

CITY OF NEWPORT

ORDINANCE NO. 2010

**AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE
(ORDINANCE NO. 1308, AS AMENDED) RELATING TO OFF-STREET
PARKING, LOADING, AND ACCESS REQUIREMENTS**

Findings:

1. The City of Newport Zoning Ordinance (No. 1308, as amended) contains criteria that establish off-street parking, loading, and access requirements for new development; institute development standards for off-street parking lots; and formulate special parking standards for specific areas within the City of Newport. These criteria are found in Section 2-3-6 of the Ordinance.
2. The City of Newport Planning Commission and its Citizens Advisory Committee completed a comprehensive review of this section of the Zoning Ordinance and determined that amendments are needed to bring the code into compliance with Americans with Disabilities Act requirements; update and consolidate parking ratios used to determine the amount of required off-street parking; provide criteria for new drive through facilities; add access management standards consistent with 2008 Transportation System Plan policies; allow shared parking arrangements outright; and update the payment-in-lieu-of parking boundaries for the City Center area to align with the boundaries of the City Center economic improvement district for parking system improvements.
3. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed changes to Section 2-3-6 of the Zoning Ordinance at work sessions on June 28, 2010, July 26, 2010 and August 23, 2010. Following a public hearing on September 13, 2010, the Planning Commission voted to recommend adoption of the proposed amendments.
4. The City Council held a public hearing on December 6, 2010 regarding the question of the proposed revisions (Newport File No. 3-Z-10), and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.
5. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Section 2-3-6 of Ordinance No. 1308 (as amended), Planned Developments, is repealed in its entirety and replaced with a new Section as shown in Exhibit "A".

Section 2. This ordinance shall take effect 30 days after passage.

Date adopted: December 6, 2010

Signed by the Mayor on December 7, 2010.


William D. Bain, Mayor

ATTEST:

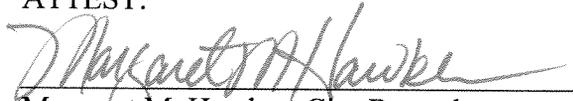

Margaret M. Hawker, City Recorder

Exhibit A to Ordinance No. 2070, Amending Section 2-3-6 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Off-Street Parking, Loading and Access Requirements

Section 2-3-6. PARKING, LOADING, AND ACCESS REQUIREMENTS*

2-3-6.005. Purpose. The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

2-3-6.010. Definitions. For purposes of this section, the following definitions shall apply:

Access. The point of ingress and egress from a public street to an off-street parking lot or loading and unloading area.

Aisle. Lanes providing access to a parking space.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Loading Space. A parking space for the loading and unloading of vehicles over 30 feet in length.

Parking Space. An area for the parking of a vehicle.

Site Plan. A map showing the layout of the building, parking, landscaping, setbacks, and any other pertinent information concerning the development of a site.

Use. Any new building, change of occupancy, or addition to an existing building.

2-3-6.015. Number of Parking Spaces Required. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first. For any expansion, reconstruction or change of use the entire development shall satisfy the requirements of Section 2-3-6.025, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

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Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

- | | | |
|-----|--|--|
| 1. | General Office | 1 space/600 sq. ft. |
| 2. | Post Office | 1 space/250 sq. ft. |
| 3. | General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.) | 1 space/300 sq. ft. |
| 4. | Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.) | 1 space/600 sq. ft. |
| 5. | Building Materials and Lumber Store | 1 space/1,000 sq. ft. |
| 6. | Nursery--Wholesale | 1 space/2,000 sq. ft. land +
1 space/1,000 sq. ft. building |
| 7. | Eating and Drinking Establishments | 1 space/150 sq. ft. |
| 8. | Service Station | 1 space/pump |
| 9. | Service Station with Convenience Store | 1 space/pump +
1 space/200 sq. ft. of store space |
| 10. | Car Wash | 1 space/washing module +
2 spaces |
| 11. | Bank | 1 space/300 sq. ft. |
| 12. | Waterport/Marine Terminal | 20 space/berth |
| 13. | General Aviation Airport | 1 space/hangar +
1 space/300 sq. ft. of terminal |
| 14. | Truck Terminal | 1 space/berth |
| 15. | Industrial | 1.5 spaces/1,000 sq. ft. |
| 16. | Industrial Park | 1.5 spaces/5,000 sq. ft. |
| 17. | Warehouse | 1 space/2,000 sq. ft. |
| 18. | Mini-Warehouse | 1 space/10 storage units |

