
4.1 – General Review Procedures | Purpose and Applicability

ARTICLE 9

ADMINISTRATIVE PROCEDURES

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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. Table 9.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

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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 1-4 below. Table 9.010 lists the City's land use and development approvals and corresponding review procedure(s).

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- I. Type I Procedure (Staff Review – Zoning Checklist). Type I decisions are made by the City Planning Official, 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

City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

3. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission 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.

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Table 9.010 – Summary of Approvals by Type of Review Procedure

Approvals**	Review Procedures	Applicable Regulations
Zoning Checklist Review*	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 9.010.A.4
Access to a Street	Type I	Article 3.005 and the standards of the applicable roadway authority (City/County/ODOT)
Annexation	Type IV	See Oregon Revised Statute 222
Code Text Amendment	Type IV	Article 9.X
Comprehensive Plan Amendment	Type IV	Article 9.X
Conditional Use Permit	Type III	Article 11.X
Exterior Alteration	Type II, III	Article 6.050
Landmark Designation	Type III	Article 6.040
Historic District Establishment	Type IV	Article 6.030
Home Occupation	Class A: No permit Class B: Type 2 See Article 3.095	
Legal Lot Determination	Type I	Article 1.350
Master Planned Development*		
Concept Plan	Type III	Article 3.X
Detailed Plan	Type III	Article 3.X
Modification to Approval or Condition of Approval	Type I, II or III	Article 10
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Article 3.180-3.200
Partition or Re-plat of 2-3 lots		
Preliminary Plat	Type II	Article 13.200 & 13.300
Final Plat	Type I	Article 13.120
Property Line Adjustments, including Lot Consolidations*	Type I	Article 3.X
Site Design Review*	Type II or III	Article 3.X

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Table 9.010 – Summary of Approvals by Type of Review Procedure		
Approvals**	Review Procedures	Applicable Regulations
Subdivision or Replat of >3 lots	Type III	Article 13.100
Preliminary Plat	Type I	Article 13.130
Final Plat	Type II	Article 12.060
Variance	Type III	Article 12.060
Zoning District Map Change	Type III or IV	Article 9.X

**New Additions to Administrative Procedures

*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.

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A. Content.

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

1. A complete application form and all supporting documents and evidence, including a site plan, elevations, and other pertinent information related to the subject property or structure.
2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property. A notarized signature of the property owner may be required to verify consent.
3. Legal description of the property affected by the application.
4. City staff shall provide a zoning checklist to an applicant that identifies all required submittal information during a pre-application conference. The applicant is required to submit the completed zoning checklist with an application.

B. Submittal.

A complete application and all supporting documents and evidence must be submitted at least 2830 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.

C. Complete Application.

If the application is complete when first submitted, or the applicant submits the requested additional information within 180 days from the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time a complete application was first submitted.

D. Incomplete Application.

If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given the opportunity to submit the additional information required. The application shall be deemed complete upon receipt of the additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.

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E. 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 referred to as a concomitant application. 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.E amended by Ordinance 14-03, 4-21-14)

F. Staff Report.

Any staff report used at the hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 227.178.

(Section 9.010.F amended by Ordinance 14-03, 4-21-14)

G. Pre-Application Meeting.

Prior to submittal of a Type 2-4 application, a pre-application meeting with the Community Development Director and/or the Planner is required. The Community Development Director shall determine the classification and appropriate process for any application.

(Section 9.010.G added by Ordinance 13-10, 11-4-13; Amended by Ordinance 14-03, 4-21-14)

H. Determination of Permit Process.

The Community Development Director may determine that a permit should be reviewed by a Commission/Committee in lieu of an Administrative Review to protect the best interests of the surrounding property or neighborhood or the City as a whole.

(Section 9.010.H added by Ordinance 13-10, 11-4-13; amended by Ordinance 14-03, 4-21-14)

I. Applications for Development Review.

1. Applications for development review may be initiated by one or more of the following:

a. One or more owners of the property which is the subject of the

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application; or

- b. One or more purchasers or representatives of such property who submit a written approval of the property owner; or
- c. One or more lessees in possession of such property who submits written consent of one or more owner's to make such application; or
- d. Person or entity authorized by the Board or Commission; or
- e. A Department of the City of Astoria when dealing with land involving public works, parks, economic development, or other City projects; or
- f. A public utility or transportation agency, when dealing with land involving the location of facilities necessary for public service; or
- g. Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

(Section 9.010.I added by Ordinance 14-03, 4-21-14)

J. Coordinated Review.

- 1. In addition to the general notice provisions set forth in Section 9.020, the City shall invite the Oregon Department of Transportation (ODOT) and/or any other transportation facility and public and utility service providers potentially affected by the application to pre-application conferences, as applicable. The City shall provide notice of a public hearing or an administrative action to potentially affected transportation facility and service providers.
- 2. Coordinated review of applications with ODOT and/or any other applicable transportation facility and service providers may also occur through Traffic Impact Study provisions, pursuant to Subsection 3.015.A.5.

(Section 9.010.J added by Ordinance 14-03, 4-21-14)

9.015. Community Development Director Duties. The Community Development Director, or designee, shall perform all of the following duties with regard to administration of this Code:

- A. Prepare application forms based on the provisions of this Code and applicable state law;
- B. Prepare required notices and process applications for review and action;
- C. Assist the Historic Landmarks Commission, Design Review Commission, Planning Commission

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(Adopted 10-8-92)

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and City Council in administering the hearings process;

D. Answer questions from the public regarding the City's land use regulations;

E. Prepare staff reports summarizing pending applications, including applicable decision criteria;

F. Prepare findings consistent with City decisions on land use and development applications;

G. Prepare notices of final decisions, file the notices in the City's records, and mail a copy of the notices to all parties entitled to notice under this Code; and

H. Maintain and preserve the file and public record for each application.

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9.020. PUBLIC NOTICE.

A. Mailed Notice - Content.

A notice of a public hearing or an administrative action shall contain the following information:

1. The name of the applicant.
2. The date, time, place of hearing and who is holding the public hearing, or conducting the administrative action.
3. The street address or other easily understood geographical reference to the subject property.
4. The nature of the application and the proposed use or uses which could be authorized.
5. A list of the applicable criteria from the Development Code and Comprehensive Plan that apply to the application at issue.
6. A statement that a failure to raise an issue in person or by letter precludes appeal and that failure to specify which criterion the comment is directed precludes an appeal based on that criterion.
7. A statement describing where the complete application, criteria and other relevant information is available for review, how written comments may be submitted, applicable appeal procedures, and the name of a representative to contact and the telephone number where additional information may be

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obtained.

8. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
9. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.
10. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. Mailed Notice - Distribution, Time Requirements.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative amendment to the Development Code text or Land Use and Zoning Map - None.
 - b. Quasi-judicial amendment to the Development Code text or Land Use and Zoning Map - 4200 feet.
 - c. Conditional Use - 2400 feet.
 - d. Variance - 2400 feet.
 - e. Miscellaneous Review - 2400 feet.
 - f. Historic Property Exterior Alterations, New Construction, Demolition or Moving Permits - 2400 feet.
 - g. Historic District Establishment - Owners of property abutting or within the boundaries of the proposed District.
(Section 9.020(B.1.g) amended by Ordinance 13-10, 11-4-13)
 - h. Appeals - Parties to the record.
 - i. Design Review - 2400 feet.
(Section 9.020(B.i) added by Ordinance 98-04, 5-4-98)
 - j. Wireless Communication Facility – 500 feet.

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(Section 9.020(B.1.j) added by Ordinance 13-10, 11-4-13)

- k. Solar Facility, Administrative Conditional Use – 100 feet.

(Section 9.020(B.1.k) added by Ordinance 13-10, 11-4-13)

- l. Solar Facility, Planning Commission Conditional Use – 250 feet.”

(Section 9.020(B.1.l) added by Ordinance 13-10, 11-4-13)

2. Addresses for a mailed notice required by this Code shall be obtained from the County Assessor's real property tax records. Failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to persons to receive notice as required by the matter under consideration, the Community Development Director may provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed action.
3. Notice shall be mailed not less than 20 days prior to the hearing requiring the notice; or if two or more evidentiary hearings are allowed, 10 days prior to the first evidentiary hearing.

(Section 9.020(B.2.3 & 4) amended and renumbered by Ordinance 13-10, 11-4-13)

C. Published Notice.

Notice shall be given for any proposed quasi-judicial or legislative land use action by publication in a newspaper of general circulation in the City of Astoria.

- D. For Type 2-3 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.

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9.030 QUASI-JUDICIAL PUBLIC HEARING PROCEDURES AND REQUIREMENTS.

A. Procedural Entitlements.

The following procedural entitlements shall be provided at the public hearing:

1. An impartial review as free from potential conflicts of interest and prehearing ex parte contact as is reasonably possible.

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2. No member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:
 - a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - b. The member has a direct private interest in the proposal.
 - c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.
3. Body Members shall reveal any prehearing or ex parte contacts with regard to any matter and shall state the parties right to rebut the substance of the communication at the commencement of the first public hearing following the prehearing or ex parte contact where action will be considered or taken on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations.
4. A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, ex parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion.
5. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of each interest.
6. A reasonable opportunity for those persons potentially affected by the proposal to present evidence.

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7. A reasonable opportunity for rebuttal of new material.

B. Rights of Disqualified Member of the Hearing Body.

1. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents his or her own personal interests at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.
2. Except for hearings on legislative actions conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

C. Burden and Nature of Proof.

The burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

D. Nature of Proceedings.

An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

1. Before receiving testimony on the issue, the following shall be addressed:
 - a. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.
 - b. Any abstentions or disqualification based on conflict of interest, personal bias, or ex parte contacts, shall be determined. Parties to the hearing shall have the opportunity to rebut the substance of an ex parte communication.
 - c. A statement by the chairperson presiding that:
 - 1) Testimony and evidence must be directed toward the applicable criteria.
 - 2) Failure to address a criterion during the hearing precludes an appeal based on that criteria.

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- d. Staff, in the context of a staff report, will describe the applicable criteria against which the application will be reviewed.
- 2. Presentations and Evidence.
 - a. The presiding officer shall preserve order at the public hearing and shall decide questions of order subject to a majority vote.
 - b. The presiding person may set reasonable time limits for oral presentations. The presiding person may determine not to receive cumulative, repetitive, immaterial or abusive testimony.
- 3. Evidence shall be received from staff and from proponents and opponents.
 - a. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs.
 - b. Members of the hearing body may take official notice of judicially cognizable facts of a general, technical or scientific nature. Such notice shall be stated and may be rebutted.
 - c. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. If the request to ask a question is approved, the presiding officer will direct the question to the relevant person, unless the presiding officer specifies otherwise.
- 4. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date when the hearing is to resume may be announced.
- 5. When the hearing has been closed the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
 - a. No testimony shall be accepted after the close of the public hearing unless the hearing body provides an opportunity for review and rebutting of that testimony.
- 6. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.
- 7. When the hearing body reopens a record to admit new evidence or testimony,

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any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.

E. Decision.

Following the procedure described in Section 9.030, the hearing body shall approve, approve with conditions, or deny the application. If the hearing is in the nature of an appeal, the body may affirm with modifications or additional conditions, reverse or remand the decision that is on appeal.

1. The decision of the hearing body shall be by a written order signed by the entire hearing body present voting for the order.
2. The order shall incorporate findings of fact and conclusions that include:
 - a. A statement of the applicable criteria and standards against which the proposal was tested.
 - b. A statement of the facts upon which the hearing body relied in establishing compliance or noncompliance with each applicable criteria or standard, briefly stating how those facts support the decision.
 - c. In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.
3. The written order is the final decision in the matter and the date of the order is the date that it is mailed.

F. Record of Proceedings.

The proceedings shall be recorded stenographically or electronically.

1. The hearing body shall, where practicable, retain as part of the hearing records, each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
2. The findings shall be included in the record.
3. A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

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G. Notice of Decision.

Notice of decision by a hearing body shall be provided to all parties to the hearing. The notice of the decision shall include:

1. A brief description of the decisions reached.
2. A statement that the decision may be appealed by filing an appeal within 15 calendar days of the date that the final order was mailed.
3. A description of the requirements for an appeal, including the type of appeal that may be requested.
4. A statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing.
5. A statement that the complete case, including the final order is available for review at the City.

9.040. APPEALS.

A. Administrative Permit.

A decision on the issuance of an administrative permit or action concerning a land use matter may be appealed to the Commission by the applicant or by a party who responded in writing to the notice of the proposed development by filing an appeal with the Community Development Director within 15 days of the mailing of the decision Order. The notice of appeal that is filed with the City shall indicate the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

B. Commission or Committee Decision.

A decision of the Commission or Committee concerning a quasi-judicial land use matter may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing an appeal within 15 days of the mailing of the Order. The notice of appeal filed with the City shall contain the information outlined in Section 9.040(D).

