

CITY OF NEWPORT

ORDINANCE NO. 2170

**AN ORDINANCE AMENDING CHAPTERS 6.25, 9.50, 9.80, 14.03, AND 14.06 OF THE
NEWPORT MUNICIPAL CODE RELATED TO CAMPING WITHIN THE CITY LIMITS,
INCLUDING CAR CAMPING BY HOMELESS INDIVIDUALS**

(NEWPORT FILE NO. 1-Z-20)

Findings:

1. With Resolution No. 3829, the City Council established a Homelessness Taskforce to identify strategies for improving and expanding upon services and resources for people who are homeless, including homelessness prevention and programs to assist at risk populations in achieving stable housing. The taskforce included a broad range of community stakeholders who met four times over a 6-month period, issuing a set of recommendations in July of 2019. The City Council accepted the Taskforce's recommendations at its August 5, 2019 meeting, and asked the City Manager to prioritize the recommendations and develop an action plan. This was accomplished and accepted by the City Council on September 3, 2019. Recommendations were prioritized into three tiers, with Tier 1 being projects the City would work on during the 2019-20 fiscal year.
2. One of the Tier 1 recommendations calls for the City to identify areas where homeless individuals can car camp. In making this recommendation, the Taskforce noted "Some Oregon communities have set up a specific location(s) at which people can park their vehicles and sleep in them for a period of time. These sites are generally run by non-profit organizations. One of the requirements is a provision for a portable toilet for these sites. There is also a strict limitation on the number of vehicles that can be parked at any one site. Areas such as church parking lots, or other similar spaces could be used for this purpose. Again, this is a project that could be coordinated by a standing NGO if one was created."
3. The Planning Commission considered options for addressing the issue at work sessions on January 27, 2020 and February 10, 2020, including programs put in place by Lincoln City, Eugene, and Portland. Coming out of those meetings, there was general consensus that the City should amend its Municipal Code to clarify circumstances where camping is permitted, and to allow car camping by homeless individuals in a manner similar to what was recommended by the taskforce, and allowed pursuant to ORS 203.082. On February 10, 2020 the Commission, by motion, voted to initiate the legislative process to amend the Newport Municipal Code.
4. Amendments carried out with this ordinance comprehensively update the City of Newport's regulations related to camping, and while only a portion of the changes are land use related, namely those in Chapters 14.03 and 14.06, the full set of amendments has been brought forward in accordance with adopted procedures for amending land use regulations. Key revisions to the Municipal Code include:

a. NMC Chapter 6.25. The City's definition of recreational vehicle is being revised to align with the current, equivalent definition in state law contained in OAR 735-022-0140. The state definition is effective as of January 1, 2020. The amendments further eliminate a permitting program for tourist-oriented recreational vehicle parking on private property during special events, a program that has never been implemented and that would be difficult to effectively implement as drafted.

b. NMC Chapter 9.50. The chapter is being amended to identify circumstances by which camping can be permitted within the Newport city limits.

c. NMC Chapter 9.80. Changes to this chapter clarify that a Special Event permit is required for a private activity that occurs on public property irrespective of whether or not it requires the use of city services. The amendments further refine how building and fire codes are to be applied to special events, and a requirement that applicants enter into a separate agreement with the City is eliminated, as unnecessary. A final change to this chapter clarifies that terms of a Special Event Permit supersede any conflicting provisions of the Municipal Code.

d. NMC Chapter 14.03. Amendments to this chapter include replacing the term "Church" with "Religious Institutions/Places of Worship" so that the City uses consistent terminology in its code. The revisions further clarify that camping for a fee is limited to recreational vehicle parks, and public parks where identified in a State Parks Master Plan.

e. NMC Chapter 14.06. Revisions to this chapter relate to circumstances where a recreational vehicle can be occupied as a place of habitation within the city limits.

5. The proposed amendments were scheduled for an initial public hearing before the Planning Commission on March 23, 2020; however, that hearing was cancelled due to the COVID-19 pandemic.

6. At the same time that the Planning Commission was considering potential amendments to the Newport Municipal Code, the Oregon Legislature took up related legislation that would apply statewide. This first occurred with HB 4001, introduced during the 2020 regular session. The C-Engrossed version of that bill, dated March 3, 2020, would have lifted the 3-vehicle limitation in ORS 203.082 in favor of language that would allow a city or county to impose reasonable conditions upon the offering of camping spaces, including establishing a maximum number of vehicles allowed. That bill was not passed. A second bill, HB 4212, was introduced and passed during the subsequent 2020 special session. It eliminated the three-vehicle limitation for car camping by homeless individuals in ORS 203.082 and allowed local governments to regulate vehicle camping as transitional housing under ORS 446.265; however, the legislation was subject to a 90-day sunset clause.

7. On July 27, 2020 and August 10, 2020, the Commission reconvened in work session to consider car camping ordinances for homeless individuals developed by Benton

County and Washington County in response to anticipated pandemic-related service disruptions. From that, the Commission expanded the scope of the amendments to include commercial, industrial and public properties, in addition to religious institutions or places of worship, in order to create additional opportunities for car camping. They also added spacing and setback requirements.

8. A public hearing before the Planning Commission was held on August 24, 2020 to consider the proposed amendments and, after considering evidence and argument in the record, the Commission recommended the City Council adopt the changes. In doing so, the Commission worked through a couple of policy options in regards to the maximum number of vehicles that can camp on a property at a given time under the new Chapter 9.50 rules. The Commission elected to recommend a three-vehicle limit for all eligible properties, which include commercial, industrial, public properties and religious institutions/places of worship. State law currently limits the maximum number of vehicles to three if the individuals are camping in vehicles at a religious institution or place of worship (ORS 203.082). Additionally, the Commission asked that language be added requiring City staff inspect car camping sites to confirm that screening, setback and sanitation requirements are in place before a host makes a site available for car camping.

9. The City Council held a public hearing on September 21, 2020 regarding the question of the proposed amendments and, after considering evidence and argument in the record, voted in favor of their adoption with the change requested by the Commission, concluding that the amendments are necessary and further the general welfare of the community.

10. 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.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

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

Section 2. Chapter 6.25 of the Newport Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Section 3. Chapter 9.50 of the Newport Municipal Code is hereby amended as set forth in the attached Exhibit "B."

Section 4. Chapter 9.80 of the Newport Municipal Code is hereby amended as set forth in the attached Exhibit "C."


Section 5. Chapter 14.03 of the Newport Municipal Code is hereby amended as set forth in the attached Exhibit "D."

Section 6. Chapter 14.06 of the Newport Municipal Code is hereby amended as set forth in the attached Exhibit "E."

Section 7. This ordinance shall take effect 30 days after its adoption.


Date adopted and read by title only: September 21, 2020

Signed by the Mayor on SEPT 23, 2020.



