

ORDINANCE NO. 21-02

AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE SECTIONS CONCERNING ACCESSORY DWELLING UNITS AND RESIDENTIAL STRUCTURE TYPES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Astoria Development Code Section 1.400 pertaining to Definitions, identified definitions are hereby deleted in their entirety and replaced to read as follows:

“ACCESSORY DWELLING UNIT: See Residential Structure Types, Accessory Dwelling Unit.

ACCESSORY DWELLING UNIT: A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home. The unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.”

Section 2. Astoria Development Code Section 2.020.9 pertaining to Uses Permitted Outright in the R-1 Zone is hereby added to read as follows:

“9. Accessory Dwelling Unit.”

Section 3. Astoria Development Code Section 2.025.7 pertaining to Conditional Uses Permitted in the R-1 Zone is hereby deleted in its entirety.

Section 4. Astoria Development Code Section 2.075.2 and 3 pertaining to Lot Size in the R-2 Zone is hereby deleted in its entirety and replaced to read as follows:

“2.075. LOT SIZE.

Uses in an R-2 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-2 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

2. The minimum lot size for a two family dwelling will be 7,500 square feet. An Accessory Dwelling Unit shall not be considered a Duplex for the purposes of minimum lot size.
3. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus 1,500 square feet for each unit in excess of one. An Accessory Dwelling Unit shall not be considered a multi-family dwelling for the purposes of minimum lot size.

Section 5. Astoria Development Code Section 2.165.2 and Section 2.265.3 pertaining to Lot Size in the R-3 Zone is hereby deleted in its entirety and replaced to read as follows:

“2.165. LOT SIZE.

Uses in an R-3 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-3 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

2. The minimum lot size for a two-family dwelling will be 6,500 square feet. An Accessory Dwelling Unit shall not be considered a two-family dwelling for the purposes of minimum lot size.
3. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus 1,500 square feet for each unit in excess of one. An Accessory Dwelling Unit shall not be considered a multi-family dwelling for the purposes of minimum lot size.

Section 6. Astoria Development Code Section 2.205.9 pertaining to Uses Permitted Outright in the CR Zone is hereby added to read as follows:

“9. Accessory Dwelling Unit.”

Section 7. Astoria Development Code Section 2.220.2 pertaining to Lot Size and Density in the CR Zone is hereby deleted in its entirety and replaced to read as follows:

“2.220. LOT SIZE AND DENSITY.

Uses in the CR Zone shall meet the following lot size requirements that are applicable to the particular use:

2. The minimum lot size for a two-family dwelling is 4,000 square feet. The maximum lot size for a two-family dwelling is 6,000 square feet. An Accessory Dwelling Unit shall not be considered a two-family dwelling for the purposes of minimum lot size.

Section 8. Astoria Development Code Section 2.585.14.j. pertaining to Conditional Uses in the A-3 Zone is hereby added as follows:

“j. Accessory Dwelling Unit.”

Section 9. Astoria Development Code Section 2.840.10 pertaining to Uses Permitted Outright in the IN Zone is hereby deleted in its entirety and replaced to read as follows:

“10. Single-family dwelling on lot where such use existed as of January 1, 1990 and an Accessory Dwelling Unit.”

Section 10. Astoria Development Code Section 2.860.9 pertaining to Other Applicable Use Standards in the IN Zone is hereby deleted in its entirety and replaced to read as follows:

“9. Single-family dwellings existing as of January 1, 1990 and Accessory Dwelling Unit may be moved, enlarged or reconstructed provided such work is confined to those privately-owned lots associated with the dwelling.”

Section 11. Astoria Development Code Section 2.984.12 pertaining to Uses Permitted Outright in the AH-MP Zone is hereby added to read as follows:

“12. Accessory Dwelling Unit.”

Section 12. Astoria Development Code Section 3.008.D.1 pertaining to Vehicular Access and Circulation, Approach and Driveway Development Standards is hereby deleted in its entirety and replaced to read as follows:

“1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street. Access to single family residential development or Accessory Dwelling Unit should not be provided to an arterial or collector roadway.”

