

6/13/2019

**To:** Newberg Riverfront Master Plan Citizens Advisory Committee and Technical Advisory Committee  
**From:** Andrew Parish, APG  
**Re:** REVISED Technical Memorandum #7 – Zoning Map and Development Code Amendments

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## INTRODUCTION

The purpose of this memorandum is to identify development code concepts and recommended changes for the implementation of the Riverfront Master Plan Update. These code changes build upon the recommended changes to the Comprehensive Plan identified in Technical Memorandum #6.

The first part of this memorandum discusses options and discusses general issues of implementing the Riverfront Master Plan Update through the City of Newberg’s zoning map and development code (Newberg Municipal Code Title 15). The second part of this memorandum provides specific amendments to sections of the City’s development code and zoning map.

## ZONING APPROACH TO IMPLEMENTATION OF THE RIVERFRONT MASTER PLAN

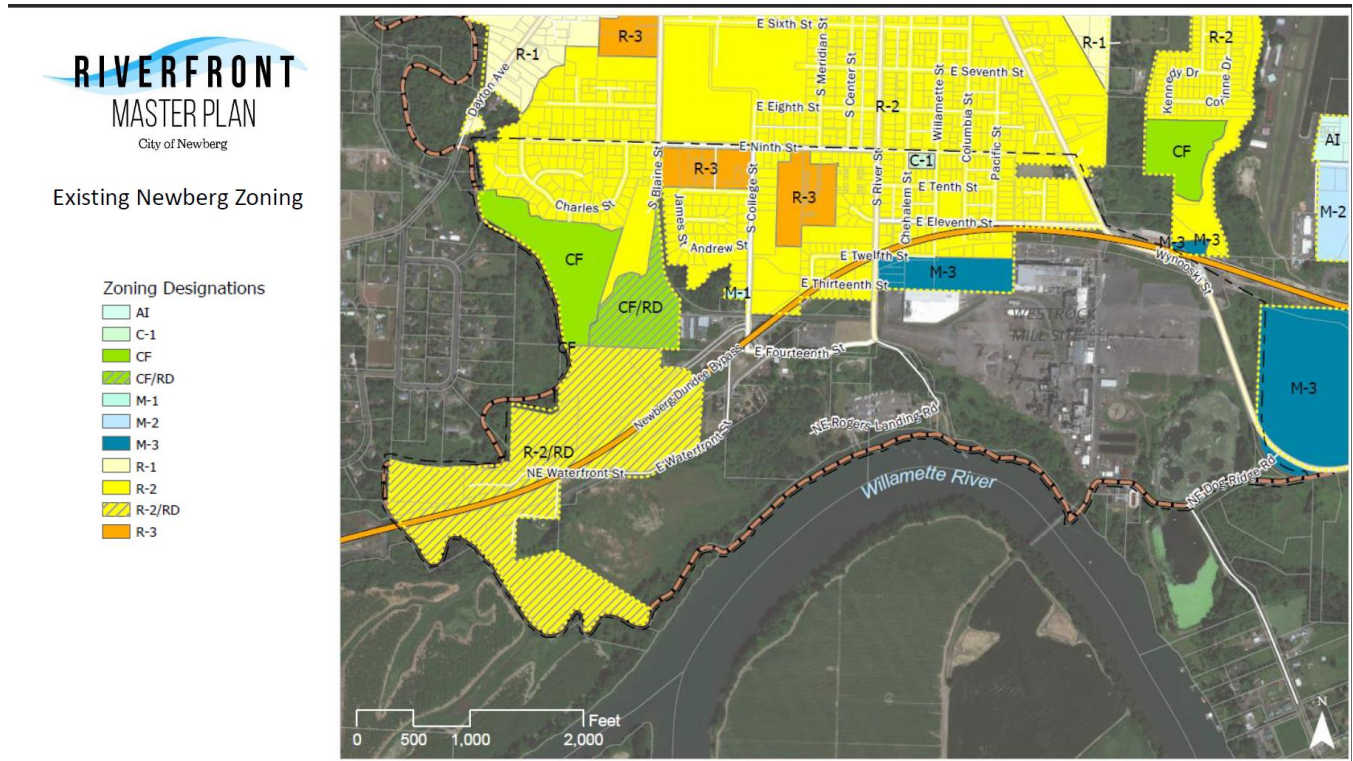
As part of the City of Newberg’s 2002 Riverfront Master Plan, the City created the Riverfront Subdistrict (15.352) to encourage access to the Willamette River and allow for specific design standards for development in the area. For this Master Plan Update, we recommend amending this overlay as the primary zoning vehicle to implement the plan for the following reasons:

- Updating the existing zoning regime, rather than relying on entirely new code language, will reduce the amount of new and unfamiliar material for the City to administer.
- The Riverfront Subdistrict applies to several properties today – removing this sub-district would change the zoning designation on these properties whereas amendments to the text may be seen as less of a change.
- One of the key components of the Riverfront Master Plan is a cohesive district-focused set of design and connectivity requirements. This can be more easily accomplished with one unifying set of standards within a sub-district than across several base zones.

Today, the Riverfront District lies mostly outside of the Newberg City Limits (but within the Urban Growth Boundary). It should be noted that the Newberg Development Code currently identifies the Riverfront Subdistrict overlay with a RF designation, but the Comprehensive Plan and Zoning Maps were adopted with an RD overlay designation. To address this inconsistency, the amendments include changing all RF code references to RD. All new code language will use the RD overlay designation

There are only two zones that have the RD subdistrict applied currently: Community Facilities/RD on the Ewing Young park site and R-2/RD on land in the southwest of the study area (see Figure 1). For reference, the Comprehensive Plan designations are shown on Figure 2.