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments in *italics* are provided for context and are not a part of the amendments.)

CHAPTER 6.25 RECREATIONAL VEHICLE PARKING

6.25.005 Definitions

Public Or Private Parking Lot means a parking lot that is open to the general public for parking, whether for a fee or not. Parking lot does not include areas reserved for owners or tenants of a property.

Recreational Vehicle or RV means a vehicle that ~~contains facilities for sleeping~~ with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

~~**Self-contained** means including a functional sink and toilet with on-board storage of wastewater.~~

Staff: Definition for recreational vehicle is modified to align with current definition contained in ORS 174.101(3). That definition, amended in 2019, refers to administrative rules adopted by the Director of Transportation. That rule-making process was completed effective January 1, 2020. This definition is more relevant to the titling of RVs and differs slightly from the definition required by FEMA for RV's placed in a floodplain (NMC 14.20.020((24)) and the definition contained in the zoning ordinance that relates to RV Parks and the placement of RVs on individual lots outside of RV Parks (NMC 14.01.020).

6.25.010 Parking of Recreational Vehicles

A. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot between the hours of 11:00 P.M. and 5:00 A.M., except as ~~provided in subsections B. and C.~~ in areas where camping is permitted as identified in Section 9.50.050.

~~B. For special events, the owner of a paved or otherwise adequately surfaced parking area may allow self-contained RVs to park at no charge, providing that the~~

~~owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. The permittee shall allow parking only if all available RV parks, including state parks that allow RV camping, are full.~~

- ~~C. Marina owners or operators may allow up to 50% of the parking area for the marina to be used for overnight parking of RVs of marina customers during the period between July 1 and the end of the Labor Day weekend, providing the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. No permit may be issued to a marina that does not have an approved sanitary facility for the disposal of septic wastes. The owner or operator of the facility shall collect and remit the city's room tax.~~
- ~~D. The planning department shall be responsible for issuance of the permits under this section and for the imposition of conditions. The planning department may create a set of standard permit conditions.~~

Staff: A permitting program of this nature has never been instituted, and the options listed in Section 9.50.050 outline circumstances where overnight parking of RVs is permissible.

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments in *italics* are provided for context and are not a part of the amendments.)

CHAPTER 9.50 CAMPING PROHIBITED IN CERTAIN PLACES

9.50.010 Definitions

The following definitions apply in this chapter.

- A. To camp means to set up, or to remain in or at, a campsite.
- B. Campsite means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- C. Personal property means items which are reasonably recognizable as belonging to individual persons and which have apparent utility.
- D. Junk means items that have no apparent utility or are in an unsanitary condition.

9.50.020 Camping Prohibited in Certain Places

It is unlawful for any person to camp in or upon any sidewalk, street, alley, lane, public right of way, transit facility or bus shelter, or any other place to which the general public has access, or under any bridgeway or viaduct, unless otherwise specifically authorized by this city or by declaration by the mayor or city manager in emergency circumstances. Nothing in this chapter shall prohibit the use of designated picnic areas of public property for cooking, or prohibit camping by permit authorized by the city manager or designee.

9.50.030 Scheduling and Notice of Campsite Cleanup

- A. Cleanup of illegal campsites will be scheduled on an as-needed basis by the chief of police or designee.
- B. Permanent signs may be posted advising that camping is prohibited. Whether or not a permanent sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 24 hours before the cleanup.

- C. Notwithstanding subsections A. and B., cleanup of campsites may occur immediately and without notice if the chief of police or designee determine that either of the following conditions exist:
 - 1. An exceptional emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;
 - 2. Illegal activity other than camping.
- D. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on picking up the stored property can be obtained during normal business hours.
- E. Written notices, including permanent signs, will be in both English and Spanish.
- F. Copies of all notices shall be provided to the State of Oregon Department of Human Services and/or to the Lincoln County Human Services Department.

9.50.040 Removal, Storage and Retrieval of Personal Property

- A. Personal property will be separated during cleanups from junk. Junk will be immediately discarded. Items of personal property will be turned over to the police department and stored. The personal property shall be stored for no less than 30 days, during which time it will be reasonably available to persons claiming ownership of the personal property.
- B. The police department shall arrange in advance for a location to store personal property. The storage facility should be reasonably secure. The location should be reasonably accessible to the cleanup area and preferably served by public transportation.
- C. Any personal property that remains unclaimed for 30 days after the cleanup may be disposed of, sold, donated, used, or transferred as abandoned personal property, but no waiting period beyond the 30 days is required prior to the disposal, sale, donation, use or transfer.

- D. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained by the police department.

9.50.050 Permitted Camping

- A. The prohibitions in Section 9.50.020 shall not apply to the following circumstances:
1. The property involved is appropriately zoned and has all necessary approvals for the proposed camping use, in a vehicle or otherwise, as provided in Title XIV of the Newport Municipal Code; or
 2. Camping is occurring in accordance with a duly executed emergency declaration made pursuant to Section 1.70.030; or
 3. A special events permit has been issued in accordance with Chapter 9.80 authorizing camping; or
 4. The owner of a commercial or industrial property, a public entity, or a religious institution/place of worship may offer overnight vehicle camping space to homeless persons living in vehicles, provided:
 - a. such accommodations are made free of charge; and
 - b. occupancy is limited to three or fewer vehicles at the same time; and
 - c. vehicles are located within an on-premise parking lot, and are spaced at least 10 feet apart; and
 - d. all items and materials are stored in vehicles or in a separate storage area that is screened from view from adjacent properties and public rights-of-way; and
 - e. campers are provided access to sanitary facilities, including a toilet, hand washing and trash disposal facilities, with such facilities being at least 20-feet from the property line of a residential use if not fully contained within a building; and
 - f. an inspection is performed by the City to confirm that sanitary facilities are in place, required setbacks are

met, and any storage areas are screened, before overnight vehicle camping is commenced.

Staff: This language outlines the circumstances by which camping can be permitted within the city limits. The first three options cite to existing code provisions. The last item, related to overnight car camping by homeless persons, draws from language in ORS 203.082 that is specific to religious institutions/places of worship. At a July 27, 2020 work session, the Planning Commission requested that the car camping rules be expanded to commercial, industrial and public properties, and that spacing/screening standards be applied. At the August 24, 2020 public hearing, the Commission confirmed that the three-vehicle limitation should apply to all eligible areas and that a City inspection needs to occur before car camping activities are commenced.

9.50.060 Violation

Violation of this chapter is a nuisance and is also a civil infraction.

9.50.070 Nonexclusive Remedy

The remedies described in this chapter shall not be the exclusive remedies of the city for violations of this chapter.

9.50.080 Interpretation

This chapter is to be interpreted to be consistent with applicable state statutes and providing the protections required by state statutes.

