

CITY OF NEWPORT
ORDINANCE NO. 2182
AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE
TO IMPLEMENT HOUSING PROVISIONS OF HB 2001 (2019)
(Newport File No. 4-Z-21)

Findings:

1. On February 8, 2021, the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance, codified as Chapter 14 of the Newport Municipal Code, to implement mandatory and certain optional provisions of HB 2001 (2019). The changes will allow duplexes (i.e. two-family dwellings) on all lots and parcels in residential zone districts where single-family detached dwellings are permitted. Cottage clusters are added as a new housing type in R-3 and R-4 zone districts, and design standards are included for both cottage cluster and townhouse developments. The revisions further address the interplay between duplexes, accessory dwelling units, and multi-family uses.
2. HB 2001 requires that medium sized cities with a population between 10,000 and 25,000 allow duplexes (i.e. two-family dwellings) on all lots or parcels in residentially zoned areas that allow single-family detached dwellings. The addition of cottage cluster residential development as a use type, and the establishment of design standards for townhouse and cottage cluster projects is optional for medium sized cities and mandatory for large cities with a population in excess of 25,000.
3. Following passage of HB 2001, the Oregon Department of Land Conservation and Development (DLCD) initiated rulemaking to implement the new law. That effort led to the adoption of Oregon Administrative Rule (OAR) Chapter 660, Division 46, and model middle housing codes for medium sized cities and large cities. The law requires that medium sized cities such as Newport adopt required elements of OAR Chapter 660, Division 46 no later than June 30, 2021. If a city does not adopt an implementing ordinance by that date, then it will be required to apply the model middle housing code for medium sized cities to new development applications until such time as a compliant ordinance is adopted and effective (OAR 660-046-0040(3)).
4. The amendments to Newport Municipal Code Chapter 14 outlined in this ordinance borrow heavily from DLCD's model codes for medium and large cities, and include a number of housekeeping revisions to ensure that terminology is consistent and properly integrated with the balance of the City's land use regulations. This includes updated definitions for different housing types.
5. The Planning Commission held work sessions on May 26, 2020 and September 14, 2020 to review the model housing codes. While the model code for medium cities includes

design standards for duplexes, such standards may only be adopted if they would apply to single-family detached dwellings as well (OAR 660-046-0125(1)). The Commission determined that it is not necessary to adopt design standards for single-family dwellings and duplexes at this time, outside of provisions already in place in the Historic Nye Beach Design Review District. The DLCD model code for large cities includes approval criteria and design standards for duplexes, triplexes, quadplexes, cottage clusters and townhomes, all of which are to be permitted housing types on lots that allow single-family detached homes. These requirements are optional for medium sized cities, and the Commission considered but ultimately elected not to develop rules to allow these housing types in the City's lower density, R-1 and R-2 zones. The only exception is townhouses, which will continue to be allowed in the City's R-2 zones. Elements of the model code for large cities that the Commission felt were appropriate to move ahead with at this time include an allowance for cottage clusters as a new housing type in the City's R-3 and R-4 zones, and design standards that will apply to cottage clusters and townhomes.

6. The Planning Commission conducted work sessions on December 13, 2020, January 11, 2021, and February 8, 2021 to consider and refine a package of amendments to NMC Chapter 14 and elected to refer to a public hearing a version that included two policy options. One of the policy options related to circumstances where Accessory Dwelling Units (ADUs) are allowed. The other policy option would provide on-street parking credits, in lieu of a developer constructing off-street parking, in areas where the adjoining public streets are fully developed with parking available on both sides of the road.

7. Under current law, cities are required to allow an ADU for each detached, single-family dwelling on a lot or parcel (ORS 197.312(5)). Newport's existing land use regulations comply with this requirement and go further by allowing an ADU on a lot or parcel with one or more single-family attached dwellings. HB 2001 provided the Planning Commission an opportunity to reconsider how the City has structured its ADU allowances. One option the Commission considered would result in up to three dwellings being built on an R-1 or R-2 zoned lot or parcel through a combination of a duplex and a detached ADU. Another approach the Commission weighed would eliminate the ADU allowance for single-family attached dwellings, limiting them to circumstances where a lot or parcel is developed, or proposed to be developed, with a detached single-family dwelling. This second option is the minimum ADU allowance required to comply with state law.

8. DLCD's model code for medium cities encourages local jurisdictions to provide on-street parking credits, in lieu of requiring off-street parking with new single family detached and attached development, and prohibits cities from requiring more than one off-street space per duplex unit, which equates to two per building (OAR 660-046-0120(5)(a)). Newport's existing off-street parking requirement, retained with these amendments, is the maximum permissible by this administrative rule. A framework for providing an on-street parking credit was developed as an option for the Commission's consideration. Such a credit would reduce the number of off-street parking spaces a developer must construct in areas where parking is available on both sides of an abutting public street, as long as

the end use is not a short-term rental, and credited spaces conform to specific location and dimensional requirements.

9. The Newport Planning Commission held a public hearing on April 12, 2021 to consider the proposed amendments, including the policy options outlined above. After taking public testimony, and deliberation, the Commission voted to recommend adoption of the amendments less the on-street parking credit option and with an ADU allowance that is consistent with the minimum the City is mandated to provide under ORS 197.312(5).

10. These amendments to Chapter 14 of the Newport Municipal Code are consistent with applicable Statewide Planning Goals in that the revisions:

- a. Have been developed and vetted with the Planning Commission consistent with Statewide Planning Goal 1, Public Involvement; and
- b. Reflect due consideration of housing related state laws and administrative rules consistent with the type of fact-based land use decision making envisioned with Statewide Planning Goal 2, Land Use Planning; and
- c. Involve low-density development for residential properties situated within geologic hazard and flood prone areas, consistent with Statewide Planning Goal 7, Natural Hazards, which encourages low-density uses of this nature to protect people and property from such hazards; and
- d. Provide additional housing options by allowing duplexes in R-1 zones, where they are currently prohibited, and in R-2 zones where they are currently limited to certain sized lots or parcels; in a manner that is consistent with OAR Chapter 660, Division 46. This Division of the Oregon Administrative Rules was adopted, in part, to implement HB 2001's middle housing requirements for medium cities in compliance with Statewide Planning Goal 10, Housing (ref: OAR 660-046-0100). Therefore, these amendments, which have been crafted to comply with OAR Chapter 660, Division 46 are, by extension, compliant with Statewide Planning Goal 10.

This statewide planning goal calls for cities to plan for the housing needs of their citizens and to facilitate provision of housing affordable to households of all income levels. Newport's 20-year population forecast and housing needs assessment identifies a need for 846 dwelling units between the years 2011 and 2031, with 60% being single-family detached construction and 40% being two-family and multi-family. This translates to about 42 new units per year. Actual new construction has been about half of the identified need coming out of the great recession, with figures improving substantially over the last couple of years (50 units and 127 units, respectively). Much of the recent construction has been multi-family. The impact of the subject ordinance on the availability of housing in Newport is expected to be modest, yet positive, considering the City's historic growth rate

and that new housing options are limited to duplex construction. Under its existing land use regulations, Newport realizes anywhere from zero to as many as five (5) new duplexes per year across its four residential zones and mixed-use commercial areas; and

- e. Facilitate the timely, orderly, and efficient arrangement of public facilities and services by allowing a modest, incremental increase in residential density in infill areas inside the Newport city limits where urban services and facilities exist to support such development, consistent with Statewide Planning Goal 11, related to planning of public facilities and services; and
- f. Have not been, nor are they required to be, evaluated to determine whether or not they will significantly affect existing or planned transportation facilities, a step that would typically be required to address Statewide Planning Goal 12, Transportation. HB 2001 and OAR 660-046-0030(3) exempt local governments from having to perform such analysis. That said, given Newport's historic growth rate and the modest level of duplex development it can expect to receive in a given year, it is unlikely that the amendments will have a measurable impact on existing or planned transportation facilities; and
- g. Do not affect lands in or adjacent to the Yaquina Bay Estuary where Newport implements a set of land use regulations to protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features, and water quality, consistent with Statewide Planning Goal 16; nor will the amendments impact development standards contained in a zoning overlay the City has adopted to protect coastal shorelands consistent with Statewide Planning Goal 17 or land use regulations the City has adopted to mitigate the impacts of development on beaches and dunes consistent with Statewide Planning Goal 18.