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19.	Single-Family Detached Residence	2 spaces/dwelling (one space may be the driveway between garage and front property line)
20.	Duplex	1 space/dwelling
21.	Apartment	1 space/unit for first four units+ 1.5 spaces/unit for each additional unit
22.	Condominium (Residential)	1.5 spaces/unit
23.	Elderly Housing Project	0.8 spaces/unit if over 16 dwelling units
24.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
25.	Hotel/Motel	1 space/ room + 1space for the manager (if the hotel/motel contains other uses, the other uses shall be calculated separately)
26.	Park	2 spaces/acre
27.	Athletic Field	20 spaces/acre
28.	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
29.	Marina	1 space/5 slips or berths
30.	Golf Course	4 spaces/hole
31.	Theater	1 space/4 seats
32.	Bowling Alley	4 spaces/alley
33.	Elementary/Middle School	1.6 spaces/classroom
34.	High School	4.5 spaces/classroom
35.	Community College	10 spaces/classroom

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36.	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
37.	Day Care Center	1 space/4 persons of license occupancy
38.	Hospital	1 space/bed
39.	Assembly Occupancy without Fixed Seating for Exposition/Meeting/Conference Uses Not Elsewhere Specified*	1 space/8 occupants (based on 1 occupant/15 square feet of assembly room occupancy)

2-3-6.020. Parking Requirements for Uses Not Specified. The parking space requirements of buildings and uses not set forth above shall be determined by the Planning Director or designate. Such determination shall be based upon requirements for the most comparable building or use specified in Section 2-3-6.015 or a separate parking demand analysis prepared by the applicant and subject to a Type 1 decision making procedure as provided in Section 2-6-1, Procedural Requirements.

2-3-6.025. Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons.

2-3-6.030. Compact Spaces. For parking lots of four vehicles or more, 40% of the spaces may be compact spaces, as defined in Section 2-3-6.045(A). Each compact space must be marked with the word "Compacts" in letters that are at least six inches high.

2-3-6.035. Bicycle Parking. Bicycle parking facilities shall be provided as part of new multi-family residential developments of four units or more and new retail, office, and institutional developments.

A. The required minimum number of bicycle parking spaces are as follows:

<u>Parking Spaces Required</u>	<u>Bike Spaces Required</u>
1 to 4	0
5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/50

B. Bicycle parking for multiple uses (such as commercial shopping centers) may be clustered in one or several locations but must meet all other requirements for bicycle parking.

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- C. Each required bicycle parking space shall be at least two and a half by six feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., a "rack") upon which a bicycle can be locked.
- E. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.

2-3-6.040. Shared Parking. The off-street parking requirements of two or more uses, structures, or parcels may be satisfied by the same parking lot or loading spaces used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their parking needs do not overlap. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

2-3-6.045. Parking Lot Standards. Parking lots shall comply with the following:

- A. Size of Spaces. Standard parking spaces shall be nine (9) feet in width by 18 feet in length. Compact spaces may be 7.5 feet wide by 15 feet long. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking space(s) shall be not less than eight (8) feet side and 22 feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.
- B. Aisle Widths. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

Aisle Width	Parking Angle				
	0°	30°	45°	60°	90°
One-Way Traffic	13	11	13	18	24
Two-Way Traffic	19	20	21	23	24

- C. Surfacing.
 - (1) All parking lots that are required to have more than five parking spaces shall be graded and surfaced with asphalt or concrete. Other material that will provide equivalent protection against potholes, erosion, and dust may be ap-

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proved by the City Engineer if an equivalent level of stability is achieved.

- (2) Parking lots having less than five parking spaces are not required to have the type of surface material specified in subsection (1), above. However, such parking lot shall be graded and surfaced with crushed rock, gravel, or other suitable material as approved by the City Engineer. The perimeter of such parking lot shall be defined by brick, stones, railroad ties, or other such similar devices. Whenever such a parking lot abuts a paved street, the driveway leading from such street to the parking lot shall be paved with concrete from the street to the property line of the parking lot.
- (3) Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings.

D. Joint Use of Required Parking Spaces. One parking lot may contain required spaces for several different uses, but the required spaces assigned to one use may not be credited to any other use.

E. Satellite Parking.

- (1) If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking spaces.
- (2) All such satellite parking spaces shall be located within 200 feet of the principal building or lot associated with such parking.
- (3) The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence that the permission of the owner or other person in charge of the satellite parking spaces to use such spaces has been obtained. The applicant must also sign an acknowledgement that the continuing validity of the use depends upon the continued ability to provide the requisite number of parking spaces.
- (4) Satellite parking spaces allowed in accordance with this subsection shall meet all the requirements contained in this section.