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments in *italics* are provided for context and are not a part of the amendments.)

CHAPTER 9.80 SPECIAL EVENT PERMITS

9.80.010 Special Event Definitions

"Fee Waiver" is a waiver of city fees for providing a service or facility use.

"Special Event" is any private activity conducted wholly or partly on public property, ~~or~~ that requires the use of city services, such as closure of a street or park, or provision of traffic control, or other services. Special Event includes, but is not limited to, a parade, festival, exposition, show, sale, party, or other similar activity. Special Event also includes events on private or other public property for which the city provides additional services. Special Events does not include:

- A. Events held in the Performing Arts Center or the Visual Arts Center unless special services are requested of the city;
- B. Events conducted at city facilities including the swimming pool and recreation center unless a Fee Waiver is requested;
- C. The use of meeting rooms at any city facility unless a Fee Waiver is requested or the fee has otherwise been waived by city policy.

"Special Event Permit Fees" are based on the actual costs of the city providing the service requested, and may include personnel, benefit costs, equipment costs, and published room rental costs.

Staff: This change clarifies that a Special Event Permit is required for a private activity that occurs on public property, irrespective of whether or not it requires the use of city services. Similarly, an activity on private property must apply for a Special Event Permit if it requires the use of city services, such as the closure of an adjacent public street.

9.80.015 Special Event Fees and Waivers

- A. Applicants may request a full or partial Fee Waiver of Special Event Permit Fees. A request for a Fee Waiver must be submitted with a Special Event permit application. The city may, in its discretion, approve all, part, or none of a Fee Waiver request. The following will be considered in the city's review of a request for a Fee Waiver:
1. Whether the event is a benefit to the community.
 2. Whether the event creates positive publicity for the city.
 3. The city's cost of providing services for/to the event.
 4. Whether there are revenues that can be used to offset the impact of a Fee Waiver on the general fund.
 5. Whether the event promotes education, public health, or public safety.
 6. Whether the event is operated by a non-profit organization.
 7. Whether the event has in the past or is likely in the future to take action that, if taken by a governmental entity, would be unconstitutional. The city will not provide a Fee Waiver for any Special Event or entity that takes action in regard to the Special Event that, if taken by the city, would be unconstitutional.
- B. Unless waived, all fees required for the Special Event must be paid prior to the issuance of a permit. In no event, will the Fee Waiver be more than the city's cost of providing service to the event.

9.80.020 Special Event Applications

- A. All persons who wish to conduct a Special Event must submit an application form to the city recorder. Special Event application forms are available on the city's website at www.NewportOregon.gov. Special Event permit applications shall be reviewed and approved or denied administratively by the city manager following the procedures and standards of this chapter, unless the amount of the requested Fee Waiver is in excess of

\$2,000, in which case the application shall be forwarded to the City Council for action.

- B. Applications will be deemed incomplete and will be denied if details about the Special Event are insufficient for staff to properly analyze and determine the impacts on city services, or if submitted with insufficient time to allow for city staff to evaluate the impacts and coordinate any city services required to allow the event to proceed.
- C. Temporary structures may be erected in conjunction with a Special Event provided the following are met:
- ~~1. The time limit for such structures is no longer than 30 days prior to and five (5) days after the Special Event.~~
 21. Permission for the structure is granted by the property owner.
 32. A city business license is obtained.
 43. The person or persons responsible for the temporary structure shall appropriately maintain the grounds and provide trash receptacles.
 54. Sanitary facilities are made available to the site during the Special Event.
 65. The structure does not interfere with the provision of parking for the permanent use on the site, or a traffic management plan is provided that is acceptable to the city.
 76. The structure satisfies the vision clearance requirements of ~~the Zoning Code~~ [Chapter 14.17](#).
 87. Written approval for the temporary structure is obtained from the city's building official. [The structure satisfies applicable provisions of the Building Codes, as outlined in Chapter 11.05 and Fire Codes as provided in Chapter 11.10.](#)
 9. ~~The person or persons responsible for the temporary structure have signed the city agreement relating to the temporary structure.~~

- D. Applications must include evidence of compliance with any required permits from other governmental agencies (e.g., health department, liquor license, etc.), as may be requested by the city.
- E. Special Event organizers may be required to maintain liability insurance for the event in an amount deemed acceptable by the city manager, with the city named as an additional insured.
- F. Recipients of tourism promotion grants are ineligible for Special Event Fee Waivers.
- G. The city manager is delegated the authority to establish rules, procedures, and policies to implement and supplement this chapter and to develop application forms and other standard materials to be used in the application process.

Staff: The duration of a Special Event is specified in the permit (NMC 9.80.032); therefore, it is not necessary to specify an alternative timeframe for temporary structures. A separate agreement is also not needed. Building and Fire Codes do not apply to all types of temporary structures, so the language has been clarified to indicate that such standards must be met only when they are applicable.

9.80.022 Approval/Denial of Special Event Permit

- A. The completed application will be reviewed by the department heads. The applicant may be required to provide additional information. Denied applications may be amended and resubmitted.
- B. Reasons for denial of a Special Event permit include, but are not limited to:
 - 1. The city lacks the resources to provide the services that are required for the event.
 - 2. A requested facility or site is not available at the time requested.
 - 3. The event requests use of city streets at a time, or for a duration, that would create too great an impact on the public transportation system.

4. The applicant submitted false information in connection with the application.
 5. The applicant has failed to complete all aspects of the application.
- C. If the Special Event application is approved and no Fee Waiver has been approved, the city recorder will collect the appropriate fee and issue the permit. If the Special Event application is approved and a Fee Waiver has been approved in full, the city recorder will issue the permit.
- D. If denied, the city recorder will notify the applicant in writing and give the reason for denial. If time permits, the applicant may correct the reasons for denial and resubmit the application for approval. If an applicant is again denied a permit, the applicant may appeal the denial, within 14 days of the date of the written denial by filing a written notice of appeal with the city recorder. The appeal shall be heard at a regular City Council meeting at least seven days after the date the appeal is filed. The appeal shall be decided by the City Council and is final.

9.80.032 Effectiveness of Special Event Permit

Notwithstanding any other restrictions and prohibitions in this code, a Special ~~Events~~-Event Permit, when approved, shall serve to authorize the stated activity ~~shall be approved for only the specified~~ dates, times, and locations ~~stated~~ specified in the permit.

Staff: Clarifies that a Special Event Permit, when issued, supersedes any conflicting provisions of the Newport Municipal Code.

9.80.035 Violation of a Special Event Permit

- A. Any event subject to the provisions of this chapter that is staged without complying with all conditions of this chapter shall be subject to closure by the police department.
- B. The city may revoke a permit if it is determined by the city manager that the event is being operated in violation of the Newport Municipal Code.