Figure 1. Zoning Designations (as of 6/1/2018)



The following elements of the Newberg Riverfront Master Plan Update will be addressed in the development code:

- Zoning designations that allow for a mix of uses in the riverfront area, including employment, housing, commercial, active and passive open space, and water uses.
- Requirements for pedestrian-oriented development
- Buffers and/or transitions between industrial uses and other uses
- Multi-modal connections within the study area and to other destinations
- Commercial uses related to Rogers Landing (boat rentals, concessions)
- Visual and physical access to the river

Figure 2. Comprehensive Plan Designations (as of 6/1/2018)

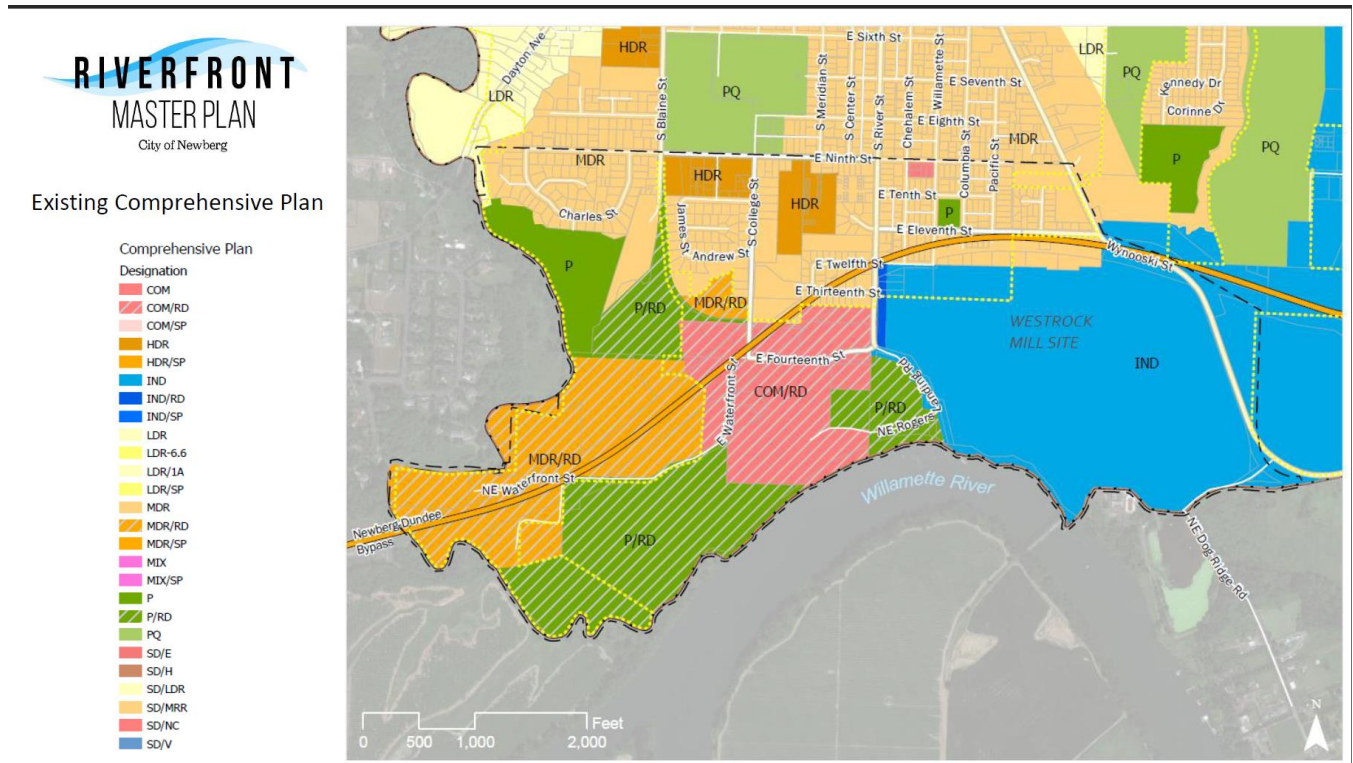


Table 1 below provides a list of amendments with descriptions of their purpose and references to specific language that follows the table.

Summary List of Recommended Development Code Amendments

Reference	Amendments	Notes
1	Update the Subdistrict statement for Riverfront (RF) Subdistrict (NMC 15.302.040)	Recommended updates to the purpose statement of the overlay district will align with the Riverfront Master Plan Update.
2	Update Riverfront (RF) Subdistrict (Chapter 15.352)	The RD Subdistrict is an important tool to implement the Riverfront Master Plan Update. Several changes are recommended to this overlay and detailed in this reference.
3	Update the purpose statement and allowed uses of the Riverfront Commercial (C-4) Zone	The C-4 district implements the COM/RD Comprehensive Plan designation, currently applied to property in the central portion of the plan area. It will be the basis for the “Mixed Commercial” concepts of the Riverfront Master Plan. Several updates are recommended and discussed below.

Reference	Amendments	Notes
4	Implement a “Mixed Employment” designation intended to provide for a compatible mix of employment uses for the area.	A new “Mixed Employment” area is a component of the Master Plan. A new Mixed Employment (M-E) zone will be created to implement this designation.
5	Update use table to include new M-E zone	A new column in the City’s use table is required to implement the M-E zone

## REFERENCE 1 – UPDATE RD SUBDISTRICT STATEMENT

The Riverfront (RD) Subdistrict is established and described in NMC 15.302.040. These changes allow the overlay to be applied to R-3 and M-E zones.

### 15.302.040 Subdistricts.

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- F. ~~RF~~ RD Riverfront Overlay Subdistrict. The riverfront overlay subdistrict may be applied to R-1, R-2, R-3, M-3, M-E, C-4, and CF zoning districts. This subdistrict may be applied to lands within close proximity to the Willamette River. The overlay shall be designated by the suffix ~~RF~~ RD added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the ~~RF~~ RD overlay zone except as otherwise may be limited in this code. Where provisions of the subdistrict are inconsistent with the parent district, the provisions of the subdistrict shall govern.