(Section 9.040(B) amended by Ordinance 98-04, 5-4-98)

C. Commission Recommendation.

In cases involving textual changes to the Development Code or Comprehensive
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Plan, or changes to the Land Use and Zoning Map, where the Commission action is limited to making a recommendation to the City Council, the recommendation is not subject to appeal. A final decision on the part of the City Council is, however, appealable to the Land Use Board of Appeals (LUBA).

D. Contents of Appeal.

A request for appeal of a Commission or Committee decision shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision.
2. A statement of the interest of the person seeking review and that he was a party to the initial proceedings.
3. The specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the Commission or Committee hearing.

(Section 9.040(D) amended by Ordinance 98-04, 5-4-98)

E. Review on the Record.

1. If an appeal is confined to the record of the proceeding, the record shall include:
 - a. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
 - b. The final order and findings of fact adopted in support of the decision being appealed.
 - c. The request for an appeal filed by the appellant.
 - d. The minutes of the public hearing.
2. Public notice shall indicate the date, time and place of the review and the issues that are the subject of the review.
3. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence, to parties to the hearing.
4. In considering the appeal, the reviewing body need only consider those matters specifically raised by the appellant. The reviewing body may consider

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other matters if it so desires.

5. The appellant shall bear the burden of proof.

F. Review Consisting of Additional Evidence or De Novo Review.

1. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing.
2. Hearings on appeal, either de novo or limited to additional evidence on specific issues, shall be conducted in accordance with the requirements of Section 9.030.

G. Review Body Decision.

1. Upon review, the reviewing body may affirm, reverse, or modify the decision of the lower body or staff.
2. Notice of the reviewing body decision shall be provided to all parties to the hearing. The notice of the decision shall include:
 - a. A brief description of the decision reached.
 - b. A statement that the decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days.
 - c. A statement that the complete case, including the final order is available for review at the City.

9.050. FINAL ACTION ON APPLICATION FOR PERMIT OR ZONE CHANGE REQUEST.

The City shall take final action on an application for a permit or zone change within 120 days of the receipt of a complete application including resolution of all appeals. The 120 day period does not apply to an amendment to the Comprehensive Plan or Development Code, or the adoption of a new land use regulation. At the request of the applicant, the 120 day period may be extended for a reasonable period of time.

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.

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9.070. LIMITATIONS ON REFILING OF APPLICATION.

Applications for which a substantially similar application has been denied will be heard by the Planning Commission only after a period of six (6) months has elapsed from date of the earlier decision, unless the Planning Commission finds that special circumstances justify earlier reapplication.

9.080. FILING FEES.

A schedule of permit fees shall be established by resolution and paid to the City upon the filing of an application. Such fees shall not be refundable.

9.090. ADDITIONAL COSTS.

Where the City Manager deems it necessary, in the interest of public health, safety or welfare, to incur additional costs, such as the hiring of independent geotechnical experts or other technical expertise during the course of land use proceedings, such costs shall be borne by the applicant or appellant, as determined by the City Manager. Such costs shall not exceed actual costs.

9.100. TIME LIMIT ON PERMITS.

A. Duration of Permits.

1. Except as otherwise provided in this Code, a permit shall expire two years from the date of Final Decision unless substantial construction has taken place or use has begun. However, extensions for permits may be granted as provided in this section. A permit remains valid, if a timely request for extension has been filed, until an extension is granted or denied with the following limitations:
 - a. Any work completed by the applicant after the date the permit would have expired, but for the extension request, is at the applicant's own risk; and
 - b. Any work completed after the date the permit would have expired shall not be considered in determining if substantial construction has been completed until a permit extension has been granted; and
 - c. No additional building and/or use permits associated with the permit may be issued until an extension has been granted.

2. Phased Permits.

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- a. The initial phase of a phased permit and/or project shall expire two years from the date of Final Decision unless substantial construction or use has begun.
- b. Additional phases of an approved phased permit and/or project shall expire two years from the date of completion of construction for the previous phase, unless substantial construction or use has begun on that subsequent phase. Completion of construction of a phase shall be determined by issuance of a temporary and/or final Certificate of Occupancy from the Building Official.

B. Permit Extensions.

Permit extension may be granted for all land use permits. Extensions may also be granted for time limits applicable to non-conforming buildings and/or non-conforming uses located over water between 16th and 41st Streets as described in Sections 3.180.D and 3.190.F. One year extensions may be granted in accordance with the requirements of this Section as follows:

(Section 9.100.B amended by Ord 14-09, 10-6-14)

1. Permit Extension Time Limit.

- a. The Community Development Director may grant the first one-year permit extension.
- b. Following the first one-year permit extension by the Community Development Director, the original granting authority may grant subsequent one-year extensions.
- c. No more than three permit extensions may be granted. No variances may be granted from this provision. Temporary Use Permit extensions are exempt from this requirement and may exceed the three extensions limitation.
- d. This Ordinance shall apply to all permit extensions requested after the date of enactment regardless of the date of the original permit Final Decision. If a permit has been granted extensions prior to adoption of this Ordinance, subsequent extension requests shall be reviewed by the granting authority. Three additional extensions may be granted.

2. Permit Extension Criteria.

The granting authority may grant a permit extension upon written findings that the request complies with the following:

City of Astoria
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- a. The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and
- b. The proposed project does not conflict with any changes to the Comprehensive Plan or Development Code which were adopted since the last permit expiration date; and
- c. The applicant has demonstrated that progress has been made on the project since the date of the original decision on the permit with regard to items such as, but not limited to:
 - 1) Submittal of permit applications to City, State and Federal agencies;
 - 2) Contracts for geologic or other site specific reports have been signed and are in effect;
 - 3) Project site and/or building engineering, architectural design, or construction has begun.
- d. In lieu of compliance with Section 2.c above, the applicant may demonstrate that poor economic conditions exist in the market that would advise against proceeding with the project.

3. Permit Extension Procedures.

- a. Applications for permit extensions shall be submitted in accordance with the Administrative Procedures in Article 9. Permit extension requests shall be submitted to the Community Development Department prior to permit expiration.
- b. Public notice and procedures on applications for permit extension requests shall be in accordance with the Administrative Procedures in Article 9. However, in addition to mailed notice as required in Article 9, notice shall be provided also to those on the record for the original permit, associated appeals, and associated extensions.
- c. The Administrative decision, public hearing, and/or Commission/Committee decision concerning a permit extension may occur after the permit would have expired but for a timely filed request for a permit extension.