- C. The city may revoke a permit and/or apply a fine of up to \$500 per day if it determines an applicant has violated this chapter.

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments in *italics* are provided for context and are not a part of the amendments.)

CHAPTER 14.03 ZONING DISTRICTS

14.03.010 Purpose.

It is the intent and purpose of this section to establish zoning districts for the City of Newport and delineate uses for each district. Each zoning district is intended to service a general land use category that has common location, development, and use characteristics. The quantity and availability of lands within each zoning district shall be based on the community's need as determined by the Comprehensive Plan. Establishing the zoning districts also implements the General Land Use Plan Map as set forth in the Comprehensive Plan.

14.03.020 Establishment of Zoning Districts.

This section separates the City of Newport into four (4) basic classifications and thirteen (13) use districts as follows:

A. Residential.

1. R-1 Low Density Single-Family Residential.
2. R-2 Medium Density Single-Family Residential.
3. R-3 Medium Density Multi-Family Residential.
4. R-4 High Density Multi-Family Residential.

B. Commercial.

1. C-1 Retail and Service Commercial.
2. C-2 Tourist Commercial.
3. C-3 Heavy Commercial.

C. Industrial.

1. I-1 Light Industrial.
2. I-2 Medium Industrial.
3. I-3 Heavy Industrial.

- D. Water Related.
 - 1. W-1 Water Dependent.
 - 2. W-2 Water Related.
- E. Public.
 - 1. P-1 Public Structures.
 - 2. P-2 Public Parks.
 - 3. P-3 Public Open Space.

14.03.030 City of Newport Zoning Map.

The zoning districts established by this section are officially identified on the map entitled "City of Newport Zoning Map," by reference incorporated herein. Zoning district boundaries, as shown on the official map, shall be construed as follows:

- A. City limit lines;
- B. Platted lot lines or other property lines as shown on the Lincoln County Assessor's plat maps;
- C. The centerline of streets, railroad tracks, or other public transportation routes;
- D. The centerline of streams or other watercourses as measured at Mean Low Water. In the event of a natural change in location of the centerline of such watercourse, then the zoning district boundary shall be construed to moving with the channel centerline; and
- E. The Mean Higher High Tide Line.

14.03.040 Intent of Zoning Districts.

Each zoning district is intended to serve a general land use category that has common locations, development, and service characteristics. The following sections specify the intent of each zoning district:

R-1/"Low Density Single-Family Residential." The intent of the R-1 district is to provide for large lot residential development. This district should also be applied where environmental

constraints such as topography, soils, geology, or flooding restrict the development potential of the land.

R-2/"Medium Density Single-Family Residential." The intent of this district is to provide for low density, smaller lot size residential development. It is also the ambition of this district to serve as a transitional area between the low density residential district and higher density residential districts.

R-3/"Medium Density Multi-Family Residential." This district is intended for medium density multi-family residential development. It is planned for areas that are able to accommodate the development of apartments. New R-3 zones should be near major streets, on relatively flat land, and near community or neighborhood activity centers.

R-4/"High Density Multi-Family Residential." This district is intended to provide for high density multi-family residential and some limited commercial development. New R-4 zones should be on major streets, on relatively flat land, and near commercial centers.

C-1/"Retail and Service Commercial." The intent of the C-1 district is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Manufacturing, processing, repair, storage, or warehousing is prohibited unless such activity is clearly incidental to the business and occupies less than 50% of the floor area.

C-2/"Tourist Commercial." The intent of this zone is to provide for tourist needs, as well as for the entertainment needs of permanent residents.

C-3/"Heavy Commercial." The intent of this zone is to provide for commercial uses that are frequently incompatible with retail and service commercial uses. This zone is also intended to provide uses that utilize more than 50% of the floor area for storage, repair, or compounding of products but do not constitute a nuisance because of noise, dust, vibration or fumes.

I-1/"Light Industrial." The intent of this zone is to provide for commercial and industrial uses that can be located near residential or commercial zones. Uses that are associated

with excessive noise, dust, vibration, or fumes shall be prohibited.

I-2/"Medium Industrial." The intent of this zone is to provide areas suitable for industrial activities, including manufacturing, fabricating, processing, packing, storage, repairing, and wholesaling. This classification should be applied to industrial areas having good access to transportation facilities and not near residential zones.

I-3/"Heavy Industrial." The intent of this zone is to provide for industrial uses that involve production and processing activities generating noise, vibration, dust, and fumes. Typically, this zone requires good access to transportation, large lots, and segregation from other uses due to nuisances.

W-1/"Water-Dependent." The intent of the W-1 district is to protect areas of the Yaquina Bay Shorelands, as identified in the Newport Comprehensive Plan, for water-dependent uses. For purposes of this section, a water-dependent use is one which needs contact with or use of the water for water-borne transportation, recreation, energy production, or water supply. All uses in a W-1 district shall comply with the following standards:

- A. Existing water-dependent uses or future water-dependent uses anticipated by the Comprehensive Plan shall not be preempted or restricted by non-water-dependent uses. In determining whether or not a use preempts or restricts a water-dependent use, the following shall be considered:
 1. Water-related uses accessory to and in conjunction with water-dependent uses.
 2. Temporary or mobile uses such as parking lots or temporary storage areas.
 3. Incidental and accessory non-water-dependent uses sharing an existing structure with a water-dependent use.
- B. Applicable policies in the Yaquina Bay Estuary and Yaquina Bay Shoreland sections of the Comprehensive Plan shall be followed.
- C. In determining whether a conditional use should be allowed, consideration shall be given to whether the site or

portion thereof is within an area designated as especially suited for water-dependent or water-related uses in the Comprehensive Plan. If the property is within that area, then the site shall be protected for water-dependent and water-related recreational, commercial, and industrial uses.

W-2/"Water-Related." The intent of the W-2 district is to provide areas within and adjacent to the Yaquina Bay Shorelands for water-dependent, water-related, and other uses that are compatible or in conjunction with water-dependent and water-related uses. In determining whether or not a use is water-related, the following shall be uses:

- A. The proposed use is directly associated with a water-dependent use by supplying materials or services, or by using projects of water-dependent uses; and
- B. Location away from the water would result in a public loss in the quality of goods or services after considering economic, social, environmental, and energy effects.

All conditional uses in a W-2 district shall also comply with the following standard:

In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality.

14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed. Short-term rentals are permitted uses in the City of Newport's R-1, R-2, R-3 and R-4 zone districts subject to requirements of [Chapter 14.25](#).