F. Lighting. Lighting from parking lots shall be so designed and located as to not glare onto neighboring residential properties. Such lighting shall be screened, shaded, or designed in such a way as to comply with the requirement contained in this section. This section is not intended to apply to public street lighting or to outdoor recreational uses such as ball fields, playing fields, and tennis courts.

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G. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

- (1) The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street; and
- (2) None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner); and
- (3) Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

Figure 1 – Drive-Up and Drive-Through Facilities

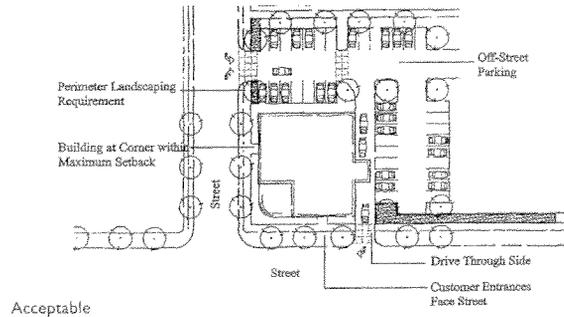
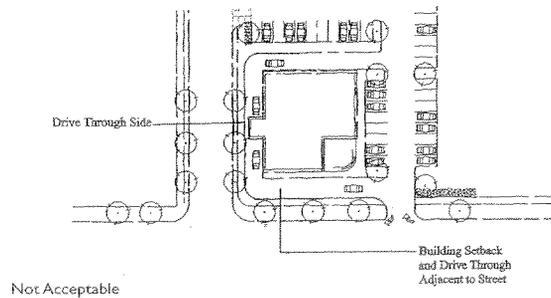


Figure 2 – Drive-up and Drive-Through Facilities



2-3-6.050. Special Area Parking Requirements. These special areas are defined as follows:

- 1.) Nye Beach. That area bounded by S.W. 2nd Street, N.W. 6th Street, N.W. and S.W. High Street, and the Pacific Ocean.
- 2.) Bay Front. That area bounded by Yaquina Bay and the following streets: S.E. Fogarty, S.E. 5th and S.E. 13th, S.W. Canyon Way, S.W. 10th, S.W. Alder, S.W. 12th, S.W. Fall, S.W. 13th, and S.W. Bay.
- 3.) City Center. That area bounded by S.W. Fall Street, S.W. 7th Street, S.W. Neff Street, S.W. Alder Street, S.W. 2nd Street, S.W. Nye Street, Olive Street, S.E. Benton Street, and S.W. 10th Street.

Uses within a special area are not required to provide the parking required in this section. However, in lieu of providing that parking, the use shall be required to pay into a

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parking fund in an amount established by resolution of the City Council. The City Council may amend the resolution from time to time. The fee charged shall be based on a reasonable estimate on the cost of providing one surface parking space plus a proportionate share of other requirements such as driveways, aisles, and landscaping.

If a parking district authorized by the City Council is formed in all or part of the special area, the requirements for payment in lieu of providing parking may be waived upon adoption of a motion of the City Council.

2-3-6.055. Loading and Unloading Areas. Off-street loading and unloading areas shall be provided per this section.

- A. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, a sufficient off-street loading and unloading area must be provided in accordance with this subsection to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The loading and unloading area must accommodate the numbers as set forth in Table A. At a minimum, a loading and unloading space must be 35 feet in length, 10 feet in width, and 14 feet in height. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection.

Table A

Square Footage of Building	Number of Loading Spaces
0-19,999	0
20,000-79,999	1
80,000-119,999	2
120,000+	3

- C. Loading and unloading areas shall be located and designed so that vehicles intending to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever a change of use occurs after January 1, 1995, that does not involve any enlargement of a structure, and the loading area requirements of this section cannot be satisfied because there is insufficient area available on the lot that can practicably

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be used for loading and unloading, then the Planning Commission may waive the requirements of this section.

- F. Whenever a loading and unloading facility is located adjacent to a residential zone, the loading and unloading facility shall be screened per Section 2-4-4.*

2-3-6.060. Access.

- A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.
- B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.
- C. All accesses shall be approved by the City Engineer or designate.
- D. Driveway accesses onto Arterial streets shall be spaced a distance of 500 feet where practical, as measured from the center of driveway to center of driveway.
- E. Each parcel or lot shall be limited to one driveway onto an Arterial street unless the spacing standard in (D) can be satisfied.
- F. Access Consolidation. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.

2-3-6.065. Variances. Variances to this section may be approved in accordance with provisions of Section 2-5-2, Adjustments and Variances, and a Type III Land Use Action decision process consistent with Section 2-6-1, Procedural Requirements.*