

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion \_\_\_ Information XX  
No. No. No.

**SUBJECT: Work Session Middle Housing –  
Triplexes, Quadplexes, Cottage Clusters and  
Townhomes (HB 2001)**

**Staff: Doug Rux, Director; Steve Faust,  
Elizabeth Decker  
Department: Community Development**

Work Session X Business Session \_\_\_

Order on Agenda:

## RECOMMENDATION:

Information only.

## EXECUTIVE SUMMARY:

### A. Background

The Oregon Legislature passed HB 2001 in 2019 and appropriated funds to the Department of Land Conservation and Development (DLCD) for the purpose of providing grants to local governments for the implementation of missing middle housing. The City Council adopted Resolution No. 202-3669 to support a grant application to address Middle Housing. DLCD ultimately awarded the City a grant of \$60,000 to develop regulations to comply with the HB 2001 and OAR 660-046. Through a Request for Proposal process 3 J Consulting was selected along with their sub-consultant Jet Planning.

The City approached the process in two phases. Phase 1 is to develop regulations for duplexes. This phase needs to be completed by the end of June 2021. Phase 2 is for triplexes, quadplexes, cottage clusters and townhomes. A proposal on these Middle Housing types will be brought to the Planning Commission and City Council in late fall of 2021.

The City Council appointed a Citizens Advisory Committee (CAC) to provide feedback and guidance to staff and the consultant team. The CAC met five times. The Committee members include:

Melisa Dailey – Chair  
Robert Bonner – Vice Chair  
Gabriel Skulec  
Leslie Murray  
Irma Vera  
Robert Moxley

Two Community Forums were held. The first on December 15, 2020 and the second on February 22, 2021. In coordination with the first Community Form a survey was conducted with 192 participants. A second survey was conducted after Community Form #2 and closed on March 12.

The second task for the middle housing code updates is to permit triplexes, quadplexes, cottage cluster and townhomes on all lots where single-family detached dwellings are permitted, including within all master plan areas, under the same terms. Code updates have been drafted to comply with House Bill 2001 and the provisions of Oregon Administrative Rule (OAR) 660-046, Middle Housing in Medium and Large Cities. These code amendments, which span multiple sections, will be packaged and adopted by the City Council in late fall 2021.

## **B. Overview of Triplex., Quadplex, Cottage Cluster and Townhome Code Changes**

- Adds Cottage cluster, Cottage cluster project and Dwelling, Cottage definitions.
- Modifies the Dwelling, multifamily definition to be five or more units.
- Adds a definitions for Dwelling, quadplex, Dwelling, townhouse, Dwelling, triplex, Middle housing, Quadplex, Townhouse, Townhouse Project, and Triplex.
- Allows triplexes, quadplexes, cottage clusters and townhomes R-1, R-2, R-3, RP and AR zones as Type I review process.
- Adjusts code provisions for design review to apply to multi-family projects of five units or more.
- Modifications to the Planned Unit Development requirements to incorporate triplexes, quadplexes, cottage cluster and townhomes as part of the density point system.
- Updates the Purpose of Each Zoning District language to include triplexes, quadplexes, cottage cluster and townhomes in R-1, R-2, R-3, AR zones.
- Exempts triplexes, quadplexes, cottage cluster and townhomes for density requirements but requires minimum lot size apply under the Subdistrict section.
- Updates the Use Category chapter to include triplexes, quadplexes, cottage cluster and townhomes as residential uses.
- Revises the Zoning Use Table for triplexes, quadplexes, cottage cluster and townhomes.
- Updates the Airport Residential and Airport Overlay Subdistrict chapters for triplexes, quadplexes, cottage cluster and townhomes.
- Modifies the Specific Plan Subdistrict for triplexes, quadplexes, cottage clusters and townhomes cluster requirements.
- Modifies the Riverfront Overlay Subdistrict for design standards for triplexes, quadplexes, cottage cluster and townhomes.
- Establishes the minimum and maximum lot size requirements for triplexes, quadplexes, cottage cluster and townhomes.
- Modifies lot coverage requirements for townhomes in R-1, and R-2 zones.
- Establishes front yard setback for cottage clusters and interior yard setback for townhomes.
- Creates building height requirement townhomes in R-1 at 35 feet, and cottage clusters at 25 feet in any residential zone.
- Establishes design requirements or exceptions for triplexes, quadplexes, cottage cluster and townhomes.
- Creates parking requirements for triplexes, quadplexes, cottage cluster and townhomes at 1 per dwelling unit.
- Adds access requirement for triplex, quadplex and cottage clusters for sites with multiple frontages.

Steve Faust, Elizabeth Decker and Heather Austin will provide details on the proposed code revisions that are included in the attached Power Point.

**FISCAL IMPACT:**

Funding was provided by the Department of Land Conservation and Development through a grant of \$60,000. Funds are expended out of 01-4110-53301 Planning Misc Grants.

**STRATEGIC ASSESSMENT: (Relate to Council Goals if applicable)**

2020 Council Goals:

1. Change operational culture to one focused on Customer Service and act to Resolve Ongoing Legal Disputes.

Not applicable.

2. Further develop an operational culture that adopts and cherishes Diversity, Equity, and Inclusion as core values.

Providing triplex, quadplex, cottage cluster and townhome housing opportunities for Newberg residents can further the Council goal for Diversity, Equity, and Inclusion.

3. Promote development of housing affordability such as houselessness, transitional housing, workforce housing.

Complying with HB 2001 for triplex, quadplex, cottage cluster and townhome can provide additional housing opportunities to address the affordability issues Newberg is facing as documented in the Housing Needs Analysis.

4. Create and support an Urban Renewal Plan and Authority

Not applicable.

5. Collaborate with local partners and with entities like ICLEI in the development of a Sustainability program.

Not applicable.

Attachment: 1. Middle Housing -Triplex, Quadplex, Cottage Cluster and Townhome Power Point

Note: Text with **yellow highlighted ~~strikeout~~ or underlines** indicates changes with pending duplex code revisions. Text with **blue highlighted ~~strikeout~~ or underlines** indicates proposed middle housing updates.

## Chapter 15.05 GENERAL PROVISIONS

Sections:

**15.05.010 Title.**

**15.05.020 Purpose.**

**15.05.030 Definitions.**

**15.05.040 Scope and compliance.**

**15.05.050 Interpretation, conflict and separability.**

**15.05.060 Saving provision.**

**15.05.070 Conditions.**

**15.05.080 Amendments.**

**15.05.090 Fee schedule.**

**15.05.100 Enforcement.**

**15.05.110 Adoption of zoning map.**

**15.05.120 Penalty.**

### **15.05.010 Title.**

This title shall be known as the Newberg development code. [Ord. 2451, 12-2-96. Code 2001 § 151.001.]

### **15.05.020 Purpose.**

A. The purpose of this code is to coordinate city regulations governing the development and use of land and to implement the Newberg comprehensive plan.

B. The Newberg development code constitutes the development and land use regulations for the incorporated area of the city. These regulations are adopted to protect and promote the public health, safety, and general welfare, and to provide the economic and social advantages which result from an orderly, planned use of land resources. Such regulations are designed to achieve the following objectives:

1. To implement the comprehensive plan for the city.
2. To advance the position of the city as a regional center of commerce, industry, recreation and culture.
3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open spaces.

4. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for compatible uses to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
5. To ensure preservation of adequate space for commercial, industrial, agricultural, and other activities necessary for a healthy economy.
6. To promote safe, fast and efficient movement of people and goods without sacrificing the quality of the city's environment, minimize street congestion, and to provide for adequate off-street parking.
7. To achieve excellence and originality of design in all future developments and preserve the natural beauty of the city's setting.
8. To stabilize expectations regarding future development, thereby providing a basis for wise decisions with respect to such development.
9. To preserve and enhance the quality of the city's environment.
10. To secure safety from fire, flood, geological hazards, pollution and other dangers.
11. To provide adequate light and air, and to facilitate adequate provisions for transportation, water supply, wastewater disposal, drainage, education, recreation and other services and facilities. [Ord. 2451, 12-2-96. Code 2001 § 151.002.]

## 15.05.030 Definitions.

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**"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 development site with one or more cottage clusters. Each cottage cluster as a part of a cottage cluster project must have its own common courtyard.

**"Duplex"**. See "**dwelling ~~two-family~~ (duplex)**."

**"Dwelling"** means a building or portion of a building which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and tourist courts.

**“Dwelling, accessory”** means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. A lot or parcel developed with single-family dwelling and an accessory dwelling is excluded from the definition of “duplex dwelling.”

**“Dwelling, caretaker”** means a dwelling provided on an industrial site for an employee or owner to provide around the clock surveillance or service for the industry.

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

**“Dwelling, two-family (duplex)”** means two dwelling units on one lot or parcel in any configuration. a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family. A duplex dwelling does not include a lot or parcel developed with a single-family dwelling and an accessory dwelling.

**“Dwelling, mixed use”** means a dwelling on a lot that has separate nonresidential uses on the same lot, such as an apartment provided on a second floor of a commercial building. **“Mixed-use dwelling”** excludes a caretaker dwelling.

**“Dwelling, multifamily”** means a building designed and used for five or more dwelling units on one lot or parcel. occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family. **“Dwelling, multifamily”** includes assisted living facilities.

**“Dwelling, quadplex”** means four dwelling units on one lot or parcel in any configuration.

**“Dwelling room”** means:

1. An enclosed room containing more than 70 square feet of floor space and commonly used for living purposes, but excluding:
  - a. Lobbies, halls, closets, or storage space.
  - b. Unfinished attics, cellars or basements.
  - c. Bathrooms, utility rooms or kitchens or other cooking spaces.
  - d. Dinette alcoves, dinettes or other dining spaces, if these are not separated by walls or doors from other dwelling rooms or cooking spaces.
  - e. Dining rooms in dwellings containing three or more bedrooms.

2. The room count for any dwelling unit is the number of dwelling rooms plus the constant figure of one and one-half, which represents the nondwelling rooms listed above. The minimum count for a dormitory or hotel type of structure shall be two for each dwelling room.

**“Dwelling, single-family”** means one dwelling unit on one lot or parcel, a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

~~**“Dwelling, single-family attached”** means a single family dwelling having one or more walls attached to and in common with one or more single-family dwellings, with each dwelling unit on a separate lot or parcel.~~

**“Dwelling, single-family detached”** means one dwelling unit on one lot or parcel with no common walls attached to another dwelling unit. ~~means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.~~

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

**“Dwelling, triplex”** means three dwelling units on one lot or parcel in any configuration.

**“Dwelling unit”** means a single unit of one or more habitable rooms providing complete independent facilities for occupants, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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**“Family”** means an individual, or two (A) one or more persons related by blood, or marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit or (B) one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons, who live together in one dwelling unit. ~~or a group of not more than five persons (excluding household employees) who need not be related by blood or marriage, living together in a dwelling unit. “Family” may include two or more people with disabilities, as defined in the Fair Housing Amendments Act of 1988, living as a single housekeeping unit.~~

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**“Garage, single-car”** means a covered parking space enclosed on all four sides designed for the parking of one motor vehicle. A single-car garage shall have a minimum inside width of 10 feet by 20 feet.

**“Garage, two-car”** means a covered parking space enclosed on all four sides designed for the parking of two motor vehicles. A two-car garage shall have a minimum inside width of 20 feet by 20 feet.

**“Middle housing”** means any individual or combination of duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and/or cottage clusters.

**“Quadplex”**. See **“Dwelling, quadplex.”**

**“Townhouse”**. See **“Dwelling, townhouse.”**

**“Townhouse Project”** means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and the any commonly owned property.

**“Triplex”**. See **“Dwelling, triplex.”**



# Chapter 15.100

## LAND USE PROCESSES AND PROCEDURES

Sections:

Article I. Procedure Types and Determination of Proper Procedures

**15.100.010 Procedures for processing development permits.**

**15.100.020 Type I procedure - Administrative decision.**

**15.100.030 Type II procedure.**

**15.100.040 Repealed.**

**15.100.050 Type III procedure - Quasi-judicial hearing.**

**15.100.060 Type IV procedure - Legislative.**

**15.100.070 Legislative enactments not restricted.**

**15.100.080 Determination of proper procedure type.**

Article II. Processing Type I – IV Development Actions

**15.100.090 Development permit application.**

**15.100.100 Submission and acceptance of applications for land use decisions.**

**15.100.110 Responsibility of director.**

**15.100.120 Referral of development permit applications.**

**15.100.130 Permit decision - Type I.**

**15.100.140 Permit decision - Type II.**

**15.100.150 Decision, findings and order - Types III and IV.**

Article III. Appeals

**15.100.160 Appeal procedures.**

**15.100.170 Notice of appeal - Type I, II and III.**

**15.100.180 Scope of review.**

**15.100.190 Review body decision on appeal of a Type I, II or III.**

Article IV. Notice

**15.100.200 Compliance required.**

**15.100.210 Mailed notice.**

**15.100.220 Additional notice procedures of Type II development applications.**

**15.100.230 Additional notice procedures for Type III quasi-judicial hearing.**

**15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.**

**15.100.250 Notice procedures for Type IV legislative hearing.**

**15.100.260 Procedure for posted notice for Type II and III procedures.**

**15.100.270 Procedure for published notice on Type III and Type IV procedures.**

## Article V. Hearing

**15.100.280 Challenges to impartiality.**

**15.100.290 Disqualification.**

**15.100.300 Participation by interested officers or employees.**

**15.100.310 Ex parte contacts.**

**15.100.320 Abstention or disqualification.**

**15.100.330 Rights of abstaining or disqualified member.**

**15.100.340 Burden and nature of proof.**

**15.100.350 Order of proceedings.**

**15.100.360 Record of proceedings.**

## Article VI. Development Permit

**15.100.370 Development permit required.**

**15.100.380 Exclusions from development permit requirement.**

## Article I. Procedure Types and Determination of Proper Procedures

### **15.100.010 Procedures for processing development permits.**

 SHARE

All development permits shall be classified as one of the following: Type I, Type II, Type III, or Type IV procedures. [Ord. 2451, 12-2-96. Code 2001 § 151.020.]

### **15.100.020 Type I procedure – Administrative decision.**

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A. Type I development actions shall be decided by the director without public notice or public hearing. Notice of a decision shall be provided to the applicant.

B. Type I actions include, but are not limited to:

1. Design review permits for single-family dwellings, duplexes dwellings, triplex dwellings, quadplex dwellings, townhouses, cottage cluster projects additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1).
2. Home occupation permits.
3. Signs, not in conjunction with a new development or major remodel.
4. Adjustments.
5. Processing final land division maps and plats.

6. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

C. A Type I decision may be appealed by an affected party, Type I, in accordance with NMC 15.100.160 et seq.

D. The director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Newberg comprehensive plan and this code. The director may add conditions to the permit to ensure compliance with all requirements of this code, the comprehensive plan and other relevant policies and regulations. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2451, 12-2-96. Code 2001 § 151.021.]

## **15.100.030 Type II procedure.**

A. Type II development actions shall be decided by the director.

B. Type II actions include, but are not limited to:

1. Site design review.
2. Variances.
3. Manufactured dwelling parks and mobile home parks.
4. Partitions.
5. Subdivisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

C. The applicant shall provide notice pursuant to the requirements of NMC 15.100.200 et seq.

D. The director shall make a decision based on the information presented and shall issue a development permit if the applicant has complied with all of the relevant requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.

E. Appeals may be made by an affected party, Type II, in accordance with NMC 15.100.160 et seq. All Type II development action appeals shall be heard and decided by the planning commission.

F. If the director's decision is appealed as provided in subsection (E) of this section, the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in NMC 15.100.050.

G. The decision of the planning commission on any appeal may be further appealed to the city council by an affected party, Type III, in accordance with NMC 15.100.160 et seq. and shall be a review of the record supplemented by written or oral arguments relevant to the record presented by the parties.

H. An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure. [Ord. 2813 § 1 (Exh. A § 3), 9-5-17; Ord. 2747 § 1 (Exh. A § 4), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.022.]

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### **15.100.130 Permit decision – Type I.**

A. The director shall approve or deny the development permit for Type I action within 60 days of accepting a complete permit application.

B. The decision of the director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.

C. The director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of the Newberg comprehensive plan and this code.

D. The director shall deny the permit application if required approvals are not granted or the application otherwise fails to comply with code requirements.

E. The director shall notify the applicant of the disposition of the application. The notice shall indicate that the decision is final unless appealed by the applicant. The notice shall describe the right of appeal pursuant to NMC 15.100.160 et seq. [Ord. 2451, 12-2-96. Code 2001 § 151.044.]

### **15.100.140 Permit decision – Type II.**

A. The director shall approve or deny the development permit for a Type II action within 60 days of accepting a complete permit application, unless it is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A).

B. The applicant shall provide notice pursuant to NMC 15.100.200 et seq. together with a 14-day comment period for the submission of written comments prior to the decision.

C. The decision of the director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.

D. The director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the

right of appeal pursuant to NMC 15.100.160 et seq. A decision on a Type II development shall take effect on the fifteenth day following the notice of a decision unless an appeal is filed pursuant to NMC 15.100.160 et seq.

E. Approval or denial of a Type II development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.

F. The director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.

G. The director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with code requirements.

H. Notice of approval or denial of a Type II decision shall be provided to the applicant, parties providing written testimony, or anyone requesting such notice. Notice shall include a description of the item, the decision, conditions that may have been added, and the rights of appeal.

I. Type II applications are required to be reviewed under the Type III procedures at the request of the applicant, or the application is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A), or through an appeal of the director's decision. Type II development permit applications that require a Type III procedure must conclude the hearing procedure before a land use or construction permit application can be considered to be complete by the director. Upon receiving a final decision by the hearing body on a Type III application, the subsequent review of a permit application may be reviewed by the director as a Type I process. [Ord. 2813 § 1 (Exh. A § 6), 9-5-17; Ord. 2451, 12-2-96. Code 2001 § 151.045.]

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# Chapter 15.205

## NONCONFORMING USES AND BUILDINGS

Sections:

**15.205.010 Purpose.**

**15.205.020 Nonconforming use of land and agricultural exception.**

**15.205.030 Nonconforming use abandonment (excluding single-family).**

**15.205.040 Nonconforming uses and modifications to existing buildings.**

**15.205.050 Nonconforming buildings with legally conforming uses.**

**15.205.060 Single-family nonconforming use exemption.**

**15.205.070 Partially destroyed buildings or structures.**

**15.205.080 Repairs and maintenance.**

**15.205.090 Nonconforming use when annexed.**

**15.205.100 Nonconforming signs.**

### 15.205.010 Purpose.

A. Within the zones established by this code, there exist lots, structures, and uses of land and structures which were lawful before this code was passed or amended, but which are now prohibited, regulated, or restricted under the terms of this code and amendments.