"P" = Permitted uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

| | | R-1 | R-2 | R-3 | R-4 |
|----|------------------------|-----|-----|-----|-----|
| A. | Residential | | | | |
| | 1. Single-Family | P | P | P | P |
| | 2. Two-family | X | P | P | P |
| | 3. Multi-family | X | X | P | P |
| | 4. Manufactured Homes* | P | P | P | P |

| | | | | | |
|----|---|---|---|---|---|
| | 5. Mobile Home Park | X | P | P | P |
| B. | Accessory Dwelling Units | P | P | P | P |
| | (B. was added on the adoption of Ordinance No 255 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.) | | | | |
| C. | Accessory Uses | P | P | P | P |
| D. | Home Occupations | P | P | P | P |
| E. | Community Services | | | | |
| | 1. Parks | P | P | P | P |
| | 2. Publicly Owned Recreation Facilities | C | C | C | C |
| | 3. Libraries | C | C | C | C |
| | 4. Utility Substations | C | C | C | C |
| | 5. Public or Private Schools | C | C | C | P |
| | 6. Child Care Facilities | P | P | P | P |
| | 7. Day Care Facilities | C | C | C | C |
| | 8. Churches/Religious Institutions/Places of Worship | C | C | C | C |
| F. | Residential Care Homes | P | P | P | P |
| G. | Nursing Homes | X | X | C | P |
| H. | Bed and Breakfast Inns | X | X | C | C |
| I. | Motels and Hotels | X | X | X | C |
| J. | Professional Offices | X | X | X | C |
| K. | Rooming and Boarding Houses | X | X | C | P |
| L. | Beauty and Barber Shops | X | X | X | C |
| M. | Colleges and Universities | C | C | C | C |
| N. | Hospitals | X | X | X | P |
| O. | Membership Organizations | X | X | X | p |
| P. | Museums | X | X | X | P |
| Q. | Condominiums | X | P | P | P |
| R. | Hostels | X | X | X | C |
| S. | Golf Courses | C | C | C | X |
| T. | Recreational Vehicle Parks | X | X | X | C |
| U. | Necessary Public Utilities and Public Service Uses or Structures | C | C | C | C |
| V. | Residential Facility* | X | X | P | P |
| W. | Movies Theaters** | X | X | X | C |
| X. | Assisted Living Facilities*** | X | C | P | P |
| Y. | Bicycle Shop**** | X | X | X | C |

Staff: Change is being made such that the City is using consistent terminology.

14.03.060 Commercial and Industrial Districts.

The uses allowed within each commercial and industrial zoning district are classified into use categories on the basis of common functional, product, or physical characteristics.

A. Application of Use Categories. Uses are to be assigned to the category whose "Characteristics" most closely describe the nature of the primary use. Developments may have more than one primary use. "Use Examples" are

provided for each use category. The names of uses on the list are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description on the Retail Sales and Service category.

- B. Interpretation. When a use's category is not clearly identifiable, the Community Development Director shall determine the applicable use category under a Type I decision-making process as provided by [Section 14.52](#). The following factors are to be considered to determine what use category the use is in, and whether or not the activities constitute a primary use.
1. The description of the activity(ies) in relationship the characteristics of each use category;
 2. The relative amount of site or floor space and equipment devoted to the activity;
 3. Relative amount of sales from each activity;
 4. The customer type for each activity;
 5. The relative number of employees for each activity;
 6. Hours of operation;
 7. Building and site arrangement;
 8. Vehicles used with the activity;
 9. The relative number of vehicle trips generated by the activity;
 10. Signs;
 11. How the use advertises itself; and
 12. Whether the activity would function independently of other activities on the site;
- C. Commercial Use Categories

1. Office

- a. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Traffic is primarily from employees with limited customer interactions.
- b. **Examples.** Examples include financial businesses such as lenders, brokerage houses, bank headquarters; data processing; headquarters for professional service firms (lawyers, accountants, engineers, architects, etc.), sales offices; government offices; public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.
- c. **Exceptions.**
 - i. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
 - ii. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

2. Retail Sales and Service

- a. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- b. **Examples.** Examples include uses from the four subgroups listed below:

- i. Sales-oriented, general retail: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, books, clothing, dry goods, electronic equipment, fabric, fuel, gifts, groceries, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales. Sales oriented general retail includes the service but not repair of vehicles.
- ii. Sales-oriented, bulk retail: Stores selling large consumer home and business goods, including appliances, furniture, hardware, home improvements, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
- iii. Personal service-oriented: Branch banks; urgency medical care; Laundromats; photographic studios; photocopy and blueprint services; printing, publishing and lithography; hair, tanning, and personal care services; tax preparers, accountants, engineers, architects, real estate agents, legal, financial services; art studios; art, dance, music, martial arts, and other recreational or cultural classes/schools; hotels (non-transient); motels (non-transient); taxidermists; mortuaries; veterinarians; kennels limited to boarding and training with no breeding; and animal grooming.
- iv. Entertainment-oriented: Restaurants (sit-down and drive through); cafes; delicatessens; taverns and bars; hotels (transient), motels (transient), recreational vehicles, and other temporary lodging with an average length of stay less than 30 days; athletic, exercise and health clubs or gyms; bowling alleys, skating rinks, game arcades; pool halls; dance halls, studios, and schools; theaters; indoor firing ranges, miniature golf facilities, golf courses, and driving ranges.
- v. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office

equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

c. Exceptions.

- i. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- ii. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.
- iii. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
- iv. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
- v. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.
- vi. Camping for a charge or fee or to secure the trade or patronage of a person is limited to Recreation Vehicle Parks or public zoned property where identified in a city or state parks master plan.
- vii. Recreational Vehicle Parks are subject to the standards set forth in Section 14.06.060.
- viii. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as a Recreational Vehicle Park.

Staff: Clarifies that camping for a fee or other form of consideration is limited to Recreational Vehicle Parks and public parks where identified in a city or state parks master plan. This codifies existing

practice. The only tent camping area inside the City limits is located in South Beach State Park.

3. Major Event Entertainment

- a. Characteristics. Major Event Entertainment uses are characterized by spectator or participatory entertainment and recreational activities, either indoors or outdoors, that draw large numbers of people to specific events or shows.
- b. Examples. Examples include fairgrounds, sports complexes, ball fields, exhibition and meeting areas, coliseums or stadiums, equestrian centers and animal arenas, outdoor amphitheaters and theme or water parks.
- c. Exceptions.
 - i. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Sales Oriented Retail Sales or Service.
 - ii. Banquet halls that are part of hotels or restaurants are accessory to those uses.

4. Self-Service Storage

- a. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- b. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.
- c. Exceptions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

5. Vehicle Repair

- a. Characteristics. Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- b. Examples. Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- c. Exceptions.
 - i. Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

6. Parking Facility

- a. Characteristics. Parking facilities provide parking for vehicles as the primary use. The Parking Facility use category does not include parking that is required for a primary use. A fee may or may not be charged to park at a facility.
- b. Examples. Short and long term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and park-and-ride lots.
- c. Exceptions.
 - i. Required parking that is accessory to a use is not considered a Parking Facility.

