CITY OF NEWPORT

ORDINANCE NO. 2022

AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE (ORDINANCE NO. 1308, AS AMENDED) TO STREAMLINE THE LAND USE LISTS FOR COMMERCIAL AND INDUSTRIAL ZONES

Findings:

1. The City of Newport Zoning Ordinance (No. 1308, as amended) identifies land uses that are permitted outright, conditionally, or that are prohibited in the City's commercial and industrial zoning districts by the Standard Industrial Classification (SIC) code for each individual use. This is done in the form of a matrix, found in Section 2-2-1 ("Zoning Districts") of the Ordinance.

2. The matrix, at 23 pages in length, is complex and confusing to the public. If a specific use is not listed, then an interpretation must be made by the Planning Commission at a public hearing. Such hearings are costly and time consuming to applicants and the uncertainly can be a deterrent to development. Identifying specific uses in a matrix requires the code to be constantly updated as new uses are classified, which is labor intensive. Lastly, the SIC classification system is no longer maintained nationally, making it an outdated and ineffective tool for the City to continue to utilize.

3. The City of Newport Planning Commission and its Citizens Advisory Committee completed a comprehensive review of this code section and, for the reasons noted above, determined that amendments are needed to simplify how the City identifies uses that are permitted outright, conditionally, or that are prohibited in its commercial and industrial zones. The Commission conducted work sessions in 2010 and early 2011 to consider alternatives and elected to proceed with an approach that groups uses into 20 categories. Each category includes a description of its characteristics with examples, and staff is delegated the responsibility of identifying the category a proposed use fits within. Grouping uses by category provides flexibility to respond to the changing nature of uses over time as compared to the current approach that attempts to list all foreseeable uses in detail.

4. The Planning Commission conducted public hearings on April 25, 2011, June 13, 2011, July 25, 2011 and August 8, 2011 at which the public was afforded an opportunity to provide testimony on the proposed changes. Measure 56 notice was provided to affected property owners for the April 25, 2011 hearing.

5. In response to testimony received from members of the Nye Beach community, the Planning Commission determined that an additional change was needed within the Nye Beach Overlay (Section 2-4-16, "Design Review Standards," of the Ordinance) to ensure that the mass of new uses is consistent with the character of the area. This is addressed by requiring that new structures over 2,000 square feet in gross floor area within the overlay district receive conditional use approval. Currently,

conditional use approval is required for only a select range of uses.

6. The City Council held a public hearing on September 19, 2011 regarding the question of the proposed revisions and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.

7. Consistent with OAR 660-012-0060(1), the Council further finds that the changes to streamline the City's commercial and industrial codes will not significantly affect existing or planned transportation facilities because they are format oriented rather than substantive changes to the commercial and industrial zoning districts. In other words, the range of uses allowed in each zone district using the "use category" approach provide for a comparable intensity of development to what is allowed via the "matrix"; therefore, the changes will have a negligible impact on the transportation system.

8. 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.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are adopted as the basis for this Ordinance.

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

Section 3. Section 2-4-16.030(A)(10)(b) of Ordinance No. 1308 (as amended), Design Review Standards, is hereby amended to read as follows:

"For Section 2-2-1.035 (Commercial and Industrial Uses), uses permitted outright in the C-2 zone are also permitted outright in the District provided the gross floor area is less than or equal to 2,000 square feet. Uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of Section 2-5-3, Conditional Uses, and Section 2-6-1, Procedural Requirements."

Section 4. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: September 19, 2011

Signed by the Mayor on 9-21, 2011.

Mark McConnell, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Exhibit A to Ordinance No. 2022, repealing and replacing Section 2-2-1 of the Newport Zoning Ordinance (Ordinance No. 1308, as amended)

Section 2-2-1. ZONING DISTRICTS*`

2-2-1.005. 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.

2-2-1.010. 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.

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* Section 2-2-6.010 amended by Ordinance No. 1336 (7-5-83); Section 2-2-4 amended by Ordinance No. 1344 (11-7-83); Sections 2-2-1 and 2-2-6 amended by Ordinance No. 1356 (1-3-84); Sections 2-2-3, 2-2-4, 2-2-5, 2-2-6, and 2-2-7 amended by Ordinance No. 1447 (12-16-85); Section 2-2-6.015 amended by Ordinance No. 1468 (8-19-86); Section 2-2-4 amended by Ordinance No. 1526 (11-7-88); Section 2-2-2.010 amended by Ordinance No. 1565 (2-5-90); Section 2-2-4 amended by Ordinance No. 1567 (2-5-90); the above became obsolete when Sections 2-2-1 through 2-2-12 were totally amended by Ordinance No. 1575 (7-2-90).

2-2-1.015. 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.

2-2-1.020. 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 nonwater-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 nonwater-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.

2-2-1.025. Residential Uses. The following list sets forth the uses allowed within the residential 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.

		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 Uses	P	P	P	P

* Subject to the siting criteria contained in Section 2-2-26.010 (this footnote amended by Ordinance No. 1703 (4-18-84)).

C.	Home Occupations	P	P	P	P
D.	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	C	C	C	C
(9)	Residential Care Homes	P	P	P	P
(10)	Nursing Homes	X	X	C	P
(11)	Bed and Breakfast Inns	X	X	C	C
(12)	Motels and Hotels	X	X	X	C
(13)	Professional Offices	X	X	X	C
(14)	Rooming and Boarding Houses	X	X	C	P
(15)	Beauty and Barber Shops	X	X	X	C
(16)	Colleges and Universities	C	C	C	C
(17)	Hospitals	X	X	X	P
(18)	Membership Organizations	X	X	X	P
(19)	Museums	X	X	X	P
(20)	Condominiums	X	P	P	P
(21)	Hostels	X	X	X	C
(22)	Golf Courses	C	C	C	X
(23)	Recreational Vehicle Parks	X	X	X	C
(24)	Necessary Public Utilities and Public Service Uses or Structures	C	C	C	C
(25)	Residential Facility*	X	X	P	P
(26)	Movie Theaters**	X	X	X	C
(27)	Assisted Living Facilities***	X	C	P	P
(28)	Bicycle Shop****	X	X	X	C

2-2-1.030. <u>Commercial and Industrial Districts</u>. 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. <u>Application of Use Categories</u>. 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

* Added by Ordinance No. 1622 (10-7-91).
** Added by Ordinance No. 1680 (8-2-93).

*** Added by Ordinance No. 1759 (1-21-97).
**** Added by Ordinance No. 1861 (10-6-03).

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 2-6-1. 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 to 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 activites 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; 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, motels, 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. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as a Recreational Vehicle 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. <u>Industrial Use Categories</u>

(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.

(7) 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 churches, libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, 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.

(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.

2-2-1.035. <u>Commercial and Industrial Uses</u>. 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. Retail 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

* Uses in excess of 2,000 square feet of gross floor area are Conditional Uses within the Historic Nye Beach Design Review District.
** Recreational Vehicle Parks are prohibited on C-2 zoned property within the Historic Nye Beach Design Review District.

2-2-1.040. <u>Water-dependent and Water-related Uses</u>. 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.	Offices Not On The Ground Floor of an Existing Building	X	C
20.	Residences Not On The Ground Floor of an Existing Building	X	C

2-2-1.042. 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.

2-2-1.045. 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.

*Added by Ordinance No. 1858 (9-2-03).

		P-1	P-2	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

Section 2-2-1.050. <u>Uses in State Park Master Plans.</u>* 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.

*Added by Ordinance No. 1858 (9-2-03).