05, 6-17-2019)

E. Parking.

Uses shall have adequate parking, loading, maneuvering, and vehicle storage areas so as not to impact adjacent public streets or parking facilities. Ingress and egress shall be limited so as to direct parking onto arterial or collector streets.

11.120. MANUFACTURED DWELLING PARK.

Before a manufactured dwelling park is approved as a conditional use, findings will be made that the use will comply with the following standards:

A. State Standards.

A manufactured dwelling park shall conform to State standards in effect at the time of construction.

B. Size of Spaces.

Spaces in the parks shall be sized as follows:

1. Spaces for doublewide units (24 to 28 feet wide) shall be a minimum of 4,000 square feet.
2. Spaces for singlewide units (14 to 16 feet wide) shall be a minimum of 3,500 square feet.
3. Spaces for "park units" (8 feet wide) shall be a minimum of 3,000 square feet.

C. Use of Spaces.

Spaces shall be clearly defined and shall be exclusively used for the private use of the tenant of the space.

D. Setbacks.

Manufactured dwellings shall be located within their designated spaces with the following setbacks:

1. Front yard: 15 feet.
2. Side yard: 5 feet.

3. Rear yard: 15 feet.

E. Park Setbacks.

Manufactured dwellings shall be located at least 25 feet from the property lines of the manufactured dwelling park.

F. Flood Hazard Protection Standards.

Manufactured dwellings placed in the manufactured dwelling park shall conform to the provisions of the Flood Hazard Protection Standards Sections 2.800 through 2.825.

G. Streets.

Streets in a manufactured dwelling park may be dedicated to the City or may be retained in private ownership. Private streets shall be constructed to City standards, except that two-way streets may be 24 feet wide, and one-way lanes may be 18 feet wide. Storm drain facilities shall be installed throughout the manufactured dwelling. Streets dedicated to the City shall meet City standards. All streets shall be approved by the Public Works Director.

H. Street Frontage.

Each space shall abut a street for a minimum distance of 20 feet.

I. Easements.

Easements necessary for public utilities and installation of fire hydrants shall be required by the Public Works Director at appropriate locations.

J. Buffers.

The Planning Commission may require buffers of sight obscuring fences, hedges, and/or berms, between the park and adjacent property, and between potentially conflicting uses such as campgrounds or accessory uses. Buffering may be waived where it is unnecessary due to topographical features or existing tree cover.

K. Open Space.

A minimum of 20% of the overall area of the park shall be devoted to common open space. Open space may also include playgrounds, natural areas, streams and wetlands, but shall not include individual setback areas, streets or utility areas.

L. Oregon Insignia of Compliance.

Manufactured dwellings shall bear the Oregon Insignia of Compliance and conform to the standards of the Buildings Codes Agency.

M. Skirting.

Manufactured dwellings shall have a continuous skirting of non-decaying, non-corroding material which shall be installed within 30 days of placement of the unit.

N. Tie-Downs.

All manufactured dwellings shall be installed with tie-downs to protect the manufactured dwelling against wind and storm damage. Tie-downs shall be installed prior to occupancy of the unit.

O. Parking.

1. Manufactured dwellings shall conform to the parking requirements for single-family dwellings, as specified in Article 7.
2. There shall be two (2) vehicle parking spaces for each manufactured dwelling space; parking spaces may be designed end-to-end, side-to-side, or provided in off-street parking areas as approved by the Community Development Director.

P. Signs.

Signs shall be in conformance with Article 8.

Q. On-Site Storage.

Furniture, tools, equipment, building materials, or supplies belonging to the management of the park stored outdoors shall be screened. Screening shall be sight-obscuring and shall blend with the park environment.

R. Walks.

Provisions shall be made for hard-surfaced, well-drained walks, not less than 48 inches in width, from each manufactured dwelling space to the park buildings, and to a public street or park roadway.

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 11.120.S amended by Ord 19-05, 6-17-2019)

T. Driveway.

Each manufactuared dwelling space within the park shall have direct access to a park roadway or to a public street which the park abuts on both sides. The driveway shall be an unobstructed area, not less than ten (10) feet in width, and shall be constructed of hard surface materials and well drained.

U. Decks and Patios.

Each manufactured dwelling space shall be provided with one or more slabs or decks adjacent to the manufactured dwelling stand, constructed of concrete, asphalt, flag stone, wood, or other equivalent surface material which singly or in combination, total not less than 100 square feet of area and are not less than four (4) feet in width in their least dimension.

11.130. MULTI-FAMILY DWELLING.

(Section 11.130 renumbered as 3.155 and amended by Ordinance 95-05, 2-6-95)

11.140. PUBLIC OR SEMI-PUBLIC USE.

Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses.

11.160. CLUSTER DEVELOPMENT PROVISIONS.

A. Purpose.

The purpose of cluster development is to achieve the following objectives:

1. Maintain open space;
2. Reduce street and utility construction, and maintenance;
3. Separate automobile traffic from residential areas; and

4. Reduce site development and housing costs.

B. Description.

Cluster Development is a development technique wherein house sites or structures are grouped closer together with the remainder of the tract left in its natural state or as landscaped open space. Clustering can be carried out in the context of a major or minor partition, subdivision, or through a conditional use. It differs from a Planned Development in that it may be done on a smaller site, does not necessarily have a mixture of housing types and uses, and is done in a unit, rather than planned phases. Cluster Developments may incorporate single-family structures and their associated uses. Steep slopes, stream banks or other sensitive lands should remain in their natural condition, but may be used in density calculations.

(Section 11.160(B) amended by Ordinance 95-05, 2-6-95)

C. Streets.

Streets and roads will not be used for density calculations, and will conform to city standards. The planning commission may allow for reductions in street width where the land is steep, the street serves a limited number of dwellings, and off-street parking requirements are met.

D. Open Space.

Provisions for the long-term maintenance of open space shall be provided through a homeowners' association or other legal instrument.

E. Other Code Standards.

1. Cluster developments shall adhere to all of the standards of the zone, except that a reduction of lot size and yard requirements is permitted so long as overall lot coverage, open space, and density requirements are met.

(Section 11.160(E) amended by Ordinance 95-05, 2-6-95)

2. Structures may be in single ownership, be individually owned, or in condominium ownership.

11.170. WHOLESALE TRADE, WAREHOUSE, MINI-STORAGE, AND/OR DISTRIBUTION ESTABLISHMENTS IN THE CENTRAL COMMERCIAL ZONE.

A. Location.

Where such establishments are located in the C-4 Zone (Central Commercial), they shall be restricted to the basement of buildings.

B. Loading and Unloading.

Such establishments shall provide off-street loading and unloading space capable of accommodating projected traffic.