## REFERENCE 2 – UPDATED RIVERFRONT DISTRICT TEXT

Details of the RD subdistrict are contained in NMC 15.352. Recommended changes to this code section are provided below.

### Chapter 15.352 RIVERFRONT (~~RF~~RD) SUBDISTRICT

#### 15.352.10 Purpose.

The purpose of the riverfront overlay district is to provide for a unique identity for the riverfront area because of the district’s special character as a result of its proximity to the Willamette River. The riverfront overlay is also intended to encourage access to and enjoyment of the Willamette River and to protect and enhance views of the river and connections to the river. Specific building design standards for commercial and ~~residential~~ industrial buildings, streetscapes, and parking within the riverfront overlay district are included to achieve development that is consistent with the vision identified in the ~~riverfront master plan~~ Riverfront Master Plan. This vision includes, but is not limited to, attractive pedestrian-oriented streets, ~~small-scale businesses, a connected network of streets and pedestrian ways, and cohesive residential neighborhoods;~~ an integrated mix of residential, commercial and industrial development; preservation of natural spaces along the riverfront; a network of off-street paths and trails; and space for large group activities such as concerts, cultural gatherings, or sporting events.



Purpose statement changes reflect current vision statement of the Riverfront Master Plan.

**Cross-reference:** For Newberg Riverfront Master Plan – Proposed Newberg Zoning map, see Appendix B, Map 5.

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**15.352.030 The Riverfront Plan General Provisions.**

A. Report Adopted. The Newberg Riverfront Master Plan ~~Final Report~~, dated ~~X June 29, 2001~~, is adopted by reference. ~~The development standards listed in this chapter shall take precedence over those listed in the report. If ambiguity exists, this code shall govern~~ was accepted by the City Council.

The 2001 Riverfront Master Plan was adopted by reference – this will not be the case for this planning effort. The revisions to the above section change the date and relevant language.

B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the ~~RF RD~~ RD overlay subdistrict shall be the same as those uses permitted in the base zoning districts.

C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the ~~circulation and transportation element of the Newberg Riverfront Master Plan.~~

Changes reference to the plan more generally rather than to a specific element.

D. View Corridors. Designated key views shall be protected. Key views include the view from the top of the bluff ~~on parcel 12 as noted in Figure 2 of the riverfront master plan, on the south side of the intersection of E Fourteenth Street and S River Street, and the view from the top of the bluff south of E Fourteenth Street generally between S College and S River Streets, and the view from the riverbank near the barge tie-up facility.~~ These key views shall be protected as follows:

1. Any development on ~~parcel 12 as noted in Figure 2 of the riverfront master plan~~ on the south side of the intersection of E Fourteenth Street and S River Street shall provide a public viewing area accessible from E Fourteenth Street that allows views from the top of the bluff to the river. Any viewing area at this location may be connected to the public esplanade or the E Fourteenth Street public sidewalk.
2. Development ~~along the bluff on parcels 14, 15, and 16 as noted in Figure 2 of the riverfront master plan~~ south of E Fourteenth Street shall protect views of the river by providing a public esplanade with a public walkway ~~easement~~. Standards for the esplanade are identified in the circulation and transportation element.
- ~~3. Development in the vicinity of the barge tie-up facility shall protect views of the river by providing a public viewing area near the bank of the river. A public viewing area in this location may be combined with the Willamette Greenway Trail that will run through this location.~~
3. Additional important views may be identified through the land use approval process. Additional views identified through the land use process may be protected through conditions of approval.

Updates remove references to specific figures and parcel numbers in the old plan, and remove references to the “Barge Tie-Up Facility,” which is no longer in operation.

E. Significant Tree Grove. ~~The area containing the Oregon White Oaks within the significant tree grove located north of E Fourteenth Street and between S College and S River Streets shall be preserved, with the exception of removal necessary for a public infrastructure project or removal of trees deemed hazardous by a certified arborist.~~

F. ~~Visual/Noise Buffer. A visual/noise buffer shall be developed along River Street in such a manner as to:~~

- ~~1. Promote the protection of SP Newsprint, or current owner of paper mill, from uses that may complain against or otherwise hinder the operation of this important industrial facility due to visual and noise impacts; and~~
- ~~2. Enhance the vitality and qualities of the land uses within the Newberg riverfront;~~
- ~~3. Hardscape designs such as sound walls and similar barriers should only be located on the east side of River Street. Buffers located on the west side of River Street shall be designed in such a manner as to serve as a gateway to invite and attract people into the riverfront area.~~

Removed River Street buffer requirements to encourage active Mixed Employment uses that engage with the sidewalk and other parts of the Riverfront Area. This will allow transition from commercial and residential uses west of S River Street and provide a visual buffer.

G. Separate Rail Traffic from Other Modes. Major transportation improvements shall be designed with considerations intended to separate rail traffic from other modes of transportation.

H. Esplanade Development. Prior to the development of the riverfront esplanade, a slope stability and flood study shall be performed.

**15.352.040 Commercial Design Standards.**

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J. Building Design.

1. Building Height. Maximum building height north of Fourteenth Street in the Riverfront District is 45 feet. ~~Maximum building height south of Fourteenth Street is 30 feet.~~ Minimum building height is 16 feet on the exterior elevation, and a parapet can be included in the measurement.

The current overlay adopts a step-down approach in height as development gets closer to the bluffs in order to preserve views. However, the presence of the Bypass makes this approach less sensible as it prevents a large amount of the development north of E Fourteenth Street.