Section 13. Astoria Development Code Section 3.020 pertaining to Accessory Dwelling Units is hereby deleted in its entirety and replaced to read as follows:

“3.020. ACCESSORY DWELLING UNITS.

A. Purpose.

The purpose of this Section is to provide more housing on an individual lot.

B. Standards.

1. Size.

a. Primary Structure

Any single-family dwelling may establish an Accessory Dwelling Unit, secondarily to the primary structure.

b. Accessory Dwelling Unit.

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 ~~only~~ 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. A detached Accessory Dwelling Unit may include:

1) A Micro Housing Unit constructed to the Oregon Residential Specialty Code on a permanent foundation.

- 2) A modular or pre-fab home constructed to the Oregon Residential Building Code on a permanent foundation.
- 3) A manufactured home that complies with the design standards in Development Code Section 3.140 applicable to a manufactured home, with the exception of minimum size.
- 4) No Accessory Dwelling Unit is allowed that is mobile, attached to wheels, built to RV standards, or as a Park Trailer, or Park Model.

b. An Accessory Dwelling Unit shall be subordinate to the existing primary single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.

3. Location of Entrances.

In addition to the main entrance, one entrance to the house 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 Accessory Dwelling 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 as an accessory use to any existing single-family dwelling in all zones.

5. Height.

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

6. Homestay Lodging.

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

- a. Home Stay Lodging (which satisfies requirements in City Code Sections 8.750 to 8.800) may be allowed on properties in conjunction with an Accessory Dwelling Unit as listed in the allowable uses within specific zones in compliance with Section 3.100 (Home Stay Lodging).

C. Permits.

1. Permit Required.

A Type I 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.

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 14. Astoria Development Code Section 3.105.Z. pertaining to Landscaping, Purpose, is hereby deleted in its entirety and replaced to read as follows:

“The purpose and intent of this section is to enhance the appearance of the City by requiring landscaping as part of commercial developments, including parking areas. These development shall include all uses except those associated with single-family,, two-family, and Accessory Dwelling Units.”

Section 15. Astoria Development Code Section 3.180.C.1.a.5 pertaining to Nonconforming Uses, Discontinuance of Nonconforming Use, is hereby deleted in its entirety and replaced to read as follows:

- “5) Provide required off-street parking spaces per unit or obtain a variance; and”

Section 17. Astoria Development Code Section 3.215.3.a pertaining to Outdoor Storage Area Enclosures, is hereby deleted in its entirety and replaced to read as follows:

- “a. Outdoor storage areas shall be enclosed by appropriate vegetation, fencing, or walls, except for single-family and Accessory Dwelling Unit and two-family residential use.”

Section 18. Astoria Development Code Section 4.160 pertaining to Residential, Commercial, and Industrial Development, is hereby deleted in its entirety and replaced to read as follows:

“4.160. RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT.

The standards in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas. Within the context of this subsection, residential uses include single-family, Accessory Dwelling Unit, and multi-family structures, mobile homes, and floating residences (subject to an exception). Duck shacks, recreational vehicles, hotels, motels and bed-and-breakfast facilities are not considered residential structures for purposes of this subsection. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related or non-dependent non-related.”

Section 19. 7.010 pertaining to Parking and Loading Areas Required, Residential Categories, Table, is hereby deleted in its entirety and replaced to read as follows:

“7.010. PARKING AND LOADING AREAS REQUIRED.”

Use Categories	Minimum Parking per Land Use (Fractions are rounded up to the next whole number.)
RESIDENTIAL CATEGORIES	
Single-family Dwelling, including manufactured home or modular home on individual lots, and attached dwellings such as townhomes and condominiums	2 spaces per dwelling unit
Two-family Dwelling	2 spaces per dwelling unit
Accessory Dwelling Unit (second dwelling unit on a single-family lot)	No additional parking is required.
Manufactured Dwelling in a Park	1.5 per dwelling unit
Multi-family Dwelling including Group Housing	1.5 spaces per dwelling unit with more than one bedroom; 1.25 spaces per dwelling unit limited to one bedroom, or one-bedroom group housing units; Calculation is based on specific number of each type of units within the complex.
Group living such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing where clients have no access to driving	1 space per 8 bedrooms plus one per employee Calculation is based on the maximum number of employees on one shift, not total employment.
Residential Home, Residential Facility, and Adult Foster Care	1 additional space per 3 beds for the home/facility