D. Industrial Use Categories

1. Contractors and Industrial Service

- a. Characteristics. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets.

Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

- b. **Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- c. **Exceptions.**
 - i. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.
 - ii. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

2. Manufacturing and Production

- a. **Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

Manufacturing and production activities within heavy commercial or light industrial areas are those that do not produce excessive noise, dust, vibration, or fumes.

- b. **Examples.** Examples include uses from the two subgroups listed below:
 - i. **Light Manufacturing:** Industrial uses that do not generate excessive noise, dust, vibration or fumes, such that they can be located near residential and commercial zones without creating nuisance impacts. Uses include processing of food and related products where the materials and processing activities are wholly contained within a structure, such as bakery products, canned and preserved fruits and vegetables, sugar and confectionary products, and beverages; catering establishments; breweries, distilleries, and wineries; manufacture of apparel or other fabricated products made from textiles, leather or similar materials; woodworking, including furniture and cabinet making; fabrication of metal products and fixtures; manufacture or assembly of machinery, equipment, or instruments, including industrial, commercial, and transportation equipment, household items, precision items, photographic, medical and optical goods, artwork, jewelry, and toys; manufacture of glass, glassware, and pressed or blown glass; pottery and related products; printing, publishing and lithography production; sign making; and movie production facilities.
 - ii. **Heavy Manufacturing:** Industrial uses that should not be located near residential areas due to noise, dust, vibration or fumes that may be generated by the activities. Uses include processing of food and related products where some portion of the materials are stored or processed outdoors, such as dairies, slaughter houses, or feed lots; leather tanning and finishing; weaving or production of textiles; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemicals, rubber, structural clay, concrete,

gypsum, plaster, bone, plastic, or stone products; primary metal industries including blast furnaces, foundries, smelting, and rolling and finishing of metal products; production and refinement of fossil fuels; concrete batching; and asphalt mixing; and manufacturing of prefabricated structures, including mobile homes.

c. Exceptions.

- i. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
- ii. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

3. Warehouse, Freight Movement, and Distribution

a. Characteristics. Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

b. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

c. Exceptions.

- i. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste and Recycling Related uses.

- ii. Mini-warehouses are classified as Self-Service Storage uses.

5. Waste and Recycling Related

- a. Characteristics. Uses that receive solid or liquid wastes from others for disposal on the site or transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the decomposition of organic material. Waste related uses also include uses that receive hazardous wastes from others.
- b. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.
- c. Exceptions.
 - i. Disposal of clean fill, as defined in OAR 340-093-0030, is considered fill, not a Waste and Recycling Related use.
 - ii. Sewer pipes that serve a development are considered a Basic Utility.

6. Wholesale Sales

- a. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- b. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food,

clothing, auto parts, building hardware, and office supplies.

c. Exceptions.

i. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.

ii. Firms that engage in sales on a membership basis are classified as consideration of characteristics of the use.

iii. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

1. Mining

a. Characteristics. Include mining or extraction of mineral or aggregate resources from the ground for off-site use.

b. Examples. Examples include sand and gravel extraction, excavation of rock, and mining of non-metallic minerals.

c. Exceptions.

i. All other forms of mining or extraction of earth materials are prohibited.

E. Institutional and Civic Use Categories

1. Basic Utilities and Roads

a. Characteristics. Basic utilities and Roads are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility and Road uses generally do not have regular employees at the site. Services may be public or privately provided.

b. Examples. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and

reservoirs; water quality and flow control devices. Water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; bus stops or turnarounds; local, collector and arterial roadways; and highway maintenance.

c. Exceptions.

- i. Services where people are generally present, other than bus stops or turnarounds, are classified as Community Services or Offices.
- ii. Utility offices where employees or customers are generally present are classified as Offices.
- iii. Bus barns are classified as Warehouse and freight movement.
- iv. Public or private passageways, including easements for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Utility Corridors.

2. Utility, Road and Transit Corridors

- a. Characteristics. Utility, Road and Transit Corridors include public or private passageways, including easements for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or similar services on a regional level. This category includes new or expanded regional roadways, and tracks and lines for the movement of trains.
- b. Examples. Examples include highways, rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.
- c. Exceptions.
 - i. Highways, rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.

3. Community Services

- a. **Characteristics.** Public, non-profit or charitable organizations that provide local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. Services are ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join. Uses may include shelter or housing for periods of less than one month when operated by a public or non-profit agency. Uses may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- b. **Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, [religious institutions/places of worship](#), fire and ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, soup kitchens, and surplus food distribution centers.

Staff: Religious institutions/places of worship fit the characteristics and are treated as a community service use. This change simply adds them as an example for clarity.

- c. **Exceptions.**
 - i. Private lodges, clubs, and private commercial athletic or health clubs are classified as Entertainment and Recreation. Commercial museums (such as a wax museum) are in Retail Sales and Service.

4. Daycare

- a. **Characteristics.** Daycare use includes day or evening care of more than 12 children under the age of 13 outside of the children's homes, with or without compensation. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

b. **Examples.** Pre-schools, nursery schools, latch key programs, and adult daycare programs.

c. **Exceptions.**

i. Daycare use does not include care given by a "Child Care Facility" as defined by ORS 657A.250 if the care is given to 12 or fewer children at any one time including the children of the provider. Child care facilities are located in the provider's home and are permitted as a home occupation in non-residential districts.

5. Educational Institutions

a. **Characteristics.** Educational Institutions provide educational instruction to students. This category includes schools, colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree, and public and private schools at the primary, elementary, middle, junior, high, or high school level that provide state-mandated basic education. This category also includes trade schools and vocational schools that provide on-site training of trade skills.

b. **Examples.** Types of uses include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, public and private daytime schools, boarding schools, military academies, and trade/vocational schools.

c. **Exceptions.**

i. Preschools are classified as Daycare facilities.

6. Hospitals

a. **Characteristics.** Hospitals provide medical and surgical diagnosis and care to patients and offer overnight care. Hospitals tend to be on multiple blocks or in campus settings.

b. **Examples.** Examples include hospitals and medical complexes that include hospitals or emergency care facilities.

c. Exceptions.

- i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are "Residential Facilities" and permitted in R-3 and R-4 zoning districts.
- ii. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

7. Courts, Jails, and Detention Facilities

- a. Characteristics. Includes facilities designed to try, detain or incarcerate persons while being processed for arrest or detention by law enforcement. Inmates or detainees are under 24-hour supervision by sworn officers.
- b. Examples. Examples include courts, prisons, jails, probation centers, juvenile detention homes.
- c. Exceptions.
 - i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are "Residential Facilities" and permitted in R-3 and R-4 zoning districts.
 - ii. Programs that provide transitional living experience for former offenders, such as halfway houses, where sworn officers do not supervise residents, are also "Residential Facilities" and permitted in R-3 and R-4 zoning districts.