**15.352.050 Residential Design Standards.**

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~~B. Attached and Multifamily Dwellings. The intent of the standards is to provide for multifamily development of a smaller scale character that is compatible with the vision contained in the riverfront master plan. The standards are intended to require larger developments to be compatible with single family detached housing by requiring the building to have a massing and appearance that are consistent with a single family house or townhouse.~~

- ~~1. For multifamily or attached housing, each dwelling unit shall be emphasized by providing a unique element on the street-facing elevation. Examples of such elements include roof dormers, roof gables, bay windows, porches, and balconies.~~
- ~~2. Each dwelling unit with windows facing the street frontage shall also have an exterior entrance on the street-facing elevation. Dwelling units on the corner of an intersection shall only be required to meet this standard on one street-facing elevation.~~
- ~~3. Individual units shall be articulated either with a change in roof line or in building plane at an interval of no more than 40 feet. Roof line offsets shall be a minimum four-foot variation vertically as measured from the gutter line. Gable ends facing the street shall be considered to provide a roof line offset. Building plane offsets shall be a minimum of three feet.~~
- ~~4. For multifamily dwellings and all nonresidential structures in residential districts, at least two of the following design features must be provided:
  - ~~a. Covered front porch at least six feet in width and length for each individual unit that faces a public street. If a covered front porch is provided to serve two or more units, the porch must provide not less than 30 square feet of area for each unit served within a single building and have a minimum width of six feet.~~
  - ~~b. Eaves (minimum 12-inch overhang).~~
  - ~~c. Bay or bow windows.~~
  - ~~d. Dormers.~~
  - ~~e. Window shutters.~~
  - ~~f. Cupolas.~~
  - ~~g. Horizontal lap siding.~~~~
- ~~5. T1-11 and all other wood-based "full sheet" or panel type siding is prohibited on elevations visible from public rights-of-way.~~

These requirements were likely deemed necessary prior to the construction of the bypass, which provides a significant barrier between potential mixed-use or multifamily development in the riverfront area and existing single family neighborhoods. These requirements are no longer part of the design aesthetic of the current riverfront plan nor important as a transition to existing neighborhoods, and have been deleted.

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### **15.352.070 Mixed Employment Design Standards**

A. General. The Mixed Employment design standards apply to any development located within the Mixed Employment (M-E) zoning district(s) within the riverfront overlay subdistrict. These standards are in addition to the standards and requirements of the Newberg development code. The development standards listed in this chapter shall take precedence over those listed elsewhere in this code.

B. Minimum Lot Size. There is no minimum lot size required, provided the other standards of this code can be met.

C. Lot Coverage. There is no maximum lot coverage.

D. Building Maximum Square Footage Requirements. Except as otherwise may be approved through a conditional use permit, the ground floor of buildings shall not exceed 20,000 square feet.

E. Setbacks.

1. Minimum. No minimum setbacks are required.

2. Maximum.

a. The maximum front yard setback shall be 10 feet for at least 50 percent of the length of the street-facing lot line. A building must be constructed that is located within 10 feet of the street-facing lot line for at least 50 percent of the length of the street-facing lot line. If the development is on a corner lot, this standard applies to both streets.

b. The maximum front yard setback may be increased to 20 feet if the following conditions are met:

i. Landscaping or a hard-surfaced expansion of the pedestrian path must be provided between the front of the building and the sidewalk.

ii. For each 100 square feet of hard-surfaced area between the building and the street lot line, at least one of the following amenities must be provided:

(A) A bench or other seating that will accommodate at least three people.

(B) A tree with a minimum caliper of two and one-half inches.

(C) A landscape planter not less than 20 square feet in area.

(D) A drinking fountain.

(E) Similar pedestrian-scale amenities.

F. Vision Clearance. Development shall comply with NMC 15.410.060. G. Signs. Signs shall comply with NMC 15.435.

H. Parking.

1. Interior Lots. Within a development site, parking is not permitted between a building and a public street. Parking must be located to the side or rear of buildings.

2. Corner Lots. Parking may be located no closer than 40 feet from the intersection of two public streets.

3. Minimum Required Off-Street Parking. The minimum number of required off-street parking spaces is described in NMC 15.440.030.

4. Off-Site Parking. Required off-street parking is permitted to be located off-site, as long as the off-street parking is located within 400 feet of the development.



5. Shared Parking. Shared parking facilities shall be exempt from setback and building square footage requirements, provided the parking facility does not abut E Fourteenth Street. An intervening building must be provided between E Fourteenth Street and the parking facility, or the facility must be set back a minimum of 40 feet from E Fourteenth Street. Accessways to E Fourteenth Street are permitted.

6. Bicycle Parking. Two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater.

#### I. Screening.

1. Refuse and Recycling. Refuse collection containers (dumpsters) and recycling areas shall be screened from the street and neighboring properties. Trash receptacles for pedestrian use are exempt from this requirement. One of the following standards must be met for refuse collection screening:

a. Refuse collection and recycling areas may be screened by being located completely within a building.

b. If located outside of a building, refuse collection and recycling areas must be located within an enclosure at least six feet in height. The enclosure shall be a sight-obscuring masonry wall or nonflammable sight-obscuring fence. The material selected for the enclosure must be consistent with the building materials permitted on the surrounding buildings. Slatted chain link fencing is not permitted.

2. Roof-Mounted Equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems and heating panels are exempt from this standard:

a. A parapet as tall as the tallest part of the equipment;

b. A screen around the equipment that is as tall as the tallest part of the equipment; or

c. The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.

d. The review body may allow exemptions for equipment that contributes to the architectural design of the structure, such as piping in a brewery.

3. Ground-Mounted Equipment. Mechanical equipment on the ground must be screened from view by walls, fences, or vegetation as tall as the tallest part of the equipment. Any vegetation must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted.

#### J. Building Design.

1. Building Height. Maximum building height is 45 feet. Minimum building height is 16 feet on the exterior elevation, and a parapet can be included in the measurement.

