



# ORDINANCE No. 2010-2730

## AN ORDINANCE AMENDING THE NEWBERG COMPREHENSIVE PLAN AND NEWBERG DEVELOPMENT CODE TO MEET PLANNED DENSITIES AND ENCOURAGE NEEDED HOUSING TYPES

### RECITALS:

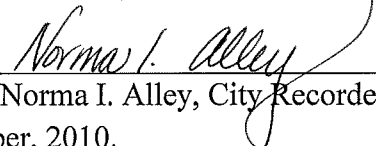
1. In 2005, the Ad Hoc Committee on Newberg's Future recommended that the City adopt standards to encourage development close to planned densities and to encourage affordable housing.
2. In 2009, the City Council accepted the *Newberg Affordable Housing Action Plan*, which recommended, among other things, certain amendments to the Newberg Development Code.
3. The Newberg Planning Commission held seven hearings to consider the changes, and recommended that the City Council adopt the amendments.
4. The Newberg City Council held a hearing on September 7, 2010 to consider the amendments. At that meeting, the City Council felt it best to consider separately the proposed adoption of the residential design standards from the proposed affordable housing amendments.
5. The amendments would help in creating and maintain safe, decent, affordable housing in Newberg, and allow future developments to reach or be near the City's planned densities and housing types.
6. The Code of Newberg is amended and shown in Exhibit "A", which is attached.

### THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

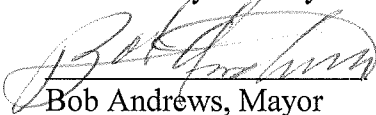
1. The Code of Newberg is amended and shown in Exhibit "A", which is hereby adopted and by this reference incorporated.
2. This ordinance does not apply to properties where a zone change application is approved pursuant to an application pending at the time of adoption of this ordinance. The ordinance shall not apply where the applicable provisions have been modified by or are governed by a development agreement or specific plan.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 17, 2010.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of October, 2010, by the following votes: **AYE: 6 NAY: 1 (MCKINNEY) ABSENT: 0 ABSTAIN: 0**

  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 21<sup>st</sup> day of October, 2010.

  
Bob Andrews, Mayor

### LEGISLATIVE HISTORY

By and through Newberg Planning Commission at 3/11/2010 meeting. Or,    None.

## Exhibit “A” to Newberg Ordinance 2010-2730

### Proposed Newberg Comprehensive Plan Goal and Policy Amendments and Development Code Amendments

Editorial Key:

Normal = existing text

~~Strikethrough~~ = proposed text deletion

Underline = proposed text additions

*Italicized* = comment

#### Section 1. The Newberg Comprehensive Plan Housing Goals and Policies shall be amended as follows:

##### I. Housing

GOAL: To provide for a diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2534)

##### 1. Density Policies

a. *(no change)*

b. Target densities shall be as follows

<u>Classification</u>	<u>Units Per Gross Acre*</u>
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

\*Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.

c. In determining net residential densities, developers may be given density credit for land donated and accepted by the City for needed public facilities.

d. The City encourages the creation of affordable housing through density bonuses. Developers may be given density bonuses for projects meeting minimum City standards for housing affordability and design, as defined under subsection 3, Housing Mix and Affordability.

##### 2. Location Policies *(no change)*

##### 3. Housing Mix and Affordability Policies

AFFORDABLE HOUSING means a dwelling unit that provides housing for a family or individual(s) with a

household income less than the median household income for the Newberg area, such that a household pays no more than 30 percent of its annual income on housing (rent/mortgage, utilities, property taxes). Affordable housing may include a care home for low-income individuals. Affordability can be assured through deed-restriction or other recorded documents that specify qualifying income of buyers or renters, and limiting sales price, rent levels and appreciation. Affordable housing may also include small, market-rate dwelling units (e.g., studios, apartments and accessory dwelling units).

a. – h. (no change)

i. The City shall encourage the provision of affordable subsidized housing for low- and very low-income households, which are defined as those earning between 50 percent and 80 percent, and those earning 50 percent or less, of the median household income in Newberg. low income people

j. – n. (no change)

o. The City shall encourage incentive based affordable\* housing for low and very low income households in the R-2 and R-3 zones.\* (Ordinance 2006-2634, January 3, 2006). The City has adopted a comprehensive approach to meeting local housing needs that balances density, design, and flexibility in code standards and procedures. The City shall use development incentives such as density bonuses, flexible development standards, and streamlined review procedures to stimulate or require the production and preservation of affordable housing. (replaces old policy "o")

p. The City shall create a local housing trust fund for the purpose of encouraging the production and retention of affordable housing in Newberg.