8. Communication Facilities

- a. Characteristics. Includes facilities designed to provide signals or messages through the use of electronic and telephone devices. Includes all equipment, machinery, structures (e.g. towers) or supporting elements necessary to produce signals.

b. **Examples.** Examples include broadcast towers, communication/cell towers, and point to point microwave towers.

c. **Exceptions.**

i. Receive only antennae are not included in this category.

ii. Radio and television studios are classified in the Office category.

iii. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

14.03.070 Commercial and Industrial Uses.

The following list sets forth the uses allowed within the commercial and industrial land use categories.

"P" = Permitted uses.

"C" = Conditional uses; allowed only after the issuance of a conditional use permit.

"X" = Not allowed.

| | | C-1 | C-2* | C-3 | I-1 | I-2 | I-3 |
|----|------------------------------------|-----|------|-----|-----|-----|-----|
| 1. | Office | P | X | P | P | P | X |
| 2. | Retails Sales and Service | | | | | | |
| | a. Sales-oriented, general retail | P | P | P | P | P | C |
| | b. Sales-oriented, bulk retail | C | X | P | P | P | C |
| | c. Personal Services | P | C | P | P | C | X |
| | d. Entertainment | P | P** | P | P | C | X |
| | e. Repair-oriented | P | X | P | P | P | X |
| 3. | Major Event Entertainment | C | C | P | P | C | X |
| 4. | Vehicle Repair | X | X | P | P | P | X |
| 5. | Self-Service Storage | X | X | P | P | P | X |
| 6. | Parking Facility | P | P | P | P | P | P |
| 7. | Contractors and Industrial Service | X | X | P | P | P | P |

| | | | | | | | |
|-----|--|---|----|---|---|---|---|
| 8. | Manufacturing and Production | | | | | | |
| | a. Light Manufacturing | X | X | C | P | P | P |
| | b. Heavy Manufacturing | X | X | X | X | C | P |
| 9. | Warehouse, Freight Movement, & Distribution | X | X | P | P | P | P |
| 10. | Wholesale Sales | X | X | P | P | P | P |
| 11. | Waste and Recycling Related | C | C | C | C | C | C |
| 12. | Basic Utilities and Roads | P | P | P | P | P | P |
| 13. | Utility, Road and Transit Corridors | C | C | C | C | C | C |
| 14. | Community Service | P | C | P | P | C | X |
| 15. | Daycare Facility | P | C | P | P | P | X |
| 16. | Educational Institutions | | | | | | |
| | a. Elementary & Secondary Schools | C | C | C | X | X | X |
| | b. College & Universities | P | X | P | X | X | X |
| | c. Trade/Vocational Schools/Other | P | X | P | P | P | P |
| 17. | Hospitals | C | C | C | X | X | X |
| 18. | Courts, Jails, and Detention Facilities | X | X | P | C | X | X |
| 19. | Mining | | | | | | |
| | a. Sand & Gravel | X | X | X | X | C | P |
| | b. Crushed Rock | X | X | X | X | X | P |
| | c. Non-Metallic Minerals | X | X | X | X | C | P |
| | d. All Others | X | X | X | X | X | X |
| 20. | Communication Facilities | P | X | P | P | P | P |
| 21. | Residences on Floors Other than Street Grade | P | P* | P | X | X | X |

14.03.080 Water-dependent and Water-related Uses.

The following list sets forth the uses allowed with the water-dependent and water-related land use classifications. Uses not identified herein are not allowed.

"P" = Permitted uses.

"C" = Conditional uses permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

| | | W-1 | W-2 |
|-----|---|-----|-----|
| 1. | Aquaculture | P | P |
| 2. | Boat Rentals, Sport Fishing and Charter Boat Services | P | P |
| 3. | Docks, Wharves, Piers | P | P |
| 4. | Dry Dock, Boat Repair, Marine Service, and Marine Railway Facilities | P | P |
| 5. | Fuel Facilities for Boats or Ships | P | P |
| 6. | Marinas and Port Facilities | P | P |
| 7. | Seafood Processing and Packaging Plants | P | P |
| 8. | Terminal Facilities for Loading and Unloading Ships and Barges | P | P |
| 9. | Marine Research and Education Facilities of Observation, Sampling, Recording, or Experimentation on or Near the Water | P | P |
| 10. | Ice Production and Sales, Refrigeration Repair, and Cold Storage to Serve the Seafood Industry | C | P |
| 11. | Boat Building and Marine Equipment Manufacture | C | P |
| 12. | Parking Lots | C | P |
| 13. | Warehouses | C | P |
| 14. | Uses Allowed in the Adjacent Estuarine Management Unit | C | P |
| 15. | Water-dependent Uses That Meet the Intent of the W-1 District | C | P |
| 16. | Bait, Tackle, and Sporting Goods Stores Specializing in Water-related Merchandise | X | P |
| 17. | Seafood Markets | X | P |
| 18. | Uses Permitted Outright in a C-2 District | X | C |
| 19. | Manufacturing in Conjunction with Uses X C Permitted Outright in a C-2 District | X | C |
| 20. | Offices Not On the Ground Floor of an Existing Building | X | C |
| 21. | Residences on Floors Other than Street Grade | X | C |

14.03.090 Uses in State Park Master Plans.

* Where the W-1 and/or W-2 zones are applied to properties that are owned or managed by the Oregon Parks and Recreation Department within a state park with a master plan that has been approved by the City of Newport, only those uses that are consistent with the city's approval of the master plan are permitted. Such uses are permitted through the applicable development review procedures set forth in this ordinance provided that the uses comply with the design

standards in the master plan and with other applicable standards.

14.03.100 Public Uses

. The following list sets forth the uses allowed within the public land use classification. Uses not identified herein are not allowed.