11. No other Statewide Planning Goals are applicable to the proposed amendments to the Newport Municipal Code.

12. Prior to adoption of the amendments, the City must demonstrate that it has considered housing affordability measures including, but not limited to, System Development Charge (SDC) waivers/deferrals, the assessment of an Affordable Housing Construction Excise Tax, and property tax exemptions to promote affordable housing within the limitations set forth in state law (OAR 660-046-0030(2)). Newport implemented structural changes to its SDC Methodology, an Affordable Housing Construction Excise Tax, and two affordable housing property tax exemptions in 2017. The Planning Commission and City Council evaluated how those programs are progressing and are satisfied with the package of incentives at this time.

13. The City Council held a public hearing on May 17, 2021 regarding the question of the proposed amendments, and, after considering the recommendation of the Planning

Commission and evidence and argument in the record, adopted the ordinance, concluding that it is necessary and furthers the general welfare of the community.

14. 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:

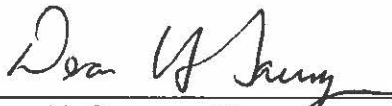
Section 1. Findings. The findings set forth above are hereby adopted in support of the amendments to Chapter 14 of the Newport Municipal Code adopted by Section 2 of this Ordinance.

Section 2. Municipal Code Amendment. Chapter 14 of the Newport Municipal Code is hereby amended as set forth in Exhibit "A".

Section 3. Effective Date. This ordinance shall take effect 30 days after passage.

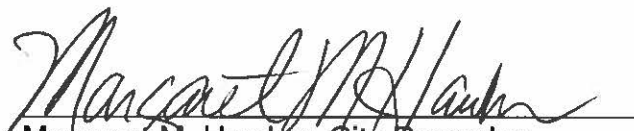
Date adopted and read by title only: May 17, 2021.

Signed by the Mayor on May 18, 2021.



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strikethrough~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

The following changes are proposed to NMC 14.01.020, Definitions:

~~**Court Apartments.** Multiple dwellings arranged around two or three sides of a court opening upon a street.~~

Staff: This concept is addressed in Section 14.11 (below). It is being deleted because the related language in Section 14.11 will now apply to all dwellings. As drafted, a duplex or cluster of duplexes meet this definition. That is problematic under Section 14.11 because it invokes setback requirements that do not presently apply to single family detached dwellings. OAR 660-046-120 prohibits cities from applying setbacks to duplex units that do not apply to single-family dwellings.

~~**Dwelling, Duplex; or Dwelling, Two-Family.** A detached building containing two dwelling units. A building containing two attached dwelling units on one lot or parcel. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an Accessory Dwelling Unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.~~

Staff: This definition has been amended to align more closely with the definition of "Duplex" in Section B of the model code. It also conforms to the definition for "Duplex" now listed in OAR 660-046-0020(4). Note the interplay with the definition of an ADU. ORS 197.312(5) requires cities to allow at least one ADU for every single family detached dwelling in residential zones where single family detached dwellings are allowed. That includes all four of the City's residential zones and some C-2 zoned areas in Nye Beach. The City has gone further and allows one ADU on a lot or parcel developed with single-family attached housing (NMC 14.16.050(B)). This means that all parcels or lots zoned for residential use will be eligible for up to three (3) units, assuming other clear and objective development standards can be met (i.e. a duplex plus one detached ADU). ORS 197.312(5) prohibits off-street parking requirements for new ADUs. Definition was revised in response to 3/54/21 comments from Lisa Phipps, DLCD to clarify that a duplex is a building containing two attached units on a lot or parcel. More than one duplex can be constructed on a lot or parcel if the property is sufficiently large enough per the density limits listed in Table A, footnote 2. Construction of more than one duplex on a lot will not make them a multi-family development. This is in line with the previous definitions and is consistent with how building codes would apply to such developments.

~~**Dwelling, Triplex; or Dwelling, Three-Family.** A detached building containing three dwelling units.~~

~~**Dwelling, Fourplex; or Dwelling, Four-Family.** A detached building containing four dwelling units.~~

~~**Dwelling, Multi-Family.** A building containing five or more dwelling units. A building containing three or more attached dwelling units on one lot or parcel.~~

Staff: Definitions for triplex and fourplex units are being deleted in favor of a single multi-family definition that applies to three or more dwelling units on a single lot or parcel. The list of allowed residential uses in NMC 14.03.050 does not include these terms. Rather it jumps from two-family to multi-family. This change also aligns with how building codes are applied, with single family detached and duplex construction being subject to the Oregon Residential Specialty Code and the construction of three or more attached units being subject to the Oregon Structural Specialty Code. The terms "triplexes" and "fourplexes" are used elsewhere in Chapter 14 in a few isolated locations, which I have addressed below. Definition was revised to include lead language that reads "A building containing..." in response to comments dated 3/4/21 from Lisa Phipps, DLCD, to clarify that a multi-family dwelling is three or more dwelling units contained within a building (as opposed to two or more duplexes on the same lot or parcel).

~~**Lot.** A parcel or tract of land which is occupied or may be occupied by a structure or a use, together with yards and other open space. A lawfully established unit of land.~~

~~**Parcel.** Same as definition of "lot."~~

~~**Tract.** Two or more contiguous lots or parcels under common ownership.~~

Staff: These changes break up the City's existing definition that comingles the terms. Definitions for the terms "lot" and "parcel" conform to the definition listed in OAR 660-046-0020(5). The new definition for "tract" maintains the allowance in the City's existing definition of "lot" that allows someone that owns parcels to develop them as if they were a single unit of land (i.e. a home being built over a common lot line).

~~**Dwelling, Cottage.** means an individual dwelling unit that is part of a cottage cluster.~~

~~**Cottage cluster.** means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."~~

Cottage cluster project. means a tract with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

Staff: These three definitions are being added because the Commission expressed an openness to allowing cottage clusters as a housing option. There are two examples in the City, one that was constructed in the Wilder Planned Development and the other is under construction under conventional code provisions along the east side of NW Coast Street north of 6th Street. The definitions substantially align with the definitions contained in DLCD's draft Model Code for Large Cities. The one deviation is in the definition for cottage cluster project where I have replaced the term "development site" with "tract." The terms appear to be describing the same thing; however, the City code will have a definition for "tract."

Dwelling, Townhouse. means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on a single lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a "rowhouse," "attached house," or "common-wall house."

Townhouse project. means one or more townhouse structures constructed, or proposed to be constructed, together with the lot, parcel, or tract where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and the commonly owned property, if any.

Staff: A definition for "townhouse" is presently contained in NMC Chapter 14.31. It will be moved to the chapter that contains all other definitions and has been revised to align with the definition contained in DLCD's draft Model Code for Large Cities. The definition for "townhouse project" is new and substantially conforms with language in the same model code. It is necessary to make some adjustments to the townhouse provisions in order to distinguish them from duplexes.

The following changes are proposed to NMC 14.03.050, Definitions:

14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed. Short-term rentals are permitted uses in the City of Newport's R-1, R-2, R-3 and R-4 zone districts subject to requirements of Chapter 14.25Section 14.25.