2. Building Facades. Facades shall be varied and articulated to provide visual interest to pedestrians.

a. Building facades shall extend no more than 30 feet without providing a variation in building material or building offsets. Building offsets must articulate at least two feet.

b. Building facades shall be articulated into planes of 500 square feet or less either by setting part of the facade back at least two feet from the rest of the facade, or by the use of fascias, canopies, arcades, windows, breaks in relief, or other similar features.

c. Buildings must include changes in relief on 10 percent (in area) of facades facing public rights-of-way. Relief changes include cornices, bases, arcades, setbacks of at least two feet, canopies, awnings, projecting window features, or porticos.

3. Building Length. Building length shall not exceed 200 feet without a pedestrian connection through the building or between buildings. This is applicable to both a single building and to a group of individual buildings connected by common walls.

4. Building Materials. Exterior building materials shall convey an impression of durability.

a. Masonry, stone, stucco, and wood are permitted as the primary material for exterior appearance. Metal is not permitted as a primary exterior building material, but may be used as an accent or awning.

b. Where concrete masonry units (concrete block) are used for exterior finish, decorative patterns must be used, such as split-face concrete block or by incorporating layering or patterns.

c. Where brick, rusticated concrete block, or stone masonry is used as a veneer material, it must be at least two and one-half inches thick. Brick and stone street-facing facades shall return at least 18 inches around exposed side walls.

d. Wood or wood-look siding must be lap siding, board and batten, shingle siding or channel siding and is not permitted to be applied in a diagonal or herringbone pattern. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited. Lap siding, shingles, and shakes shall be exposed a maximum of six inches to the weather. In board and batten siding, battens shall be spaced a maximum of eight inches on center.

e. Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be used for trim or accent colors, but are not permitted as primary wall colors.

5. Ground-Floor Windows. Exterior walls on the ground level which face a street lot line or other public right-of-way must have windows at least 50 percent of the length and 25 percent of the ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine feet above the finished grade. To qualify as ground-floor windows, window sills must be no more than four feet above exterior grade. The ground-floor window requirement does not apply to the walls of residential units. Qualifying window features must be either windows or doors that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall.

6. Window Glazing. Any windows facing public rights-of-way on the ground floor shall have clear glazing. Restroom windows are exempt from this requirement. On any floor, tinted or reflective glass shall not be visible from public rights-of-way, other than ornamental stained glass windows.

7. Main Building Entrance. The main building entrance shall connect to adjacent public rights-of-way with a paved walkway at least six feet in width. For buildings with more than one major entrance, only

one entrance is required to meet the main building entrance standard. The walkway must not be more than 120 percent or 20 feet longer than the straight line distance between the entrance and the closest improved right-of-way, whichever is less.

K. Landscaping. Where 100 percent of a lot is covered by a building, no landscaping is required.

1. All setback areas and lands not otherwise developed shall be landscaped. Courtyards, plazas and pedestrian walkways, esplanades and natural riparian vegetation are considered to be landscaping.

2. Parking Lot Landscaping. In addition to other Newberg development code standards for interior parking lot landscaping, special screening standards shall apply to parking lots. Parking areas shall be screened from neighboring properties and public rights-of-way. Perimeter landscaping at least five feet in width shall be provided. The following standards must be met for the perimeter landscaping areas:

a. Enough low shrubs to provide a continuous screen at least three feet high and 95 percent opaque year-round.

b. One tree per 30 linear feet or enough trees to provide a tree canopy over the landscaped area.

c. Ground cover plants, perennials, or shrubs must fully cover the remainder of the landscaped area.

d. A three-foot-high masonry wall may substitute for the shrubs, but trees and ground cover at the above-cited rates are still required.

L. Outdoor Storage and Display.

1. Outdoor Storage. Outdoor storage of merchandise or materials directly or indirectly related to a business is prohibited.

2. Outdoor Display. Outdoor display of merchandise is permitted during business hours only. A minimum pedestrian walkway of six-foot clear width must be maintained at all times.

This new section applies to development within the M-E designation in the RF district. Design standards are similar to those of the overlay's commercial zones and are intended to create a visually pleasing and pedestrian-friendly environment. However, requirements related to loading zones are less restrictive than the C-4 zone and there are no reductions in parking requirements from the City's base standards.

## REFERENCE 3 – UPDATES TO C-4 DISTRICT

The City of Newberg currently has a C-4 Riverfront Commercial District, which was created by the 2001 Riverfront Master Plan, intended to be consistent with the COM/RD designation of the comprehensive plan. This zoning designation is not applied to any parcels in Newberg, as the commercially designated area of the Riverfront District lies outside the current City Limits.

Changes to Footnote 11 create mixed-use regulations similar to that of the C-3 zone, which allows horizontal as well as vertical mixed use developments, provided units do not occupy the first floor storefront area.

### 15.302.032 Purposes of each zoning district.

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#### I. C-4 Riverfront Commercial District.

1. The purpose of the C-4 riverfront commercial district is to allow a mix of uses that:
  - a. Provides a variety of ~~retail, and commercial service type~~ retail, commercial, and residential uses that benefit from proximity to the river.
  - b. Encourages access to and enjoyment of the Willamette River.
  - c. Ensures compatibility of development with the surrounding area and minimizes impacts on the environment.
2. Properties zoned in this district must comply with the development standards of the riverfront subdistrict, as described in NMC 15.352.010 through 15.352.050.
3. The C-4 district is intended to be consistent with the commercial/riverfront district (COM/RD) designation of the comprehensive plan.

### 15.305.020 Zoning Use Table – Use Districts

Footnote (11): ~~Must be located above ground floor commercial uses. The units must be located on the same lots as another use permitted or conditionally permitted in the C-4 district and may not occupy the first floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Parking shall be provided for all new dwelling units in private parking areas or garages on the basis of one parking space for each dwelling unit.~~

## REFERENCE 4 – MIXED EMPLOYMENT DISTRICT

The Riverfront Master Plan includes a new “Mixed Employment” (M-E) district that will be applied as annexation occurs within the Riverfront Area. This district implements the Industrial (IND) and Mixed Use (MIX) comprehensive plan designations, and allows for a mix of light industrial and commercial uses intended to create a buffer between heavy industrial uses to the east and pedestrian-friendly mixed-use development within the core of the Riverfront District.