B. It is the intent of this code to permit these nonconformities until they are removed or abandoned, but not to encourage their survival. Such uses are declared by this code to be incompatible with permitted uses in the zones involved. It is further the intent of this code that nonconformities shall not be enlarged upon, significantly modified, expanded, or extended, except as provided for in this code.

C. To avoid undue hardship, nothing in this code shall be deemed to require changes in plans, construction, or use of any building on which a building permit in accordance with this code has been legally issued prior to the effective date of the ordinance codified in or amendment of this code, except that applications for extension of a building permit shall not be approved to exceed a period of one year from the date of adoption or amendment of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.140.]

### 15.205.020 Nonconforming use of land and agricultural exception.

A. Use to Be Abated When No Main Building Involved. Where no main buildings are used in connection with the nonconforming use of land, or where the only buildings are accessory or incidental to such use, the nonconforming use of such land shall be discontinued not later than three years after such use becomes nonconforming, and all uses thereafter shall conform to the regulations of the applicable district classification and the provisions of this code.

B. Expansion. A nonconforming use of land shall not be expanded or extended in any way either on the same or any adjoining land.

C. Discontinue or Change. The discontinuance of a nonconforming use of land or a change of a nonconforming use of land to some other kind of a nonconforming use constitutes abandonment and termination of the nonconforming use, and thereafter the use of the land must conform to the regulations of the applicable district classification.

D. Legally occurring agricultural uses, including, but not limited to, orchards, hay or grain farming, row crops, or other similar uses, may be allowed to retain their nonconforming status indefinitely. [Ord. 2451, 12-2-96. Code 2001 § 151.141.]

**Penalty:** See NMC 15.05.120.

### **15.205.030 Nonconforming use abandonment (excluding single-family).**

Legally existing nonconforming uses may not be expanded, changed, modified, or altered in any way, except that a use may be modified to be less intensive in nature. Should a nonconforming use be abandoned for a period of at least 12 months, the nonconforming status of the use is lost, except as follows; provided, that there are extenuating circumstances (as determined by the planning commission), the planning commission may, through the use permit process, allow the reestablishment of the nonconforming use subject to conditions and an agreement on a specific date (not to exceed 10 years) at which time the nonconforming use will be permanently abandoned. [Ord. 2451, 12-2-96. Code 2001 § 151.142.]

**Penalty:** See NMC 15.05.120.

### **15.205.040 Nonconforming uses and modifications to existing buildings.**

Legally existing nonconforming use of buildings or structures may be maintained subject to the following conditions; provided, that said building or structure is not abated or specifically regulated by this and other chapters of this code. No additions or enlargements shall be made to a nonconforming use of a building or structure except:

A. Additions or enlargements required by law.

B. Additions or enlargements to existing churches and schools if such otherwise conform to the regulations then in effect for the district in which located, including height, yard and area provisions. [Ord. 2451, 12-2-96. Code 2001 § 151.143.]

**Penalty:** See NMC [15.05.120](#).

## 15.205.050 Nonconforming buildings with legally conforming uses.

Unless completely or partially destroyed, pursuant to NMC [15.205.070](#), nonconforming buildings or structures with legal conforming uses may be altered or modified, including conversion of a detached single-family dwelling to a duplex dwelling, triplex dwelling or quadplex dwelling subject to any one of the following requirements. This shall be processed as a Type I application for single-family homes dwellings, and duplexes dwellings, triplex dwellings, and quadplex dwellings and as a Type II application for all commercial, industrial, and multifamily dwelling uses.

A. The addition or modification affects a part of the structure which will meet the current setback, height, yard or similar regulations and the addition or modification will not worsen the nonconforming status of the building; or

B. The addition or modification provides a logical expansion of the building and is within the existing building setback lines where:

1. In the opinion of the director, the expansion or modification will not adversely affect neighboring properties;
2. Building code requirements can be met;
3. The expansion or modification proposed is similar to other nonconforming buildings or structures in the area; and
4. Reasonable provisions have been made to minimize the impact of the nonconforming status of the building or structure; or

C. A building or parking area that is nonconforming to the standards of this code but otherwise conforms to the use provisions of the zoning district may be expanded; provided, that the portion of the building or parking area proposed for expansion complies with the provisions of this code. [Ord. [2451](#), 12-2-96. Code 2001 § 151.144.]

**Penalty:** See NMC [15.05.120](#).

## 15.205.060 Single-family Residential nonconforming use exemption.

A. Where a single-family, duplex, triplex, quadplex, townhouse or multifamily dwelling, or a cottage cluster project is a legal, nonconforming use in any zoning district, it may be rebuilt if



partially or completely destroyed. If a single-family, duplex, triplex, quadplex, townhouse or multifamily dwelling or a cottage cluster project is completely or partially destroyed, it may be rebuilt either in conformance with the setback, height restriction, and other regulations of the district in which it is located or with the standards of the R-2 zoning district. The minimum lot area requirement does not apply.

B. In addition, if a structure was originally constructed and legally occupied as a single-family dwelling or a duplex dwelling, and it has since been converted to a different use, the structure may be reconverted back to a single-family dwelling or a duplex dwelling, subject to applicable building codes. The dwelling shall either meet current parking requirements, or shall provide the same parking that was provided prior to the conversion from dwelling to another use. No more than one two dwelling units per lot may be allowed under this provision. [Ord. 2730 § 1 (Exh. A (8)), 10-18-10; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.145.]

**Penalty:** See NMC 15.05.120.

## 15.205.070 Partially destroyed buildings or structures.

A. Conditions for Restoration – Extension.

1. Whenever, in any district, a building or structure occupied by a nonconforming use is damaged or destroyed to the extent of 50 percent or less of its assessed value by fire, explosion or other casualty, it may be restored and the occupancy or use of such building or structure, or part of such building or structure, which existed at the time of such partial destruction may be continued, if such restoration is started within a period of 12 months of such damage or destruction and is diligently prosecuted to completion.

2. An extension of the 12-month period may be approved by the planning commission through a Type III process. In order to receive an extension the applicant must demonstrate compliance with the following criteria. The planning commission may deny the extension based on inadequate demonstration that all of the criteria can be met.

- a. There are unusual or extraordinary circumstances which prohibit the owner from beginning restoration;
- b. The owner or applicant has diligently pursued the restoration process and can adequately demonstrate their ability to continue to pursue the restoration;
- c. There are permits required from other agencies besides the city which have prevented the restoration process from occurring sooner; and

d. The requested extension is no longer than one year from the date in which the first 12-month period expired.

B. In the event such damage or destruction exceeds 50 percent of the assessed value of the building or structure occupied by a nonconforming use, no repair or reconstruction shall be made unless every portion of such building or structure is made to conform to the height, yard, parking area and use regulations of the district classification in which it is located. [Ord. 2451, 12-2-96. Code 2001 § 151.146.]

**Penalty:** See NMC 15.05.120.

### **15.205.080 Repairs and maintenance.**

Nothing in this chapter shall be deemed to prevent the repair or maintenance of any building or part of a building. [Ord. 2451, 12-2-96. Code 2001 § 151.147.]

### **15.205.090 Nonconforming use when annexed.**

When a nonconforming use is annexed into the city, at time of annexation the applicant shall provide the planning commission and city council a schedule for the removal of the nonconforming use per NMC 15.250.100. [Ord. 2451, 12-2-96. Code 2001 § 151.148.]

### **15.205.100 Nonconforming signs.**

A. Compliance for Temporary and Portable Signs. All temporary or portable signs not in compliance with the provisions of this code shall be removed immediately.

B. Compliance for All Other Signs. The owner of any sign that was placed legally but does not now conform to the requirements of this code shall either remove the sign or register it with the city on a form provided by the director prior to January 1, 2000. All signs that do not comply with the standards of this code shall be removed prior to March 31, 2010. Exceptions are:

1. Any legal nonconforming sign that exceeds that maximum allowable size or height by less than 10 percent may remain.

2. Prior to March 31, 2009, the owner of any legal nonconforming sign may apply to allow the legal nonconforming sign to remain. Such requests shall be heard by a hearings officer appointed by the city manager, and shall be approved, approved with conditions, or denied based on the following:

a. The sign is in a good state of repair and maintenance.

b. The number, size, and height of signs to remain is minimal and contributes to an attractive appearance to the neighborhood.

- c. The use of bold and bright colors, lighting, and designs is minimal.
- d. Other elements of the site are well maintained and attractive.

Except as specifically determined by the hearings officer, any sign allowed to remain under the provisions of this subsection is subject to removal under the provisions of subsections (C), (D), and (E) of this section.

C. Abandonment. Any sign not in compliance with the provisions of this code shall be removed by the owner if the site on which the sign is located is vacant for a period of one year or more. If the owner fails to remove the sign, the city may abate the sign as provided in NMC 15.05.100.

D. Site Improvements. Any sign not in compliance with the provisions of this code shall be removed if the buildings or site improvements on the site on which the sign is located are replaced or modified, except additions and remodels allowed under a Type I design review, NMC 15.220.020(A).

E. Sign Modifications. Signs not in compliance with the provisions of this code, when replaced, relocated, modified or altered, shall be brought into compliance with this code. For purposes of this section, a modification or alteration shall not include the following:

1. Maintenance and repairs such as cleaning, painting, refacing, replacing damaged portions of the sign, or similar activities that do not involve a change in copy.
2. A change of a panel on a sign for three or more tenants designed to have removable panels.
3. A modification of the existing cabinet and/or face of the sign that results in a reduction in size and/or height of the sign and that does not involve a change in copy.

F. Historic Landmarks and Cultural Landmarks Exemption. The provisions of subsections (A) through (E) of this section shall not apply to any sign located in a historic landmarks subdistrict or on a historic landmark, or a sign over 50 years old designated by the city council as a cultural landmark.

G. Signs Approved Through Approval of Sign Program. Any sign that was approved through approval of a sign program under prior codes but that does not now meet the provisions of this code shall be removed prior to January 1, 2015. Prior to January 1, 2014, the owner may apply for the sign to remain under the process described in subsection (B) of this section. [Ord. 2706 § 1 (Exh. A(1)), 10-6-08; Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.149.]

**Penalty:** See NMC 15.05.120.

# Chapter 15.220

## SITE DESIGN REVIEW

Sections:

**15.220.010 Purpose.**

**15.220.020 Site design review applicability.**

**15.220.030 Site design review requirements.**

**15.220.040 Conditions may be required.**

**15.220.050 Criteria for design review (Type II process).**

**15.220.060 Additional requirements for multifamily residential projects.**

**15.220.070 Additional requirements for development in the C-2 zoning district.**

**15.220.080 Additional requirements for development in the C-3 zoning district.**

**15.220.090 Additional requirements for development in the M-4 zoning district.**

### 15.220.010 Purpose.

These provisions provide for the review and approval process of the design of certain developments and improvements in order to promote functional, safe and innovative site development compatible with the natural and manmade environment. The following provisions are intended to discourage unsightly development, improve the quality of new development in the city, coordinate the site planning process with existing and proposed development, and provide a pleasant working and living environment in the city. Furthermore, these provisions are intended to coordinate the site development process through review of the architecture of the structure(s), signs, landscaping, and other design elements on the site. [Ord. 2451, 12-2-96. Code 2001 § 151.190.]

### 15.220.020 Site design review applicability.

A. Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.

1. Type I.

a. Single-family dwellings;

b. Duplex es dwellings;

c. Triplex dwellings;

d. Quadplex dwellings;

e. Townhouse dwellings;

f. Cottage cluster projects;

g. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;

h. Multifamily additions which do not exceed 1,000 square feet in gross floor area and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;

i. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;

j. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;

k. Signs which are not installed in conjunction with a new development or remodel;

l. Modifications, paving, landscaping, restriping, or regrading of an existing duplex, multifamily, institutional, commercial or industrial parking lot;

m. Fences and trash enclosures;

n. Accessory dwelling units.

2. Type II.

a. Any new development or remodel which is not specifically identified within subsection (A)(1) of this section.

b. Telecommunications facilities.

3. Exemptions to Type I and Type II Process. The following development activities are exempt from Type I or Type II standards:

a. Replacement of an existing item such as a roof, floor, door, window or siding.

b. Plumbing and/or mechanical alterations which are completely internal to an existing structure.

...

**15.220.030 Site design review requirements.** 

A. Type I. Applications for Type I permit decisions shall be submitted upon forms established by the director. The application shall include a site development plan, drawn to scale, with the following as appropriate to the nature of the use:

1. Access to site from adjacent right-of-way, streets and arterials;
2. Parking and circulation areas;
3. Location and design of buildings and signs;
4. Orientation of windows and doors;
5. Entrances and exits;
6. Private and shared outdoor recreation spaces;
7. Pedestrian circulation;
8. Outdoor play areas;
9. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
10. Areas to be landscaped;
11. Exterior lighting;
12. Special provisions for handicapped persons;
13. Other site elements and spaces which will assist in the evaluation of site development;
14. Proposed grading, slopes, and proposed drainage;
15. Location and access to utilities; and
16. Streets, driveways, and sidewalks.

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## 15.220.050 Criteria for design review (Type II process)

A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

1. Parking. Parking areas shall meet the requirements of NMC [15.440.010](#).
2. Setbacks and General Requirements. The proposal shall comply with NMC [15.415.010](#) through [15.415.060](#) dealing with height restrictions and public access; and NMC [15.405.010](#) through [15.405.040](#) and [15.410.010](#) through [15.410.070](#) dealing with setbacks, coverage, vision clearance, and yard requirements.

3. Landscaping Requirements. The proposal shall comply with NMC [15.420.010](#) dealing with [landscape](#) requirements and [landscape](#) screening.

4. [Signs](#). [Signs](#) shall comply with NMC [15.435.010](#) et seq. dealing with [signs](#).

5. Zoning District Compliance. The proposed [use](#) shall be listed as a permitted or conditionally permitted [use](#) in the zoning district in which it is located as found in NMC [15.305.010](#) through [15.336.020](#).

[6. Sufficient Infrastructure. For all triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster developments, the City shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:](#)

[a. Connection to a public sewer system capable of meeting established service levels.](#)

[b. Connection to a public water system capable of meeting established service levels.](#)

[c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.](#)

[d. Storm drainage facilities capable of meeting established service levels for storm drainage.](#)

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## 15.220.060 Additional requirements for multifamily residential projects.

The purpose of this section is to ensure that [multifamily](#) residential projects containing [three](#) [five](#) or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an [applicant](#) for a new multifamily residential project must demonstrate that some of the following site and [building](#) design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for [attached single family projects of any size and](#) smaller multifamily projects with [six](#) [or fewer](#) [five to eight](#) units and at least 20 points are required for multifamily projects with [seven](#) [nine](#) or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

### A. Site Design Elements.

1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of [open space](#) areas which can

be consolidated into children's play areas, gardens, and/or dog-walking areas (three points).

2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).

3. Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more "pedestrian-friendly" environment (three points).

4. Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other "pedestrian-friendly" amenities (three points).

5. Create "outdoor" rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).

6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).

7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).

8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).

9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).

10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).

11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).

12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).

## B. Building Design Elements.

1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the



units should have main entries which face the street rather than be oriented toward the interior (three points).

2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).

3. Break up large buildings into bays by varying planes at least every 50 feet (three points).

4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).

5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).

6. Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).

7. Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).

8. Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" streetscape (two points).

9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]

# Chapter 15.235

## LAND DIVISIONS

Sections:

**15.235.010 Purpose.**

**15.235.020 General requirements.**

**15.235.030 Preliminary plat approval process.**

**15.235.040 Preliminary plat submission requirements.**

**15.235.050 Preliminary plat approval criteria.**

**15.235.060 Land division related code adjustments and variances.**

**15.235.070 Final plat submission requirements and approval criteria.**

**15.235.080 Filing and recording.**

**15.235.090 Replatting and vacation of plats.**

**15.235.100 Validation of unit of land not lawfully established.**

**Prior legislation:** Ords. 2451, 2529, 2590 and 2619. Code 2001 §§ 151.240.1, 151.240.2, 151.241.1, 151.241.2, 151.242.1, 151.242.2, 151.243.1, 151.244, 151.245, 151.246, 151.247, 151.248, 151.249, 151.249.2, 151.250.1, 151.250.2, 151.250.3, 151.251, 151.252.1, 151.252.2, 151.252.3, 151.252.4, 151.252.5.

### **15.235.040 Preliminary plat submission requirements.**

Applications for preliminary plat approval shall contain all of the following information:

#### A. General Submission Requirements.

1. Information required for a Type II application.
2. Traffic Analysis. A traffic analysis shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. A traffic analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development's location or traffic characteristics could affect traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and any other applicable roadway authority.
3. Public Utilities Analysis. The public facilities analysis shall be scoped with the city, and shall address the impact of the proposed development on the public wastewater and water systems. The analysis shall identify any mitigation or improvements necessary to the public facilities to adequately serve the development per city standards under adopted ordinances and master plans.
4. Stormwater Analysis. The stormwater analysis shall address the criteria listed in Chapter 13.25 NMC.

5. Wetland Delineation Approved by the Department of State Lands (DSL). An approved wetland delineation shall be submitted for any property listed in the National Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.

6. Future Streets Concept Plan. The future streets concept shall show all existing subdivisions, streets, and unsubdivided land surrounding the subject property and show how proposed streets may be extended to connect with existing streets. At a minimum, the plan shall depict future street connections for land within 400 feet of the subject property.

B. Preliminary Plat Information. In addition to the general information described in subsection (A) of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities required by the director:

1. General Information.

- a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Yamhill County;
- b. Date, north arrow, and scale of drawing;
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
- d. Zoning of tract to be divided, including any overlay zones;
- e. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and
- f. Identification of the drawing as a "preliminary plat."

2. Existing Conditions. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:

- a. Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
- b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;

c. Public Utilities. Location and identity of all public utilities on and abutting the site. If water mains, stormwater mains, and wastewater mains are not on or abutting the site, indicate the direction and distance to the nearest utility line and show how utilities will be brought to standard;

d. Private Utilities. Location and identity of all private utilities serving the site, and whether the utilities are above or underground;

e. Existing Structures. Show all structures on the project site and adjacent abutting properties;

f. Ground elevations shown by contour lines at a minimum two-foot vertical interval for slopes up to 10 percent and five feet for slopes over 10 percent. Show elevations for the subject property and within 100 feet of the subject property. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;

g. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

h. Wetlands and stream corridors;

i. The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;

j. North arrow and scale; and

k. Other information, as deemed necessary by the director for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:

a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. Easements. Location, width and purpose of all proposed easements;

c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;

d. Proposed uses of the property, including total number and type of dwellings proposed, all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;

e. Proposed grading;

f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;

g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;

h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;

i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;

j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

k. Evidence of compliance with applicable overlay zones; and

l. Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]

### **15.235.050 Preliminary plat approval criteria.**

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;

2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;

3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

B. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]

# CHAPTER 15.240

## PD PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

**15.240.010 Purpose.**

**15.240.020 General provisions.**

**15.240.030 Preliminary plan consideration – Step one.**

**15.240.040 Final plan consideration – Step two.**

**15.240.050 Enforcement.**

### 15.240.010 Purpose.

The city's planned unit development regulations are intended to:

- A. Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area; and
- B. Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and
- C. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and
- D. Provide for economy of shared services and facilities; and
- E. Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2451, 12-2-96. Code 2001 § 151.225.]