"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	XP	P	P	P
	3. Townhouse	X	P	P	P
	4. Cottage Cluster	X	X	P	P
	35. Multi-Family	X	X	P	P
	4.6. Manufactured Homes ^{*1}	P	P	P	P
	57. Mobile Home Manufactured Dwelling Park	X	P	P	P
B.	Accessory Dwelling Units	P	P	P	P
	(B. was added on the adoption of Ordinance No 2055 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.)				
C.	Accessory Uses	P	P	P	P
D.	Home Occupations	P	P	P	P
E.	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. Religious Institutions/Places of Worship	C	C	C	C
F.	Residential Care Homes	P	P	P	P
G.	Nursing Homes	X	X	C	P
H.	Bed and Breakfast Inns	X	X	C	C
I.H.	Motels and Hotels	X	X	X	C
J.I.	Professional Offices	X	X	X	C
K.J.	Rooming and Boarding Houses	X	X	C	P
L.K.	Beauty and Barber Shops	X	X	X	C
M.L.	Colleges and Universities	C	C	C	C
N.M.	Hospitals	X	X	X	P
O.N.	Membership Organizations	X	X	X	p
P.O.	Museums	X	X	X	P
Q.P.	Condominiums ²	XP	P	P	P
R.Q.	Hostels	X	X	X	C
S.R.	Golf Courses	C	C	C	X
T.S.	Recreational Vehicle Parks	X	X	X	C
U.T.	Necessary Public Utilities and Public Service Uses or Structures	C	C	C	C
V.U.	Residential Facility*	X	X	P	P
W.V.	Movies Theaters**	X	X	X	C
X.W.	Assisted Living Facilities***	X	C	P	P
Y.X.	Bicycle Shop****	X	X	X	C
Z.Y.	Short-Term Rentals (subject to requirements of Chapter 14.25)	P	P	P	P

¹. Manufactured homes may be located on lots, parcels or tracts outside of a manufactured dwelling park subject to the provisions listed in NMC 14.06.020.

². Condominiums are a form of ownership allowed in all zones within dwelling types otherwise permitted pursuant to subsection (A).

Staff: Two-family dwellings will now be allowed in R-1 zones. It is required to comply with HB 2001 (2019) since single-family dwellings are allowed on lots and parcels in this zone. Townhouse and cottage cluster development options have been added. The Commission may want to consider whether or not "cottage clusters" should be allowed in the R-2 as well. The townhouse allowance in the R-2, R-3, and R-4 zone districts is consistent with what the City presently allows pursuant to NMC 14.31.030. Mobile homes, by definition, are manufactured units constructed between 1962 and 1976. No new parks for these units are being built, so the provision for mobile home parks is being removed and replaced with "Manufactured Dwelling Parks." as a cleanup item. Existing mobile home parks are non-conforming. Manufactured Dwelling Parks are currently allowed in R-2, R-3, and R-4 zones per NMC 14.06.030.

A duplex can be a manufactured home, in which case it would be subject to the same siting and design standards as manufactured homes that are a single dwelling. Condominiums are a form of ownership that exists where there are two or more units on a property. Now that duplex units are allowed in R-1 zones it is necessary to also allow condominiums, as there are a handful of examples in the City where there are two-unit condominium projects. Amended footnote 2 to note that condominiums are a form of ownership allowed in all dwelling types. Reference to Bed and Breakfast Inns is being deleted as outdated legacy term. It was replaced with the term "Bed and Breakfast Facility" with Ordinance No. 2032, 7/1/12, and was allowed in all residential zones. The term "Bed and Breakfast facility" was later folded under the definition of "Short-Term Rental."

The following changes are proposed to NMC Chapter 14.11, Required Yard and Setbacks:

14.11.010 Required Yards

A building, or portion thereof, hereafter erected shall not intrude into the required yard listed in Table A of NMC 14.13.020 for the zone indicated.

Staff: This change is being made to clarify where Table A is located in the Municipal Code.

14.11.020 Required Recreation Areas

All ~~multiple-family~~multi-family dwellings, ~~condominiums~~, hotels, motels, ~~mobile home parks~~, ~~trailer parks~~manufactured dwelling parks, and recreational vehicle parks shall provide for each unit a minimum of 50 square feet of enclosed outdoor area landscaped or improved for recreation purposes exclusive of required yards such as a patio, deck, or terrace.

Staff: The term multiple-family is used only in two other locations. It should be multi-family. The outdated terms "mobile home park" and "trailer park" have also been deleted and replaced with manufactured dwelling parks. Deleted condominiums per feedback from Commission at 12/14/20 work session.

14.11.030 Garage Setback

The entrance to a garage or carport shall be set back at least 20 feet from the access street for all residential structures.

14.11.040 Yards for Group Buildings

A. In case of group buildings on one lot, parcel, or tract including institutions and dwellings, the yards on the boundary of the lots, parcel, or tract shall not be less than required for one building on one lot or parcel in the district in which the property is located.

Staff: This change is needed to account for the fact that the terms lot, parcel, and tract are no longer comingled in the City's definitions.

B. The distance between group buildings ~~and on one lot~~ property lines interior to a tract shall ~~be twice the width of the required side, front, or rear yards~~ satisfy yard requirements that apply to a lot or parcel in the district in which the property is located, except as provided in NMC 14.11.050(D). in the case of yard combinations that no yard be required to exceed 25 feet.

Staff: This section was drafted to ensure that buildings constructed on contiguous properties met internal lot lines unless the yards were combined. It is a bit convoluted. The change clarifies that yards from interior lines must be met except as provided in a new NMC 14.11.050(D).

C. In the case of ~~court apartments dwelling units~~ rearing on side yards, the required side yards shall be increased two feet in width for each dwelling unit rearing thereon.

Staff: The term court apartments is eliminated in favor of dwellings in a general sense. The definition of court apartments, which is being deleted, could apply to duplex units which is problematic under OAR 660-046-120. Multi-family is the most common project that can orient to a side yard in this manner.

D. No court serving a group of dwelling units ~~court~~ shall be less than 25 feet in width.

Staff: Court is a defined term, which reads "An open, unoccupied space on the same lot with the building or buildings and which is bounded on two or more sides by such building or buildings. An open, unoccupied space bounded by one "L" shaped building, which is not a court but a yard."

E. In the R-3 and R-4 zones where ~~three or more commercial or residential~~ multi-family dwelling units are in a continuous row on an interior lots, parcel, or tract rearing on one side yard and fronting upon another side yard, the side yard on which the multi-family dwelling rears shall not be less than eight feet. The side yard on which the multi-family dwellings fronts shall not be less than 18 feet in width.

Staff: Buildings with three or more dwelling units are multi-family. This change indicates as much.

14.11.050 General Exceptions to Required Yard

A. Front Yards.* In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of what has been established for the adjoining front yards.

B. Projections Into Yards. Every part of a required yard shall be open from the ground to the sky, unobstructed except for the following:

1. Accessory building in the rear yard as provided in [Section 14.16.](#)*

*(*Sentence amended by Ordinance No. 2011 (2-18-11).)*

2. Ordinary building projections such as cornices, eaves, belt courses, sills, or similar architectural features may project into side yards not more than 12 inches or into front and rear yards not more than 24 inches.

3. Chimneys may project into any required yard not more than 16 inches.

4. Uncovered balconies or fire escapes may project into any required yard not more than one foot.

5. Uncovered terraces may project or extend into a required front yard not more than five feet or into a required side yard not more than one foot or into a required court not more than six feet. The regulations contained in this paragraph shall not apply to paved parking or driveway areas at ground level.

C. Dwelling Units Above Stores. Yards are not required for dwellings above businesses unless the dwelling area exceeds 50% of the floor area of the business dwelling.