"P" = Permitted Uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

| | | P-1 | P2 | P-3 |
|-----|--|-----|----|-----|
| 1. | Public Parks | P | P | P |
| 2. | Public Open Space | P | P | P |
| 3. | Public Schools, Colleges, or Universities | P | X | X |
| 4. | Any Building or Structure Erected by a Governmental Entity | P | X | X |
| 5. | Community Buildings | P | X | X |
| 6. | Fairgrounds | P | X | X |
| 7. | Public Cemeteries | P | P | X |
| 8. | Water & Wastewater Treatment Plants | P | X | X |
| 9. | Performing Arts Centers | P | X | X |
| 10. | Visual Arts Centers | P | X | X |
| 11. | Senior Centers | P | X | X |
| 12. | Airport and Accessory Structures | P | X | X |
| 13. | Public Golf Courses | P | P | X |
| 14. | City Halls | P | X | X |
| 15. | County Courthouses | P | X | X |
| 16. | Jails and Juvenile Detention Facilities | P | X | X |
| 17. | City or County Maintenance Facilities | P | X | X |
| 18. | Publicly Owned Recreational Vehicle Parks | C | C | X |
| 19. | Public Museums | P | X | X |
| 20. | Public Restrooms | P | P | X |
| 21. | Recreation Equipment | P | P | X |
| 22. | Post Office | P | X | X |
| 23. | Parking Lots | P | P | X |
| 24. | Public Hospitals | P | X | X |
| 25. | Trails, paths, bike paths, walkways, etc. | P | P | P |
| 26. | Water Storage Facilities | P | X | X |
| 27. | Public Libraries | P | X | X |
| 28. | Fire Stations | P | X | X |

| | | | | |
|-----|---|---|---|---|
| 29. | Police Stations | P | X | X |
| 30. | Accessory Structures for Any of the Above | P | P | P |

14.03.110 Uses in State Park Master Plans.*

Where the P-1, P-2, and/or P-3 zones are applied to properties that are owned or managed by the Oregon Parks and Recreation Department within a state park with a master plan that has been approved by the City of Newport, only those uses that are consistent with the city's approval of the master plan are permitted. Such uses are permitted through the applicable development review procedures set forth in this ordinance provided that the uses comply with the design standards in the master plan and with other applicable standards.

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments in *italics* are provided for context and are not a part of the amendments.)

CHAPTER 14.06 MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES

14.06.010 Purpose

The purpose of this section is to provide criteria for the placement of manufactured dwellings and recreational vehicles within the City of Newport. It is also the purpose of this section to provide for dwelling units other than site-built structures.

14.06.020 Manufactured Dwellings on Individual Lots

- A. In addition to the uses permitted in the underlying zone, a single manufactured dwelling may be placed on an individual lot or parcel in any residential district where single-family residences are allowed subject to the following provisions:
1. Conform to the definition of a manufactured dwelling in Section 14.01.010 of this Code.
 2. Have the wheels and tongue or hitch removed.
 3. Be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
 4. Have a pitched roof of at least two and one half feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.
 5. Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on adjacent dwellings as determined by the Building Official.

6. Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.
7. Be multisectional and enclose a space of not less than 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within accessory structures, extensions, or additions shall not be included in calculating space.
8. Be connected to the public water system and an approved sewage disposal system.
9. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

B. A manufactured dwelling constructed in accordance with current Federal Manufactured Home Construction and Safety Standards that does not meet criteria listed in subsection (A), may be approved by the Planning Commission as a Conditional Use pursuant to [Section 14.33](#) of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with [Section 14.52](#), Procedural Requirements.

14.06.030 Manufactured Dwelling Park Standards

Manufactured dwelling parks may only be allowed in the R-2, R-3, and R-4 zoning districts, subject to the development standards contained in this section.

14.06.040 Manufactured Dwelling Parks

Manufactured dwelling parks are permitted subject to the following:

- A. Construction of the manufactured dwelling park and placement of manufactured dwellings shall comply with the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, as amended.
- B. Streets within the manufactured dwelling park shall adhere to the standards outlined in Newport Municipal Code

Chapter 13.05.040 where the construction or extension of such street is identified in the City of Newport Transportation System Plan.

- C. The maximum density allowed in a manufactured dwelling park is one unit for every 2,500 sq. ft. of lot area in the R-2 zoning district and one unit for every 1,250 sq. ft. of lot area in R-3 and R-4 zoning districts.
- D. Recreational vehicles may be occupied as a residential unit provided they are connected to the manufactured dwelling parks water, sewage, and electrical supply systems. In such cases, the recreational vehicles shall be counted against the density limitations of the zoning district.
- E. Any manufactured dwelling park authorized under this section shall have a common outdoor area of at least 2,500 sq. ft. or 100 sq. ft. per unit, whichever is greater. Common outdoor areas shall be landscaped and available for the use of all park residents.
- F. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.
- G. Public fire hydrants shall be provided within 250 feet of manufactured dwelling spaces or permanent structures within the park. If a manufactured dwelling space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- H. The manufactured dwelling park may have a community or recreation building and other similar amenities.
- I. All dead end streets shall provide an adequate turn around for emergency vehicles.

14.06.050 Recreational Vehicles: General Provisions

A. Recreational vehicles may be stored on property within the City of Newport provided they are not used as a place of habitation while so stored unless the recreational vehicle is located within: ~~a manufactured dwelling park or recreational vehicle park, or is authorized as a temporary living quarters pursuant to NMC Chapter 14.9.~~

1. A manufactured dwelling or recreational vehicle park; or
2. A local or state park where authorized in an adopted parks master plan; or
3. A property where the recreational vehicle is authorized as temporary living quarters pursuant to Chapter 14.09; or
4. An area where overnight vehicle camping is permitted pursuant to Section 9.50.050(A)(2) through 9.50.050(A)(4).

B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.

C. It shall be unlawful for any person occupying or using any recreational vehicle within the City of Newport to discharge wastewater unless connected to a public sewer or an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.

Staff: This change identifies circumstances where a Recreational Vehicle can be occupied as a place of habitation within the city limits.

14.06.060 Recreational Vehicle Parks

Recreational vehicle parks are allowed conditionally in an R-4 or I-2 zone district, and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with

Section 14.52, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, and I-1, and I-2-zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

Staff: Recreational Vehicle Parks are defined in Chapter 14.03 as an entertainment-oriented, retail sales and service commercial use. That type of use is conditional in I-2 zone districts, and this change is intended to ensure that the two chapters are consistent.

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.
- B. The developer of the park obtains a permit from the state.
- C. The developer provides a map of the park to the City Building Official.
- D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):
 1. The space provided for each recreational vehicle shall not be less than 600 square feet, exclusive of any space used for common areas (such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles, and landscaped areas). The number of recreational vehicles shall be limited to a maximum of 22 per gross acre.
 2. Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway or less than 20 feet in width if parking is not permitted on the edge of the roadway, they shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreation vehicle space.
 3. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreation vehicle or

part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

4. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
5. A recreational vehicle space shall be provided with electrical service.
6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
7. The total number of off-street parking spaces in the park shall be provided in conformance with [Section 14.14.030](#). Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.
8. The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreational vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
9. The park shall provide one utility building or room containing one clothes washing machine, and one clothes drying machine for each ten recreational vehicle spaces, or any fraction thereof.
10. Building spaces required by Subsection 9 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at

least 62°F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.

11. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height unless modified through either the conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties (such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to other properties (such as when the RV park fronts a body of water). Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under [Section 14.18.020](#) (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.
12. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.
13. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.