Newberg’s zones are implemented across several code sections, so minor modifications in several places are required to create the M-E zone.

These standards could be applied citywide – they are superseded in the riverfront district by the language in Reference 2.

### Division 15.300 Zoning Districts

#### Chapter 15.302

#### DISTRICTS AND THEIR AMENDMENT

##### 15.302.010 Establishment and designation of use districts and subdistricts.

A. Use Districts.

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##### 18. M-E Mixed Employment District

##### 15.302.032 Purposes of each zoning district.

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R. M-E Mixed employment District. The M-E mixed employment district is intended to create a mix of light industrial and limited commercial uses that provide employment opportunities for the City of Newberg while also creating a high-quality urban environment. This designation can provide a buffer between industrial uses with a high degree of external impact and other uses such as residential and recreational areas. The M-E designation is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan.

### Division 15.400 Development Standards

#### 15.405 Lot Requirements

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4. In the M-1, M-2 ~~and M-3~~, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.

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6. Within the commercial and mixed employment zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

These changes create minimum lot size requirements for the M-E district similar to the M-1, M-2, and M-3 districts, except in the Riverfront Area where there are no minimum lot sizes for commercial and mixed employment zones.

**15.410 Yard Setback Requirements**

**15.410.020 Front yard setback.**

B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.
2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.
3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.
4. All lots or development sites in the C-4 district will comply with the front yard requirements described in NMC 15.352.040(E).

C. Industrial. All lots or development sites in the M-1, M-2 or M-3 districts shall have a front yard of 20 feet. Lots or development sites in the AI district shall have a front yard of 10 feet. Lots or development sites in the M-4 district shall have a front yard of 20 feet where abutting Highway 219, arterials, and collectors, and a front yard of 10 feet along other streets.

D. Mixed Employment. All lots or development sites in the M-E district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained. Lots or development sites within the Riverfront District will comply with the front yard requirements described in NMC 15.352.070(E)

These provisions mirror those of the more urban commercial districts in Newberg, providing for a more pedestrian-oriented environment without large setbacks or parking in front of buildings. Added language that distinguishes ME within the riverfront area to ME that might eventually be applied elsewhere. Outside of the riverfront district ME front yard setback is the same as the C-3 designation.

**15.410.030 Interior yard setback.**

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B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.



2. All lots or development sites in the C-3 district shall have no interior yard requirements.
3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

C. Industrial and Mixed Employment. All lots or development sites in the AI, M-1, M-2, M-3, ~~and M-4~~, and M-E districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

**15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.**

D. Fences and Walls.

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
  - a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.
  - b. Not to exceed four feet in height. Located or maintained within all other front yards.
2. In any commercial, ~~or industrial~~ or mixed employment district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
  - a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.
  - b. Not to exceed four feet in height. Located or maintained within all other front yards.

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Unless the City wishes to establish the Mixed Employment district firmly as either commercial or industrial, changes such as this are required in various parts of the code.
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E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.
2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:

- a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family or two-family dwelling on a single lot.
- b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
- c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
- d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

3. In any commercial or industrial district, except C-1, C-4, ~~and M-1~~, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district and the M-E district within the Riverfront Overlay Subdistrict are described in NMC 15.352.040(H).

4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

**Chapter 15.415**  
**BUILDING AND SITE DESIGN STANDARDS**

**15.415.020 Building height limitation.**

...

**B. Commercial, ~~and Industrial~~, and Mixed Employment.**

...

2. In the AI, C-2, C-3, M-E, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

3. In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).

4. In the M-E district within the Riverfront Overlay Subdistrict, building height limitation is described in NMC 15.352.070.

**15.440 Off-Street Parking, Bicycle Parking, and Private Walkways**

**15.440.010 Required off-street parking.**

A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

Making no change to this code section allows M-E developments to utilize off-site parking in the riverfront area.

B. Off-street parking is not required in the C-3 district, except for:

1. Dwelling units meeting the requirements noted in NMC 15.305.020.
2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.

C. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

The commercial area within the riverfront district has lower parking requirements than other commercial districts within the city. This could be modified to apply to the M-E district within the Riverfront Area as well, if desired.

D. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

## REFERENCE 5 ZONING USE TABLE

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
<b>AGRICULTURAL USES</b>										-											
<u>Horticulture</u>	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	<u>P(1)</u>	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
<u>Livestock and poultry farming</u>	X	X	X	X	X	X	X	X	X	<u>X</u>	X	X	X	X	X	X	X	X	X	X	
<u>Home gardening</u>	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	
<u>Home livestock and poultry raising</u>	S	S								-								S		NMC Title <a href="#">6</a>	
<b>RESIDENTIAL USES</b>										-											
<u>Dwelling, single-family detached</u>	P(2)	P	P(3)		P		C(4)	C(5)		-							P	P(6)		Subject to density limits of NMC <a href="#">15.405.010(B)</a>	
<u>Dwelling, single-family attached</u>	S(2)	S	S(3)		S		C(4)	C(5)		-							P	P(6)		NMC <a href="#">15.415.050</a> ; subject to density limits of NMC <a href="#">15.405.010(B)</a>	
<u>Manufactured home</u> on individual <u>lot</u>	S(2)	S	S(3)	P(7)	S					-								P(6)		NMC <a href="#">15.445.050</a> – <a href="#">15.445.070</a> ; subject to density limits of NMC <a href="#">15.405.010(B)</a>	
<u>Manufactured dwelling park</u>		S	S	S						-											NMC <a href="#">15.445.075</a> – <a href="#">15.445.160</a>
<u>Mobile home park</u>		S	S	S						-											NMC <a href="#">15.445.075</a> – <a href="#">15.445.160</a>