### 15.240.020 General provisions.

- A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.
- B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:
  - 1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable

environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.

2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.

C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.

D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. Maximum Density.

a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

<b>District</b>	<b>Density Points</b>
R-1	175 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section



District	Density Points
R-2	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
RP	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25 percent for deed-restricted affordable dwelling units as follows:

**Density Point Table**

<b>Dwelling Type</b>	<b>Density Points: Standard Dwelling</b>	<b>Density Points: Income-Restricted Affordable Dwelling Unit</b>
Studio and efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedrooms	35	26

Duplex, triplex or quadplex dwellings shall be counted as a single dwelling unit, inclusive of all bedrooms in the two duplex combined dwelling units, for purposes of calculating density points. Four townhouse dwellings or cottage dwellings shall count as one standard dwelling, inclusive of all bedrooms in the combined dwelling units.

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

2. Approved Density. The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.

3. Easement Calculations. Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.

4. Dedications. Density calculations may include areas dedicated to the public for recreation or open space.

5. Cumulative Density. When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.

G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:

1. R-1, R-2, R-3 and RP Zones.

a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.

b. Accessory buildings and uses.

~~c. Duplexes.~~

~~c d.~~ Dwellings, single, manufactured, and multifamily.

~~d e.~~ Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.

2. C-1, C-2 and C-3 Zones.

a. When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.

b. When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

3. M-1, M-2 and M-3 Zones. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

4. M-4 Zone. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located. Proposed sites, structures and uses must work together to support a common theme, product or industry. Applicants for an industrial planned development in M-4 must demonstrate conformance with any adopted master plan for the subject area and provide a plan describing how the proposed structures and uses will work together to support a common theme, product or industry. Prior to subdivision, covenants must limit occupancy to the types of industrial and related uses identified in the development plan.

H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:

1. Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:

a. Preliminary design;

b. Design development;

c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and

d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.

2. Address and Attendance. The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.

3. Design Team Designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.

4. Design Team Participation and Waiver. Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.

5. Design Team Change. Written notice of any change in design team personnel must be submitted to the director within three working days of the change.

6. Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.

J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.

K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of "**sun exposure plane**" in NMC 15.05.030). The hearing authority may further modify heights to:

1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.
2. Protect lines of sight and scenic vistas.
3. Enable the project to satisfy required findings for approval.

L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:

1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.

2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.

a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.

i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;

ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;

iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;

iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and city engineer; and

v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.

b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:

i. The most recent reserve study.

ii. The name and contact information for the retained community management association.

iii. A report on the condition of the private street and any plans for maintenance of the private street.

3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.

M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.

O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.

P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2763 § 1 (Exh. A §§ 9, 10), 9-16-13; Ord. 2730 § 1 (Exh. A § 9), 10-18-10; Ord. 2720 § 1(4), 11-2-09; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.226.]

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# Chapter 15.302

## DISTRICTS AND THEIR AMENDMENT

Sections:

- 15.302.010 Establishment and designation of use districts and subdistricts.**
- 15.302.020 Establishment of districts.**
- 15.302.030 Procedures for comprehensive plan map and zoning map amendments.**
- 15.302.032 Purposes of each zoning district.**
- 15.302.040 Subdistricts.**
- 15.302.050 Continuance of use.**
- 15.302.060 Establishment of districts and subdistricts by map.**
- 15.302.070 Division of zoning map.**
- 15.302.080 Uncertainty of district boundaries.**

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

In order to classify, regulate, restrict and segregate the uses of lands and buildings, to regulate and restrict the height and size of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following classes of use districts and subdistricts are established:

#### A. Use Districts.

1. R-1 low density residential district.
2. R-2 medium density residential district.
3. R-3 high density residential district.
4. RP residential professional district.
5. C-1 neighborhood commercial district.
6. C-2 community commercial district.
7. C-3 central business district.
8. C-4 riverfront commercial district.
9. CF community facilities district.
10. I institutional district.

11. M-1 limited industrial district.
12. M-2 light industrial district.
13. M-3 heavy industrial district.
14. M-4 large lot industrial district.
15. AI airport industrial district.
16. Airport residential (AR) district.
17. SD Springbrook district.
18. M-E mixed employment district.

B. Subdistricts of Use Districts.

1. AO airport overlay subdistrict.
2. CC civic corridor overlay subdistrict.
3. H historic landmarks subdistrict.
4. IO institutional overlay subdistrict.
5. LU limited use overlay subdistrict.
6. RD riverfront subdistrict.
7. SC stream corridor overlay subdistrict.
8. SP specific plan subdistrict.
9. AIO airport industrial overlay subdistrict.
10. Airport residential overlay subdistrict.
11. Bypass interchange overlay subdistrict.
12. Interim industrial overlay subdistrict. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2720 § 1(8), 11-2-09; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.120.]



## 15.302.020 Establishment of districts.

On the effective date of the ordinance codified in this code, the provisions of this code shall apply to and govern the use or maintenance of any land or other property in the city, exclusive of streets, alleys, and public lands used or reserved for governmental purposes as provided by law. The city shall be divided by the city council into parts and each such part may be subdivided into units, for the purposes of imposing or establishing districts and subdistricts on land and property. Such parts of units may be zoned and rezoned whenever the city council, after investigation and report by the commission, finds that criteria in NMC 15.302.030 are satisfied. [Ord. 2451, 12-2-96. Code 2001 § 151.121.]

**Cross-reference:** For lands used or reserved for governmental purposes as provided by law, see Section 5 of Article VIII of the Oregon Constitution and Chapter 271 of Title 25 ORS, generally. See also Chapter 271 of Title 25 ORS pertaining to public lands.

## 15.302.030 Procedures for comprehensive plan map and zoning map amendments.

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the comprehensive plan map, zoning map and land use regulations.

### A. Type III Plan and Zoning Map Amendments – One Parcel or Small Group of Parcels.

1. Property owners or the city may initiate a map amendment for one parcel or a small group of parcels under the Type III procedure. May be initiated by a resolution of the planning commission or city council. Unlike other Type III procedures, the decision of the planning commission on a Type III plan map amendment shall be in the form of a recommendation to the city council. The city council shall hold another new hearing and make a final decision.

2. Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the city council for good cause shall grant permission to do so.

3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:

a. The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;

b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

c. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

4. The property owner who desired to have their property reclassified has the burden of establishing that the requested classification meets the requirements of this section. As part of the application, the property owner requesting a change shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.

5. A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection, which is functioning at a poor level of service. A traffic study may be required by the director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards.

B. Type IV Plan and Zoning Map Amendments – Large Area of the City and Multiple Ownerships.

1. The city may initiate plan map amendments affecting large areas and multiple ownerships under the Type IV procedure. No public notice is required to initiate the amendment. Initiation must be done by resolution of the planning commission or city council. These map changes include those that have widespread and significant impact beyond the immediate area of change.

2. Amendment Criteria. The city must demonstrate:

a. The proposed change is consistent with and promotes the objectives of the Newberg comprehensive plan and this code;

b. There is a public need for a change of the kind in question;

c. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property;

d. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

C. Amendment of Land Use Regulation. A change in requirements, general provisions, exceptions or other provisions of a land use regulation may be initiated by a resolution of

the planning commission or the city council. No notice is required to initiate the amendment. Amendments to land use regulation shall be reviewed under the Type IV procedure. [Ord. 2733 Att. A, 2-7-11; Ord. 2693 § 1 (Exh. A(5)), 3-3-08; Ord. 2619, 5-16-05; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.122.]

## 15.302.032 Purposes of each zoning district.

### A. R-1 Low Density Residential District.

1. The purpose of this land use designation is to provide a stable and healthful residential environment together with the full range of urban services. The R-1 zone is intended for low density urban single-family residential uses at an average overall density of 4.4 units per gross buildable acre and/or middle housing densities consistent with applicable minimum lot sizes, in the district. ~~It is intended to provide a stable and healthful environment together with the full range of urban services.~~

2. Typical housing types will include single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects and planned unit developments. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-1 district is intended to be consistent with the low density residential (LDR) designation of the comprehensive plan.

### B. R-2 Medium Density Residential District.

1. The purpose of this land use designation is to provide a wide range of dwelling types and styles at an average overall density of nine units per gross buildable acre and/or middle housing densities consistent with applicable minimum lot sizes, in the district.

2. Typical housing types will include single-family dwellings on small lots, attached single-family, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, or multifamily dwellings, and manufactured dwelling parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.

### C. R-3 High Density Residential District.

1. The purpose of this land use designation is to provide multifamily dwellings of different types and styles at an average overall density of 16.5 units per gross buildable acre and/or middle housing densities consistent with applicable minimum lot sizes, in the district.

2. Typical housing types will include duplexes dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, multifamily dwellings, and manufactured dwelling and mobile home parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. Density may vary depending on lot size, off-street parking area, transportation, landscaping and other site considerations. The R-3 district is intended to be consistent with the high density residential (HDR) designation of the comprehensive plan.

D. R-4 Manufactured Dwelling District.

1. The purpose of this land use designation is to provide locations reserved for manufactured homes, manufactured dwelling parks, mobile home parks, manufactured home subdivisions, and related uses.
2. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 units per gross buildable acre. The R-4 district is intended to be consistent with the medium density residential (MDR) or high density residential (HDR) designation of the comprehensive plan.

E. RP Residential-Professional District. The RP residential-professional district provides for a desirable mixing of residential land uses with medical and local business office uses in possible close proximity to adjacent residential areas. The office building and parking coverage, traffic generation, open space and other external factors are intended to be compatible with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan. The RP district is intended to be consistent with commercial or residential designations on the Newberg comprehensive plan. RP districts shall be located as to conform to goals and policies identified within the Newberg comprehensive plan and in areas which have a minimal impact on the livability or appropriate development of abutting property.

F. C-1 Neighborhood Commercial District. The C-1 neighborhood commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations. It is typically appropriate for small convenience stores or neighborhood shopping centers located within residential neighborhoods. The C-1 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

G. C-2 Community Commercial District. The C-2 community commercial district is intended to create, preserve and enhance areas with a wide range of retail sales, commercial services, and office establishments. Typical development types include individual commercial buildings on small and large sites, community shopping centers, and some outdoor retail uses. This district is typically located along highways and arterials. This district also includes some development which does not strictly fit the description of "commercial" but also does not merit a separate zoning district. The C-2 district is intended to be consistent with the commercial (COM) and mixed use (MIX) designations of the comprehensive plan.

H. C-3 Central Business District. The C-3 central business district is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The district will be applied to the “core” area based upon the guidelines established in the comprehensive plan. The buildings and uses permitted reflect the desire to have parking provided on a district-wide basis rather than having each individual building or use provide parking. The C-3 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

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, 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 overlay subdistrict, as described in NMC 15.352.010 through 15.352.060.

3. The C-4 district is intended to be consistent with the commercial/riverfront district (COM/RD) designation of the comprehensive plan.

J. M-1 Limited Industrial District. The M-1 limited industrial district is intended to create, preserve and enhance areas containing manufacturing and related establishments with limited external impact, and with an open and attractive setting. The M-1 limited industrial district is typically appropriate to locations near highways and arterials and nonmanufacturing areas. The M-1 district is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan.

K. M-2 Light Industrial District. The M-2 light industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.

L. M-3 Heavy Industrial District. The M-3 heavy industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments and are typically appropriate to areas which are most distant from residential areas, and which have extensive rail or shipping facilities. The M-3

district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.

M. M-4 Large Lot Industrial District. The M-4 industrial employment district is divided into two subdistricts: the industrial employment subdistrict and the industrial commercial subdistrict. One of the main intents of these districts is to provide a variety of employment opportunities for the citizens of Newberg. Providing adequate jobs for our citizens leads to other related benefits, including a diversified and stable local economy, a stronger tax base, and environmental benefits from less out-commuting to jobs. In addition, providing adequate local jobs helps fulfill the stated desire of many citizens to “live here, work here, shop here.” The M-4 district has two subdistricts:

1. Employment Subdistrict. Through a comprehensive planning process, the city identified a need for large lot industrial sites of at least 20 acres in size. Further analysis of potential areas identified the area south of Newberg, on either side of Highway 219, as the area best suited to meet the city's needs for large site industrial development. As part of the city's strategy for preserving large size industrial sites within industrial districts, the M-4 industrial employment subdistrict is intended to create, preserve and enhance areas containing large parcels (20+ acres) suitable for large industrial users and industrial planned unit developments. An approved plan for an industrial planned unit development is required prior to dividing a large parcel into lots or parcels that are less than 20 acres. The purpose of the planned unit development is to bring related industries and services that complement each other close together, resulting in synergistic effects arising from regular face-to-face communications, economies of scale, and reduced transportation time and cost.

2. Commercial Subdistrict. The industrial commercial subdistrict is intended to create, preserve and enhance areas for retail establishments serving the specific needs of the M-4 industrial employment area. The subdistrict is similar to the C-1 neighborhood commercial district, although the type and scale of uses permitted are limited to those that will directly support allowed uses within the M-4 industrial employment area. The area is not intended to serve pass-by traffic or provide for the general commercial needs of the community. The intent is to allow uses that complement the area while limiting or eliminating those uses that would have detrimental impact on the overall district.

Potential adverse impacts of industrial activity on adjacent uses are minimized by design and development standards as required by NMC 15.220.090. Large industrial sites and planned unit developments are configured and designed to minimize use-to-use conflicts within the industrial districts, as well as conflicts between industrial uses and those allowed in other districts. The M-4 district is intended to be consistent with the industrial (IND) and commercial (COM) designations of the comprehensive plan.

N. CF Community Facilities District. The purpose of the CF community facilities district is to provide for appropriate development of community facilities, primarily by public agencies or nonprofit organizations. It encourages the preservation of natural resources and open

space resources inventoried in the comprehensive plan. The CF district is intended to be consistent with the parks (P) and public/quasi-public (PQ) designations in the comprehensive plan. It may also be consistent with any other designation of the comprehensive plan as determined by the city council.

O. I Institutional District. The I institutional district is intended to support and promote institutional uses. The district provides for the establishment and growth of large institutional campuses as well as accessory and compatible uses. The institutional district is intended to be consistent with the public/quasi-public (PQ) designation of the comprehensive plan.

P. AR Airport Residential District. The purpose of the AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. ~~Maximum overall density shall be 8.8 units per gross buildable acre in the district.~~ The AR district is intended to be consistent with the airport residential (AR) designation in the comprehensive plan. Maximum overall density shall be 8.8 units per gross buildable acre in the district, calculated as follows:

a. Single-family detached dwellings and duplex dwellings shall count as a single dwelling unit for density calculation.

b. Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from density calculation and shall be subject only to the minimum lot sizes in Section 15.405.010.

Q. AI Airport Industrial District. The purpose of the AI airport industrial district is to encourage and support the continued operation and vitality of Sportsman Airpark by allowing airport-related industrial uses, and as such to promote economic development for the City of Newberg and Yamhill County. The AI airport industrial district is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require or benefit from a location within or immediately adjacent to primary flight operations and passengers or cargo service facilities. It is further intended to provide appropriate locations for airport-related light industrial uses that are compatible with and benefit from air transportation. The AI district is intended to be consistent with the industrial (IND) and public/quasi-public (PQ) designations in the comprehensive plan.

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. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2763 § 1 (Exh. A § 4), 9-16-13.]

## 15.302.040 Subdistricts.

Subdistricts of each of the use districts may be established. The parent residential district requirements shall apply to those respective subdistricts except those regulations pertaining to lot area per dwelling unit or density.

A. Suffix Numbers Noting Density. Suffix numbers, including but not limited to the following examples, shall be noted on the zoning map indicating the maximum number of dwelling units permitted per gross acre. The following are examples of suffixes for subdistricts and their density equivalents:

Suffix	Density Maximum
5/A	5 <u>dwelling units</u> per <u>gross acre</u>
6/A	6 <u>dwelling units</u> per <u>gross acre</u>
7.5/A	7-1/2 <u>dwelling units</u> per <u>gross acre</u>
.33/A	1 <u>dwelling unit</u> per three <u>gross acres</u>

Note: Duplex dwellings count as a single dwelling per lot for the purpose of calculating compliance with the maximum density standards. Triplex dwelling, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from density calculation and shall be subject only to the minimum lot sizes in Section 15.405.010.

As further examples of subdistricts:

1. The subdistrict of an R-1 district which permits five dwelling units per gross acre is R-1-5/A.
2. The subdistrict of an R-1 district which permits one dwelling unit per five gross acres is R-1-.2/A.

B. AO Airport Overlay Subdistrict. An airport overlay subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix AO added to the symbol of the parent district. The AO symbol shall be added to the zoning map for properties affected by the airport imaginary surfaces. Except as may otherwise be limited by this code, all uses permitted in the parent zone shall be allowable in the AO subdistrict.

C. CC Civic Corridor Overlay Subdistrict. The CC subdistrict is intended to emphasize the civic and historic character of that portion of downtown Newberg generally bounded by Sherman Street on the north, Blaine Street on the west, 5th Street on the south and Howard and School Streets on the east and as depicted on the zoning map. The subdistrict overlay may be applied within any zoning district. The subdistrict shall be designated by the suffix CC added to the symbol of the parent district.



D. H Historic Landmarks Overlay Subdistrict. The historic landmarks overlay subdistrict may be created within any zoning district. The overlay shall be designated by the suffix H added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the H overlay zone except as otherwise may be limited by this code.

E. IO Institutional Overlay Subdistrict. The institutional overlay subdistrict may be created within any zoning district. The overlay shall be designated by the suffix IO added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the IO overlay zone except as otherwise may be limited by this code.

F. RD Riverfront Overlay Subdistrict. The riverfront overlay subdistrict may be applied to R-1, R-2, R-3, M-1, M-2, M-3, M-E, C-1, C-4, and CF zoning districts. This subdistrict may be applied to lands south of Ninth Street to the Willamette River. The overlay shall be designated by the suffix RD added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the 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.

G. SC Stream Corridor Overlay Subdistrict. The stream corridor overlay subdistrict may be created within any zoning district. The stream corridor subdistrict is applied to areas which are classified as Statewide Goal 5 resources. The overlay shall be designated by the suffix SC added to the symbol of the parent district. The SC subdistrict provides additional land use regulations which govern properties located within the subdistrict. Where the provisions of the subdistrict are inconsistent with the parent district, the provisions of the subdistrict shall govern.

H. SP Specific Plan Subdistrict. The SP subdistrict identifies the area in which a specific plan has been approved. The subdistrict overlay may be applied within any zoning district. The subdistrict shall be designated by the suffix SP added to the symbol of the parent district. Uses allowed in the parent district may be limited or expanded under the approved specific plan.