4. Appeals.

The decision concerning a permit extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. Appeals

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(Adopted 10-8-92)

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on permit extensions shall be limited to the issues relevant to the permit extension criteria only and not to issues relevant to the original permit approval.

C. Amendments to Existing Permits.

When an approved permit is amended, the following shall apply concerning the Final Decision date for the permit:

1. If the amendment requires public notice as a land use decision, the Final Decision date of the amendment shall apply to the entire permit; or
2. If the amendment is a minor administrative decision and does not require public notice as a land use decision, the Final Decision date of the original permit, including any extensions, shall continue as the Final Decision date for the entire permit.

(Section 9.100, amended by Ordinance 10-06, 4-19-10)

A 16-02: Development Code Update

Affordable Housing Text Amendment

Number of related permits issued

- Number of variances issued for lot size or coverage standard: 122 since 2009
- Number of ADUs permitted: 3
- Number of code violations for illegal ADUs: 1 in 2009
- Number of requests received for info on tiny homes: 5 phone calls or email inquiries
- Number of permitted rowhouses: 20 townhomes @ Columbia Landing; 1 remodel of apartment building on Exchange St into four townhomes

Zoning Matrix Overview: Existing v. Proposed Standard

Residential Zone/ Type	Existing Standard	Proposed Standard	Notes
<i>R-1: Low Density</i>			
SFR Lot Size	5,000	5,000	No change
Townhouses	N/A	4,000 (1 st), 1,000 (4)	Limited lots available
<i>R-2: Medium Density</i>			
SFR Lot Size	5,000	4,500	Encourage partitions
Duplex	7,500	5,000	Encourage partitions
Multi-family	5,000 (1 st), 2,500 (2 nd ...)	5,000 (1 st), 1,000 (2 nd ...)	Up to 16 units/acre
Townhouses/Rowhouses	N/A	4,000 (1 st), 1,500 (2 nd ...)	Up to 16 units/acre
<i>R-3: High Density</i>			
SFR Lot Size	5,000	4,500	Encourage partitions
Duplex	7,500	5,000	Encourage partitions
Multi-family	5,000 (1 st), 1,500 (2 nd ...)	5,000 (1 st), 1,000 (2 nd ...)	26 units/acre
Townhouses/Rowhouses	N/A	4,000 (1 st), 1,000 (2 nd ...)	16 units/acre
ADUs	R-1 (CUP), R-2, & R-3	All R Zones	More flexibility with types and conversions
Townhouses	N/A	R-1 & R-2 (CUP) & R-3	New building type
Rowhouses	N/A	R-2 (CUP) & R-3	New building type outside Mill Pond
<i>Short Term Rentals</i>			
Homestay Lodging	R-1 (CUP), R-2, R-3	No change	Owner occupied
Bed & Breakfast	R-2/R-3 CUP	No change	Owner or manager with breakfast meal served
Vacation Rental	None (Commercial Zones only)	No change	No owner occupied requirement

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. Any finished area used to determine floor area of the primary unit must have been completed at least ten years prior to the application for an Accessory Dwelling Unit. ~~This date shall be determined by proof to be submitted by the applicant, such as the final inspection report date of a building permit.~~

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.

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. ~~Accessory Dwelling Units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.~~

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.
- d. Tiny Homes: A tiny home as defined in Article 1, Section 1.400 may be located on a single family lot and treated as an accessory dwelling unit. A tiny home must be mounted on a foundation, anchored to the foundation with hurricane straps, tie-downs or other engineered measures to withstand wind load, and hooked up to city utilities.

3. Location of Entrances.

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 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.

4. Zones in Which Permitted.

Accessory Dwelling Units are permitted outright allowed as an accessory use to any existing single-family dwelling in all zones. Construction of new single family units with ADUs are also allowed and encouraged.

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.

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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 54,500 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, one space may be credited to the requirement of three total spaces.

8. ~~Age of Home.~~

~~An Accessory Dwelling Unit may be allowed in homes originally constructed a minimum of 50 years prior to the application for the Accessory Dwelling Unit.~~

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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; or
- b. The subject lot ceases to provided 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 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 3.020 Added by Ordinance 04-10, 11/1/04)

Additions to Definitions Section of Development Code

Article 1: Section 1.400

Tiny Home: An accessory dwelling unit that is less than 500 square feet, manufactured off site, and certified by HUD manufactured dwelling standards for permanent living. A minimum of 150 square feet per occupant shall be required up to two occupants maximum per tiny home.

Townhouse: One of a continuous row of dwellings having distinct architectural features and style, such as color, form, and massing, having at least one common wall with its neighbor and on a fee simple lot per unit.

Comment [KC1]: Proposed additions to the Development Code require additions to the definition section.

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ARTICLE 2

USE ZONES

R-1: LOW DENSITY RESIDENTIAL ZONE

2.015. **PURPOSE.**

The purpose of the R-1 Zone is to provide an area of low density single-family dwellings, at an average density of eight (8) units per net acre, their accessory uses, and certain public uses. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.020. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses permitted in an R-1 Zone if the Community Development Director determines that the uses will not violate standards referred to in Section 2.030 through 2.050, additional Development Code provisions, Comprehensive Plan, and other City laws:

1. Single-family dwelling.
2. *(Section 2.020.2 deleted by Ordinance 04-10, 11-1-04)*
3. Family day care center.
4. Home occupation, which satisfies requirements in Section 3.095.
5. *(Section 2.020.5 deleted by Ordinance 04-10, 11-1-04)*
6. Manufactured home. See Section 3.140.
7. Residential home.
8. Transportation facilities.
9. Accessory Dwelling Unit.