D. Buildings on a Tract. Required yards shall apply to the boundary of the tract. In cases where a single building or group of buildings do not meet the yard requirements that would apply to property lines interior to the tract were they to be developed as single lots or parcels, a deed restriction, in a form approved by the City, shall be recorded stating that the property upon which the building or buildings is located cannot be sold or otherwise transferred. This restriction shall remain in effect until the interior property lines are eliminated or yard requirements that would apply to the property as a single lot or parcel are met.

Staff: These address situations where an individual is developing a tract and desires to build over interior lot lines or does not wish to address setbacks that would typically apply to interior lot lines because they do not intend to sell the lots individually. It is allowable now given the city's definition of lot. The deed restriction component is not currently addressed in the zoning code. We have picked it up as an alternative method under the building code to avoid having to require a firewall at the property boundary.

The following changes are proposed to NMC 14.12.020, General Exceptions to Lot Size Requirements:

14.12.020 General Exceptions to Lot Size Requirements

A residentially zoned lot having less width or less area than required under the terms of this ordinance that was of record prior to December 5, 1966, may be occupied by a ~~one-family dwelling unit~~single-family dwelling or two-family dwelling, provided all yard requirements (setbacks) are complied with. Substandard lots in R-3 and R-4 zones may be occupied by multi-family dwellings not exceeding the density limitations for that zone provided in Table A, as provided in [Section 14.13](#) herein below, but only upon allowance of a conditional use in accordance with the provisions of [Section 14.33](#), Conditional Uses, and [Section 14.52](#), Procedural Requirements.*

Staff: OAR 660-046-105(1) requires that cities allow a duplex/two-family dwelling on every lot or parcel that allows a single-family detached dwelling. This change is required to comply with the rule.

The following changes will replace the existing Table A in NMC 14.13.020. A copy of the existing Table A is attached for reference.

Table "A"

Zone District	Min. Lot Area (sf)	Min. Width	Required Setbacks ^{3, 7}			Lot Coverage (%)	Max. Building Height	Density (Land Area Required Per Unit (sf))
			Front/2 nd Front ¹	Side	Rear			
R-1	7,500 sf	65-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft & 8-ft	15-ft	54 %	30-ft	SFD - 7,500 sf ² Duplex - 3,750 sf ²
R-2	5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	57%	30-ft	SFD - 5,000 sf ² Duplex - 2,500 sf ² Townhouse - 2,500 sf ³
R-3	5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	60%	35-ft	1,250 sf ³
R-4 ⁴	5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	64%	35-ft	1,250 sf ^{3, 5}
C-1	5,000 sf	0	0	0	0	85-90% ⁶	50-ft ⁶	n/a
C-2 ⁴	5,000 sf	0	0	0	0	85-90% ⁶	50-ft ⁶	n/a
C-3	5,000 sf	0	0	0	0	85-90% ⁶	50-ft ⁶	n/a
I-1	5,000 sf	0	50-ft from US 101	0	0	85-90% ⁶	50-ft ⁶	n/a
I-2	20,000 sf	0	50-ft from US 101	0	0	85-90% ⁶	50-ft ⁶	n/a
I-3	5 acres	0	50-ft from US 101	0	0	85-90% ⁶	50-ft ⁶	n/a
W-1	0	0	0	0	0	85-90% ⁶	40-ft ⁶	n/a
W-2	0	0	0	0	0	85-90% ⁶	35-ft ⁶	n/a
MU-1 to MU-10 Mgmt. Units	0	0	0	0	0	100%	40-ft ⁶	n/a
P-1	0	0	0	0	0	100%	50-ft	n/a
P-2	0	0	0	0	0	100%	35-ft	n/a
P-3	0	0	0	0	0	100%	30-ft	n/a

¹ Front and second front yards shall equal a combined total of 30-feet. Garages and carports shall be setback at least 20-feet from the access street for all residential structures.

² Density limitations apply where there is construction of more than one single-family dwelling (SFD) or duplex on a lot or parcel.

³ Density limitations for townhouses and cottage clusters is the minimum area required per townhouse or cottage cluster unit; whereas, minimum lot area, minimum lot width, and setbacks, apply to the perimeter of the lot, parcel, or tract dedicated to the townhouse or cottage cluster project.

⁴ Special Zoning Standards apply to R-4 and C-2 zoned property within the Historic Nye Beach design Review District as outlined in NMC 14.30.100.

⁵ Density of hotels, motels, and non-residential units shall be one unit for every 750 sf of land area.

⁶ Height limitations, setbacks, and lot coverage requirements for property adjacent to residential zones are subject to the height and yard buffer requirements of NMC Section 14.18.

⁷ Front and 2nd front setbacks for a townhouse project or cottage cluster project shall be 10-feet except that garages and carports shall be setback a distance of 20-feet.

Staff: Residential dimensional standards have been revised to allow duplex units in all zones and to account for townhouse and cottage cluster projects.

The following changes are proposed to NMC 14.14.030, Number of Parking Spaces Required:

14.14.030 Number of Parking Spaces Required

A. 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 14.14.050](#), 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.

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 sf
2.	Post Office	1 space/250 sf
3.	General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.)	1 space/300 sf
4.	Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.)	1 space/600 sf
5.	Building Materials and Lumber Store	1 space/1,000 sf
6.	Nursery – Wholesale Building	1 space/2,000 sf 1 space/1,000 sf
7.	Eating and Drinking Establishments	1 space/150 sf
8.	Service Station	1 space/pump

9.	Service Station with Convenience Store	1 space/pump + 1 space/ 200 sf of store space
10.	Car Wash	1 space/washing module + 2 spaces
11.	Bank	1 space/300 sf
12.	Waterport/Marine Terminal	20 spaces/berth
13.	General Aviation Airport	1 space/hangar + 1 space/300 sf of terminal
14.	Truck Terminal	1 space/berth
15.	Industrial	1.5 spaces
16.	Industrial Park	1.5 spaces/5,000 sf
17.	Warehouse	1 space/2,000 sf
18.	Mini-Warehouse	1 space/10 storage units
19.	Single-Family Detached Residence (one space may be the driveway between garage and front property line)	2 spaces/dwelling
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
<u>23.</u>	<u>Townhouse</u>	<u>1.5 spaces/unit</u>
<u>24.</u>	<u>Cottage Cluster</u>	<u>1 space/unit</u>
<u>2325.</u>	Elderly Housing Project	0.8 space/unit if over 16 dwelling units
<u>2426.</u>	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
<u>2527.</u>	Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses Shall be calculated separately
<u>2628.</u>	Park	2 spaces/acre
<u>2729.</u>	Athletic Field	20 spaces/acre
<u>2830.</u>	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
<u>2931.</u>	Marina	1 space/5 slips or berths
<u>3032.</u>	Golf Course	4 spaces/hole
<u>3133.</u>	Theater	1 space/4 seats
<u>3234.</u>	Bowling alley	4 spaces/alley
<u>3335.</u>	Elementary/Middle School	1.6 spaces/classroom
<u>3436.</u>	High School	4.5 spaces/classroom
<u>3537.</u>	Community College	10 spaces/classroom
<u>3638.</u>	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
<u>3739.</u>	Day Care Facility	1 space/4 persons of license occupancy
<u>3840.</u>	Hospital	1 space/bed
<u>3941.</u>	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified

Staff: Parking ratios for townhouses and cottage clusters have been added. The townhouse ratio is what is presently required in Section 14.31. The cottage cluster ratio is what DLCD's Model Code recommends for units over 1,000 sf in size. It recommends no parking requirements below that size. The ratio for single family dwellings has been amended to allow both off-street spaces to be situated on a driveway. OAR 660-046-0120(5) sets out parking limitations for medium sized cities. It prohibits cities from requiring more than 2 off-street spaces. Newport's current requirement of one off-street space per dwelling unit is compliant. DLCD's Model Code for Medium size cities recommends that off-street parking not be required for duplexes. DLCD encourages cities to provide on-street parking credits and language is included with the cottage cluster provisions in the Model Code for Large Cities. Newport currently offers on-street credits in the Historic Nye Beach Design review District. An on-street parking credit option was developed, in lieu of requiring a developer to provide off-street parking, for residential areas where parking is available on both sides of an abutting public street, the end use is not a short-term rental, and credited spaces conform to specific location and dimensional requirements. The Commission considered the option at an April 12, 2021 public hearing and elected not to recommend it for adoption.