I. LU Limited Use Overlay Subdistrict. The limited use overlay subdistrict identifies an area where special use restrictions or standards apply. These restrictions or standards are defined in the ordinance creating the LU subdistrict and may include prohibiting uses otherwise allowed in the underlying zone, requiring conditional use permits for certain uses that are otherwise permitted outright, or creating special standards, such as special setbacks or height restrictions. The limited use overlay subdistrict may be applied within any zoning district.

J. Bypass Interchange (BI) Overlay. The bypass interchange overlay shall apply to lands within the city limits and within approximately one-quarter mile of the end of ramps of the East Newberg and Oregon 219 interchanges to the bypass. The bypass interchange overlay may be applied in combination with any zoning district. The overlay shall be designated by the suffix BI added to the symbol of the parent district. All uses permitted in the parent zone shall be allowed within the bypass interchange overlay except as specifically limited by this code.

[Ord. [2868](#) § 1 (Exh. A), 11-16-20; Ord. [2602](#), 9-20-04; Ord. [2564](#), 4-15-02; Ord. [2561](#), 4-1-02; Ord. [2537](#), 11-6-00; Ord. [2451](#), 12-2-96. Code 2001 § 151.123.]

### **15.302.050 Continuance of use.**

Any variance or permit of any kind and any nonconforming use existing pursuant to any repealed district classification may continue under the applicable new district classification but shall not in any manner be extended or enlarged in time or rights, except as provided in NMC [15.205.010](#) et seq. [Ord. [2451](#), 12-2-96. Code 2001 § 151.124.]

### **15.302.060 Establishment of districts and subdistricts by map.**



The location and geographical boundaries of various districts and subdistricts shall be shown on a map or maps setting forth the district and subdistrict classifications applicable to the land and property contained in the zoning map. [Ord. [2451](#), 12-2-96. Code 2001 § 151.125.]

### **15.302.070 Division of zoning map.**

The zoning map may, for convenience of use and for purposes of more readily identifying locations within such zoning map, be subdivided into units; and such parts and units may be separately employed for identification purposes when amending the zoning map or for any official reference to the zoning map. [Ord. [2451](#), 12-2-96. Code 2001 § 151.126.]

### **15.302.080 Uncertainty of district boundaries.**

Where uncertainty exists as to the boundaries of any district as shown on any zoning map or part of a zoning map, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.
- B. In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such zoning map.
- C. Where a public street or alley is officially vacated, the zoning regulations applicable to abutting property on each side of the centerlines shall apply up to the centerline of such vacated street or alley on each respective side.
- D. Areas of dedicated streets or alleys and railroad rights-of-way, other than those designated on the zoning map as being classified in one of the districts provided in this code, shall be deemed to be unclassified and, in the case of railroad rights-of-way, permitted to be used solely

for the purpose of accommodating tracks, signals, and other operative devices and the movement of rolling stock. [Ord. 2451, 12-2-96. Code 2001 § 151.127.]

# Chapter 15.303

## USE CATEGORIES

Sections:

- 15.303.010 Purpose.
- 15.303.100 Agricultural uses.
- 15.303.200 Residential uses.
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- 15.303.310 Institutional care and housing.
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- 15.303.451 Commercial recreation – Indoor category.
- 15.303.452 Commercial recreation – Outdoor category.

**15.303.453 Commercial recreation – Motor-vehicle-related category.**

**15.303.460 Commercial lodging uses.**

**15.303.500 Industrial uses.**

**15.303.501 Traded sector industry office category.**

**15.303.502 Industrial services category.**

**15.303.503 Wholesale and industry sales category.**

**15.303.504 Warehouse, storage and distribution category.**

**15.303.505 Self-service storage category.**

**15.303.506 Light manufacturing category.**

**15.303.507 Heavy manufacturing category.**

**15.303.508 Waste-related category.**

**15.303.600 Miscellaneous uses.**

## **15.303.010 Purpose.**

A. Defined and Categorized Uses. Chapter 15.305 NMC lists the allowable uses in each zoning district. The uses listed are of two types:

1. Defined Uses. Defined uses are those uses that fit a specific definition contained in the definition section under NMC 15.05.030. For example, a “family child care home” is a specific defined use that is different than other day care type uses.

2. Use Categories. Use categories are used to describe land uses and activities that may be known by several common names, but are organized on the basis of common functional, product, or physical characteristics. For example, beauty salons, tanning salons, and body art studios are classified into a general category, “personal services.” Uses are assigned to the category whose description most closely describes the nature of the primary use. The “characteristics” subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

B. Interpretation. When a use’s category is not clearly identifiable, the director, through a Type I procedure, determines the applicable use category or similar use. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

1. The description of the activity(ies) in relationship to the characteristics of each use category;
2. The relative amount of site or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;

5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. How the use advertises itself; and
11. Whether the activity would function independently of the other activities on the site.

C. Developments with Multiple Primary Uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a grocery store, a gift shop, and a pharmacy would be classified in the general retail sales category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

D. Accessory Uses. The “accessory uses” subsection lists common accessory uses that are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.

E. Use of Examples. The “examples” subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “wholesale liquidation,” but that sells mostly to consumers, would be included in the general retail sales category rather than the wholesale and industry sales category. This is because the actual activity on the site matches the description of the general retail sales category.

F. Exclusions. The “exclusions” subsection of each use category indicates uses that are classified not included in that particular use category. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

## **15.303.100 Agricultural uses.**

The following agricultural uses are defined in NMC 15.05.030:

- A. Horticulture.
- B. Livestock and poultry farming.

C. Home gardening.

D. Home livestock and poultry raising. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

## 15.303.200 Residential uses.

The following residential uses are defined in NMC 15.05.030:

A. Dwelling, single-family detached.

B. Dwelling, single-family attached.

C. Manufactured home.

D. Manufactured dwelling park.

E. Mobile home park.

F. Manufactured home subdivision.

G. Dwelling, two-family (duplex).

H. Dwelling, triplex.

I. Dwelling, quadplex.

J. Dwelling, townhouse.

K. Dwelling, cottage.

L. Cottage cluster project.

MH. Dwelling, multifamily.

NI. Dwelling, accessory.

OJ. Dwelling, mixed use.

PK. Dwelling, caretaker.

QL. Dormitory.

RM. Home occupation. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]...

# Chapter 15.305

## ZONING USE TABLE

Sections:

- 15.305.010 Classification of uses.**
- 15.305.020 Zoning use table – Use districts.**
- 15.305.030 Zoning use table – Use subdistricts.**

### 15.305.010 Classification of uses. SHARE

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
- C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use. The use is specifically prohibited.

If none of the codes above are indicated, then the use is not permitted within the zone. [Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

### 15.305.020 Zoning use table – Use districts. SHARE

#	<u>Use</u>	R-1	R-2	R-3	R-4	RP	AR	Notes and Special <u>Use</u> Standards
100	<b>AGRICULTURAL USES</b>							
Def.	<u>Horticulture</u>	P	P	P(1)	P(1)	P(1)	P(1)	



#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
Def.	Livestock and poultry farming	X	X	X	X	X	X	
Def.	Home gardening	P	P	P	P	P	P	
Def.	Home livestock and poultry raising	S	S				S	NMC Title 6
200	<b>RESIDENTIAL USES</b>							
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P	P(6)	Subject to lot or development site area requirements of NMC 15.405.010, density limits of NMC 15.405.010(B)
Def.	Dwelling, <del>townhouse</del> single-family attached	PS(2)	PS	PS(3)		PS	P(6)	NMC 15.415.050.B; subject to lot or development site area requirements density limits of NMC 15.405.010(B)
Def.	Manufactured home on individual lot	S(2)	S	S(3)	P(7)	S	P(6)	NMC 15.445.050 - 15.445.070; subject to lot or development site area requirements density limits of NMC 15.405.010(B)
Def.	Manufactured dwelling park		S	S	S			NMC 15.445.075 - 15.445.160
Def.	Mobile home park		S	S	S			NMC 15.445.075 - 15.445.160
Def.	Manufactured home subdivision		S		S			NMC 15.445.075 - 15.445.160
Def.	Dwelling, <del>two-family</del> duplex	P(2)	P	P	C	P	P(6)	Subject to lot or development site area requirements density limits of NMC 15.405.010(B)
Def.	Dwelling, triplex	P	P	P		P	P(6)	NMC 15.415.050.A; Subject to lot or site development requirements of NMC 15.405.010
Def.	Dwelling, quadplex	P	P	P		P	P(6)	NMC 15.415.050.A; Subject to lot or site development

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
								requirements of NMC 15.405.010
Def.	Cottage cluster project	P	P	P		P	P(6)	NMC 15.415.050.C. Subject to lot or site development requirements of NMC 15.405.010
Def.	Dwelling, multifamily	C	P	P	C	P		Subject to lot or development site requirements density limits of NMC 15.405.010(B)
Def.	Dwelling, accessory	S	S	S		S	S	Chapter 15.445 NMC, Article V
Def.	Dwelling, mixed use							
Def.	Dwelling, caretaker							Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
Def.	Dormitory		C	P		P		
Def.	Home occupation (no more than one outside paid employee)	S	S	S(13)	S	S	S	NMC 15.415.060
Def.	Home occupation (more than one outside paid employee)	C	C	C(13)	C	C	C	NMC 15.415.060
300	<b>INSTITUTIONAL AND PUBLIC USES</b>							
310	<b>INSTITUTIONAL CARE AND HOUSING</b>							
Def.	Family child care home	P	P	P(13)	P(13)	P	P(13)	ORS Chapter 657A
312	Day care	P	P	P	C	P		ORS Chapter 657A
Def.	Residential care home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	ORS 197.665
Def.	Residential care facility (6 – 15 people)	C	P	P	C	P		ORS 197.665
315	Group care facility (16+ people)	C	C	C		C		
316	Hospital	C	C	C		C		
Def.	Prison							
320	<b>ASSEMBLY</b>							

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
321	<u>Religious institution, place of worship</u>	P	P	P	P	P		
322	<u>Private club, lodge, meeting hall</u>			C	C			
330	<b>SCHOOLS</b>							
330	<u>School, primary or secondary</u>	P	P	P		P		
331	<u>College</u>	P	P	P		P		
332	<u>Commercial educational services</u>	C	C	C		C		
340	<b>PARKS AND OPEN SPACES</b>							
341	<u>Open space</u>	P	P	P	P	P	P	
342	<u>Park</u>	P	P	P	P	P		
Def.	<u>Golf course</u>	P	P	P				
350	<b>PUBLIC SERVICES</b>							
351	<u>Community services</u>	C	C	C	C	P		
352	<u>Emergency services</u>	P	P	P	P	P	P	
Def.	<u>Pound, dog or cat</u>							
Def.	<u>Cemetery</u>	C	C	C	C	C	C	ORS Chapter 97.46
360	<b>TRANSPORTATION</b>							
Def.	<u>Transportation facilities and improvements</u>	P	P	P	P	P	P	
Def.	<u>Transit center</u>							
Def.	<u>Parking facility</u>			P		C		
Def.	<u>Airport, landing field</u>							
Def.	<u>Heliport, helipad</u>	C	C	C	C	C	C	
Def.	<u>Marina</u>							
	<u>Pilings, piers, docks, and similar in-water structures</u>							
370	<b>UTILITIES</b>							
Def.	<u>Basic utilities</u>	P	P	P	P	P	P	
Def.	<u>Utility distribution plant or yard</u>							
Def.	<u>Wastewater treatment plant</u>							
Def.	<u>Telecommunication facility incorporated into</u>	C	C	C	C	C		Chapter <u>15.445</u> NMC, Article IV

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
	existing structure/utility pole and no taller than 18 feet above existing structure/utility pole							
Def.	Telecommunication facility, 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>							Chapter <u>15.445</u> NMC, Article IV
Def.	Telecommunication facility, including <u>radio</u> towers and transmitters, which are over 100 feet							Chapter <u>15.445</u> NMC, Article IV
400	<b>COMMERCIAL USES</b>							
410	<b>COMMERCIAL OFFICES</b>							
411	<u>Medical office</u>			C		P		
412	<u>Local business office</u>					P(22)		
420	<b>COMMERCIAL SALES AND RENTALS</b>							
421	<u>Retail sales - General</u>							
422	<u>Retail sales - Bulk outdoor</u>							
423	<u>Retail sales - Convenience</u>							
Def.	<u>Temporary merchant</u>							NMC <u>5.15.050</u> et seq.
425	<u>Retail food and beverage production</u>							Chapter <u>15.445</u> NMC, Article VIII
430	<b>EATING AND DRINKING ESTABLISHMENTS</b>							
430	Eating and drinking - Alcohol-related							Requires liquor license
430	Eating and drinking - Non-alcohol-related							
440	<b>COMMERCIAL SERVICES</b>							
441	<u>Personal services</u>					P		
442	<u>Commercial services</u>							
443	<u>Commercial vehicle service</u>							
Def.	<u>Kenel, commercial</u>							

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
450	<b>COMMERCIAL RECREATION</b>							
451	<u>Commercial recreation – Indoors</u>							
452	<u>Commercial recreation – Outdoors</u>							
453	<u>Commercial recreation – Motor-vehicle-related</u>							
460	<b>COMMERCIAL LODGING</b>							
Def.	<u>Vacation rental home</u>	C	C	S	S	S		Chapter <u>15.445</u> NMC, Article VII
Def.	<u>Bed and breakfast (2 or fewer rooms)</u>	C	S	S		S		NMC <u>15.445.010</u>
Def.	<u>Bed and breakfast (3 or more rooms)</u>	C	C	C		C		NMC <u>15.445.010</u>
Def.	<u>Hotel or motel</u>							
Def.	<u>Recreational vehicle park</u>							NMC <u>15.445.170</u>
500	<b>INDUSTRIAL USES</b>							
501	<u>Traded sector industry office</u>					P(30)		
502	<u>Industrial services</u>							
503	<u>Wholesale and industry sales</u>							
504	<u>Warehouse, storage, and distribution</u>							
505	<u>Self-service storage</u>							
506	<u>Light manufacturing</u>							
507	<u>Heavy manufacturing</u>							
508	<u>Waste-related</u>							
600	<b>MISCELLANEOUS USES</b>							
Def.	<u>Accessory building and use incidental to other permitted uses in the zone</u>	P	P	P	P	P	P	
	<u>Uses similar to permitted uses in the zone and not defined or categorized</u>	P	P	P	P	P	P	
	<u>Uses similar to conditional uses in the zone and not defined or categorized</u>	C	C	C	C	C	C	

#	<u>Use</u>	R-1	R-2	R-3	R-4	RP	AR	Notes and Special <u>Use</u> Standards
	<u>Medical marijuana dispensary</u>	X	X	X	X	X	X	
	<u>Medical marijuana processor</u>	X	X	X	X	X	X	
	<u>Medical marijuana grow site</u>	P(36)	P(36)	P(36)	C	C	C	
	<u>Medical marijuana wholesaler</u>	X	X	X	X	X	P(38)	
	<u>Recreational marijuana processor</u>	X	X	X	X	X	X	
	<u>Recreational marijuana producer (indoor)</u>	X	X	X	X	X	X	
	<u>Recreational marijuana producer (outdoor)</u>	X	X	X	X	X	X	
	<u>Recreational marijuana retailer</u>	X	X	X	X	X	X	
	<u>Recreational marijuana wholesaler</u>	X	X	X	X	X	P(38)	
	<u>Marijuana laboratories</u>	X	X	X	X	X	X	
	<u>Marijuana research certificate</u>	X	X	X	X	X	X	

Key:

P: Permitted use

S: Special use - Use requires a special use permit

C: Conditional use - Requires a conditional use permit

X: Prohibited use

(#):

Notes.

(1) Limited to sites with preexisting agricultural uses, including at time of annexation.

(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).

(3) Permitted on individual lots created prior to November 17, 1992. Homes on individual lots created on or after November 17, 1992, will only be permitted through the planned unit development process.

(4) The permitted density shall be stated on the conditional use permit.

(5) The dwelling units must front onto Hancock Street. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.

(6) One residence single-family dwelling, or duplex dwelling, triplex, or quadplex dwelling, or up to four townhouse or cottage dwellings per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision. See Chapter 15.336 NMC.

(7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.

(8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street), except on E/W Second Street where dwelling units are permitted to occupy the first floor of a building. There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.

(9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.

(10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.

(11) The units must be located on the same lot 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 a maximum of one parking space for each dwelling unit.

(12) One residence of area not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for an airport caretaker or security officer on each separate parcel.

(13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.

(14) Allowed exclusively for employers or employees of businesses located within this district.

(15) Facility over 40,000 square feet gross floor area requires a conditional use permit.

(16) Allowed in areas designated in industrial area plans.

- (17) Limited to facilities owned or operated by a public agency.
- (18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to secondhand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) Use must demonstrate that it is compatible with airport operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.
- (30) Limited to 10,000 square feet maximum floor area.
- (31) Allowed indoors only.
- (32) Allowed indoors only. Outdoor use requires a conditional use permit.
- (33) Must be aviation-related. See Chapter 15.332 NMC.
- (34) Limited to expansion or change of existing heavy manufacturing uses.



(35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS

339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(36) Allows up to 12 mature plants; indoor operations only.

(37) Indoor use only.

(38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer, or medical marijuana processor and wholesaler.