Section 20. Astoria Development Code Section 7.105.A, Table, pertaining to Bicycle Parking, Standards, is hereby deleted in its entirety and replaced to read as follows:

Use	Minimum Number of Spaces	Long and Short Term Bicycle Parking Percentages
Multi-Dwelling Unit Residential	1 bike space per 4 dwelling units	75% long term 25% short term

Use	Minimum Number of Spaces	Long and Short Term Bicycle Parking Percentages
Structure with 4 or more dwelling units		

Section 21. Astoria Development Code Section 7.105.C pertaining to Bicycle Parking, exemptions, is hereby deleted in its entirety and replaced to read as follows:

“This Section does not apply to single-family, two-family, Accessory Dwelling Unit, and three-unit multi-family housing, home occupations, and agricultural uses. The Community Development Director or Planning Commission as applicable may exempt other uses upon finding that, due to the proximity of public bicycle parking facilities, the nature of the use, or its location, it is unlikely to have any patrons or employees arriving by bicycle.”

Section 22. Astoria Development Code Section 7.110 introductory paragraph pertaining to Parking and Loading Area Development Requirements, is hereby deleted in its entirety and replaced to read as follows:

“All parking and loading areas required under this ordinance, except those for a detached single-family dwelling or Accessory Dwelling Unit on an individual lot unless otherwise noted, shall be developed and maintained as follows:”

Section 23. Astoria Development Code Section 11.022.A.2 pertaining to Classification of Conditional Use Review, Type II Procedure, is hereby deleted in its entirety.

Section 21. Astoria Development Code Section 11.022.A.2 pertaining to Classification of Conditional Use Review, Type II Procedure, is hereby deleted in its entirety.

Section 24. Astoria Development Code Section 14.060.D.1 pertaining to Standards for On-Land Development, Exceptions to Standards for On-Land Development in the Civic Greenway Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

- “1. Section 14.060.A to Section 14.060.C, Standards for On-Land Development of the Civic Greenway Overlay Zone do not apply to on-land or overwater Mill Pond se, single-family and/or two-family and/or Accessory Dwelling Unit residential development in the AH-MP Zone (Attached Housing-Mill Pond).”

Section 25. Astoria Development Code Section 14.065.A.1 pertaining to Residential Design Standards, Residential Design, Building Forms, in the Civic Greenway Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

“A. Residential Design.

Residential development proposed in the Civic Greenway Overlay Zone may be reviewed in accordance with one of two review options: (1) pursuant to design review procedures and the design review guidelines applicable to all building types established in Article 14; or (2) pursuant to procedures for administrative review by the Community Development

Director established in Article 9 and the following design review standards for residential development.

The following design standards apply to the administrative review of residential development and apply to all dwelling unit types (single-family, two-family, Accessory Dwelling Unit, and multi-family dwelling unit buildings), unless specified otherwise.

Section 26. Astoria Development Code Section 14.110.B.6 pertaining to Uses Prohibited for On-Land Development, Commercial Zone, in the Bridge Vista Overlay Zone is hereby added to read as follows:

“6. Accessory Dwelling Unit.”

Section 27. Astoria Development Code Section 14.114.B.1 pertaining to Residential Design Standards, Residential Design, Building Forms, in the Bridge Vista Overlay Zone is hereby deleted in its entirety and replaced to read as follows:

“B. Residential Design.

Residential development proposed in the Bridge Vista Overlay Zone may be reviewed in accordance with one of two review options: (1) pursuant to design review procedures and the design review guidelines applicable to all building types established in Section 14.115; or (2) pursuant to procedures for administrative review by the Community Development Director established in Article 9 and the following design review standards for residential development. Any deviation from the following design standards in Section 14.114 would require the complete application to be reviewed through the public design review process as noted in Option 1.

The following design standards apply to the administrative review of residential development and apply to all dwelling unit types (single-family, Accessory Dwelling Unit, two-family, and multi-family dwelling unit buildings), unless specified otherwise. All other standards of the Bridge Vista Overlay Zone shall be applicable.”