Technical Memorandum #7 – Zoning Map and Development Code Amendments

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<b>M-E</b>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
Manufactured home subdivision		S		S						-											NMC <a href="#">15.445.075</a> – <a href="#">15.445.160</a>
<u>Dwelling, two-family</u> (duplex)	P(2)	P	P	C	P		C(4)	P(8)/C(5)		-							P				Subject to density limits of NMC <a href="#">15.405.010</a> (B)
<u>Dwelling, multifamily</u>	C	P	P	C	P		C(4)	P(8)/C(5)		-							P				Subject to density limits of NMC <a href="#">15.405.010</a> (B)
<u>Dwelling, accessory</u>	S	S	S		S		C	C		-							S	S			Chapter <a href="#">15.445</a> NMC, Article V
<u>Dwelling, mixed use</u>						P(9)	P(10)	P(8)/C(5)	P(11)	-	C	C									
<u>Dwelling, caretaker</u>										-	P	P	P	C					P(12)		Limited to one per <u>lot</u> , and allowed whenever the <u>use</u> requires the on-site residence of such <u>person</u> .
<u>Dormitory</u>		C	P		P					-							P				
<u>Home occupation</u> (no more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)		S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S	S	S(13)		NMC <a href="#">15.415.060</a>
<u>Home occupation</u> (more than one outside paid employee)	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)		C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C	C	C(13)		NMC <a href="#">15.415.060</a>
INSTITUTIONAL AND PUBLIC <u>USES</u>										-											

Technical Memorandum #7 – Zoning Map and Development Code Amendments

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
<b>INSTITUTIONAL CARE AND HOUSING</b>										-										
<u>Family child care home</u>	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	-							P	P(13)		ORS Chapter <a href="#">657A</a>
<u>Day care</u>	P	P	P	C	P	P	P	P		<u>P</u>	C	C	C	C	P		P		P(14)	ORS Chapter <a href="#">657A</a>
<u>Residential care home</u> (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	-							P	P(13)		ORS <a href="#">197.665</a>
<u>Residential care facility</u> (6 – 15 people)	C	P	P	C	P		C	C		-							P			ORS <a href="#">197.665</a>
<u>Group care facility</u> (16+ people)	C	C	C		C		C			-							P			
<u>Hospital</u>	C	C	C		C		P	P		<u>C</u>							P			
<u>Prison</u>										-	C	C	C	C						
<b>ASSEMBLY</b>										-										
<u>Religious institution, place of worship</u>	P	P	P	P	P	P	P	P	P			P(29)					C	P		
<u>Private club, lodge, meeting hall</u>			C	C			P	P	C								P			
<b>SCHOOLS</b>										-										
School, primary or secondary	P	P	P		P					-							C			
<u>College</u>	P	P	P		P	P	P	P(15)		<u>P(15)</u>							C	P		



Technical Memorandum #7 – Zoning Map and Development Code Amendments

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
<u>Commercial educational services</u>	C	C	C		C	P	P	P		<u>P</u>							C			
<b><u>PARKS AND OPEN SPACES</u></b>										-										
<u>Open space</u>	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	
<u>Park</u>	P	P	P	P	P	P	P	P	P					P(16)		P(17)	P			
<u>Golf course</u>	P	P	P							-						P(17)				
<b>PUBLIC SERVICES</b>										-										
<u>Community services</u>	C	C	C	C	P		P	P	P	<u>P</u>						C	P			
<u>Emergency services</u>	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	
<u>Pound, dog or cat</u>							C	C		<u>C</u>	C	P	P	C	C					
<u>Cemetery</u>	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	ORS Chapter 97.46
<b>TRANSPORTATION</b>										-										
<u>Transportation facilities and improvements</u>	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	
<u>Transit center</u>							P	P	P		P	P	P							
<u>Parking facility</u>			P		C	C	P	P(18)	C	<u>P</u>	P	P	P		P		P			
<u>Airport, landing field</u>										-		C	C							P
<u>Heliport, helipad</u>	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	C	C	C	C	C	P

Technical Memorandum #7 – Zoning Map and Development Code Amendments

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
<u>Marina</u>									C	-						<u>C</u>				
Pilings, piers, docks, and similar in-water <u>structures</u>									C	-						<u>C</u>				
<u>UTILITIES</u>										-										
<u>Basic utilities</u>	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	
<u>Utility distribution plant or yard</u>										-		P	P	P						
<u>Wastewater treatment plant</u>										-		C	P	C						
<u>Telecommunication facility</u> incorporated into existing structure/utility pole and no taller than 18 feet above existing structure/utility pole	C	C	C	C	C	S	S	S	S	<u>S</u>	S	S	S	S	S		S			Chapter <a href="#">15.445</a> N MC, Article IV
<u>Telecommunication facility</u> , including <u>radio</u> towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing <u>structure</u> no taller than 18 feet above that <u>structure</u>						C	C	C		<u>C</u>	C	S(19)	S(19)	P	C		C			Chapter <a href="#">15.445</a> N MC, Article IV
<u>Telecommunication facility</u> , including <u>radio</u> towers and						C	C	C		<u>C</u>	C	C	C	C	C		C			Chapter <a href="#">15.445</a> N MC, Article IV