\* Affordable housing is generally considered to cost no more than 30% of gross household income. Low and very low income households are generally defined as those earning 80% and 60%, respectively, of the median gross household income of an area.

q. The City shall provide financial incentives for affordable housing, such as system development charge deferrals or waivers, permit application fee reductions or waivers, and land cost write-downs or donations for qualified affordable housing developments. These incentives could be paid by a housing trust fund.

r. The City shall support the retention of affordable housing through public education, planning, zoning and community development programs.

s. The City shall support state legislative efforts that strengthen tenant rights, for example, by ensuring relocation costs and replacement housing are addressed when manufactured home parks close and when low-income housing is converted to other uses.

t. The City shall support state legislative efforts to expand the range of regulatory tools (e.g., inclusionary housing) and non-regulatory tools available to cities in meeting local housing needs.

u. The City shall build understanding and support for affordable housing through educational forums with residents and employers, pre-application consultations with developers, and through local housing studies.

v. The City shall work with local affordable housing providers in developing an overall strategy for meeting Newberg's housing needs.

w. City resources shall be directed toward assisting public and private entities in

producing and preserving affordable housing throughout the community.

- x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.
- y. The City shall promote and support employer programs that assist employees to secure affordable housing.
- z. To the extent possible, the City shall zone residential housing near employment centers.
- aa. The City shall promote and support public and/or private transit systems that connect housing to employment centers.

## **Section 2. Newberg Development Code Section 151.565 shall be amended as follows:**

### ***LOT REQUIREMENTS***

#### **151.565 LOT AREA; LOT AREAS PER DWELLING UNIT.**

- (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 District, each lot or development site shall have a minimum area of ~~7,500~~ 5,000 square feet or as may be established by a sub-district. The average size of lots in a subdivision intended for single family development shall not exceed 10,000 square feet.
  - (2) In the ~~AI, AR,~~ R-2, R-3, and RP, C-1, C-2, and C-3 Districts, each lot or development site shall have a minimum area of ~~5,000~~ 3,000 square feet or as may be established by a sub-district. 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) 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 sub-district.
  - ~~(3)~~ (4) In the M-1, M-2 and M-3 Districts, each lot or development site shall have a minimum area of 20,000 square feet.
  - ~~(4)~~ (5) 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.
  - ~~(5)~~ (6) Within the commercial zoning district(s) of the Riverfront Overlay Sub-district, there is no minimum lot size required, provided the other standards of this code can be met.
- (B) Lot or development site area per dwelling unit.
  - (1) In the R-1 District, there shall be a minimum of ~~7,500~~ 5,000 square feet per dwelling unit.
  - (2) In the R-2, AR, and R-P Districts, there shall be a minimum of ~~3,750~~ 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P Districts, lots or development sites in excess of 15,000 square feet used for multiple single family, duplex or multiple family dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.
  - (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. Lots or development sites in excess of 15,000 square feet used for

multiple single family, duplex or multiple family dwellings 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. [96-2451](#), passed 12-2-96; Am. Ord. [99-2507](#), passed 3-1-99; Am. Ord. [2002-2564](#), passed 4-15-02; Am. Ord. [2006-2647](#), passed 6-5-06) Penalty, see § [151.999](#)

### **Section 3. Newberg Development Code Section 151.567-568 shall be amended as follows:**

#### **151.567 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 § [151.003](#), shall be created to provide frontage or access.

(b) Each lot in an ~~R-1, R-2, and R-3, AI, or RP~~ Zone shall have a minimum width of ~~50~~ 30 feet at the front building line.

(c) Each lot in an R-1, AI, or RP Zone shall have a minimum width of 50 feet at the front building line.

~~(d)~~ (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) Legally created lots of record in existence prior to the effective date of this code.

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

(c) 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.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [99-2507](#), passed 3-1-99; Am. Ord. [2006-2647](#), passed 6-5-06) Penalty, see § [151.999](#)

### **151.568 LOT COVERAGE AND PARKING COVERAGE REQUIREMENTS.**

(A) For all buildings and uses the following shall mean the maximum permitted lot coverage, maximum coverage of public or private parking areas or garages, and/or combined maximum lot and parking combined coverage required in the various districts expressed in percentage of the area of the lot or development site in which district such coverage is permitted or required (Fig. IV).

(1) Maximum lot coverage.

(a) R-1: 30%.

(b) R-2 and RP: ~~40%~~ 50%.

(c) AR and R-3: 50%.

(2) Maximum coverage for parking lots; aisles and access; and parking structures, where 50% or more of the perimeter of such structure is open on its sides: R-1, R-2, R-3, and RP: 30%.

(3) Combined maximum lot and parking area coverage:

(a) R-1, R-2 and RP: 60%.

(b) R-3: 70%.

(B) All other districts not listed in division (A) of this section shall not be limited as to lot coverage and parking area coverage.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [2006-2647](#), passed 6-5-06) Penalty, see § [151.999](#)

### **Section 4. Newberg Development Code Section 151.536-537 shall be amended as follows:**

#### **151.536 BUILDING HEIGHT LIMITATION.**

(A) Residential:

(1) In the R-1, R-2, AR, and RP Districts, no main building shall exceed ~~two and one-half stories, or 30 feet in height, whichever is lesser.~~ Accessory buildings in the R-1, R 2, R-3, AR, and RP Districts are limited to ~~one story, or 16 feet in height, whichever is lesser,~~ except that 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-3 District, no main building shall exceed ~~three stories or 45 feet in height, whichever is lesser,~~ except where an R-3 district abuts upon an R-1 District, the maximum permitted building height shall be limited to ~~two and one-half stories or 30 feet, whichever is the lesser,~~ for a distance of 50 feet from the abutting boundary of the aforementioned district.