(39) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(40) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2857 § 1 (Exh. A §§ 1, 2), 3-16-20; Ord. 2851 § 1 (Exh. A § 1), 1-21-20; Ord. 2840 § 1 (Exh. A § 1, Att. 1), 10-15-18; Ord. 2832 § 1 (Exh. A, Att. 1), 7-2-18; Ord. 2820 § 1 (Exh. A § 1, Att. 1), 9-18-17; Ord. 2809 § 1 (Exh. A § 1), 9-19-16; Ord. 2801 § 1 (Exh. A § 2), 6-6-16; Ord. 2798 § 1 (Exh. A § 2), 4-4-16; Ord. 2793 § 2 (Exh. A § 1), 2-1-16; Ord. 2780 § 1 (Exh. A § 2), 4-6-15; Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

## 15.305.030 Zoning use table – Use subdistricts.



#	Use	R-1/PD	R-1/0.1	R-1/0.4	R-1/6.6	R-1/SP	R-2/PD	R-2/SP	R-2/RD	R-3/RD	R-3/PD	RP/SP	RP/LU	CF/RD
600	MISCELLANEOUS USES													
	Medical marijuana dispensary	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)

#	Use	R-1/ PD	R-1/ 0.1	R-1/ 0.4	R-1/ 6.6	R-1/ SP	R-2/ PD	R-2/ SP	R-2/ RD	R-3/ RD	R-3/ PD	RP/ SP	RP/ LU	CF/ RD
	Medical marijuana processor	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)
	Medical marijuana grow site	C	C	C	C	C	C	C	(5)	(5)	C	C	C	(5)
	Medical marijuana wholesaler	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)
	Recreational marijuana processor	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana producer (indoor)	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana producer (outdoor)	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana retailer	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana wholesaler	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Marijuana laboratories	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Marijuana research certificate	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)

#	Use	M-1/ SP	M-E/ RD	M-1/ RD	M-2/ RD	SD/ E	FHO	II	AIO	H	SC	BI
600	MISCELLANEOUS USES											
	Medical marijuana dispensary	X	(5)	(5)	(5)	X	X	X	X	X	X	(5)
	Medical marijuana processor	P	(5)	(5)	(5)	P	X	X	X	X	X	(5)
	Medical marijuana grow site	C	(5)	(5)	(5)	C	C	C	C	C	C	C
	Medical marijuana wholesaler	P(1)	(5)	(5)	(5)	P(1)	X	P(1)	X	X	X	(5)
	Recreational marijuana processor	P	(6)	(6)	(6)	P	X	X	X	X	X	(6)
	Recreational marijuana producer (indoor)	P	(6)	(6)	(6)	P	X	P	X	X	X	(6)
	Recreational marijuana producer (outdoor)	C	(6)	(6)	(6)	C	X	C	X	X	X	(6)
	Recreational marijuana	X	(6)	(6)	(6)	X	X	X	X	X	X	(6)

#	<u>Use</u>	M-1/SP	M-E/RD	M-1/RD	M-2/RD	SD/E	FHO	II	AIO	H	SC	BI
	<u>retailer</u>											
	Recreational <u>marijuana wholesaler</u>	P(1)	(6)	(6)	(6)	P(1)	X	P(1)	X	X	X	(6)
	<u>Marijuana laboratories</u>	P	(6)	(6)	(6)	P	X	P	P	X	X	(6)
	Marijuana research certificate	P	(6)	(6)	(6)	P	X	P	P	X	X	(6)

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#):

Notes.

(1) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational retailer or wholesaler, or medical marijuana wholesaler.

(2) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(3) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m.

(4) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(5) See NMC 15.305.020, Zoning use table – Use districts, for districts where medical marijuana dispensaries, processors, grow sites, and wholesalers are allowed or prohibited.

(6) See NMC 15.305.020, Zoning use table – Use districts, for districts where recreational marijuana processors, producers (indoor and outdoor), retailers, wholesalers, and marijuana laboratories and research certificates are allowed or prohibited.

[Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2840 § 1 (Exh. A § 2, Att. 2), 10-15-18; Ord. 2820 § 1 (Exh. A § 2, Att. 2), 9-18-17; Ord. 2809 § 1 (Exh. A § 2), 9-19-16; Ord. 2801 § 1 (Exh. A § 3), 6-6-16; Ord. 2798 § 1 (Exh. A § 3), 4-4-16; Ord. 2793 § 3 (Exh. A § 2), 2-1-16.]

1

Code reviser’s note: Section 25 of Ordinance 2763 provides:

**SECTION 25: Grace period for previously permitted or conditional uses.** Where an applicant demonstrates that a particular use was a permitted or conditional use on a specific property immediately prior to adoption of this ordinance, but that the use is no longer either a permitted or conditional use on that property due to this ordinance, the applicant may establish the use as either a permitted or conditional use, as provided in the prior code, provided the use is legally commenced prior to January 1, 2018.

# Chapter 15.336

## AIRPORT RESIDENTIAL (AR) DISTRICT

Sections:

**15.336.010 Description and purpose.**

**15.336.020 Permitted buildings and uses.**

### 15.336.010 Description and purpose.

The purpose of the City of Newberg AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. Maximum Average overall density shall be 8.8 units per gross acre. [Ord. 2647, 6-5-06. Code 2001 § 151.449.1.]

### 15.336.020 Permitted buildings and uses.

A. In the AR airport residential district, the following buildings and uses are permitted, as hereinafter specifically provided.

B. The buildings and uses are subject to the general provisions and exceptions set forth in this code:

1. Residential airpark development, meaning one residence single family or duplex dwelling triplex or quadplex dwelling or up to four townhouse or cottage dwellings per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision.
2. Accessory uses and structures.
3. Aircraft hangar. No aircraft hangar shall be constructed on any parcel or lot without a residential dwelling at least one single family or duplex dwelling, except if it is provided with permanent rights to a nearby airpark residence as per subsection (B)(1) of this section. An aircraft hangar cannot be used as a residence dwelling.
4. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; construction and maintenance of airport facilities; and other activities incidental to the normal operation of an airport.
5. Greenways, including but not limited to bicycle and pedestrian paths.

6. Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.

7. Transportation facilities and improvements.

8. Private streets that function as taxiways are allowed in the AR district and may include gates with designs approved by the fire marshal, at the limit of the taxiways.

9. Accessory dwelling unit. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2647, 6-5-06. Code 2001 § 151.449.2.]

# Chapter 15.340

## AIRPORT OVERLAY (AO) SUBDISTRICT

Sections:

**15.340.010 Purpose.**

**15.340.020 Permitted uses within the airport approach safety zone.**

**15.340.030 Conditional uses within the airport approach safety zone.**

**15.340.040 Procedures.**

**15.340.050 Limitations.**

### **15.340.010 Purpose.**

A. In order to carry out the provisions of this airport overlay subdistrict, there are created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current airport overlay zone map and the displaced threshold approach surface map, prepared by the Newberg engineering department (see Appendix B, Maps 2 and 3).

B. Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County. [Ord. 2451, 12-2-96. Code 2001 § 151.450.]

### **15.340.020 Permitted uses within the airport approach safety zone.**

The following uses are permitted:

A. Single-family dwellings, mobile homes, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects and multifamily dwellings, when located greater than 3,000 feet from the displaced threshold and when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a hold harmless agreement and avigation and hazard easement and submits them to the airport sponsor and the community development department planning and building department.

B. All uses permitted in the primary zoning district, provided the use does not create the following:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
3. Impairment of visibility.
4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

**Permitted Density Table**

<b>Distance from the Displaced Threshold</b>	<b>Occupant Load (Gross Sq. Ft. of Building per Person)</b>
Less than 1,500 ft.	125 sq. ft.
1,501 – 2,000 ft.	30 sq. ft.
Greater than 2,000 ft.	15 sq. ft.

C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet. [Ord. 2451, 12-2-96. Code 2001 § 151.451.]

**15.340.030 Conditional uses within the airport approach safety zone.** 

The following uses are conditional uses and shall be processed through the Type III procedure:

A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.



3. Impairment of visibility.
4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the standards listed in NMC 15.340.020(B)(6).

B. Any use, building, or structure which is otherwise permitted and is within the height limits of the displaced threshold approach surface but exceeds the height limits of the airport approach safety zone. The sole criteria for approval of such uses are as follows:

1. The use shall not create any of the conditions or hazards listed in subsection (A) of this section.
2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a hold harmless agreement and avigation and hazard easement and submit them to the airport sponsor and the planning and building director or designee.
3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant. [Ord. 2733 Att. A, 2-7-11; Ord. 2451, 12-2-96. Code 2001 § 151.452.]

## 15.340.040 Procedures.

A. Development Permits. An application for a development permit for any permitted use within the airport approach safety zone or the displaced threshold approach surface zone which is subject to site design review as required by NMC 15.220.010 et seq. and shall include the following information:

1. The boundaries of the airport imaginary surfaces as they relate to property boundary lines; and
2. The location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility.

B. FAA Notice Required. To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to one for a horizontal distance of 10,000 feet from the nearest point of

the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77 of the Federal Aviation Regulations. [Ord. 2451, 12-2-96. Code 2001 § 151.453.]

## 15.340.050 Limitations.

A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the airport imaginary surfaces as defined in this code except as provided in NMC 15.340.030(B).

B. High density public uses as defined in this code shall not be permitted in the airport approach safety zone or the displaced threshold approach surface zone.

C. Following July 1990, if FAA funds are used by the city to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the runway protection zone consistent with federal requirements.

D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

E. No glare-producing materials shall be used on the exterior of any structure located within the airport approach safety zone.

F. In noise-sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise-sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The director will review building permits for noise-sensitive developments. [Ord. 2451, 12-2-96. Code 2001 § 151.454.]

# Chapter 15.346

## SPECIFIC PLAN (SP) SUBDISTRICT

Sections:

**15.346.010 Purpose.**

**15.346.020 Plan development and approval process.**

**15.346.030 Approval criteria.**

**15.346.040 Plan implementation.**

**15.346.050 Amendments and adjustments to the specific plan.**

**15.346.060 Interim development.**

**15.346.070 Specific plan development standards.**

### **15.346.010 Purpose.**

The purpose of the SP subdistrict is to allow the development and approval of specific plans in the city. A specific plan is a master plan applied to one or more parcels in order to coordinate and direct development in terms of transportation, utilities, open space, and land use. The purpose is also to streamline the development process and encourage development according to the specific plan. Specific plans are intended to promote coordinated planning concepts and pedestrian-oriented mixed use development. [Ord. 2451, 12-2-96. Code 2001 § 151.505.]

### **15.346.020 Plan development and approval process.**

A. Initiation. The process to establish a specific plan shall be initiated by the city council. The planning commission or interested property owners may submit requests to the city council to initiate the specific plan process. If owners request initiation of a specific plan process, the city council may require an application fee to be paid to cover the cost of creating the plan.

B. Steering Committee. The city council shall appoint a steering committee to guide development of the plan. The steering committee shall include persons representing affected property owners, neighbors, and the community at large.

C. Draft Plan. The steering committee shall develop a draft plan which shall be submitted to the planning commission and city council for review, modification, and approval.

D. Specific Plan. A specific plan shall include text and a diagram or diagrams which specify all of the following in detail:

1. Plan objectives: a narrative shall set forth the goals and objectives of the plan.
2. Site and context: a map of the site and context shall indicate existing land use, slope, and natural features.
3. The distribution, location, and extent of the uses of land, including open space and parks, within the area covered by the plan (land use plan).
4. The proposed distribution, location, and extent of major components of public and private transportation, wastewater, water, drainage and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
5. Standards and criteria by which development will proceed and standards for conservation, development and utilization of natural resources, where applicable.
6. The plan shall identify the existing property ownership.
7. A circulation/transportation plan shall be included which identifies the proposed street pattern, including pedestrian pathways and bikeways. Design standards and street cross-sections shall be included.

E. Type III Hearings and Decisions. The planning commission shall hold a public hearing on the plan using a Type III procedure and shall make a recommendation to the city council. The city council shall have final approval authority. The hearing process to be followed shall be the same as that set forth for zoning map amendments pursuant to NMC 15.302.010 et seq. If the specific plan affects land outside the city limits, provisions and procedures required under the urban growth management agreement with Yamhill County shall also be met. [Ord. 2451, 12-2-96. Code 2001 § 151.506.]

### **15.346.030 Approval criteria.**

Adoption of the specific plan and its related subdistrict shall be based on compliance with the zone change criteria of NMC 15.302.010 et seq. [Ord. 2451, 12-2-96. Code 2001 § 151.507.]

### **15.346.040 Plan implementation.**

A. Overlay Subdistrict. The specific plan shall be implemented as a zoning overlay subdistrict. If the plan applies to land outside the city limits, the SP specific plan zoning subdistrict classification shall indicate where the SP overlay zone will be applied upon annexation. The

specific plan shall be adopted as an exhibit to the SP overlay zone subdistrict and the SP overlay plan district.

B. New Construction. New construction subject to site design review or building permit review shall meet the special development and design standards of the specific plan.

C. Priority of Standards and Procedures. Unless otherwise noted, the standards and procedures of the specific plan overlay subdistrict shall supplement and supersede standards and procedures of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.508.]

## **15.346.050 Amendments and adjustments to the specific plan.**



Amendments to the specific plan may be either major or minor amendments.

A. Minor and Major Amendments.

1. Major amendments are those which result in any of the following:

- a. A change in land use.
- b. A change in the circulation/transportation plan that requires a major street (collector or arterial) to be eliminated or to be located in such a manner as to not be consistent with the specific plan.
- c. A change in the development standards.
- d. A change in the planned residential density.
- e. A change not specifically listed under the major and minor amendment definitions.

2. Minor amendments are those which result in any of the following:

- a. Changes related to street trees, street furniture, fencing, or signage that were approved as part of the specific plan.
- b. A change in the circulation/transportation plan that requires a local street, easement, or pathway to be shifted more than 50 feet in any direction.
- c. A change in the utility plan other than what would be necessary for authorized adjustment of lot lines.

B. Major Amendment – Type III Procedure. A major amendment to a specific plan shall be processed as a Type III comprehensive plan amendment. The amendment shall meet the criteria of NMC 15.346.030. In addition, findings must demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the specific plan.

C. Minor Amendment – Type II Procedure. A minor amendment to a specific plan may be approved by the director through a Type II procedure. The director's decision shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the specific plan.

D. Authorized Adjustment of Lot Lines – Type I Procedure. As part of the final platting process, the director is authorized to grant adjustments to proposed lot lines consistent with flexible density standards (if included) as part of the specific plan subdistrict. [Ord. 2451, 12-2-96. Code 2001 § 151.509.]

## 15.346.060 Interim development.

To encourage platting in conformance with the specific plan, the following modifications to street, subdivision, and development standards may be granted by the director through the Type I procedure:

A. Temporary Dead-Ends. The director may authorize temporary cul-de-sacs or vehicle turnarounds where a through street will eventually be provided. Due to their temporary nature, the dimensions and improvement requirements for these cul-de-sacs and turnarounds may vary from standards set forth in the subdivision ordinance.

B. Temporary Street Improvements. Three-quarter-width streets may be provided temporarily to access lots where a full street will eventually be provided when all abutting lots are developed, unless otherwise approved as a half-street by the director and fire chief.

C. Tracts. Tracts of land which do not meet specific plan density requirements may be created and developed when it is demonstrated that the tracts can be developed in accordance with the specific plan in the future. If construction occurs on the tract, it shall be done in a manner that will meet specific plan development standards when full improvements are provided. [Ord. 2451, 12-2-96. Code 2001 § 151.510.]

## 15.346.070 Specific plan development standards.

Development standards for specific plans are listed below. The standards shall be utilized in conjunction with the specific plan adopted as an exhibit to the SP overlay subdistrict. This section is intended to be amended as new specific plans are adopted.

### A. The Northwest Newberg Specific Plan.

1. Report Adopted. The northwest Newberg specific plan final report, dated August 1994, is adopted by reference. The development standards listed in this section shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

2. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the SP subdistrict shall be the same as those uses permitted in the base zoning districts. An exception to this is the commercial zone, which may be located on either side (north or south) of the extension of Foothills Drive. Such commercial area must be located in one node of not more than five acres in size and not split by a public street. This alternative is indicated as Appendix B of the northwest Newberg specific plan.

3. Street and Pedestrian Walkway Standards.

a. Street and public walkway standards are as follows:

	<b><u>Right-of-Way</u></b>	<b><u>Paved Surface</u></b>
Local <u>street</u>	60'	32'
<u>Collector</u> street	74'	36'
<u>Public walkway</u>	16'	6'

b. Five-foot bike lanes shall be provided along collector streets. Five-foot sidewalks shall be provided along local and collector streets. A six-foot-wide planter strip shall separate the sidewalk and the local street. A 12-foot-wide planter strip shall separate the sidewalk and the collector street. Local streets shall be designed as through streets. Cul-de-sacs shall be used only if a through street cannot be developed. The regulations for collector street standards may be waived when in the judgment of the director waiving of the standards is warranted based on traffic volume, reduced speed, type of usage and access limitations, pursuant to the City of Newberg transportation system plan.

4. Setbacks. Figures 9 and 10 of the northwest Newberg specific plan identify special setback standards that apply to the property.

a. Area 1 Setbacks – Figure 10. Minimum and maximum front setbacks for structures shall be met in area 1 of the northwest Newberg specific plan. Residential structures shall be no closer nor further from the front property line than as follows:

	<b><u>Minimum</u></b>	<b><u>Maximum</u></b>
Porch	10'	25'
<u>Dwelling</u>	15'	25' (without porch)
<u>Cottage cluster dwelling</u>	10'	25' (without porch)

	Minimum	Maximum
Garage or <u>carport</u>	20'	None

The front of a garage may not be closer to the property line than the front of the house residential structure unless each front on different streets.

b. Area 2 Setbacks – Figure 10. Special minimum front setbacks for residential structures shall be met in area 2 of the northwest Newberg specific plan. No maximum setback is required. Front setbacks are as follows:

	Minimum	Maximum
Porch	10'	None
Dwelling	15'	None
<u>Cottage cluster dwelling</u>	<u>10</u>	<u>None</u>
Garage or <u>carport</u>	20'	None

c. Interior Setbacks. Interior yard setbacks shall be the same as the base zone.

d. Commercial and Institutional Setbacks. Except as set forth in subsection (A)(8) of this section, setbacks for commercial and institutional use shall be set by the base zone or as otherwise required in this code.

5. Street Trees. Street trees shall be required along all streets where designated planter strips and/or raised medians are provided. One tree shall be required for every 40 feet of street frontage or fraction of 40 feet; e.g., a lot with 50 feet of frontage will provide two street trees; a lot with 100 feet of frontage will provide three street trees. Trees shall be provided in accordance with the list of trees included in the specific plan. Trees shall have a minimum of a one-and-one-half or one-and-three-fourths-inch caliper tree trunk and shall be balled and burlapped or boxed.

6. Residential Density. Residential density is governed by the SP overlay subdistrict. The maximum allowed density is set by the number of lots depicted on the land use plan, Figure 6 of the northwest Newberg specific plan. Additional standards follow:

a. Minimum Lot Size.

i. Single-family detached dwellings or duplex dwellings, or triplex dwellings; 5,000 square feet.

ii. Attached dwellings: 3,750 square feet.

ii. Townhouse dwellings: 1,500 square feet.



iii. Quadplex dwellings or cottage cluster projects: 7,000 square feet.

b. Maximum Lot Coverage.

i. R-1-SP and R-2-SP zones: 40 percent (including garage), except 60 percent (including garage) for townhouse dwellings.

ii. R-2-SP: 60 percent (including garage).

c. Maximum Density.

i. LDR districts: set by the specific plan (averages 4.4 dwellings per acre).

ii. MDR districts: 8.8 dwellings per acre.

iii. For the purpose of calculating compliance with the maximum density standard, single-family detached and duplex dwellings count as a single dwelling per lot.

iv. Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from the maximum density calculation and shall be subject only to the minimum lot sizes in Section 15.346.070.A.6.a.

d. Flexible Minimum Density Requirements. The following standards may be applied at the time of platting:

i. Lots for single-family detached dwellings may be increased to 7,500 square feet.

ii. Lot size may be increased above 7,500 square feet for single-family detached dwellings, provided the overall density of the original parent parcel at the time of specific plan approval remains at or above 80 percent of the original planned density. If other parcels have built out at densities exceeding 80 percent of the original planned density, the overall density of the combined parcels may be used for the calculation. For these calculations, the planned density for LDR areas shall be assumed to be 6.5 dwelling units per acre (5,000-square-foot single-family lots) and MDR at 8.8 dwelling units per acre.