The following changes are proposed to NMC 14.16.050(B), Development Standards for Accessory Dwelling Units:

- B. A maximum of one Accessory Dwelling Unit is allowed for each detached single-family dwelling on a lot or parcel. ~~In cases where a property is developed with one or more single family attached dwellings, a maximum of one Accessory Dwelling Unit is allowed per lot or parcel.~~

Staff: This language lines up exactly with ORS 197.312(5) and is the minimum accommodation the City must make for ADUs. After taking testimony at an April 12, 2021 public hearing, the Planning Commission elected to recommend this language as opposed to an alternative that would have allowed a detached ADU in conjunction with a duplex (i.e. two-family) dwelling, townhouse, or single-family detached dwelling.

The following changes are proposed to NMC 14.19, Landscaping:

14.19.030 Applicability

The provisions of this ordinance shall apply to all new commercial, industrial, public/institutional, and multi-family development, including additions to existing development or remodels, ~~other than single family and two family dwelling units.~~

14.19.040 General Requirements

The objective of this section is to encourage the planting and retention of existing trees and other vegetation to improve the appearance of off-street parking areas, yard areas and other vehicular use areas; to protect and

preserve the appearance, character, and value of surrounding properties, and thereby promote the general welfare, safety and aesthetic quality of the City of Newport; to establish buffer strips between properties of different land uses in order to reduce the effects of sight and sound and other incompatibilities between abutting land uses; to insure that noise, glare and other distractions within one area does not adversely affect activity within the other area. Prior to the issuance of a building permit, landscaping plans showing compliance with this section are required.

- A. No landscape plan submitted pursuant to this section shall be approved unless it conforms to the requirements of this ordinance.
- B. Landscape plans shall be submitted for all development ~~other than one and two-family residential~~. Said plans shall include dimensions and distances and clearly delineate the existing and proposed building, parking space, vehicular access and the location, size and description of all landscape areas and materials.

Staff: Section 14.19.030 (above) and 14.19.040 have been amended to note that landscape plans are only required for multi-family residential and non-residential development. Townhomes and cottage cluster projects will not be subject to the provisions of this chapter. Separate design standards are provided for these uses.

The following changes are proposed to NMC 14.28.060, Iron Mountain Impact Area, Uses Permitted in an R-4 Zoning District:

14.28.060 Uses Permitted in an R-4/"High Density Multi-Family Residential" Zoning District****

The following uses are allowed subject to the criteria and standards of the underlying zone and the criteria and standards contained in [Section 14.28.140](#) of this Code:

- A. ~~Dwellings~~Single-Family Dwellings, Including Accessory Buildings Such As Meeting Rooms and Recreational Areas.
- B. Manufactured Homes.
- C. Two-Family Dwellings.
- D. Townhomes.
- E. Cottage Clusters.
- FB. Condominiums, Multi-Family.
- GG. ~~Mobile Home~~Manufactured Dwelling Parks.

DH. Child Care Facilities.

EI. Uses Related to Federal or State Subsidized Low Income Housing Projects, Including, but not limited to, Head Start, Tenants Associations, and the like.

J. Accessory Uses and Structures pursuant to Section 14.16.

Staff: At a minimum this section must be amended to allow two-family dwellings to comply with OAR 660-046-115, which stipulates that cities must allow two-family dwellings where single-family dwellings are allowed. Other residential uses added are within the range of residential densities presently allowed within the overlay.

The following changes are proposed to NMC 14.30, Design Review Standards :

14.30.070 Application Submittal Requirements

B. For requests that are subject to Planning Commission review for compliance with design guidelines, an application for Design Review shall consist of the following:

1. Submittal requirements for land use actions listed in [Section 14.52.050](#).
2. Exterior elevations of all buildings on the site as they will appear after development. Such plans shall indicate the material, texture, shape, and other design features of the building(s), including all mechanical devices.
3. A parking and circulation plan illustrating all parking areas, drive isles, stalls, and points of ingress/egress to the site.
4. A landscape plan showing the location, type and variety, size and any other pertinent features of the proposed landscaping and plantings for projects that involve ~~multiple family (more than 2 units)~~multi-family, commercial, and public/institutional development.

Staff: This is the only other area in the code where the term multiple-family was used. It is being changed to multi-family for consistency. This revision is not substantive as the term multi-family is defined as three or more dwelling units.

14.30.080 Permitted Uses

In addition to uses permitted outright or conditionally in the underlying zoning district, the following uses are permitted within areas subject to design review.

A. Historic Nye Beach Design Review District.

1. Tourist Commercial (C-2) zoned property.

- a. Up to five (5) multi-family dwelling units per lot or parcel are permitted outright provided they are located on a floor other than a floor at street grade.
- b. A single-family residence is permitted outright if located on a floor other than a floor at street grade.
- c. A single-family residence is permitted outright, including the street grade floor, within a dwelling constructed prior to January 1, 2004. Residential use at the street grade is limited to the footprint of the structure as it existed on this date.
- d. Single family, duplex, townhouses, cottage clusters ~~triplex, fourplex~~ and multi-family dwelling units, including at the street grade, are permitted outright on property located south of NW 2nd Court and north of NW 6th Street, except for properties situated along the west side of NW Cliff Street.

Staff: This is one of two areas in the Municipal Code where the terms "triplex" and "fourplex" are used. The terms are being deleted in favor of multi-family. This is not a substantive change since the definition of multi-family encompasses these forms of development. Adding the terms townhomes and cottage clusters is for clarity as these types of uses were permitted as an individual or group of single-family or duplex units, they just weren't called out.

The following changes will replace the existing Section 14.31, Townhouses. A copy of the existing Section is attached for reference.

CHAPTER 14.31 TOWNHOUSES AND COTTAGE CLUSTERS

14.31.010 Purpose

The purpose of this section is to establish specific development criteria and design parameters for townhouse and cottage cluster developments to provide middle housing options and provide design guidance, to protect the public health, safety, and welfare.

14.31.020 Development Standards

- A. Perimeter Requirements. Minimum lot area, lot width, setbacks, lot coverage and building height requirements for a townhouse project or cottage cluster project shall be as specified in NMC 14.13.020, Table A. Such standards apply to the perimeter of the lot, parcel, or tract upon which the townhouse project or cottage cluster project is to be constructed. Front and 2nd front setbacks for a townhouse project or cottage cluster project shall be 10-feet, except that garages and carports shall be setback a distance of 20-feet consistent with NMC 14.11.030.

B. Maximum Density.

1. Townhouse. One dwelling unit for every 3,750 sf of land in the R-1 zone district, one unit for every 2,500 sf of land in the R-2 zone district, and one unit for every 1,250 sf of land in R-3 and R-4 zone districts.
2. Cottage Clusters. One dwelling unit for every 1,250 sf in R-3 and R-4 zone districts.

C. Minimum Lot Size. None.

D. Off-Street parking Requirements. As specified in Section 14.14.

E. Unit Size. The maximum average floor area for a cottage cluster shall not exceed 1,400 sf per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

F. Minimum Outdoor Open Space/Patio Area. 150 sf per townhouse unit.

G. Utilities. Each dwelling unit shall be served by separate utilities.

Staff: These provisions are generally consistent with what the City presently allows. Cottage cluster and townhouse projects are treated similarly with many of the development standards applying to the perimeter of the lot, parcel, or tract that is being developed.

