

CITY OF NEWPORT
ORDINANCE NO. 2160

**AN ORDINANCE AMENDING SECTIONS 14.30.080 AND 14.30.100
OF THE NEWPORT MUNICIPAL CODE RELATED TO RESIDENTIAL
USE IN C-2/"TOURIST COMMERCIAL" ZONED PORTIONS
OF THE HISTORIC NYE BEACH DESIGN REVIEW DISTRICT**

WHEREAS, the City of Newport Zoning Ordinance, codified as Title XIV of the Newport Municipal Code (NMC), regulates residential uses within C-2/"Tourist-Commercial" zoned areas inside the Nye Beach Design Review District ("District"). These regulations are found in Newport Municipal Code (NMC) Chapter 14.30; and

WHEREAS, the subject regulations limit new residential development at street grade to properties where a residential use existed prior to 2004, and to the footprint of the structure as it existed on that date; and

WHEREAS, the City Council, at the request of certain property owners in Nye Beach, adopted Ordinance No. 1946 in 2008, which lifted this limitation for new residential uses at street grade on property south of NW 2nd Court and north of NW 6th Street that fronts NW and SW Coast Street, NW and SW Cliff Street, and W. Olive Street. Further, said ordinance established development standards for such residential uses; and

WHEREAS, on September 9, 2019, Richard Engelmann and Sally Boyle, the owners of a lot along NW 2nd Street, asked the Planning Commission to consider expanding areas where residential is allowed at street grade so that they could build a home on their property; and

WHEREAS, the Planning Commission agreed to evaluate the matter at a work session on October 28, 2019, at which it reviewed a map showing the remaining undeveloped C-2 zoned parcels in the District and a targeted set of draft amendments to NMC 14.30.080 and 14.30.100 that would allow new residential use at street grade on all C-2 zoned property in the District situated south of NW 2nd Court and north of NW 6th Street. Such change includes the Engelmann/Boyle property; and

WHEREAS, the Planning Commission elected to move forward with the amendments and recommended them favorably to the City Council after taking testimony at a duly noticed public hearing on December 9, 2019; and

WHEREAS, the 2008 amendment established new residential use at street grade as appropriate along the more trafficked streets south of NW 2nd Court and north of NW 6th Street and the Commission viewed this amendment as an extension of that policy choice, allowing new residential use at street grade along lower volume streets where existing residential is already the predominant use; and

WHEREAS, Policies 5 and 9 of the Newport Peninsula Urban Design Plan, a component of the Newport Comprehensive Plan, seek to preserve and enhance the existing housing supply and improve neighborhood cohesion in the District, and this amendment is consistent with those policy objectives, is necessary, and furthers the

general welfare of the community; and

WHEREAS, the City Council held a public hearing on January 6, 2020 regarding the question of the proposed revisions and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record; and

WHEREAS, information in the record, such as affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council hearings, including mail notice to business and property owners situated in C-2 zoned areas of the District.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are hereby adopted as support for the amendments, below.

Section 2. Sections 14.30.080 and 14.30.100 of the Newport Municipal Code are hereby amended as depicted in Exhibit "A."

Section 3. This ordinance shall take effect 30 days after its adoption.

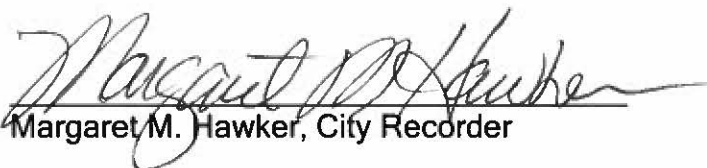
Date adopted and read by title only: January 6, 2020.

Signed by the Mayor on January 7, 2020.



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

Exhibit A to Ordinance No. 2160 - Amendments to NMC Chapter 14.30 Related to Residential Uses at Street Grade in the C-2 Zone District

(Note: Changes are limited to deleted language shown in ~~strikethrough~~)

CHAPTER 14.30 DESIGN REVIEW STANDARDS

14.30.080 Permitted Uses

In addition to uses permitted outright or conditionally in the underlying zoning district, the following uses are permitted within areas subject to design review.