7. Building Orientation. All development shall be oriented to a local or collector street. Orientation shall be achieved by the provision of an entry door fronting upon the street with a direct sidewalk connection from the door to the public sidewalk.

8. Commercial Standards. In addition to site review standards, the following standards shall apply to commercial development:

a. Commercial structures shall be set back no further than 20 feet from the Foothills Drive right-of-way. This setback area shall not be used for any type of vehicular access or parking.

b. A minimum of a 300-square-foot plaza or pedestrian seating area at the intersection of Foothills Drive and the adjacent north-south local street shall be provided.

c. All walls adjacent to and visible from the public right-of-way shall include windows. An exception to this standard may be granted by the planning and building community development director if the wall is screened.

9. Sign Standards. Freestanding signs shall not exceed five feet in height, 30 square feet in area, and one per street frontage. Wall and window signs shall not exceed one square foot per lineal foot of wall. Roof signs are prohibited. Projecting fin signs shall not exceed 20 square feet in size.

## B. Springbrook Oaks Specific Plan.

1. Report Adopted. The Springbrook Oaks specific plan dated August 2, 1999, and amended August 2, 1999, October 16, 2006 and August 6, 2018 is adopted by reference. The development standards listed in this section are intended to implement the policies of the Springbrook Oaks specific plan. Development of Springbrook Oaks shall follow the standards of this code section as well as the policies of the plan. If a conflict exists between the Springbrook Oaks specific plan policies and the development code, the Springbrook Oaks specific plan shall govern.

2. Permitted Uses and Conditional Uses. Eight development areas have been established with corresponding zones within the Springbrook Oaks specific plan. The permitted and conditional uses allowed under the SP subdistrict shall be the same as those uses permitted in the base zoning districts. Exceptions to this standard include the following:

a. A golf course shall be permitted within the M-1 area, adjacent to the stream corridor; and

b. Densities and lot sizes shall be in accordance to the standards established in subsection (B)(8)(a) of this section.

c. In addition to the permitted uses in the RP zone, area F-1 permits:

i. Medically related industrial uses, such as medical laboratories, manufacture and wholesale distribution of medical equipment, medical research facilities, and laundries and similar services for medical facilities.

ii. Medically related retail uses, such as a pharmacy, gift shop or cafe (limited to 3,000 square feet), or medical appliance sale and rental store.

iii. Barber and beauty shops.

Area F-1 permits residential uses.

d. Area F-2 does not permit single-family dwellings.

e. Areas shown in the bypass corridor overlay (LUBCO) district are subject to the standards of that overlay.

3. Street and Pedestrian Pathway Standards. Street and pedestrian pathway development standards are established in NMC 15.505.010 et seq. and NMC 15.505.210 et seq.

4. Residential Design. Multiple, nonrepetitive home designs (detached dwelling units) shall be used in the development. No two identical designs shall be located closer than every three residences lots on any street frontage.

5. Setbacks. Figures 1 and 2 of the Springbrook Oaks specific plan identify special setback standards that apply to the property.

6. Residential, Professional and Industrial Setbacks.

a. Residential.

i. Development Areas A through F Setbacks – Figure 1 of the Springbrook Oaks Specific Plan. Minimum and maximum front setbacks for structures shall be met in development areas A through F of the Springbrook Oaks specific plan. Residential structures shall be no closer nor further from the front property line than as follows:

	<b>Minimum</b>	<b>Maximum</b>
Porch	10'	25'
<u>Dwelling</u>	15'	25' (without porch)
<u>Cottage cluster dwelling</u>	<u>10</u>	<u>25' (without porch)</u>
Garage or <u>carport</u>	20'	None

The front of a garage may not be closer to the property line than the front of the house unless each front on different streets.

ii. Development Area H Setback – Figure 2 of the Springbrook Oaks Specific Plan. Special minimum front setbacks for residential structures shall be met in development area H of the Springbrook Oaks specific plan. No maximum setback is required. Front setbacks are as follows:

	Minimum	Maximum
Porch	10'	None
Dwelling	15'	None
Cottage cluster dwelling	10'	None
Garage or carport	20'	None

iii. Interior Setbacks. Interior yard setbacks shall be the same as the base zone. An exception to this standard is made for single-family attached housing, where no interior setback is required for the zero lot line. Another exception is development within the R-P zones of area F which may have a five-foot interior setback.

~~iv. Staggered front setbacks of at least two feet shall be established for attached homes. No two attached dwelling units, excluding duplex dwellings, with the same setback shall be located closer than every two residences on any street frontage.~~

b. Professional and Industrial Setbacks. Except as set forth in subsection (B)(5) of this section, setbacks for professional and industrial developments within development areas A, F, and G of the Springbrook Oaks specific plan shall be set by the base zone or as otherwise required in this code.

c. Building Heights. Building height limits shall be the same as those in the base zone. An exception is for areas F-1 and F-2, which shall have a maximum building height of 50 feet.

7. Street Trees. Street trees shall be provided adjacent to all public rights-of-way abutting or within a subdivision or partition. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4). Trees shall be selected from the street tree species list authorized by the city council. Preference should be given towards the selection of oak species to maintain the character of the development’s namesake: Springbrook Oaks.

8. Residential Density. Residential density is governed by the SP overlay subdistrict.

a. The following development standards shall be applied to Springbrook Oaks for single-family detached dwellings and duplex dwellings (please refer to Graphic VI for map of development areas A through H of the Springbrook Oaks specific plan). See

Appendix A, Figure 20. These standards shall supersede any density or density transfer standards established in the development code.

Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
A	C-2	5,000	NA	NA
B 	RP	1,500*	1,500*	21.8* <sup>1</sup>
C 	R-3	2,500*	2,500*	13.1*
D 	R-2	3,750*	3,750	8.8
E 	R-2	5,000	5,000*	6.6*
F-1 	RP	1,500*	1,500*	21.8*
F-2 	RP	1,500*	None* <sup>2</sup>	None* <sup>2</sup>
F-3 	RP	1,500*	1,500*	21.8*
G	M-1	20,000	NA	NA
H 	R-1	5,000*	10,000* <sup>3</sup>	3.3*

\* Different than the standards established elsewhere in the development code. Residential land use only permitted on F-1 area for Yamhill County tax lot 3216-02026.

<sup>1</sup> Up to 100 percent of the land zoned RP within area B may be developed for residential use.

<sup>2</sup> There is no limit on the number of dwelling units allowed in area F-2.

<sup>3</sup> Average lot area per dwelling in any one subdivision.

<sup>4</sup> Duplex dwellings are subject only to the Minimum Lot Size and are exempt from Minimum Lot Area per Dwelling Unit. Duplex dwellings count as a single dwelling unit per lot for the purpose of calculating compliance with the maximum density.

<sup>5</sup> Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects are permitted on lots meeting the applicable minimum lot areas for the dwelling type in the corresponding zone per Section 15.405.010(A), and are exempt from the development standards in this table.

b. Density Shifting.

i. A density shift of up to 20 percent is permitted between any two lots or portions of lots of equal acreage within the same or different residential areas (areas B, C, D and E). The shift may be up to 20 percent of total units permitted within the lower density zone regardless of which direction the shifting is occurring. Any such shift shall be approved through a Type I process. An agreement must be drafted and signed by all parties involved.

ii. An example of density shifting is as follows:

Present maximum density permitted by zone      A five-acre lot in area B = 109 units

A five-acre lot in area C = 65.5 units

(20 percent = 13.1 units)

Proposed 20 percent Lot in area B = 122\* units shift:

Lot in area C = 52\* units

OR

Lot in area B = 95\* units

Lot in area C = 78\* units

\* Rounded down to a whole unit number.

c. Increases in density of residential areas B, C, D and E may be permitted in consideration for land designated for public purposes such as schools, neighborhood parks, plazas, and the like (excluding stream corridors). For any given acreage designated for the aforementioned purposes, the density of an equal amount of acreage may be increased 20 percent in another area of Springbrook Oaks which has the same zone type as that of where the public area is located. The density shift may also be directed to a different zone, in a similar manner to the above. For example:

Present maximum density of public land:      A five-acre lot in area D zoned R-2 = 44 units (20 percent = 8.8 units)

Proposed 20 percent density shift to another five acres in area D zoned R-2      44 units + 8.8 units = 52 units\*

OR

Proposed 20 percent density      109 units + 8.8

shift to another five acres in      units = 117  
area B zoned R-3                      units\*

\* Rounded down to a whole unit number.

e. Any area of land whose allowed density has increased due to a density shift may include a corresponding decrease in the area's minimum lot size and minimum lot area per dwelling unit.

f. No lot within any given zone may increase density due to a density shift more than once.

g. Maximum lot coverage is described in NMC 15.405.040.

9. Commercial and Industrial Standards. In addition to site review standards, all commercial and industrial development will conform to the covenants, conditions, and restrictions (CC&Rs) approved for the Springbrook Oaks development. A certificate of compliance with these CC&Rs shall be submitted with a design review application for any commercial or industrial development.

10. Sign Standards. Signs must comply with NMC 15.435.010 through 15.435.120.

11. Tree Management Plan. Any proposed development within development area H must follow the approved tree management plan for development area H. The plan shall be developed by a third-party licensed arborist.

12. Permitting Process. Any proposed development shall follow the permit approval process described in NMC 15.100.010 through 15.100.150. Exceptions to this standard are as follows:

a. Proposed subdivisions will be reviewed under the Type II process; and

b. Any proposed development within development areas A through F that meet the building design and development standards in Appendix C (see Springbrook Oaks specific plan) will be reviewed under the Type I process. The applicant shall provide written documentation showing that each development standard has been met.

13. Plan Amendments. Proposed amendments and adjustments to the specific plan will follow the procedure described in NMC 15.346.050. Exceptions to this amendment and adjustment procedure are as follows:

a. Proposed boundary modifications for development areas B through E (see Appendix A, Figure 20) that increase any individual area no more than five percent of

its original total acreage will be reviewed under a Type I process. Proposed boundary modifications that change the total acreage of any of the aforementioned development areas more than five percent will be reviewed under a Type III process.

b. Proposed boundary modifications for development areas F and G that move a boundary less than 50 feet and do not change the total acreage in a development area by more than 0.1 acre will be reviewed under a Type I process. Other proposed boundary modifications will be reviewed under a Type III process.

c. Proposed boundary changes for areas A and H will be reviewed under a Type III process.

14. Residential Development Near the Bypass. In order to minimize conflicts between the proposed bypass and proposed residential development in area F, the director shall approve a management plan prior to residential subdivision or development approval in area F. The management plan shall be developed in coordination with the director, ODOT, and the developer. The management plan may require any of the following or other conditions necessary to minimize conflicts:

a. Separation between the bypass and residential development, either within or outside the eventual right-of-way.

b. Specific orientation of buildings.

c. Specific layout of streets, walkways, pedestrian paths, alleys, driveways, open spaces, and sound walls. [Ord. 2833 § 1 (Exh. A), 8-6-18; Ord. 2657 § 1, 10-16-06; Ord. 2619, 5-16-05; Ord. 2517, 8-2-99; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.511.]



# Chapter 15.352

## RIVERFRONT (RD) OVERLAY SUBDISTRICT

Sections:

**15.352.010 Purpose.**

**15.352.020 Where these regulations apply.**

**15.352.030 The Riverfront Plan general provisions.**

**15.352.040 Commercial design standards.**

**15.352.050 Residential design standards.**

**15.352.060 Mixed employment design standards for commercial development.**

**15.32.070 Mixed employment design standards for industrial development.**

### **15.352.010 Purpose.**

The purpose of the riverfront overlay subdistrict is to create a unique identity based on the district's special character as a result of its proximity to the Willamette River. The riverfront overlay subdistrict is also intended to encourage access to and enjoyment of the Willamette River and to protect and enhance views of and connections to the river. Specific building design standards for commercial, residential, and industrial buildings, streetscapes, and parking within the riverfront overlay subdistrict are included to achieve development that is consistent with the vision identified in the 2019 Riverfront Master Plan. This vision includes, but is not limited to, attractive pedestrian-oriented streets; 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. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.1.]

### **15.352.020 Where these regulations apply.**

The regulations of the chapter apply to the portion of any lot or development site which is within an RD overlay subdistrict. The delineation of the RD overlay subdistrict is described by boundary lines delineated on the City of Newberg zoning map indicated with an RD symbol. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.2.]

### **15.352.030 The Riverfront Plan general provisions.**

A. Report Accepted. The 2019 Newberg Riverfront Master Plan was accepted by the city council on September 16, 2019 (Resolution No. 2019-3596). The development standards listed in this chapter shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the RD overlay subdistrict shall be the same as those uses permitted in the base zoning districts, subject to the provisions of subsection (l) of this section.

C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the 2019 Newberg Riverfront Master Plan.

D. View Corridors. Key views of the Willamette River shall be protected. Key views include the view from the top of the bluff, 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. These key views shall be protected as follows:

1. Any development on the south side of the intersections of E Fourteenth Street and S River Street, E Fourteenth Street and S College Street, and NE Waterfront Street shall provide a public viewing area accessible from E Fourteenth Street and NE Waterfront Street that allows views from the top of the bluff to the river. Any viewing area at this location shall be connected to the public esplanade or the E Fourteenth Street public sidewalk.
2. Development south of E Fourteenth Street and NE Waterfront Street shall protect views of the river by providing a public esplanade with a public walkway.
3. Development on the Riverfront Mill Site shall protect views of the river from the top of the bluff along the southern edge of the site, including at the northern terminus of the waterline bridge. Developments shall provide a public viewing area accessible from the future extension of E Fourteenth Street that allows views from the top of the bluff to the river and connects to a public sidewalk.
4. Additional key views of the Willamette River may be identified through the land use approval process. Additional views identified through the land use process may be protected through conditions of approval.

E. Significant Tree Grove. 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. Separate Rail Traffic from Other Modes. Transportation improvements to collector and arterial streets shall be designed with considerations intended to mitigate conflicts between rail traffic and other modes such as at-grade rail crossings.

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

H. Limits to the Floor Area of Commercial and Office Development within the M-E/RD subdistrict. Within the M-E/RD subdistrict, limits to total floor area shall be imposed in order to (a) preserve the predominantly employment-focused nature of the district east of S River Street and (b) limit traffic impacts of development within the M-E/RD subdistrict on nearby intersections, as identified in the 2019 Riverfront Master Plan and its Transportation Planning Rule (TPR) findings. The limits are as follows:

1. Commercial Retail Development. Within the M-E/RD Subdistrict, the total combined floor area for development within the categories of commercial sales and rental uses, eating and drinking establishments, commercial services, and commercial recreation shall not exceed 60,000 square feet.

2. Commercial Office Development. Within the M-E/RD subdistrict, the total combined floor area for development in the category of commercial office shall not exceed 60,000 square feet. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.3.]

## 15.352.040 Commercial design standards.

A. General. The commercial design standards apply to any development located within the commercial 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. Within the commercial 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.

C. Lot Coverage. The development site is permitted to have 100 percent 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 15,000 square feet.

E. Setbacks.

1. Minimum. No front yard setbacks are required. No side or rear yard setbacks are required, except where adjacent to residentially zoned property. Where interior lot lines are common with residentially zoned property, setbacks of not less than 10 feet shall be 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. There is no vision clearance requirement within the commercial zoning districts located within the RE overlay subdistrict.

G. Signs. Signs shall comply with sign standards for the C-3 zone under this code, NMC 15.435.040 through 15.435.120.

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 shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

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 Fourteenth Street. An intervening building must be provided between Fourteenth Street and the parking facility, or the facility must be set back a minimum of 40 feet from Fourteenth Street. Accessways to 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.

7. Loading. Except as permitted in this subsection, loading areas shall be set back at least 10 feet from property lines and screened from the street and neighboring properties. Loading areas that are directly visible from the street or neighboring properties shall be screened using one of the following ways:

a. The loading area shall be incorporated into the building design and located internally to the building, with a door to the exterior.

b. The loading area shall be screened by a hedge, fence, or wall at least six feet in height. A hedge must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted as a form of screening loading areas.

#### 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 Mechanical Equipment. All roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, communications equipment, and similar equipment, excluding solar panels) must be screened from public view in one of the following ways:

- 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 in the C-4 zone in the riverfront overlay subdistrict is 45 feet. Maximum building height in the C-1 zone in the riverfront overlay subdistrict is 30 feet. Minimum building height for all commercial zones in the riverfront overlay subdistrict is 16 feet on the exterior elevation, and a parapet can be included in the measurement.

2. Street-Facing Building Facades. Street-facing facades shall be varied and articulated to provide visual interest to pedestrians.

- a. Street-facing 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. Street-facing 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. Building materials for all exterior sides with a primary or secondary entrance, excluding loading zones, 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. See Appendix A, Figure 25.

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. Within the riverfront commercial district, 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.

8. Pedestrian Access to Esplanade. Buildings on properties adjacent to the esplanade shall provide pedestrian access to and a door facing the esplanade.

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.

M. Outdoor Seating. Outdoor seating is encouraged on public sidewalks and the esplanade. A minimum pedestrian walkway of six-foot clear width must be maintained at all times. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.4.]

## 15.352.050 Residential design standards.

In addition to the development standards of the base zone and the design standards in NMC 15.415.050, the following standards shall apply:

### A. ~~Single-Family Dwellings and Duplex Dwellings~~ Façade Design Features

1. For single-family dwellings, and duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, and including manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.
- b. Eaves (minimum 12-inch overhang).
- c. Bay or bow windows.
- d. Dormers.
- e. Window shutters.
- f. Cupolas.
- g. Horizontal lap siding.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

3. Townhouse dwellings shall be exempt from the unit definition standards of NMC 15.415.050.B.3.

### B. Standards for Garage Doors and Parking in Residential Zones.

1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.

b. The front of the garage can be no closer to the front lot line than the front facade of the primary structure house.

c. Individual garage doors may be no more than 90 square feet in area for a single-car garage or 180 square feet in area for a two-car garage.

d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

2. Surface parking areas shall be located behind or to the side of residential structures.

3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials.

[Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2747 § 1 (Exh. A § 12), 9-6-11; Ord. 2564, 4-15-02. Code 2001 § 151.527.5.]

## 15.352.060 Mixed employment design standards for commercial development.

A. General. The mixed employment (M-E) design standards for commercial development apply to any commercial uses located within the M-E zoning district within the riverfront overlay subdistrict, including retail, commercial offices, sales, and commercial services. 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 Ground Floor 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 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 street frontages.

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

i. Landscaping or a hard-surfaced expansion of the pedestrian path is 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.

(C) Similar pedestrian-scale amenities.

F. Vision Clearance. Development shall comply with NMC 15.410.060.

G. Signs. Signs shall comply with Chapter 15.435 NMC.

H. Parking.

1. Off-Street Parking 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 site. Off-site parking is subject the requirements to NMC 15.440.050(B).