14.31.030 Number of Units in Building

No building in a townhouse project may exceed six townhouse dwelling units.

Staff: This is an existing limitation in Section 14.31 and would prohibit large rowhouse development.

14.31.040 Townhouse Design Standards

A. New townhouses shall meet the following design standards:

1. Entry Orientation. The main entrance of each townhouse must:
 - a. Be within 8 feet of the longest street-facing wall of the dwelling unit; and
 - b. Either:
 - i. Face the street (see Figure 14);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 15);

Figure 14. Main Entrance Facing the Street

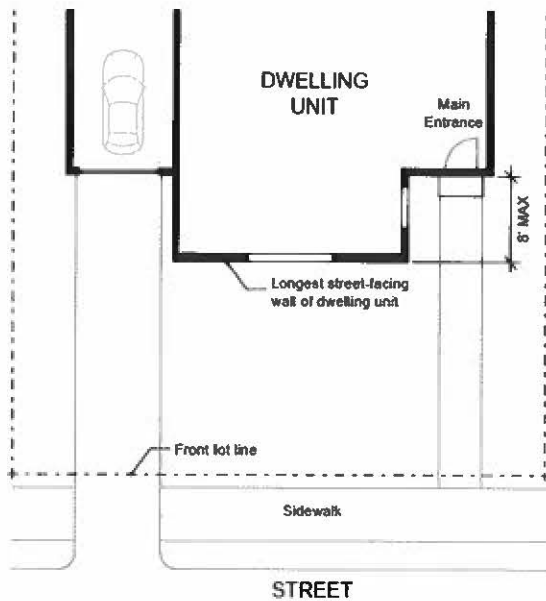
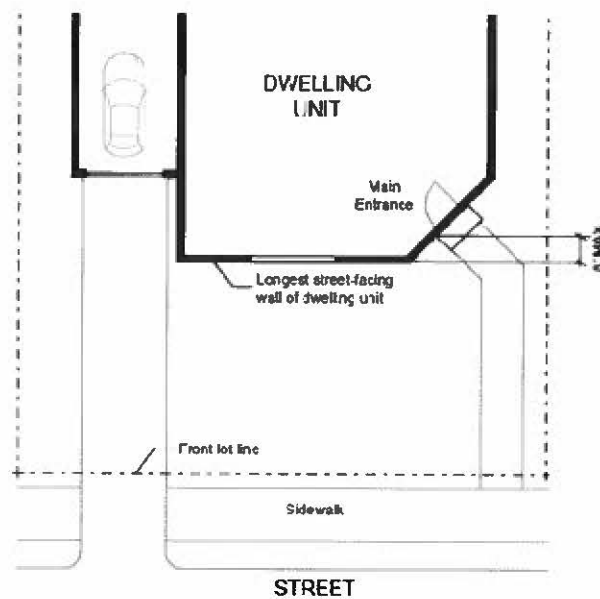


Figure 15. Main Entrance at 45° Angle from the Street



iii. Face a common open space or private access or driveway; or

iv. Open onto a porch (see Figure 17).
The porch must:

- (A) Be at least 25 square feet in area;
- and (B) Have at least one entrance facing the street or have a roof.

2. **Unit Definition.** Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 23):

- a. A roof dormer a minimum of 4 feet in width, or
- b. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
- c. A bay window that extends from the facade a minimum of 2 feet, or

Figure 17. Main Entrance Opening onto a Porch

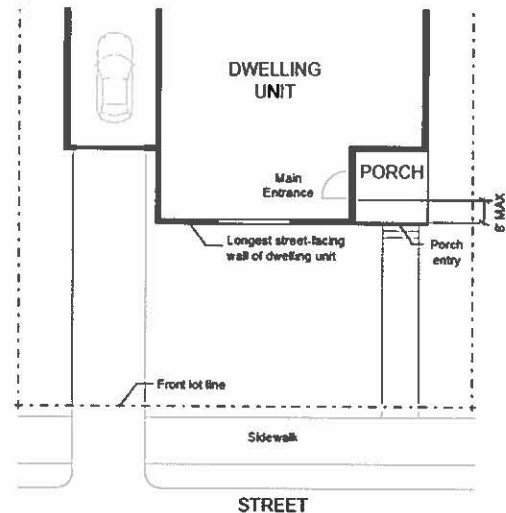
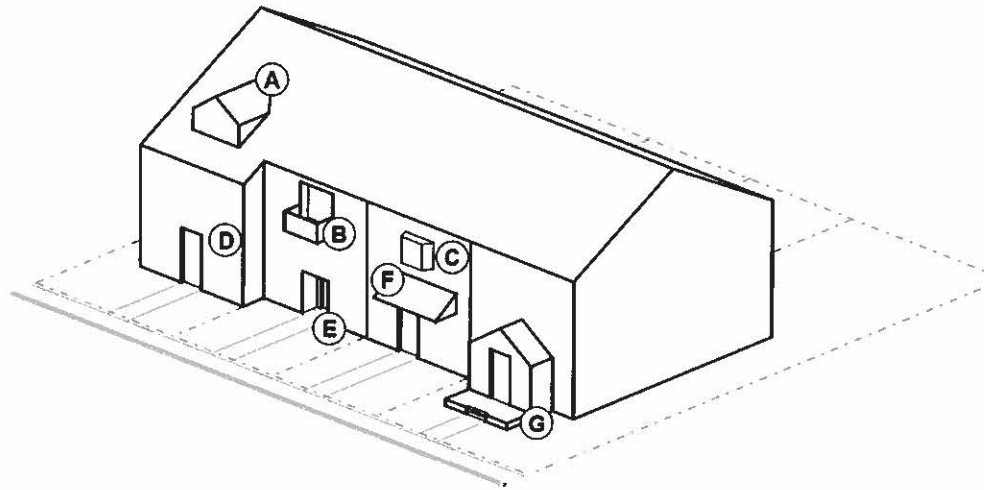


Figure 23. Townhouse Unit Definition

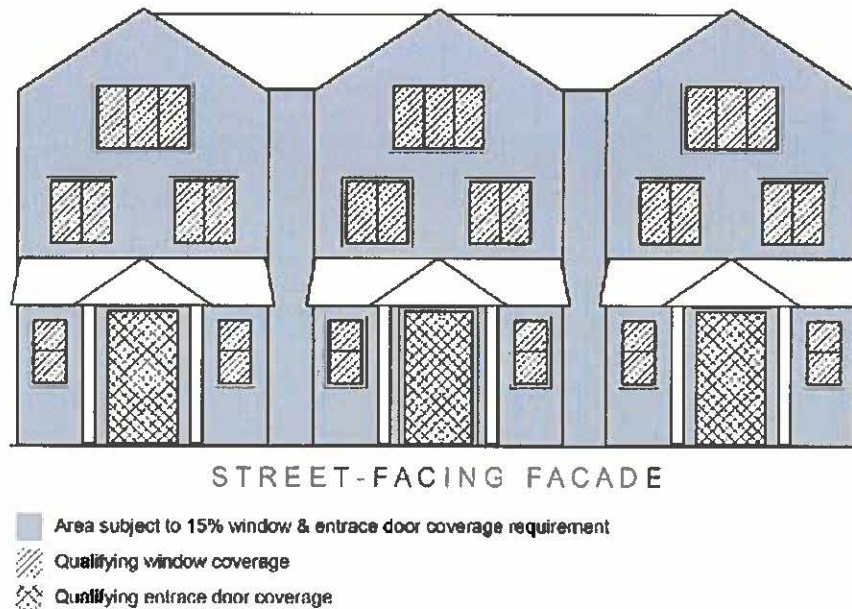


- (A)** Roof dormer, minimum of 4 feet wide
- (B)** Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C)** Bay window extending minimum of 2 feet from facade
- (D)** Facade offset, minimum of 2 feet deep
- (E)** Recessed entryway, minimum 3 feet deep
- (F)** Covered entryway, minimum of 4 feet deep
- (G)** Porch, meets standards of subsection (1)(b)(iv) of section (C)

- d. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the facade of a single townhouse, or
- e. An entryway that is recessed a minimum of 3 feet, or
- f. A covered entryway with a minimum depth of 4 feet, or
- g. A porch meeting the standards of subsection (1)(b)(iv) of this section.