Technical Memorandum #7 – Zoning Map and Development Code Amendments

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
transmitters, which are over 100 feet																					
<b>COMMERCIAL <u>USES</u></b>										-											
<b>COMMERCIAL OFFICES</b>										-											
<u>Medical office</u>			C		P	P(20)	P	P(21)		<u>P</u>							P				
<u>Local business office</u>					P(22)	P(20)	P	P(21)		<u>P</u>											
<b>COMMERCIAL SALES AND RENTALS</b>										-											
<u>Retail sales – General</u>						P(20)	P	P(15)/(21)	P	<u>P</u>		P(23)									
<u>Retail sales – Bulk outdoor</u>							P	C		<u>P</u>		P									
<u>Retail sales – Convenience</u>						P(20)	P	P(21)	P			P(24)		P(25)							
<u>Temporary merchant</u>							S	S(21)		<u>S</u>										NMC <a href="#">5.15.050</a> et seq.	
<u>Retail food and beverage production</u>							S	S		<u>P</u>										Chapter <a href="#">15.445</a> NMC, Article VIII	
<b>EATING AND DRINKING ESTABLISHMENTS</b>										-											
Eating and drinking – Alcohol-related							P	P(21)	P	<u>P</u>											Requires liquor license

Technical Memorandum #7 – Zoning Map and Development Code Amendments

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards	
Eating and drinking – Non-alcohol-related						P(20)	P	P(21)	P	<u>P</u>	P	P								C(26)	
<b>COMMERCIAL SERVICES</b>										-											
<u>Personal services</u>					P	P(20)	P	P(21)	P	<u>P</u>											
<u>Commercial services</u>						P(20)	P	P(21)		<u>P</u>											
<u>Commercial vehicle service</u>							P	C			P(27)	P			P(28)						
<u>Kennel, commercial</u>							C	C			C	P	P	C	C						
<b>COMMERCIAL RECREATION</b>										-											
<u>Commercial recreation – Indoors</u>							P	P(15)		<u>P</u>	P(29)	P(29)									
<u>Commercial recreation – Outdoors</u>							P			<u>P?</u>		C									
<u>Commercial recreation – Motor-vehicle-related</u>										-		C									C(33)
<b>COMMERCIAL LODGING</b>										-											
<u>Vacation rental home</u>	C	C	S	S	S	S(13)	S(13)	S(13)	S(13)	-											Chapter <a href="#">15.445 N MC</a> , Article VII
<u>Bed and breakfast</u> (2 or fewer rooms)	C	S	S		S	S	S	S	S	-											NMC <a href="#">15.445.010</a>

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<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
<u>Bed and breakfast</u> (3 or more rooms)	C	C	C		C	C	S	S	S	-										NMC <a href="#">15.445.010</a>
<u>Hotel</u> or <u>motel</u>							P	P(15)	P	<u>P</u>									C(26)	
<u>Recreational vehicle park</u>							C		C		C	C	C							NMC <a href="#">15.445.170</a>
<b>INDUSTRIAL USES</b>										-										
<u>Traded sector industry office</u>					P(30)	P(30)	P	P		<u>P</u>	P	P		P					P(33)	
<u>Industrial services</u>							C			<u>P</u>		P	P	P					P(33)	
<u>Wholesale and industry sales</u>							C(31)			<u>P</u>	P(31)	P	P	P					P(33)	
<u>Warehouse, storage, and distribution</u>										<u>P</u>	P(32)	P	P	P					P(33)	
<u>Self-service storage</u>							P			<u>P?</u>	P	P	P	P						
<u>Light manufacturing</u>										<u>P</u>	P	P	P	P					P(33)	
<u>Heavy manufacturing</u>										-		P(34)	P	C						
<u>Waste-related</u>										-			C	C						
<b>MISCELLANEOUS USES</b>										-										
<u>Accessory building and use</u> incidental to other permitted <u>uses</u> in the zone	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	

Technical Memorandum #7 – Zoning Map and Development Code Amendments

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
<u>Uses</u> similar to permitted <u>uses</u> in the zone and not defined or categorized	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	
<u>Uses</u> similar to conditional <u>uses</u> in the zone and not defined or categorized	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	C	C	C	C	C	
<u>Medical marijuana dispensary</u>	X	X	X	X	X	P(35) )	P(35) )	P(35) )	P(35) )		X	X	X	X	X	X	X	X	X	
<u>Medical marijuana processor</u>	X	X	X	X	X	X	P(38) )	X	X	<u>P(37)</u> )	P(37) )	P(37) )	P(37) )	P(37) )	X	X	X	X	X	
<u>Medical marijuana grow site</u>	P(36) )	P(36) )	P(36) )	C	C	C	C	C	C	<u>C</u>	C	C	C	C	C	C	C	C	C	X
Medical <u>marijuana wholesaler</u>	X	X	X	X	X	X	C(31) )/(38) )	X	X	<u>P(38)</u> )	P(38) )	P(38) )	P(38) )	P(38) )	X	X	X	P(38) )	X	
Recreational <u>marijuana processor</u>	X	X	X	X	X	X	C(38) )	X	X	<u>P(37)</u> )	P(37) )	P(37) )	P(37) )	P(37) )	X	X	X	X	X	
Recreational <u>marijuana producer</u> (indoor)	X	X	X	X	X	X	X	X	X	<u>P</u>	P	P	P	P	X	X	X	X	X	
Recreational <u>marijuana producer</u> (outdoor)	X	X	X	X	X	X	X	X	X	<u>C</u>	C	C	C	C	X	X	X	X	X	
Recreational <u>marijuana retailer</u>	X	X	X	X	X	P(38) )/(39) )/(40)	P(38) )/(39) )/(40)	P(38) )/(39) )/(40)	P(38) )/(39) )/(40)		X	X	X	X	X	X	X	X	X	
Recreational <u>marijuana wholesaler</u>	X	X	X	X	X	X	C(31) )/(38) )	X	X	<u>P(38)</u> )	P(38) )	P(38) )	P(38) )	P(38) )	X	X	X	P(38) )	X	



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<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	<u>M-E</u>	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special <u>Use</u> Standards
<a href="#"><u>Marijuana laboratories</u></a>	X	X	X	X	X	P	P	P	P	<u>P</u>	P	P	P	P	P	X	P	X	X	
Marijuana research certificate	X	X	X	X	X	P	P	P	P	<u>P</u>	P	P	P	P	P	X	P	X	X	