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 parking 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.

7. Loading. Except as permitted in this subsection, loading areas shall be set back at least 10 feet from property lines and screened from the street and neighboring properties. Loading areas that are directly visible from the street or neighboring properties shall be screened using one of the following ways:

a. The loading area shall be incorporated into the building design and located internally to the building, with a door to the exterior.

b. The loading area shall be screened by a hedge, fence, or wall at least six feet in height. A hedge must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted as a form of screening loading areas.

#### 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 Mechanical Equipment. All roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, communications equipment, and similar equipment, excluding solar panels) must be screened from public view in one of the following ways:

- 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. Street-Facing Building Facades. Street-facing facades shall be varied and articulated to provide visual interest to pedestrians.

- a. Street-facing 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. Street-facing 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 a minimum of 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 400 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. Building materials for all exterior sides with a primary or secondary entrance, excluding loading zones, 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 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, windowsills 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. See Appendix A, Figure 25.

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 concrete 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.

M. Industrial Development. Industrial developments located in the mixed employment (M-E) zoning district within the riverfront overlay subdistrict shall comply with the standards in Chapter 15.220 NMC. [Ord. 2868 § 1 (Exh. A), 11-16-20.]

## 15.352.070 Mixed employment design standards for industrial development. SHARE

A. General. Industrial developments located within the M-E zoning district within the riverfront overlay subdistrict shall comply with the standards in Chapter 15.220 NMC. [Ord. 2868 § 1 (Exh. A), 11-16-20.]

## Chapter 15.405 LOT REQUIREMENTS

Sections:

**15.405.010** **Minimum and maximum lot area** ~~Lot areas per dwelling unit.~~

**15.405.020** **Lot area exceptions.**

**15.405.030** **Lot dimensions and frontage.**

**15.405.040** **Lot coverage and parking coverage requirements.**

## 15.405.010 **Minimum and maximum lot area** ~~Lot areas per dwelling unit.~~ SHARE

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family detached dwelling	Minimum lot area for duplex dwelling	Minimum lot area for triplex dwelling	Minimum lot area for quadplex dwelling	Minimum lot area for townhouse dwelling	Minimum lot area for cottage cluster project	Minimum lot area per dwelling unit for multifamily dwelling
R-1	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	Per conditional use review
R-2	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF



R-3	2,500 SF	2,500 SF	4,500 SF	6,000 SF	1,500 SF	6,000 SF	1,500 SF
R-P	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
AR	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	-----

~~1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 10,000 square feet.~~

~~2. In the R-2 and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 5,000 square feet.~~

~~3. In the R-3 district, each lot or development site shall have a minimum of 2,500 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for duplex dwelling development shall not exceed 5,000 square feet.~~

23. In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.

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

45. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

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

B. Maximum Lot or Development Site Area per Dwelling Unit.

~~1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.~~

~~1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit except that there shall be a minimum of 5,000 square feet per duplex dwelling.~~

~~2. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.~~

~~3. 2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit, except that there shall be a minimum of 3,000 square feet per duplex dwelling.~~ In the R-2, A-R and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex or multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

~~4.3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit for multifamily dwellings. There shall be a minimum of 2,500 square feet per duplex dwelling. Lots~~ or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex or multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2763 § 1 (Exh. A § 12), 9-16-13; Ord. 2730 § 1 (Exh. A (2)), 10-18-10; Ord. 2720 § 1(14), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.565.]

**Penalty:** See NMC 15.05.120.

## 15.405.020 Lot area exceptions.

The following shall be exceptions to the required lot areas:

- A. Lots of record with less than the area required by this code.
- B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.
- C. Planned unit developments, provided they conform to requirements for planned unit development approval. [Ord. 2451, 12-2-96. Code 2001 § 151.566.]

## 15.405.030 Lot dimensions and frontage.

A. Width. Widths of lots shall conform to the standards of this code.

B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line, except that duplex, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.

c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

2. The above standards apply with the following exceptions:

a. Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050.B.

b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

**cb.** Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

**dc.** Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex dwellings. [Ord. 2830 § 1 (Exh. A), 4-2-18; Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2720 § 1(15), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.567.]

**Penalty:** See NMC 15.05.120.

## 15.405.040 Lot coverage and parking coverage requirements.

 SHARE

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

1. Limit the amount of impervious surface and storm drain runoff on residential lots.
2. Provide open space and recreational space on the same lot for occupants of that lot.
3. Limit the bulk of residential development to that appropriate in the applicable zone.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

### 1. Maximum Lot Coverage.

a. R-1: 40 percent, ~~or 50 percent if all structures on the lot are one story; except:~~

i. 50 percent if all structures on the lot are one story; and

ii. 60 percent for townhouse dwellings.

b. R-2 and RP: 50 60 percent.

c. AR and R-3: 50 60 percent.

### 2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

a. R-1, ~~R-2 and RP~~: 60 percent.

b. R-2, R-3, ~~and RP~~ and townhouse dwellings in R-1: 70 percent.

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2746 § 1 (Exh. A § 1), 8-15-11; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.568.]

# Chapter 15.410

## YARD SETBACK REQUIREMENTS

Sections:

**15.410.010 General yard regulations.**

**15.410.020 Front yard setback.**

**15.410.030 Interior yard setback.**

**15.410.040 Setback and yard restrictions as to schools, churches, public buildings.**

**15.410.050 Special setback requirements to planned rights-of-way.**

**15.410.060 Vision clearance setback.**

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

### **15.410.010 General yard regulations.**

A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.

B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.

C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.

D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.

E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.

F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.

G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel. [Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.550.]

**Penalty:** See NMC 15.05.120.

## 15.410.020 Front yard setback.

A. Residential (see Appendix A, Figure 10).

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.

2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.

3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

4. Cottage cluster projects in any zone in which they are permitted shall have a front yard of not less than 10 feet. Any garage, carport, or parking areas that are part of a cottage cluster shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. 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. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. 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. Institutional and Community Facility. All lots or development sites in the I and CF district shall have a front yard of 25 feet. Outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, are not permitted within the required setback.

E. 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 10 feet. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained. Lots or development sites within the riverfront overlay subdistrict will comply with the front yard requirements described in NMC 15.352.060(E). [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2862 § 1 (Exh. A § 4), 6-15-20; Ord. 2720 § 1(12), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.551.]

**Penalty:** See NMC 15.05.120.

## 15.410.030 Interior yard setback.

A. Residential.



1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.

2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.

3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.

#### 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, 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.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2720 § 1(13), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.552.]

**Penalty:** See NMC 15.05.120.

## 15.410.040 Setback and yard restrictions as to schools, churches, public buildings.

A. Building Setback. No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of

this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.

B. Required Yard. No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes. [Ord. 2451, 12-2-96. Code 2001 § 151.553.]

**Penalty:** See NMC 15.05.120.

## 15.410.050 Special setback requirements to planned rights-of-way.

 SHARE

A. Yard Requirements for Property Abutting Partial or Future Street Rights-of-Way.

1. Except as provided in subsection (A)(2) of this section, no building shall be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street width plus the width and/or depths of the yards required on the lot by this code.

2. Where a comprehensive plan street design or a future street plan exists, the placement of buildings and the establishment of yards where required by this code shall relate to the future street boundaries as determined by said plans.

B. Planned Street Right-of-Way Widths. Planned street right-of-way widths are established as indicated in subsection (C) of this section for the various categories of streets shown in the transportation system plan.

C. A lot or parcel of land in any district adjoining a street for which the planned right-of-way width and alignment have been determined shall have a building setback line equal to the yard required in the district, plus a distance of:

1. Fifty feet from and parallel with the centerline of expressways.
2. Thirty-five feet from and parallel with the centerline of major and minor arterials.
3. Thirty feet from and parallel with the centerline of multifamily, commercial and industrial streets and single-family collector streets.
4. Thirty feet from and parallel with the centerline of single-family local streets.
5. Twenty-five feet from and parallel with the centerline of single-family hillside, cul-de-sacs and local streets which will never be extended more than 2,400 feet in length and which will have a relatively even division of traffic to two or more exits.

Exceptions to the above five classifications are shown in the transportation system plan.

D. The centerline of planned streets shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter-described line shall prevail. In all other cases, a line midway between properties abutting the right-of-way shall be the centerline for the purposes of this code. [Ord. 2763 § 1 (Exh. A § 13), 9-16-13; Ord. 2602, 9-20-04; Ord. 2451, 12-2-96. Code 2001 § 151.554.]

**Penalty:** See NMC 15.05.120.

## 15.410.060 Vision clearance setback.

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.

B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.

C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.

D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict. [Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.555.]

**Penalty:** See NMC 15.05.120.

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

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

A. Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.

B. Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.

C. Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:

1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
2. Chimneys and fireplaces, provided they do not exceed eight feet in width.
3. Porches, platforms or landings which do not extend above the level of the first floor of the building.
4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).

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, 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.

3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.

4. The requirements of vision clearance shall apply to the placement of fences.

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 detached dwelling, or two-family dwelling duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse 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, 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.

F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.

G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2647, 6-5-06; Ord. 2619, 5-16-05; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.556.]

# Chapter 15.415

## BUILDING AND SITE DESIGN STANDARDS

Sections:

**15.415.010 Main buildings and uses as accessory buildings.**

**15.415.020 Building height limitation.**

**15.415.030 Building height exemptions.**

**15.415.040 Public access required.**

**15.415.050 Rules and exceptions governing ~~single-family attached dwellings~~ triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.**

**15.415.060 Home occupation.**

### 15.415.010 Main buildings and uses as accessory buildings.

 SHARE

A. Hereinafter, any building which is the only building on a lot is a main building.

B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.

C. In any residential district, there shall be no more than two accessory buildings on any lot or development site. [Ord. 2451, 12-2-96. Code 2001 § 151.535.]

### 15.415.020 Building height limitation. SHARE

A. Residential.

1. In the R-1, ~~R-2, AR, and RP~~ districts, no main building shall exceed 30 feet in height, except that townhouse dwellings shall not exceed 35 feet in height. ~~Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:~~

~~a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.~~

~~b. Aircraft hangars in the AR district may be the same height as the main building.~~

2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.

~~3.2.~~ In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.

4. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:

a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.

b. Aircraft hangars in the AR district may be the same height as the main building.

5. No cottage cluster dwelling shall exceed 25 feet in height in any zone where the use is permitted.

~~6.3.~~ Single-family dwellings permitted in commercial or industrial districts shall not exceed ~~30~~ 35 feet in height, or the maximum height permitted in the zone, whichever is less.

#### B. Commercial, Industrial and Mixed Employment.

1. In the C-1 district no main building or accessory building shall exceed 30 feet in height.

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 15.352.060.

#### C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

#### D. Institutional. The maximum height of any building or structure will be 75 feet except as follows:

1. Within 50 feet of an interior property line abutting a C-1, R-1, R-2 or R-P district, no main building may exceed 30 feet.

2. Within 50 feet of an interior property line abutting an R-3 district, no main building may exceed 45 feet.



3. Within 100 feet of a property line abutting a public street or railroad right-of-way, or within 100 feet of property lines abutting parcels with an R-1, R-2, R-3, R-P, C-1, C-2, C-3, M-1, M-2, or M-3 zoning designation, no main building may exceed 50 feet in height.

4. To utilize the maximum permitted height standard, at least 80 percent of the building's ground coverage must be beyond the setback area designated in subsection (D)(3) of this section. The maximum encroachment may not exceed 25 feet.

E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:

1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and

2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.

F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2730 § 1 (Exh. A (4)), 10-18-10; Ord. 2720 § 1(10), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.536.]

**Penalty:** See NMC 15.05.120.

### **15.415.030 Building height exemptions.**

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict. [Ord. 2730 § 1 (Exh. A (4)), 10-18-10; Ord. 2451, 12-2-96. Code 2001 § 151.537.]

### **15.415.040 Public access required.**

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city. [Ord. 2720 § 1(11), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.538.]

**Penalty:** See NMC 15.05.120.

## 15.415.050 Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects. ~~single-family attached dwellings.~~ SHARE

A. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:

1. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below. Any detached structure with more than 50 percent of its street-facing façade is separated from the street property line by a dwelling is exempt from meeting these standards.

a. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit and

b. The entrance must either:

i. Face the street (see Figure 13);

*(Ed. Note: Figure numbers currently refer to figures from the Model Code for Large Cities, and will be updated when figures are inserted into the text.)*

ii. Be at an angle of up to 45 degrees from the street (see Figure 14);

iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 15); or

iv. Open onto a porch (see Figure 16). 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. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 17.

3. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) and (b) below.

a. The garage or off-street parking area is separated from the street property line by a dwelling; or

b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.

B. Where permitted, townhouse dwellings are subject to the following provisions:

1. Number of Attached Units. The minimum number of attached townhouse dwelling units in all zones is two units. The maximum number of attached townhouse dwelling units is four units in the R-1 zone and eight units in the R-2, R-3, R-P and AR zones.

2. Entry Orientation. The main entrance of each townhouse must:

a. Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and

b. Either:

i. Face the street; or

ii. Be at an angle of up to 45 degrees from the street; or

iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or

iv. Open onto a porch. 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.

3. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 22):

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 façade a minimum of 2 feet; or

d. An offset of the façade a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade 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 that is:

i. At least 25 square feet in area; and

ii. Has at least one entrance facing the street or has a roof.

4. 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.

5. Driveway Access and Parking. Townhouses with street frontage must 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 allowed if they meet the following standards (see Figure 23):

i. Each townhouse lot has a street frontage of at least 15 feet on a local street.

ii. A maximum of one driveway approach is allowed for every townhouse. Individual driveways may be between 10 and 12 feet in width. Driveway approaches and/or driveways may be shared.

iii. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, which may be between 20 to 24 feet in width. See Figure 23b.

iv. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

v. 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.

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 24.

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 25.

iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b).

d. As an alternative to the provisions of subsections a. through c., above, a townhouse development may utilize a shared parking area meeting the requirements of NMC 15.440.060.

C. Where permitted, cottage cluster projects are subject to the following provisions:

1. Unit Size. The dwelling unit footprint of an individual cottage dwelling shall not exceed 900 square feet. Up to 200 square feet may be excluded from the calculation of dwelling unit footprint for an attached garage or carport. Detached garages, carports, or accessory structures shall not be included in the calculation of dwelling unit footprint.

2. Number of Units. A minimum of three cottage dwellings is required per cottage cluster. A maximum of eight cottage dwelling is permitted per cluster in the R-1 zone and a maximum of 12 cottage dwellings per cluster is permitted in the R-2, R-3, R-P and AR zones. More than one cottage cluster may be permitted as part of a cottage cluster project.

3. Density. Cottage cluster projects shall meet a minimum density of four units per acre. No maximum density shall apply to cottage cluster projects.

4. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 26):

a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

b. A minimum of 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 edge of the common courtyard; and

iii. Be connected to the common courtyard by a pedestrian path.

c. Cottages within 20 feet of a street property line may have their entrances facing the street.

d. 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.

5. 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 26):

a. The common courtyard must be a single, contiguous piece.

b. Cottages must abut the common courtyard on at least two sides of the courtyard.

c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include

recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

6. 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 count towards the maximum average floor area, pursuant to subsection (B)(5).

b. A community building that meets the development code's definition of a dwelling unit 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.

7. 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 rights-of-way if there are no sidewalks.

b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

8. Parking Design (see Figure 27).

a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.

iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

iv. Clustered parking areas may be covered.

b. Parking location and access.

i. Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines; or

- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

c. Screening, Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

d. As an alternative to the provisions of subsections a. through c., above, a cottage cluster development may utilize a shared parking area meeting the requirements of NMC 15.440.060.

e. Garages and carports.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

iii. Individual detached garages must not exceed 400 square feet in floor area.



iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

9. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

10. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster 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 NMC 15.415.050(C).

b. The existing dwelling may be expanded up to the maximum height of 25 feet or the maximum building footprint of 900 square feet; however, existing dwellings that exceed the maximum height and/or footprint may not be expanded.

c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per NMC 15.415.050(2)(b).

~~In all residential districts, single-family attached dwelling units may be permitted, provided:~~

~~A. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot which includes existing lots of record.~~

~~B. The dwelling units shall have a common wall at the zero lot line.~~

~~C. The combined area of lots shall not be less than the lot area required in the residential district.~~

~~D. The lot or development site area requirement per dwelling unit listed in this code shall apply to each individual lot.~~

~~E. The setback requirements will apply to each dwelling unit independently, except that the setback for the zero lot line shall be waived.~~

~~F. Each dwelling unit shall have independent services which include, but are not limited to, wastewater, water and electricity.~~

~~G. Authorization of single-family attached dwelling units does not waive any requirement specified within the current edition of the Oregon Residential Specialty Code or other applicable requirements.~~

~~H. Maximum lot coverage requirements specified in this code shall apply to each individual lot.~~

~~I. A site plan is approved by the director prior to issuance of a building permit. In approving a site plan, the director may attach any conditions necessary to fulfill the purpose of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.539.]~~

## 15.415.060 Home occupation.

Home occupations shall be processed as a Type I procedure. Home occupation uses shall comply with the following standards:

- A. Signs shall comply with the standards of NMC 15.435.010 et seq.
- B. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
- C. The building retains the characteristics of a residence.
- D. There is no outside storage of materials, parts, tools, supplies, or other items related to the use as a home occupation, other than nursery plants.
- E. No more than one outside paid employee shall be permitted to work at the residence at any given time.
- F. The use does not destroy the residential character of the neighborhood.
- G. All work being performed at the site is done within the confines of a building and no noise, odor, dust, smoke or other evidence of the home occupation permeates beyond the confines of the property.
- H. The home occupation is incidental to the use of the building and site for residential purposes.
- I. The work does not involve the use of hazardous substances or materials which might create a fire hazard or danger to the environment or neighboring properties, including but not limited to gasoline, paint, oxygen/acetylene tanks, or other flammable or hazardous materials. [Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.540.]

## Chapter 15.420

# LANDSCAPING AND OUTDOOR AREAS

Sections:

**15.420.010 Required minimum standards.**

**15.420.020 Landscaping and amenities in public rights-of-way.**

### **15.420.010 Required minimum standards.**

SHARE

#### A. Private and Shared Outdoor Recreation Areas in Residential Developments.

1. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.

2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any **duplex or** multifamily residential development, as follows:

a. One- or two-bedroom units: 200 square feet per unit.

b. Three- or more bedroom units: 300 square feet per unit.

c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

3. In the AR airport residential district a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family **detached dwellings, and duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:**

1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping

requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.

2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

3. The following landscape requirements shall apply to the parking and loading areas:

a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.

c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.

d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).

e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.

g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:

i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).

ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.

a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.

b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.

c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in

height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.

e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.

6. Required landscaping shall be continuously maintained.

7. Maximum height of tree species shall be considered when planting under overhead utility lines.

8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.

