

CITY OF NEWPORT  
ORDINANCE NO. 2055

AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE, NMC TITLE  
XIV, RELATING TO  
ASSESSORY DWELLING UNITS

Findings:

1. On March 25, 2013 the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance, codified as Title XIV of the Newport Municipal Code (NMC), to create standards for permitting Accessory Dwelling Units on residential properties.
2. An Accessory Dwelling Unit (ADU) is a second dwelling unit created on a lot or parcel that already contains a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the primary residence.
3. Authorizing ADUs in residential zoning districts, irrespective of existing density limitations, creates an avenue for property owners to construct modest, ancillary residential units that can be rented to persons employed in the City. This is consistent with Policy 4, Goal 2 of the Housing Element of the Newport Comprehensive Plan, which calls for the City to identify potential amendments to its codes in order to facilitate the development of housing affordable to Newport workers at all wages levels.
4. Desirability of ADUs is not limited to persons interested in generating rental income, as they are often constructed for the purpose of providing housing for family members, or on-site care givers. ADUs are an important housing option that are consistent with the objectives of Goal 1 of the Housing Element, which encourages provision of housing in adequate numbers, price ranges, and rent levels commensurate with the financial capabilities of Newport households.
5. Other than those addressed above, no Comprehensive Plan policies or provisions apply to this proposed amendment of the Newport Zoning Ordinance.
6. The Newport Planning Commission discussed the proposed code amendments at work sessions on March 25, 2013 and April 8, 2013. The Commission held a public hearing on May 28, 2013 and voted to recommend adoption of the amendments.
7. The City Council held a public hearing on June 17, 2013 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.
8. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public and Agency 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 hereby adopted as support for the amendments to the Newport Zoning Ordinance, NMC Title XIV, adopted by this Ordinance No. 2055.

Section 2. The following definition for the term "Accessory Dwelling Unit" is hereby inserted alphabetically into Section 14.01.020, Definitions, above the definition for the term "Accessory Structure or Use":

Accessory Dwelling Unit. A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.

Section 3. NMC 14.03.050, Residential Uses, is hereby amended to add "B. Accessory Dwelling Units" alphabetically under "A. Residential" and a "P" to indicate that Accessory Dwelling Units are permitted within in the R-1, R-2, R-3 and R-4 zones. All subsequent existing residential uses are hereby relettered, accordingly.

Section 4. NMC Chapter 14.16, Accessory Uses and Structures, is hereby repealed in its entirety and replaced with the new Chapter 14.16, attached and incorporated herein by this reference as Exhibit "A."

Section 5. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: June 17, 2013

Signed by the Mayor on June 18, 2013.

Sandra Roumagoux, Mayor  
Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker  
Margaret M. Hawker, City Recorder

## EXHIBIT A

### CHAPTER 14.16 ACCESSORY USES AND STRUCTURES

**14.16.010 Purpose.** The provisions of this section are intended to establish the relationship between primary and accessory structures or uses and to specify development criteria for accessory structures or uses.

#### **14.16.020 General Provisions.**

- A. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use of a property. Typical accessory structures include detached garages, sheds, workshops, greenhouses, gazebos and similar structures that, with the exception of Accessory Dwelling Units, are not intended for habitation by people. The Community Development Director, or the Director's designee, shall determine if a proposed accessory use is customarily associated with, and subordinate to, a primary use and may at his/her discretion elect to defer the determination to the Planning Commission. A determination by the Planning Commission shall be processed as a code interpretation pursuant to Section 14.52.001, Procedural Requirements.
- B. An accessory use or structure shall be subject to, and comply with, the same requirements that apply to the primary use except as provided in this section.

**14.16.030 Accessory Use or Structure on a Separate Lot or Parcel.** An accessory use or structure may be located on a lot or parcel that is separate from the primary use provided:

- A. The lot or parcel upon which the accessory use or structure is to be located is contiguous to the property containing the primary use; and
- B. The subject lots or parcels are under common ownership and within the same zone district; and
- C. A deed restriction, in a form approved by the City, is recorded stating that the property on which the accessory use or structure is to be located cannot be sold or otherwise transferred separate from the lot or parcel containing the primary use. This restriction shall remain in effect until a primary use is situated on the same lot or parcel as the accessory building or the accessory building is removed.

#### **14.16.040 Development Standards (excluding Accessory Dwelling Units).**

Accessory buildings and structures, except for Accessory Dwelling Units, shall conform to the following standards:

- A. The maximum floor area of the accessory structure in a residential zoning district shall not exceed 1,500 square feet or 65% of the total floor area of the primary structure, whichever is less.

- B. The maximum height of an accessory building in a residential zoning district shall not exceed that of the primary structure.
- C. Accessory buildings shall not extend beyond the required front yard setback lines of adjacent lots or parcels.
- D. Regardless of the setback requirements, a rear yard in a residential zone district may be reduced to five (5) feet for a one-story detached accessory building provided the structure does not exceed 625 square feet in size and 15 feet in height.

**14.16.050 Development Standards - Accessory Dwelling Unit Standards.**

Accessory Dwelling Units shall conform to the following standards:

- A. Accessory Dwelling Units are exempt from the housing density standards of residential zoning districts.
- B. A maximum of one Accessory Dwelling Unit is allowed per lot or parcel.
- C. The maximum floor area for an Accessory Dwelling Unit shall not exceed 600 square feet or 50% of the area of the primary dwelling, whichever is less.
- D. Accessory Dwelling Units may be a portion of the primary dwelling, attached to a garage, or a separate free-standing unit.
- E. The maximum height of an Accessory Dwelling Unit detached from the primary dwelling shall not exceed that of the primary dwelling. An Accessory Dwelling Unit attached to the primary dwelling is subject to the height limitation of the residential zone district within which it is located.
- F. Accessory Dwelling Units shall not extend beyond the required front yard setback lines of the adjacent lots or parcels.
- G. Exterior materials used to construct an Accessory Dwelling Unit shall be the same as those of the primary dwelling or garage.
- H. An Accessory Dwelling Unit shall share water, sewer, electric, and gas connections with the primary dwelling.
- I. Either the primary residence or Accessory Dwelling Unit shall be owner-occupied. The property owner shall prepare and record a covenant or deed restriction in a form acceptable to the city, providing future owners with notice of this requirement.
- J. One off-street parking space shall be provided for each Accessory Dwelling Unit. This requirement is in addition to off-street parking standards that apply to the primary dwelling.

**14.16.060 Conditional Use Approval of Accessory Dwelling Units.** If one or more of the standards of this chapter cannot be met, an owner may seek approval of an Accessory Dwelling Unit as a Conditional Use, pursuant to Chapter 14.34. A Conditional Use Permit may allow relief from one or more of the standards of this

chapter, but does not excuse the owner from complying with the standards that can be satisfied.

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