3. **Windows.** A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 18.

Figure 18. Window Coverage

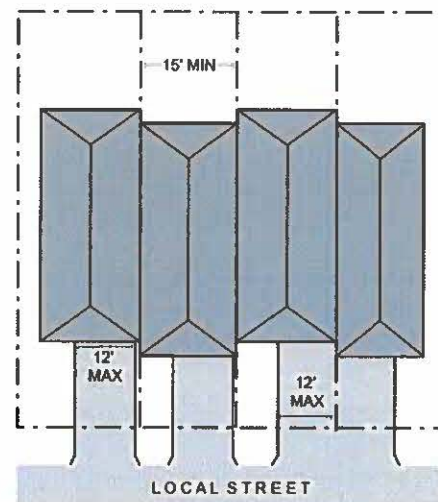


4. **Driveway Access and Parking.** Townhouses with frontage on a public street shall meet the following standards:

a. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are prohibited unless the following standards are met (see Figure 24). For the purposes of this section, “driveway approach” means the edge of a driveway where it abuts a public right-of-way.

- i. Each townhouse lot has a street frontage of at least 15 feet on a local street; and
- ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveways may be shared; and
- iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot; and

Figure 24. Townhouses with Parking in Front Yard



- iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.
- b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).
 - i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse; and

Figure 25. Townhouses on Corner Lot with Shared Access

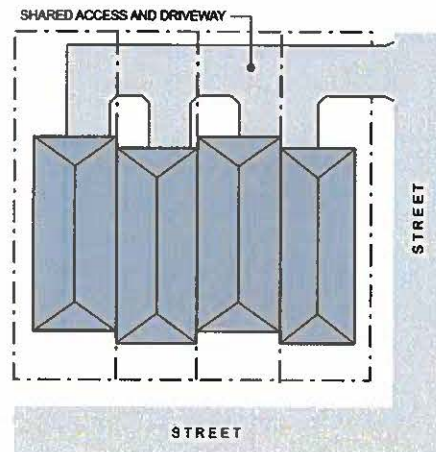
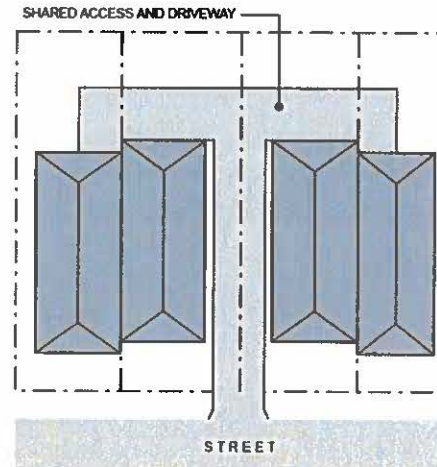


Figure 26. Townhouses with Consolidated Access



- ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 25; and
- iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 26; and
- iv. A townhouse project that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.
- c. Townhouse projects served by an alley providing access to the rear yards of all units are exempt from compliance with subsection (b).

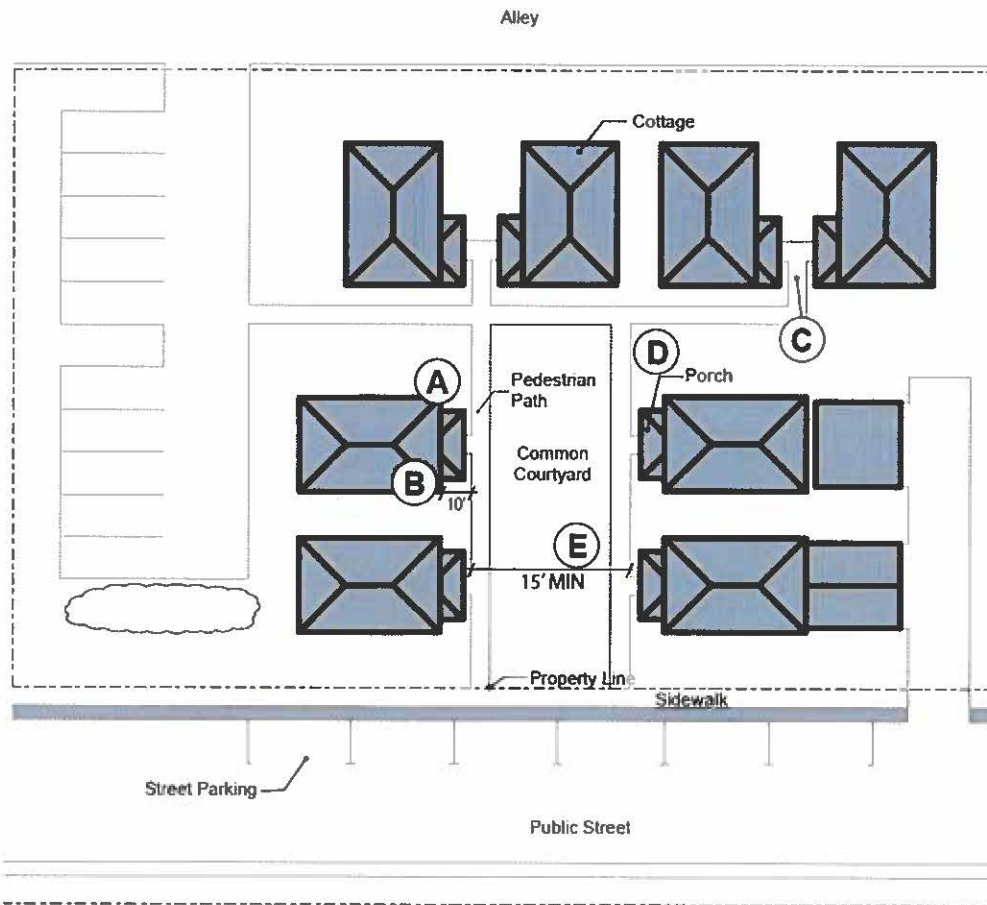
Staff: The design standards listed above have been taken from DLCD's draft Model Code for Large Cities. I did not have time to convert the graphics; however, I left the figure numbers so that you can cross-reference to the model code that includes the graphics. A copy of the model code is enclosed. Adopting design standards is optional.

14.31.050 Cottage Cluster Design Standards

A. Cottage clusters shall meet the following design standards:

1. Cottage Orientation. Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 27):

Figure 27. Cottage Cluster Orientation and Common Courtyard Standards



- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

- a. A minimum of fifty (50) percent of cottages within a cluster must be oriented to the common courtyard and must:
 - i. Have a main entrance facing the common courtyard; and
 - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest delineation of the common courtyard; and

- iii. Be connected to the common courtyard by a pedestrian path.
 - b. Cottages within 20 feet of a street property line may have their entrances facing the street.
 - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 27):
- a. The common courtyard must be a single, contiguous, useable piece; and
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard; and
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster; and
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension; and
 - e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed ~~75~~50 percent of the total common courtyard area; and
 - f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Staff: A request was made at the 1/11/21 work session to reduce the hardscape maximum area limitation. The 25% threshold discussed would be hard to meet given the paths and courtyard areas have to be interconnected. A 50% limit is more workable.