9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant. [Ord. 2720 § 1(16, 17), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.580.]

**Penalty:** See NMC 15.05.120.

# Chapter 15.440

## OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

Sections:

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### Article I. Off-Street Parking Requirements



## 15.440.010 Required off-street parking.

A. Off-street parking shall be provided on the lot or 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 lot or development site or within 400 feet of the lot or development site which the parking is required to serve. All required parking must be under the same ownership as the lot or development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the lot or development site.

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

C. 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.

3. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

D. 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. For maximum number of off-street parking spaces refer to subsection (F) of this section.

E. 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.

F. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:

1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces; or

2. One and one-half spaces for uses fronting no street with adjacent on-street parking; or
3. A factor determined according to a parking analysis. [Ord. 2862 § 1 (Exh. A § 2), 6-15-20; Ord. 2851 § 1 (Exh. A § 2), 1-21-20; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 15), 9-16-13; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.610.]

**Penalty:** See NMC 15.05.120.

## 15.440.020 Parking area and service drive design. SHARE

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

B. Groups of three or more parking spaces, except those in conjunction with single-family detached dwelling, or two family duplex dwelling, triplex dwelling, quadplex dwelling, townhouse dwelling or cottage cluster project on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.

D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:

1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the

private airport owner, and the FAA for airspace review. [Ord. 2670, 5-7-07; Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.611.]

**Penalty:** See NMC 15.05.120.

## 15.440.030 Parking spaces required.

Use	Minimum Parking Spaces Required
<b>Residential Types</b>	
<p><u>Dwelling, multifamily</u> and multiple <u>single-family dwellings</u> on a single <u>lot</u></p> <p>Studio or one-bedroom unit Two-bedroom unit Three- and four-bedroom unit Five- or more bedroom unit</p> <ul style="list-style-type: none"> <li>• Unassigned spaces</li> <li>• Visitor spaces</li> </ul>	<p>1 per <u>dwelling unit</u> 1.5 per <u>dwelling unit</u> 2 per <u>dwelling unit</u> 0.75 spaces per bedroom</p> <p>If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide some unassigned spaces. At least 15 percent of the total required <u>parking spaces</u> must be unassigned and be located for convenient <u>use</u> by all occupants of the development. The location shall be approved by the <u>director</u>.</p> <p>If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide at least 0.2 visitor spaces per <u>dwelling unit</u>.</p>
<ul style="list-style-type: none"> <li>• On-street parking credit</li> <li>• Available transit service</li> </ul>	<p>On-street <u>parking spaces</u> may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a <u>lot</u>. The on-street spaces must be directly adjoining and on the same side of the <u>street</u> as the subject property, must be legal spaces that meet all <u>city</u> standards, and cannot be counted if they could be removed by planned future <u>street</u> widening or a <u>bike lane</u> on the <u>street</u>.</p> <p>At the review body's discretion, affordable <u>housing projects</u> may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.</p>
Commercial neighborhood district (C-1)	1 for each <u>dwelling</u>
<u>Dwelling, single-family</u> or <u>two-family</u>	2 for each <u>dwelling unit</u> on a single <u>lot</u>
<u>Dwelling, duplex</u>	<u>1 for each dwelling unit</u>
<u>Dwelling, triplex</u>	<u>1 for each dwelling unit</u>

Use	Minimum Parking Spaces Required
	Except that conversion of a detached single-family dwelling to a triplex dwelling shall not be subject to this requirement
Dwelling, quadplex	1 for each dwelling unit Except that conversion of a detached single-family dwelling to a quadplex dwelling shall not be subject to this requirement
Dwelling, townhouse	1 for each dwelling unit
Dwelling, cottage	1 for each dwelling unit
Fraternities, sororities, cooperatives and dormitories	1 for each three occupants for which sleeping facilities are provided
Hotels, motels, motor hotels, etc.	1 for each guest room
Rooming or boarding houses	1 for each guest room
Special needs housing	1 space per 3 beds or actual parking needs as demonstrated through a parking analysis.
<b>Institutional Types</b>	
Churches, clubs, lodges	1 for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained – in main auditorium (sanctuary or place of worship)
Continuing care retirement community not including nursing care	1 space per living unit
Day care facility	5 spaces per each 1,000 gross sq. ft.
Hospitals (including accessory retail wholly contained within a hospital building)	2 spaces for each 1,000 gross sq. ft.
Libraries, museums, art galleries	1 for each 250 sq. ft. of gross floor area
Medical/dental offices and laboratories	3.5 spaces for each 1,000 gross sq. ft.
Nursing homes, homes for the aged, group care homes, asylums, etc.	1 for each 3 beds
Schools	Colleges – “commuter” type, 1 for every full-time equivalent student (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Schools	Colleges – “resident” type, 1 for every 3 full-time equivalent students (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Schools	Elementary or junior high, 1-1/2 for each teaching station plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	High schools, 1-1/2 for each teaching station, plus 8 for every classroom, or 1 for every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Schools	<u>Colleges</u> – commercial or business, 1 for every 3 classroom seats (plus 1/2 of the requirements for <u>accessory buildings</u> , i.e., 1.-E* and 3.-G(1)**)
Welfare or correctional <u>institutions</u>	1 for each 5 beds
<b>Commercial Types</b>	
Barber and beauty shops	1 for each 75 sq. ft. of <u>gross floor area</u>
Bowling alleys	6 for each bowling lane
Establishments or enterprises of a recreational or an entertainment nature:	
Establishments for the sale and consumption on the premises of food and beverages with a drive-up window	1 for each 75 sq. ft. of <u>gross floor area</u>
Establishments for the sale and consumption on the premises of food and beverages without a drive-up window	1 for each 100 sq. ft. of <u>gross floor area</u>
Participating type, e.g., skating rinks, dance halls	1 for each 75 sq. ft. of <u>gross floor area</u>
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	1 <u>parking space</u> for each 4 seats
Office <u>buildings</u> , business and professional offices	1 for every 400 sq. ft. of <u>gross floor area</u>
Pharmacies	1 for each 150 sq. ft. of <u>gross floor area</u>
Retail establishments, except as otherwise specified herein	1 for each 300 sq. ft. of <u>gross floor area</u>
Retail stores handling bulky merchandise, household furniture, or appliance repair	1 for each 600 sq. ft. of <u>gross floor area</u>
<b>Industrial Types</b>	
Except as specifically mentioned herein, industrial <u>uses</u> listed as permitted in the M districts: M-1, M-2, M-3, and M-4	1 for each 500 sq. ft. of <u>gross floor area</u>
Aircraft storage <u>hangars</u> up to 3,600 sq. ft. each enclosed <u>hangar</u> area	None (parking occurs in <u>hangar</u> )
Aircraft storage <u>hangars</u> over 3,600 sq. ft. each enclosed <u>hangar</u> area	1 for every 700 sq. ft. of <u>hangar</u> area over 3,600 sq. ft.
Aircraft <u>hangars</u> intended for repair and maintenance operations	1 for each 5,000 sq. ft. of <u>hangar</u> , plus 1 for each 500 sq. ft. of shop area, plus 1 for each 400 sq. ft. of office area

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Laboratories and research facilities	1 for each 300 sq. ft. of <u>gross floor area</u>
Machinery or equipment	1 for each 400 sq. ft. of gross sales floor area
Wholesale and storage operations	1 for each 700 sq. ft. of <u>gross floor area</u>

Notes:


\* "1-E" refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

\*\* "3.-G(1)" refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

[Ord. 2862 § 1 (Exh. A § 2), 6-15-20; Ord. 2763 § 1 (Exh. A § 16), 9-16-13; Ord. 2730 § 1 (Exh. A (13)), 10-18-10; Ord. 2720 § 1(19), 11-2-09; Ord. 2710 § 1, 3-2-09; Ord. 2647, 6-5-06; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.612.]

**Penalty:** See NMC 15.05.120.

## 15.440.040 Parking requirements for uses not specified.

 SHARE

The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. Such determination shall be based upon the requirements for the most comparable building or use specified herein. [Ord. 2451, 12-2-96. Code 2001 § 151.613.]

## 15.440.050 Common facilities for mixed uses.

A. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.

B. Joint Uses of Parking Facilities. The director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility; provided, that:

1. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.
2. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking.

3. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of the ordinance, shall be recorded in the office of the county recorder and copies of the instrument filed with the director.

C. Commercial establishments within 200 feet of a commercial public parking lot may reduce the required number of parking spaces by 50 percent. [Ord. 2451, 12-2-96. Code 2001 § 151.614.]

## 15.440.060 Parking area and service drive improvements.

 SHARE

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

C. All parking areas, except those required in conjunction with a single-family detached, or two-family duplex, triplex, quadplex or townhouse dwellings, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

D. All parking areas, including service drives, except those required in conjunction with single-family detached, or two-family duplex, triplex, quadplex or townhouse dwellings, shall be screened in accordance with NMC 15.420.010(B).

E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.

G. Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. ~~Attached or detached~~ single-family ~~detached, or duplex, triplex, quadplex, and townhouse dwellings~~ two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

~~2. Three or four family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).~~

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.

J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2730 § 1 (Exh. A (14)), 10-18-10; Ord. 2628, 1-3-06; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.615.]

**Penalty:** See NMC 15.05.120.

## 15.440.070 Parking tables and diagrams.

The following tables provide the minimum dimensions of public or private parking areas:



Diagram 1

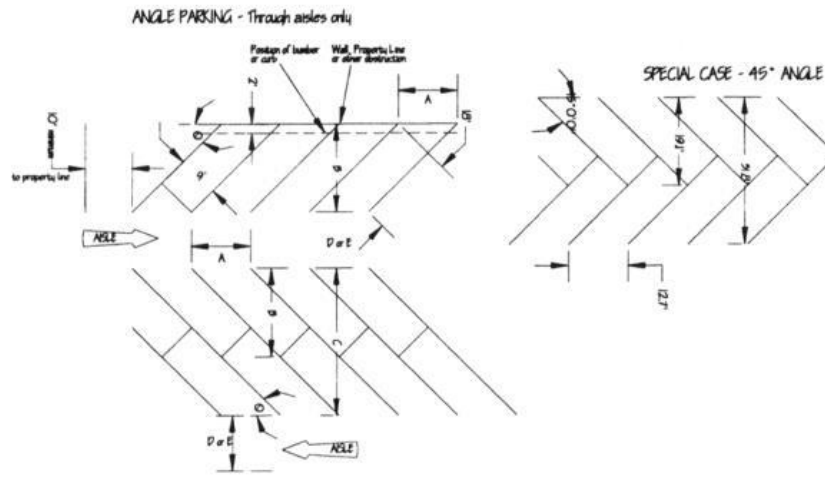
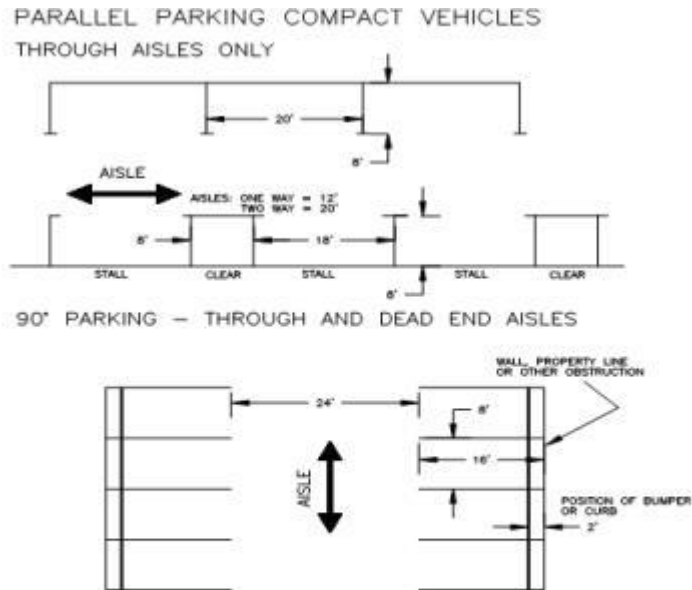


Table of Dimensions (In Feet)

Angle - °	Basic Stall		Back to Back C	Aisles	
	A	B		D (One-Way)	E (Two-Way)
30°	18	16.8	25.8	12	20
38°	14.6	18.2	29.3	12	20
45°	12.7	19.1	31.8	12	20
52°	11.4	19.7	33.9	13	20
55°	11	19.9	34.6	14	20
60°	10.4	20.1	35.7	15	20
70°	9.6	20	36.9	18	20
80°	9.1	19.3	37	20	20





**Diagram 3**

Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the planning department.

[Ord. 2451, 12-2-96. Code 2001 § 151.616.]

**15.440.075 Residential garage standards.**

SHARE

A. Single-car garages for residential uses shall have a minimum inside width of 10 feet by 20 feet.

B. Two-car garages for residential uses shall have a minimum inside width of 20 feet by 20 feet.

C. Three-car garages for residential uses shall have a minimum inside width of 30 feet by 20 feet.

## 15.440.080 Off-street loading.

A. Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

1. The following standards shall be used in establishing the minimum number of berths required:

<b><u>Gross Floor Area of the Building in Square Feet</u></b>	<b>No. of Berths</b>
Up to 10,000	1
10,000 and over	2

2. A loading berth shall contain a space 10 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

3. Additional off-street loading requirements within the C-4 district are described in NMC 15.352.040(H)(7).

4. Where a facility includes an aircraft hangar, the off-street loading requirement is not required since loading may occur through the hangar doors.

B. The following provisions shall apply to off-street loading facilities:

1. The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this code. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until such time as the increased off-street loading requirements are met.

2. Owners of two or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the city attorney in the form of deeds, leases or contracts to establish the joint use.

3. A plan drawn to scale, indicating how the off-street loading requirements are to be fulfilled, shall accompany an application for a building permit.

4. Design Requirements for Loading Areas.

- a. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces of asphaltic concrete or portland cement concrete, maintained adequately for all-weather use and so drained as to avoid flow of water across the sidewalks.
- b. Loading areas adjacent to residential zones designed to minimize disturbance of residents.
- c. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- d. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- e. Vision clearance standards as identified in NMC 15.410.060 shall apply. [Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2451, 12-2-96. Code 2001 § 151.617.]

**Penalty:** See NMC 15.05.120.

**Article II. Bicycle Parking**

**15.440.090 Purpose.** 

Cycling is a healthy activity for travel and recreation. In addition, by maximizing bicycle travel, the community can reduce negative effects of automobile travel, such as congestion and pollution. To maximize bicycle travel, developments must provide effective support facilities. At a minimum, developments need to provide a secure place for employees, customers, and residents to park their bicycles. [Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.1.]

**15.440.100 Facility requirements.** 

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

<u>Use</u>	<u>Minimum Number of Bicycle Parking Spaces Required</u>
New multiple <u>dwelling</u> s, including additions creating additional <u>dwelling units</u>	One bicycle <u>parking space</u> for every four <u>dwelling units</u>
New commercial, industrial, office, and	One bicycle <u>parking space</u> for every 10,000

<u>Use</u>	<b>Minimum Number of Bicycle Parking Spaces Required</b>
institutional developments, including additions that total 4,000 square feet or more	square feet of <u>gross floor area</u> . In C-4 districts, two <u>bicycle parking spaces</u> , or one per 5,000 square feet of <u>building area</u> , must be provided, whichever is greater
<u>Transit centers and park and ride lots</u>	Four spaces or one per 10 vehicle spaces, whichever is greater <sup>a + b</sup>
<u>Parks</u>	Two <u>bicycle parking spaces</u> within 50 feet of each developed playground, ball field, or shelter
<u>Transit stops</u>	Two spaces <sup>a</sup>

Notes:

- a. Short-term bicycle parking is parking intended to be used for durations less than two hours. Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely and shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automobile parking space. Shelter or cover may be required for a specified percentage of short-term parking.
- b. Long-term bicycle parking is parking intended to be used for durations over two hours. Long-term parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of fully sheltered and secure parking.

[Ord. 2862 § 1 (Exh. A § 3), 6-15-20; Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.2.]

**15.440.110 Design.** 

A. Bicycle parking facilities shall consist of one or more of the following:

- 1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.

2. An enclosed locker.
3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.
4. Other facility designs approved by the director.

B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.

C. All spaces shall be located within 50 feet of a building entrance of the development.

D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way. [Ord. 2518, 9-21-99. Code 2001 § 151.625.3.]

### Article III. Private Walkways

#### 15.440.120 Purpose.

Sidewalks and private walkways are part of the city's transportation system. Requiring their construction is part of the city's plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.1.]

#### 15.440.130 Where required.

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways. [Ord. 2647, 6-5-06; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.2.]

#### 15.440.140 Private walkway design.

A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.

B. Required private walkways shall be a minimum of four feet wide.

C. Required private walkways shall be constructed of portland cement concrete or brick.

D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.

E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.

F. The review body may require on-site walks to connect to development on adjoining sites.

G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.3.]



## 15.505.030 Street standards. SHARE

### R. Vehicular Access Standards.

1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

**Table 15.505.R. Access Spacing Standards**

<b>Roadway <u>Functional Classification</u></b>	<b>Area<sup>1</sup></b>	<b>Minimum Public <u>Street Intersection Spacing (Feet)</u><sup>2</sup></b>	<b><u>Driveway Setback from Intersecting Street</u><sup>3</sup></b>
<u>Expressway</u>	All	Refer to <u>ODOT</u> Access Spacing Standards	NA
<u>Major arterial</u>	Urban CBD	Refer to <u>ODOT</u> Access Spacing Standards	
<u>Minor arterial</u>	Urban CBD	500 200	150 100
<u>Major collector</u>	All	400	150
<u>Minor collector</u>	All	300	100

<sup>1</sup> "Urban" refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).

"CBD" refers to intersections within the central business district (C-3 zone).

"All" refers to all intersections within the Newberg urban growth boundary.

**Table 15.505.R. Access Spacing Standards**

<b>Roadway Functional Classification</b>	<b>Area<sup>1</sup></b>	<b>Minimum Public Street Intersection Spacing (Feet)<sup>2</sup></b>	<b>Driveway Setback from Intersecting Street<sup>3</sup></b>
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<sup>2</sup> Measured centerline to centerline.

<sup>3</sup> The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

a. For a duplex dwelling, triplex or quadplex dwelling or a cottage cluster project with frontage on two local streets, access may be permitted on both streets.

4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40.22 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.

5. Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:

a. The review body finds that creating a public street frontage is not feasible.

b. The alley access is for no more than six dwellings and no more than six lots.

c. The alley has through access to streets on both ends.

d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.

6. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.

## 7. Shared Driveways.

a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. No more than four lots may access one shared driveway.

d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.

e. Where three or more lots ~~or three dwellings~~ share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway. However, townhouse dwellings with shared driveways shall be exempt from this standard.

8. Frontage Streets and Alleys. The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.

10. Exceptions. The director may allow exceptions to the access standards above in any of the following circumstances:

a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.

b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.

c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.

11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.