Section 28. Astoria Development Code Section 14.131.A pertaining to Applicability and Review Procedures, Residential Development Exception, in the Neighborhood Greenway Overlay Zone is hereby deleted in its entirety and replaced to read as follows:

“A. Residential Development Exception

These standards shall not apply to single-family, two-family dwellings and Accessory Dwelling Units.”

Section 29. Astoria Development Code Section 14.132.1.j, pertaining to Allowable Uses for Overwater Development, in the Neighborhood Greenway Overlay Zone is hereby added to read as follows:

“j. Accessory Dwelling Unit.”

Section 30. Astoria Development Code Section 14.134.A.1.a pertaining to Residential Development Design Standards, Applicability, Residential, in the Neighborhood Greenway Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

“1. Residential.

- a. Single-family, two-family dwellings, and Accessory Dwelling Units are not subject to the design standards.”

Section 31 Astoria Development Code Section 14.135.B pertaining to Design Guidelines, Design Review Process, in the Neighborhood Greenway Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

“B. Design Review Process.

All uses proposed in the Neighborhood Greenway Overlay Zone other than residential single-family, two-family dwellings, and Accessory Dwelling Units, or public utilities that are not located within an enclosed structure shall be reviewed in accordance with the design review guidelines of Section 14.135 pursuant to the design review procedures in Article 14.”

Section 32. Astoria Development Code Section 14.138 introductory paragraph pertaining to Landscaping, in the Neighborhood Greenway Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

“Landscaping is required in the Neighborhood Greenway Overlay Zone in accordance with the provisions in this Section and those in Section 3.120 to 3.125. The provisions in this Section apply to new construction or exterior renovations with a value of at least 20% of the assessed value of the structure, or in the event of installation of new parking areas for multi-family dwellings and/or development other than single-family or two-family dwellings. Single-family two-family dwellings and Accessory Dwelling Units are not subject to the landscaping standards except as noted.”

Section 33. Astoria Development Code Section 14.138.C introductory paragraphs pertaining to Landscaping, Street Trees, in the Neighborhood Greenway Overlay Zone, is hereby deleted in its entirety and replaced to read as follows:

“Street trees planted within the right-of-way along either side of the street in the Neighborhood Greenway Overlay Zone shall be planted in accordance with the provisions in this Section.

This Section shall apply to all street trees planted including those for single-family, two-family dwellings and Accessory Dwelling Units.”

Section 34. Astoria Development Code Section 14.565.A.9 pertaining to Permitted Buildings and Uses, in the Planned Development Overlay Zone, is hereby added to read as follows:

- “9. Accessory Dwelling Unit.”

Section 35. Astoria Development Code Section 16.015 pertaining to Definitions, identified definition is hereby deleted in its entirety and replaced to read as follows:

“RESIDENTIAL UTILIZED PROPERTY: Property within any zone that is used primarily for residential purposes such as, single-family dwelling, two-family dwelling, multi-family dwelling, condominium, townhome, etc.”

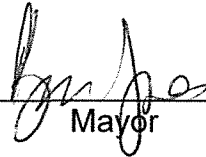
Section 36. Astoria Development Code Section 16.040.G introductory paragraph pertaining to Standards and Review Criteria for Solar Facilities, Access Driveways and Parking, is hereby deleted in its entirety and replaced to read as follows:

“New or additional access driveways and parking areas shall not be allowed for solar facilities for single or two-family dwellings, or Accessory Dwelling Unit, or within a residential developed area or zone. When an access driveway or parking area is needed for installation, maintenance, or operation of a solar facility in other than residential applications, the following shall apply:”

Section 2. 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 16 DAY OF February, 2021.

APPROVED BY THE MAYOR THIS 16 DAY OF February, 2021.



Mayor

ATTEST:



Brett Estes, City Manager

ROLL CALL ON ADOPTION:

YEA NAY ABSENT

Councilor	Brownson	X		
Councilor	Herman	X		
Councilor	Rocka	X		
Councilor	Hilton	X		
Mayor	Bruce Jones	X		