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
- a. Each cottage cluster is permitted one community building, which shall be included in the calculation of average floor area, pursuant to subsection (B)(5); and

- b. ~~If a A~~ community building ~~that meets the development code's definition of~~ includes a dwelling unit, then the dwelling unit portion of the building must meet the maximum 900 square foot footprint limitation that applies to cottages; ~~unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.~~

Staff: Alternate language for this provision that builds upon the Commission's 1/11/21 work session discussion.

4. Pedestrian Access.

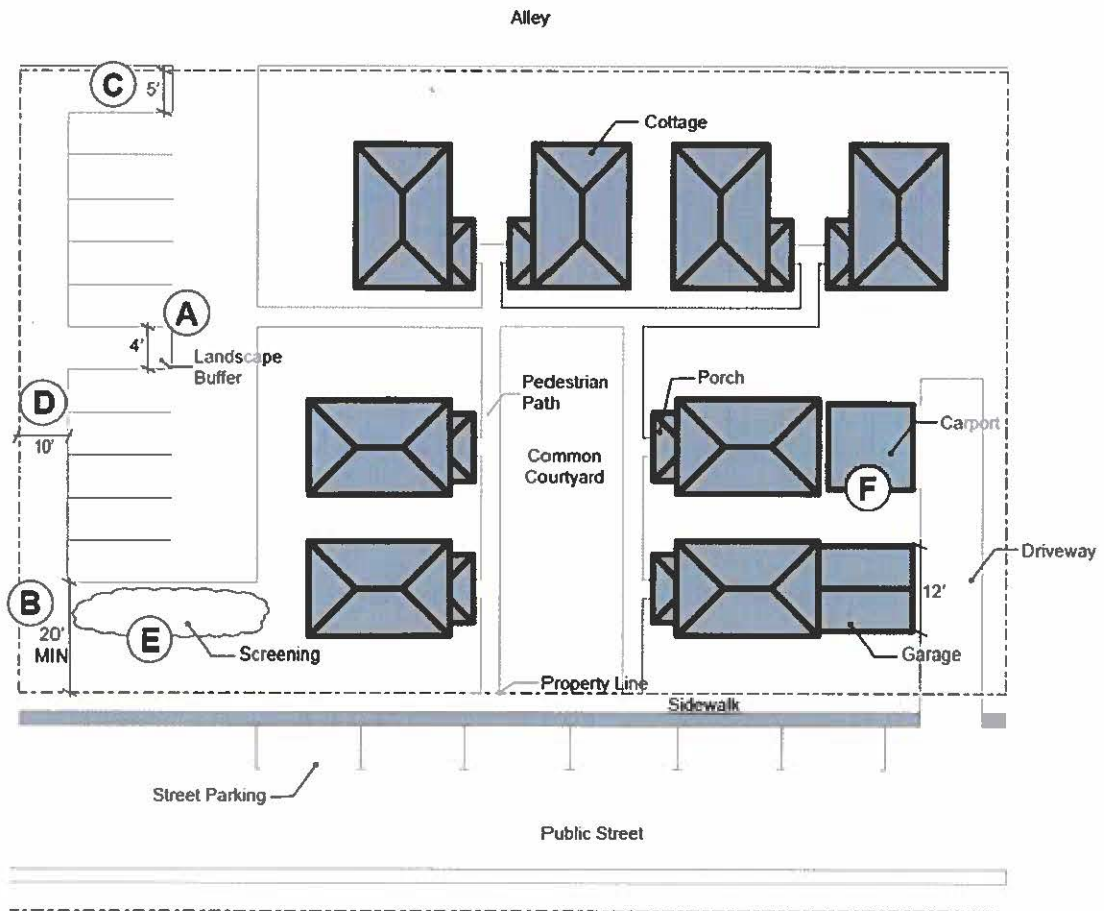
- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard; and
 - ii. Shared parking areas; and
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or roadways if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide.

5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.

6. Parking Design (see Figure 28).

- a. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated by at least four (4) feet of landscaping. Clustered parking areas may be covered; and
- b. Off-street parking spaces shall not be located within 10 feet of any other property line. Driveways and drive aisles are permitted within 10 feet of other property lines; and
- c. Landscaping or architectural screening at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets; and
- d. Garages and carports (whether shared or individual) must not abut common courtyards. Garage doors for individual garages must not exceed 12 feet in width.

Figure 28. Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley)
- (C)** No parking or vehicle area within 5 feet of alley property line.
- (D)** No parking within 10 feet from other property lines. Driveways and drive aisles permitted within 10 feet.
- (E)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (F)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 12 feet in width.

7. **Existing Structures.** On a lot or parcel to be used for a cottage cluster project, a pre-existing single-family dwelling may remain within the cottage cluster project area under the following conditions:

- a. The existing dwelling may be nonconforming with respect to the requirements of this code; and
- b. Existing dwellings may be expanded up to the maximum height or footprint required by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded; and
- c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

Staff: The design standards listed above have been taken from DLCD's draft Model Code for Large Cities. I did not have time to convert the graphics; however, I left the figure numbers so that you can cross-reference to the model code that includes the graphics. A copy of the model code is enclosed. There is one parking provision that I did not include, which requires parking be 20-feet from a street. Such a requirement would be difficult to meet given Newport's terrain and smaller lot and parcel sizes. Allowing cottage clusters and adopting design standards for this type of residential use is optional.

14.31.060 Access

The parent lot shall have a minimum of 25 feet of frontage onto a street. For purposes of this section, a street can be either a public or private way dedicated for street purposes. Townhouse or cottage cluster lots are not required to have frontage on a street, but in no case may a townhouse or cottage cluster lot be further than 100 feet from a street. For townhouse and cottage cluster projects where street frontage for individual lots is not provided, an adequate turnaround is required, as determined by the Fire Marshal. In addition, townhouse or cottage cluster lots with no frontage shall have a perpetual easement across any and all lots that have frontage and any intervening lot.

Staff: This is existing language in NMC Section 14.31 that has been expanded to include cottage cluster projects.

14.31.080 Deed Covenant and Maintenance Agreements

The developer of a townhouse or cottage cluster project shall provide the City with copies of any deed restrictions, covenants and conditions, and any maintenance agreements to the Community Development Director prior to final plat approval. Such documents shall be approved by the City Attorney and Community Development Director to assure that adequate provisions are contained in those documents for maintenance of buildings, utilities, landscaping, parking areas, common areas, private streets or drives, and other items held in common.

Staff: This is existing language in NMC Section 14.31 that has been expanded to include cottage cluster projects.

14.31.090 Subdivision Required

Townhouse and cottage cluster projects will require a segregation of lots, a partition or subdivision, as applicable, will be required with its appurtenant requirements as per the City of Newport Subdivision Ordinance (No. 1285, as amended).

Staff: This is existing language in NMC Section 14.31 that has been expanded to include cottage cluster projects.

The following changes are proposed to NMC 14.40.030(C), Planned Destination Resort, Uses Permitted Outright, Residential Dwellings:

14.40.030 Uses Permitted Outright

The following uses shall be permitted outright provided they are part of, and are intended to serve persons at, a destination resort pursuant to this section, and are approved in a final development plan.

C. Residential dwellings:

1. Single-family dwellings;
2. ~~Duplexes~~Two-family, ~~triplexes~~, ~~fourplexes~~ cottage clusters, and multi-family dwellings;
3. ~~Condominiums~~;
4. ~~Town-houses~~;
5. ~~Time-share~~ projects; and
6. Other residential dwellings compatible with the purposes of this section.

Staff: This is the other location where the terms "triplexes" and "fourplexes" is used. They are being deleted as redundant since the type of use is "multi-family." Cottage cluster is added as a use type, since it is consistent with the range of uses listed. Not necessary to list condominiums as it is a form of ownership, not a use.