

Beyond Tourists and Window Trim - Delving Into the Nye Beach Overlay

In response to an explanation to the VRD Committee, April 18, 2018, that the Nye Beach Overlay is mostly about tourists and architectural tweaks, the following quotes from the founding documents and recent Vision 2040 Plan below reveal much more:

Currently, VRD policy in Nye Beach is being directed by the base zone definition of C-2 tourist commercial zoning, which is “to provide for tourist needs, as well as for the entertainment needs of permanent residents.” While this C-2 base zone definition may allow for unlimited VRDs, the C-2 zoning in Nye Beach is subject to the Nye Beach Overlay.

Overlay zone regulations modify the regulations of the base zone. They are adopted as an additional layer of protection for the zone which they cover. Therefore, development in Nye Beach should be guided not by the base zoning regulations, but by the purpose of the Overlay zone. The purpose of the Nye Beach Overlay is to:

“Implement the goals and objectives of the adopted neighborhood plans.”
(Newport Municipal Code, Design Review Standards 14.30.010)

The Nye Beach neighborhood plan (Nye Beach Study, adopted 1989)) goals and objectives related to vacation rental policy include:

- “protecting neighborhood livability”
- “creating an environment conducive to cottage industries and preservation of housing”
- “furthering the neighborhood vision as a thriving residential environment for all incomes with cottage industries and arts and crafts”
- “creation of a mixed-use zone to preserve neighborhood compatibility”
- “accommodation of existing residential uses making them conforming with a NEW C-2* zone” (a modified C-2 zone for mixed uses)

Further, Newport’s Comprehensive Plan addresses the concepts outlined above, stating that “Every effort should be made to integrate the goals of the Nye Beach Study with any new developments in this area for maximum benefit to the city and community.”
(Peninsula Urban Design Plan, 1992)

Yet further, a Key Strategy in the recently adopted Greater Newport Vision 2040 mirrors language of the Nye Beach Overlay:

“Promote mixed-use neighborhoods in appropriate areas of the city, incorporating a blend of commercial uses, employment, and residential development that creates a distinct sense of place.”
(Vision 2040 - Enhancing a Livable Region - Key Strategy: Mixed-Use Development)

The proliferation of vacation rentals now allowed in Nye Beach has already changed the character of this mixed use neighborhood, and it clearly violates the intent of the Nye Beach Overlay and Newport’s Comprehensive Plan, as well as a Vision 2040 Key Strategy. It is time for the Development Director to initiate a refinement plan for the Nye Beach Overlay that will critically review the founding documents and draft a clear plan for the future that is consistent with the stated objectives of the Overlay, Comprehensive Plan and Vision 2040.

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