(Section 2.020.8 added by Ordinance 14-03, 4-21-14)

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City of Astoria
Development Code

R-1 Zone

2.025. CONDITIONAL USE PERMITTED.

The following uses and their accessory uses are permitted in an R-1 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.030 through 2.050, additional Development Code provisions, Comprehensive Plan, and other City laws:

1. Bed and breakfast, or inn.
2. Home Stay Lodging.
3. Congregate care facility.
3. Day care center.
4. Nursing home.
5. Public or semi-public use.
6. Temporary use meeting the requirements of Section 3.240.
7. Accessory Dwelling Unit, Townhouses
(Section 2.025.7 added by Ordinance 04-10, 11-1-04)
8. Home Stay Lodging.
(Section 2.025.8 added by Ordinance 04-10, 11-1-04)

2.030. LOT SIZE.

Uses in an R-1 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-1 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

1. The minimum lot size for a single-family dwelling will be 5,000 square feet.
The minimum lot size for townhouses will be 4,000 square feet for the first unit and 1,000 square feet thereafter up to five units per 10,000 square feet.
2. The minimum lot width for all uses will be 45 feet.
3. The minimum lot depth for all uses will be 90 feet.

2.035. YARDS.

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Development Code

R-1 Zone

The minimum yard requirements in an R-1 Zone will be as follows:

1. The minimum front yard will be 20 feet.
2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
3. The minimum rear yard will be 20 feet, except on corner lots the rear yard will be five (5) feet.

2.040. LOT COVERAGE.

Buildings will not cover more than 30 percent of the lot area.

2.045. HEIGHT OF STRUCTURES.

No structure will exceed a height of 28 feet above grade.

2.050. OTHER APPLICABLE USE STANDARDS.

1. All uses will comply with applicable access, parking, and loading standards in Article 7.
2. Conditional uses will meet the requirements in Article 11.
3. Signs will comply with requirements in Article 8.
4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the R-2 Zone.

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Development Code

R-1 Zone

8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. Only one Conditional Use listed in Section 2.025 shall be allowed in conjunction with other uses allowed as Outright under Section 2.020 or Conditional Uses under Section 2.025.

(Section 2.050.9 added by Ordinance 04-10, 11-1-04)

R-2: MEDIUM DENSITY RESIDENTIAL ZONE

2.060. PURPOSE.

The purpose of the R-2 Zone is to provide an area for medium density residential development, at a maximum density of 16 units per net acre including single-family dwellings and duplexes as outright uses and multi-family dwellings as a conditional use. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.065. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in the R-2 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.075 through 2.095, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Single-family dwelling.
2. Two-family dwelling (Duplex).
3. Accessory dwelling unit.
(Section 2.065.3 amended by Ordinance 04-10, 11-1-04)
4. Family day care center.
5. Home occupation, which satisfies requirements in Section 3.095.
6. Home stay lodging.
7. Manufactured dwelling in approved park.
8. Manufactured home. See Section 3.140.
9. Residential home.
10. Transportation facilities.
(Section 2.065.10 added by Ordinance 14-03, 4-21-14)

City of Astoria
Development Code

R-2 Zone

2.070. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in the R-2 Zone if the Planning Commission, after a public hearing, determines the location and development plans comply with applicable standards referred in Sections 2.075 through 2.095, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Bed and breakfast, or inn.
2. Boarding or rooming house, or other group housing, not mentioned above.
3. Congregate care facility.
4. Day care center.
5. Manufactured dwelling park.
6. Multi-family dwelling.
7. Rowhouses and townhouses
8. Nursing home.
- 8-9 Public or semi-public use.
- 9-10 Residential facility.
101. Restaurant as an accessory use to an Inn. See Section 3.230.
142. Temporary use meeting the requirements of Section 3.230.
123. Cluster development meeting the requirements of Section 11.160.

(Section 2.070.12 added by Ordinance 95-05)

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:

1. The minimum lot size for a single-family dwelling will be 54,500 square feet. Manufactured dwellings in an approved park may meet the requirements set forth in Section 11.120.
2. The minimum lot size for a two-family dwelling will be 7,500 square feet.

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(Adopted 10-8-92)

City of Astoria
Development Code

R-2 Zone

3. The minimum lot size for rowhouses and townhouses will be 4,000 square feet for the first unit and 1,500 square per unit thereafter up to five units per 10,000 square feet or 16 units per acre.
4. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus ~~2,500~~ 1,000 square feet for each dwelling unit in excess of one. The maximum units will be determined by lot coverage and height standard up to 16 units per net acre.
4. The minimum lot width will be 45 feet.
5. The minimum lot depth will be 90 feet.

2.080. YARDS.

Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:

A. The minimum yard requirements in an R-2 Zone will be as follows:

1. The minimum front yard will be 210 feet.
2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet.

B. For minimum yard requirements in a manufactured dwelling park, refer to 11.120.

(Section 2.080 amended by Ordinance 95-05)

2.085. LOT COVERAGE.

Buildings will not cover more than ~~4~~50 percent of the lot area.

2.090. HEIGHT OF STRUCTURES.

No structure will exceed a height of ~~28~~ 36 feet above grade.

2.095. OTHER APPLICABLE USE STANDARDS.

Article 2 – Page 7

(Adopted 10-8-92)

City of Astoria
Development Code

R-2 Zone

1. All uses will comply with applicable access, parking, and loading standards in Article 7.
2. Conditional uses will meet the requirements in Article 11.
3. Signs will comply with requirements in Article 8.
4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the zone in which such development is located.
8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. Group Housing.
 - a. Density.

Group housing resident density is limited to two (2) residents per 1,000 square feet of total gross floor area. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site under a valid Home Occupation Permit (see Section 3.095) are not considered residents. Maximum number of residents per site is limited to 15. Usable outdoor area shall be provided at a ratio of 50 square feet per resident.
 - b. Parking.

City of Astoria
Development Code

R-2 Zone

Where the Community Development Director determines that a group housing facility may require parking in excess of that provided for staff persons, a parking area of sufficient size to provide for anticipated needs shall be provided.

(Adopted 10-8-92)

R-3: HIGH DENSITY RESIDENTIAL ZONE

2.150. PURPOSE.

The purpose of the R-3 Zone is to provide an area for high density residential development not exceeding an average density of 26 units per net acre, accessory uses, and certain public uses. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.155. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses permitted in the R-3 Zone if the Community Development Director determines that the uses will not violate standards referred to in Section 2.165 through 2.185, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Single-family dwelling.

2. Two-family dwelling (Duplex).

3. Rowhouses and townhouses

~~34.~~ Multi-family dwelling.

~~45.~~ Accessory dwelling unit.

(Section 2.155.4 amended by Ordinance 04-10, 11-1-04)

~~56.~~ Family day care center.

~~67.~~ Home occupation, which satisfies requirements in Section 3.095.

~~78.~~ Home stay lodging.

~~89.~~ Manufactured dwelling in an approved park.

~~910.~~ Manufactured home. See Section 3.140.

