

CITY OF NEWPORT

ORDINANCE NO. 2081

AN ORDINANCE AMENDING CHAPTER 14.14 OF THE NEWPORT MUNICIPAL CODE (ORDINANCE NO. 1308, AS AMENDED) RELATING TO OFF-STREET PARKING REQUIREMENTS FOR SPECIAL PARKING AREAS

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 Newport Municipal Code (NMC) Chapter 14.14.
2. The proposed amendments update NMC Section 14.14.100 of this Chapter, which set out parking requirements for “special areas” that encompass the Nye Beach, Bay Front, and City Center business districts. These business districts are developed more densely than other portions of Newport and the geography and development pattern is such that there is little room for new off-street parking to be constructed with private development projects. Instead, businesses in these areas rely heavily upon public parking assets to meet their needs.
3. Historically, developers in these special areas had the option of paying a fee in lieu of constructing off-street parking to accommodate traffic attributed to their development projects. The “payment in lieu” option was suspended in 2010 and replaced temporarily by economic improvement districts formed by business owners in these areas. The economic improvement districts generate funds for parking system improvements and provide business owners a say in how those funds are expended. By state law, the districts have a maximum life of 5 years unless extended. The Nye Beach district was the first to form, and is set to expire July 1, 2015. The advisory committee to that district has asked the City Council to approve a 12-month extension, and a hearing on the extension has been scheduled for June 1, 2015.
4. Text amendments included in this ordinance will prevent the “payment-in-lieu” option from becoming available again should the parking districts expire because such an option proved to be too difficult for the City to administer. Further, many of the business owners felt that it was unfair that only those that were developing property contributed to parking system improvements that all of the businesses in the area benefitted from.
5. Additionally, the text amendments clarify the geographic boundary where special area parking requirements apply in the Nye Beach, City Center and Bay Front and provide that when parking districts are created, those districts may establish alternative approaches to regulating on-street and off-street parking. The boundary clarification results in the Bay Front and City Center special parking areas being more closely aligned with the parking districts. The boundary clarification for Nye Beach results in the

special parking area matching up with the perimeter of the Historic Nye Beach Zoning Overlay District.

6. Newport has no dedicated funding sources to maintain and enhance its parking assets in the special parking areas. The payment-in-lieu option did not generate sufficient funds to fill this need, nor have the parking districts.

7. A parking study is proposed for fiscal year 2015/2016 to inventory parking assets in the special parking areas, evaluate utilization and turnover rates during peak and off-peak periods, identify capital needs (maintenance and enhancements), map out funding strategies, and provide policy recommendations. The results of this work will inform policy makers on actions the City and its stakeholders can take to ensure that public and private parking assets in these areas will be sufficient to meet current and future needs. In the meantime, it is imperative that the proposed text amendments be made to prevent "payment-in-lieu" from automatically becoming an option again, should the existing parking districts expire, without any thought as to whether or not such an option is in the best interest of the community.

8. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed changes to Section 14.14.100 of the Newport Municipal Code at a work session on March 9, 2015. On April 27, 2015, the Planning Commission conducted a public hearing to discuss the amendments. The entire Community Development Department file on the proposal was physically before the Planning Commission, and the Commission did not reject any part of the Community Development Department file (Newport File No. 2-Z-15). Derrick I. Tokos, AICP, then presented the City Community Development Department staff report, which included a description of the proposed amendments and relevant approval standards. No public testimony was provided. At the conclusion of the hearing, the Planning Commission closed the public hearing and discussed the amendments. A motion was then made, and seconded, recommending adoption of the proposed amendments. The Planning Commission voted to approve the motion.

9. On May 8, 2015, the City published notice of the City Council hearing relating to the amendments. The published notice ran in the Newport News-Times and listed the date, time, and place of the City Council hearing, which was May 18, 2015. This notice satisfied the City's pre-hearing obligations for notice to the public.

10. On May 18, 2015, the Council opened a public hearing on the amendments. The entire Community Development Department file on the application was physically before the Council. The Council did not reject any part of the Community Development Department file. City manager, Spencer Nebel, then presented the Staff Report. Following the presentation, the Council accepted public testimony, and then closed the public hearing and discussed the amendments. Based upon the Planning Commission recommendation, the evidence before the Council (which included the evidence before the Planning Commission), and oral and written testimony presented to the Council, a motion was made, and seconded, to adopt the ordinance as presented. The Council voted to approve the motion.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

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

Section 2. Section 14.14.100 of the Newport Municipal Code (Ordinance No. 1308 (as amended)), Special Area Parking Requirements, is amended as shown in Exhibit "A."

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

Date adopted and read by title only: May 18, 2015

Signed by the Mayor on May 19, 2015.

Sandra Roumagoux
Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker
Margaret M. Hawker, City Recorder

Approved as to form:

Steve Rich
Steve Rich, City Attorney

PROPOSED AMENDMENT TO NMC CHAPTER 14.14

14.14.100 Special Area Parking Requirements.

These special areas are defined as follows:

- A. Nye Beach. That area bounded by SW 2nd Street, NW 6th ~~12th Street,~~ NW and SW High ~~Hurbert Street,~~ and the Pacific Ocean.

- B. Bay Front. That area bounded by Yaquina Bay and the following streets: SE ~~Fegarty Moore Drive,~~ SE 5th and SE 13th, SW 13th Street, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.

- C. City Center. That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, and ~~SW 10th Street,~~ SW Angle Street, SW 11th Street, SW Hurbert Street, and SW 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 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 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. In such circumstances, off-street parking shall be provided as specified by the parking district.~~