A. Historic Nye Beach Design Review District.

1. Tourist Commercial (C-2) zoned property.
 - a. Up to five (5) multi-family dwelling units per lot or parcel are permitted outright provided they are located on a floor other than a floor at street grade.
 - b. A single-family residence is permitted outright if located on a floor other than a floor at street grade.
 - c. A single-family residence is permitted outright, including the street grade floor, within a dwelling constructed prior to January 1, 2004. Residential use at the street grade is limited to the footprint of the structure as it existed on this date.
 - d. Single family, duplex, triplex, fourplex and multifamily dwelling units, including at the street grade, are permitted outright on property located south of NW 2nd Court and north of NW 6th Street ~~that front NW and SW Coast Street, NW and SW Cliff Street, and W. Olive Street.~~
2. High Density Multi-Family Residential (R-4) zoned property.
 - a. Uses permitted outright in the C-2 zone district that are not specified as a use permitted outright or conditionally in the R-4 zone district, are allowed subject to the issuance of a conditional use permit in accordance with the provisions of Chapter 14.34, Conditional Uses and subject to the limitation that the use not exceed a total of 1,000 square feet of

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gross floor area. This provision does not preclude an application for a use as a home occupation under [Chapter 14.27](#), Home Occupations.

14.30.100 Special Zoning Standards in Design Review Districts

All zoning standards and requirements applicable under Ordinance No. 1308 (as amended) in the subject zoning district shall apply, except that the following additional zoning standards are applicable for the design review district as applicable in the underlying zoning designation and shall be modified for each district as specified.

A. Historic Nye Beach Design Review District:

1. No drive through windows are allowed.
2. Commercial buildings with frontage on NW and SW Coast Street, W Olive Street, NW and SW Cliff Street, NW Beach Drive, and NW Third Street shall be set back from the property line fronting the street no more than 5 feet unless the development provides for a pedestrian oriented amenity (such as a courtyard, patio, or café with outdoor seating), compliance with the setback is precluded by topography or by easement, or a larger setback is authorized by the Planning Commission through the design review process.
3. Required yards and setbacks established in [Chapter 14.11](#) (Required Yards and Setbacks) and [Chapter 14.18](#) (Screening and Buffering between Residential and Non-Residential Zones) shall be reduced by 50%, except for [Section 14.11.030](#), Garage Setback, which is to remain at 20-feet. A setback for a garage that is less than 20-feet may be permitted if it is found by the Planning Commission to be consistent with the Design Review Guidelines pursuant to [NMC 14.30.060\(B\)](#).
4. The following adjustments to [Chapter 14.12](#) (Minimum Size) and [Chapter 14.13](#) (Density Limitations, Table "A") are allowed within the District.
 - a. The minimum lot area within both the R-4 and C-2 zones shall be 3,000 square feet.

Exhibit A to Ordinance No. 2160 - Amendments to NMC Chapter 14.30 Related to Residential Uses at Street Grade in the C-2 Zone District

- b. The minimum lot width for the R-4 zone shall be 30 feet.
5. Residential use permitted on C-2 zoned property located south of NW 2nd Court and north of NW 6th Street ~~that front NW and SW Coast Street, NW and/or SW Cliff Street, and W. Olive Street~~ shall comply with the following additional requirements:
 - a. The maximum residential density is 1,250 square feet per unit.
 - b. The maximum building height is 35 feet.
 - c. The maximum lot coverage in structures is 64%. If the proposed residential use provides at least 1 off-street parking space for each dwelling unit in a below-grade parking structure (for the purposes of this section below-grade is defined to mean that 50% or more of the perimeter of the building is below-grade) located directly below the residential portion of the structure, the maximum lot coverage allowed is 90%.
 - d. The residential use provides at minimum 1 off-street parking space for each dwelling unit.
 - e. At least one residential building per lot is set back from the property line abutting the street no more than 5 feet.
6. The following adjustments to the off-street parking requirements of [Chapter 14.14](#) (Parking, Loading, and Access Requirements) are provided for uses within the District:
 - a. Commercial uses shall have the first 1,000 square feet of gross floor area exempted from the off-street parking calculation.
 - b. All uses within the District shall be allowed an on-street parking credit that shall reduce the required number of off-street parking spaces by one off-street parking space for every one on-street parking space abutting the property subject to the following limitations:

Exhibit A to Ordinance No. 2160 - Amendments to NMC Chapter 14.30 Related to Residential Uses at Street Grade in the C-2 Zone District

- i. Each on-street parking space must be in compliance with the City of Newport standards for on-street parking spaces.
 - ii. Each on-street parking space to be credited must be completely abutting the subject property. Only whole spaces qualify for the on-street parking credit.
- a. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces are allowed except as authorized by the City of Newport.