~~101.~~ Residential facility or residential home.

12. Transportation facilities.

(Section 2.155 added by Ordinance 14-03, 4-21-14)

City of Astoria
Development Code

R-3 Zone

2.160. CONDITIONAL USE PERMITTED.

The following uses and their accessory uses are permitted in the R-3 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.165 through 2.185, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Bed and breakfast, or inn.
2. Boarding or rooming house, or other group housing, not mentioned above.
3. Congregate care facility.
4. Day care center.
5. Manufactured dwelling park.
6. Nursing home.
7. Public or semi-public use.
9. Restaurant as an accessory use to an Inn. See Section 3.230.
10. Temporary use meeting the requirements of Section 3.240.
11. Cluster development meeting the requirements of Section 11.160.

(Section 2.160.11 added by Ordinance 95-05)

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:

1. The minimum lot size for a single-family dwelling will be 54,500 square feet. Manufactured dwellings in an approved park may meet the requirements set forth in 11.120.
2. The minimum lot size for a two-family dwelling will be 65,500 square feet.
3. The minimum lot size for rowhouses and townhouses will be 4,000 square feet for the first unit and 1,000 square per unit thereafter up to seven units per 10,000 square feet or 16 units per acre.

City of Astoria
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R-3 Zone

- 34. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus ~~4,500~~ square feet for each unit in excess of one up to 26 units per acre.
- 45. The minimum lot width will be 45 feet.
- 56. The minimum lot depth will be 90 feet.

2.170. YARDS.

Uses in the R-3 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-3 Zone will comply with the following requirements:

A. The minimum yard requirements in an R-3 Zone will be as follows:

- 1. The minimum front yard will be 20 feet.
- 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
- 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet.

B. For minimum yard requirements in a manufactured dwelling park, refer to 11.120.

(Section 2.170 amended by Ordinance 95-05)

2.175. LOT COVERAGE.

Buildings will not cover more than ~~560~~ percent of the lot area. Lot coverage can exceed 60 percent if a proposed multi-family or rowhouse or townhouse project is located within ¼ mile of a city park and public transit service.

2.180. HEIGHT OF STRUCTURES.

No structure will exceed a height of ~~35~~40 feet above grade.

2.185. OTHER APPLICABLE USE STANDARDS.

- 1. All uses will comply with applicable access, parking, and loading standards in Article 7.

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(Adopted 10-8-92)

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R-3 Zone

2. Conditional uses will meet the requirements in Article 11.
3. Signs will comply with requirements in Article 8.
4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the zone in which such development is located.
8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
10. Group Housing.
 - a. Density.

Group housing resident density is limited to two (2) residents per 1,000 square feet of total gross floor area. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site under a valid Home Occupation Permit (see Section 3.095) are not considered residents. Maximum number of residents per site is limited to 15. Usable outdoor area shall be provided at a ratio of 50 square feet per resident.
 - b. Parking.

City of Astoria
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R-3 Zone

Where the Community Development Director determines that a group housing facility may require parking in excess of that provided for staff persons, a parking area of sufficient size to provide for anticipated needs shall be provided.

CR: COMPACT RESIDENTIAL ZONE

2.200. PURPOSE.

The purpose of the Compact Residential (CR) Zone is to provide opportunities for modest scale residential development, including single-family homes on smaller lots, two-family homes, and cottage cluster development, incorporating open space between homes and with a strong orientation to the Columbia River and adjacent commercial and other residential areas.

(Section 2.200 added by Ord 14-09, 10-6-14)

2.205. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in this CR Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Arts and crafts studio.
2. Family day care center.
3. Home occupation, which satisfies the requirements of Section 3.095.
4. Single-family dwelling.
5. Two-family dwelling.
6. Carriage house dwelling, meeting the requirements of Section 3.050.
7. Cottage cluster development meeting the requirements of Section 3.050.
8. Residential home.

(Section 2.205 added by Ord 14-09, 10-6-14)

2.210. CONDITIONAL USES PERMITTED.

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The following uses and their accessory uses are permitted in the CR Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Day care center, only in the community building of a cottage cluster development meeting the requirements of Section 3.050.
2. Public or semi-public use.
3. Temporary use meeting the requirements of Section 3.240.

(Section 2.210 added by Ord 14-09, 10-6-14)

2.215. SETBACKS.

Uses in the CR Zone will comply with the following minimum setback requirements or the setback requirements of applicable overlay zones, whichever requirements are greater.

1. The minimum front setback shall be 10 feet. Front steps are permitted to encroach into front setbacks.
2. The minimum side setback shall be five (5) feet, except on corner lots where the side setback on the street side shall be a minimum of 10 feet.
3. The minimum rear setback shall be 15 feet, except on corner lots where the rear setback shall be a minimum of five (5) feet.
4. Uses in the CR Zone that are part of a cottage cluster development will comply with the setback requirements in Section 3.050.

(Section 2.215 added by Ord 14-09, 10-6-14)

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:

1. The minimum lot size for a single-family dwelling is 2,500 square feet. The maximum lot size for a single-family dwelling is 4,000 square feet.
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.
3. Uses in the CR Zone that are part of a cottage cluster development shall have a maximum density of 24 units/acre.

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(Section 2.220 added by Ord 14-09, 10-6-14)

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2.222. BUILDING SIZE.

Buildings in the CR zone shall meet the following building footprint and floor area requirements.

1. The maximum footprint for a primary building is 1,000 square feet. The maximum footprint for a dwelling unit and a garage is 1,400 square feet.
2. The maximum gross floor area for a primary building is 1,800 square feet.
3. Uses in the CR Zone that are part of a cottage cluster development are subject to the building size requirements in Section 3.050.

(Section 2.222 added by Ord 14-09, 10-6-14)

2.225. LANDSCAPED OPEN AREA.

1. Minimum landscaping for individual lots in the CR Zone shall be 20%, except for cottage cluster development.
2. Cottage cluster development shall be subject to common open space and private open space requirements in Section 3.050.
3. All landscaping shall meet the requirements of Sections 3.105 through 3.120 and applicable overlay zones.

(Section 2.225 added by Ord 14-09, 10-6-14)

2.230. HEIGHT OF STRUCTURES.

No structure will exceed a height of 28 feet above grade, except where applicable overlay zones allow otherwise.

(Section 2.230 added by Ord 14-09, 10-6-14)

2.235. OTHER APPLICABLE STANDARDS.

1. Access to garages, carports, or other parking areas shall be from an alley or from the street adjacent to the side yard of a corner lot. Driveways shall have a minimum depth of 16 feet.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls.
3. All uses will comply with access, parking, and loading standards in Article 7, with the following exceptions:

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(Adopted 10-8-92)

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- a. Parking requirement for single-family, two-family, and carriage house dwelling units shall have at least:
 - 1) one parking space for each unit with a gross floor area of 700 feet or less (rounded up to the nearest whole number);
 - 2) 1.5 parking spaces for each unit with a gross floor area of 701 square feet or more (rounded up to the nearest whole number).
 - b. Parking in the CR Zone is permitted on a separate lot provided it is within 100 feet of the development. An easement or other acceptable document shall be recorded to assure that the separate lot for parking remains with the units it services.
4. Where feasible, joint access points and parking facilities for more than one use should be established.
 5. Access drives and parking areas should be located on side streets or non-arterial streets.
 6. Conditional uses will meet the requirements in Article 11.
 7. Signs will comply with requirements in Article 8 and specifically, residential uses will comply with the specific regulations in Section 8.160.
 8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
 9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
 10. All uses will comply with the requirements of applicable overlay zones.

(Section 2.235 added by Ord 14-09, 10-6-14)

C-1: NEIGHBORHOOD COMMERCIAL ZONE

2.300. PURPOSE.

This zone is intended to be a restricted commercial district which is designed to meet limited commercial needs. Uses allowed are primarily those which provide convenience goods or frequently used services. Large business operations, strip development, and close proximity to other commercial areas is not desired. The zone should have access to an arterial or a collector street.

2.305. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in the C-1 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.315 through 2.335, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Dwelling as an accessory use to a Use Permitted Outright or a Conditional Use or dwellings located above permitted or conditional commercial uses.
2. Day care center.
3. Family day care center in existing dwelling.
4. Home occupation in existing dwelling.
5. Personal service establishment.
6. Professional service establishment.
7. Repair service establishment not exceeding 3,000 square feet gross floor area.
8. Retail sales establishment not exceeding 3,000 square feet gross floor area.
9. Transportation facilities.
(Section 2.305.9 added by Ordinance 14-03, 4-21-14)

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C-1 Zone

2.310. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-1 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.315 through 2.335, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Automotive service establishment.
2. Eating establishment without drive-through facilities, not exceeding 40 seats.
3. Public or semi-public use.
4. Temporary use meeting the requirements of Section 3.240.

2.315 YARDS.

The minimum yard depth for portions of the property abutting a Residential Zone or public right-of-way will be 15 feet.

2.320. LOT COVERAGE.

Buildings will not cover more than 60 percent of the lot area.

2.325. LANDSCAPED OPEN AREA.

A minimum of 20 percent of the total lot area will be maintained as a landscaped open area.

2.330. HEIGHT OF STRUCTURES.

No structure will exceed a height of 35 feet above grade.

2.335. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-1 Zone abuts a lot in a residential zone there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.

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2. Outdoor storage areas will be enclosed by appropriate hedges, fencing or walls, and will not exceed 100 square feet.
3. Where feasible, joint access points and parking facilities for more than one use should be provided.
4. All uses will comply with applicable access, parking, and loading standards in Article 7.
5. Conditional Uses will meet the requirements in Article 11.
6. Signs will comply with requirements in Article 8.
7. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
8. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.

C-2: TOURIST COMMERCIAL ZONE

2.345. **PURPOSE.**

The intent of this zone is primarily to provide suitable locations for tourist commercial facilities and certain tourist related establishments. In part, this means that areas in the zone should be in close proximity to an arterial street or highway. It also means that the uses allowed should be more limited than those permitted in a C-3 or C-4 Zone. Regulations for the zone are designed to enhance the attractiveness and convenience of the facilities for tourist use and achieve compatibility with adjacent residential areas and overall community design objectives.

2.350. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in a C-2 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.360 to 2.375, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Eating or drinking establishment.
2. Home occupation in existing dwelling.
3. Motel, hotel, bed and breakfast, inn or other tourist lodging facility and associated uses.
4. Tourist-oriented retail sales or service establishment.
5. Conference Center.
(Section 2.350(5) added by Ordinance 94-06, 6-6-94)
6. Transportation facilities.
(Section 2.350.6 added by Ordinance 14-03, 4-21-14)

2.355. **CONDITIONAL USES PERMITTED.**

The following uses and their accessory uses are permitted in a C-2 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.360 to 2.375, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Dwelling as an accessory use to a Use Permitted Outright or a Conditional Use.

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2. Family day care center in existing dwelling.
3. Indoor family entertainment or recreation establishment.
4. Non-tourist-oriented retail sales or service establishment, professional, financial, business and medical office where they are part of a mixed-use development that also includes some of the uses that are permitted outright. The conditional use shall not be located on the ground floor of the building, and shall not occupy more than 50% of the total project's gross floor area.
5. Public or semi-public use.
6. Temporary use meeting the requirements in Section 3.240.

2.360. LOT COVERAGE.

Buildings will not cover more than 90 percent of the lot area.

2.365. LANDSCAPED OPEN AREA.

A minimum of 10 percent of the total lot area will be maintained as a landscaped open area.

2.370. HEIGHT OF STRUCTURES.

No structures will exceed a height of 45 feet above grade.

2.375. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-2 Zone abuts a lot in a residential zone there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing or walls.
3. Outdoor storage areas will be enclosed by appropriate site obscuring hedges, fencing or walls and will not be over 100 square feet in size.
4. Where feasible, joint access points and parking facilities for more than one use should be provided.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional Uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8.

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C-2 Zone

8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. Design Review Standards. All commercial and recreational facilities shall be reviewed by the Community Development Director based on the following criteria. The Community Development Director may request technical assistance from an independent architect or other design expert in evaluating proposed developments in relation to these standards.
 - a. Facility design shall take maximum advantage of river views.
 - b. The height, mass, and scale of buildings shall be compatible with the site and adjoining buildings. Use of materials should promote harmony with surrounding structures and the character of the waterfront. The relationship between a building site and the historic buildings within the surrounding area shall be considered an integral part of planning for new construction.
 - c. The use of stylistic features characteristic of the historic Astoria area and the Pacific Northwest are preferred. This includes the use of natural wood siding such as clapboard, shingles or board and batten siding, pitched roofs, large overhangs, double hung windows, and similar features. Buildings shall be in earthtones, with bright or brilliant colors used only for accent. Buildings shall not create a false historical appearance of a previous period or era.
 - d. If the proposed project is large or situated so as to become an entrance or major focus of the City, the design will acknowledge the impact it would have on the entire community.
 - e. Monotony of design shall be avoided. Variety of detail, form and siting should be used to provide visual interest. Large expanses of blank walls shall only be located in areas which are not visible to the public.
 - f. Buildings should minimize the impact on views and vistas from surrounding or adjacent properties through orientation or location on the site.

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C-2 Zone

- g. On-site parking shall be designed to be as unobtrusive as possible, through site location and landscaping.

C-3: GENERAL COMMERCIAL ZONE

2.385. **PURPOSE.**

This zone is primarily for a wide range of commercial businesses, including most of those allowed in other commercial zones. Compared to the C-4 Zone, the C-3 Zone is more appropriate for -uses requiring a high degree of accessibility to vehicular traffic, low intensity uses on large tracts of land, most repair services, and small warehousing and wholesaling operations. Unlike the C-4 Zone, there are maximum lot coverage, landscaping, and off-street parking requirements for all uses.

2.390. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in a C-3 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.400 through 2.415, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Commercial laundry or dry cleaning establishment.
3. Commercial or public off-street parking lot.
4. Communication service establishment.
5. Construction service establishment.
6. Eating and drinking establishment.
7. Educational service establishment.
8. Family day care center in single-family, two-family, or multi-family dwelling.
9. Home occupation in existing dwelling.
10. Motel, hotel, bed and breakfast, inn, or other tourist lodging facility and associated uses.
11. A standalone Mmulti-family dwelling or above permitted or conditional commercial uses.

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C-3 Zone

12. Personal service establishment.
13. Professional service establishment.
14. Public or semi-public use.
15. Repair service establishment, not including automotive, heavy equipment, or other major repair services.
16. Residential facility.
17. Retail sales establishment.
18. 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 2.390.18.b added by Ordinance 11-08, 7-5-11)

(Section 2.390(18) amended by Ordinance 00-08, 9-6-00)
19. Transportation service establishment.
20. Conference Center.
(Section 2.390(20) added by Ordinance 94-06, 6-6-94)
21. Indoor family entertainment or recreation establishment.
(Section 2.390(21) added by Ordinance 98-01, 1-5-98)
22. Transportation facilities.
(Section 2.390.22 added by Ordinance 14-03, 4-21-14)

2.395. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-3 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.400 through 2.415, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Animal hospital or kennel.

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C-3 Zone

2. Automotive sales or service establishment.
3. Day care center.
4. Gasoline service station.
5. Hospital.
6. *(Section 2.395(6) deleted by Ordinance 98-01, 1-5-98)*
7. Light Manufacturing.
8. Recycling establishment.
9. Repair service establishment not allowed as an Outright Use.
10. Temporary use meeting the requirements of Sections 3.240.
11. Wholesale trade or warehouse establishment.

2.400. LOT COVERAGE.

Buildings will not cover more than 90 percent of the lot area.

2.405. LANDSCAPED OPEN AREA.

A minimum of 10 percent of the total lot area will be maintained as a landscaped open area.

2.410. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

2.415. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-3 Zone abuts a lot in a residential zone, there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.

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C-3 Zone

3. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.
4. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.

C-4: CENTRAL COMMERCIAL ZONE

2.425. **PURPOSE.**

This zone is intended to be the commercial center of the Astoria urban area. It is designed to serve as the focal point for retail trade, services, professional, financial, and governmental activities. The uses permitted are intended to be compatible with the locale's pedestrian orientation and, as a result, off-street parking is not required. The district is not suitable for low intensity uses requiring large tracts of land, warehouses, wholesale establishments, and other uses which would detract from the purpose or character of the area.

2.430. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in a C-4 Zone as an outright use if the Community Development Director determines that the use will not violate standards referred to in Sections 2.440 through 2.445, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Commercial laundry or dry cleaning establishment.
3. Commercial or public off-street parking lot.
4. Communication service establishment.
5. Eating and drinking establishment without drive-thru facilities.
6. Education service establishment.
7. Family day care center in existing dwelling.
8. Home occupation in existing dwelling.
9. Personal service establishment.
10. Professional service establishment.
11. Public or semi-public use.
12. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
13. Residential home, located above the first floor, with commercial facilities on the first floor of existing structure.

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C-4 Zone

14. Retail sales establishment.
15. Single-family and two-family dwelling, located above or below the first floor, with commercial facilities on the first floor of existing structure.
(Section 2.435(15) amended by Ordinance 93-15, 12-20-93)
16. Multi-family dwelling, located above the first floor, with commercial facilities on the first floor.
167. Studio for artists.
178. Transportation facilities.
(Section 2.430.17 added by Ordinance 14-03, 4-21-14)

2.435. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-4 Zone as a conditional use if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.440 through 2.445, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Day care center.
2. Indoor family entertainment or recreation establishment.
3. Light manufacturing.
4. Motel, hotel, bed and breakfast, inn or other tourist lodging facility, and associated uses.
5. ~~Multi-family dwelling, located above the first floor, with commercial facilities on the first floor.~~
6. Recycling establishment.
7. Residential facility, located above the first floor, with commercial facilities on the first floor.
8. Temporary use meeting the requirements of Sections 3.240.
9. Transportation service establishment.
10. Wholesale trade, warehouse, mini-storage, or distribution establishment (see Section 11.170).

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C-4 Zone

11. Conference Center.

(Section 2.435(11) added by Ordinance 94-06, 6-6-94)

2.440. HEIGHT OF STRUCTURES.

| No structure will exceed a height of 4555 feet above grade.

2.445. OTHER APPLICABLE USE STANDARDS.

1. Drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle are not allowed for uses permitted in this zone, unless the facilities are in conjunction with a financial institution.
2. Outdoor sales and/or service areas over 100 square feet in size are not permitted in this zone, except for restaurants.
3. When a commercial use in a C-4 Zone abuts a lot in a residential zone, there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.
4. Outdoor storage areas will be enclosed by suitable hedges, fencing, or walls and will not exceed 100 square feet in size.
5. Indoor storage will not be the principal use of property.
6. All uses with access, parking, or loading areas will comply with standards in Article 7.
7. Conditional Uses will meet the requirements in Article 11.
8. Signs will comply with requirements in Article 8.
9. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
10. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.

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C-4 Zone

11. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.

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(Adopted 10-8-92)