(3) Single family dwellings permitted in commercial or industrial districts shall not exceed ~~two and one-half stories or 30 feet in height, whichever is the lesser.~~

(B) Commercial and industrial:

(1) In the C-1 District no main building or accessory building shall exceed ~~two and one-half stories or 30 feet in height, whichever is the lesser.~~

(2) In the AI, C-2, C-3, M-1, M-2, and M-3 Districts there is no building height limitation, except ~~when~~ 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 § [151.527.4\(J\)\(1\)](#) of this code.

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

(D) Institutional:

(1) The maximum height of any building or structure will be 75 feet except as follows:

(a) 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.

(b) Within 50 feet of an interior property line abutting an R-3 District, no main building may exceed 45 feet.

(c) 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.

(d) To utilize the maximum permitted height standard, at least 80% of the building's ground coverage must be beyond the setback area designated in subdivision (c) above. 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 XXIV). 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.

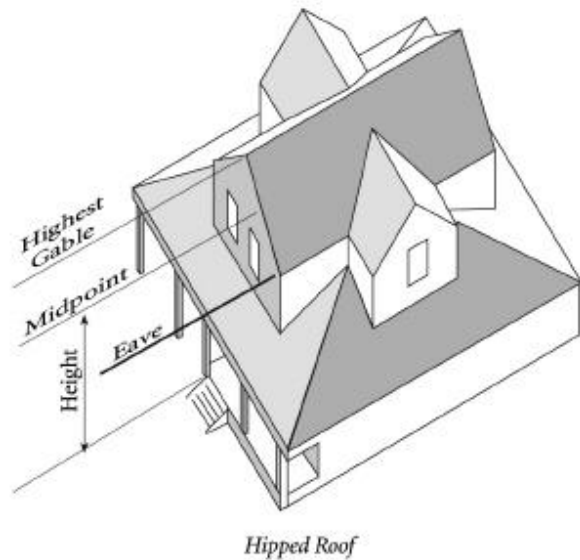
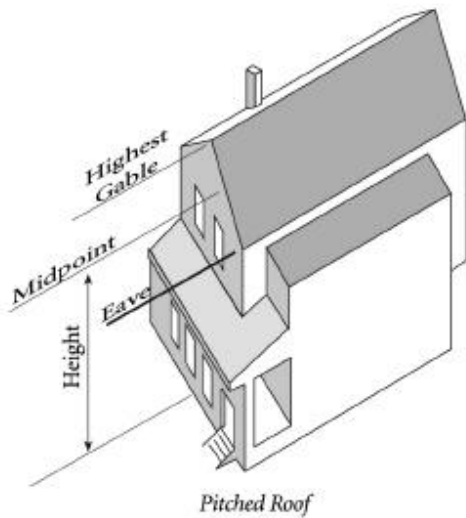
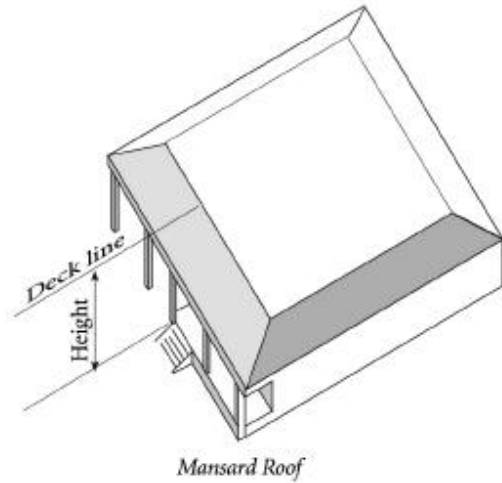
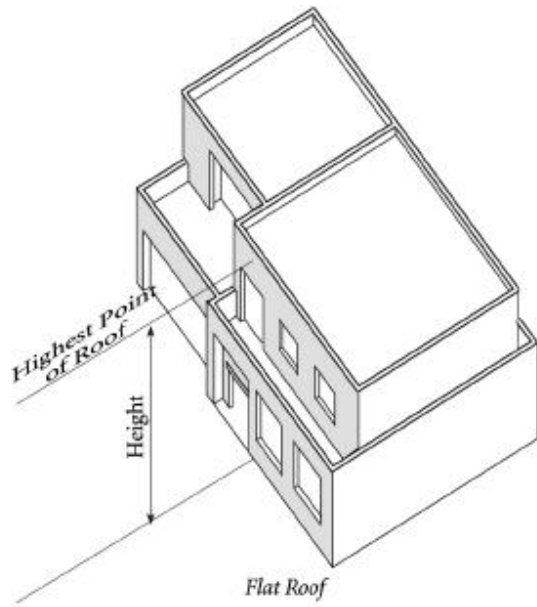
(F) Buildings within the Airport Overlay Sub-district are subject to the height limits of that sub-district.

### **151.537 BUILDING HEIGHT EXEMPTIONS.**

Roof structures and architectural features. ~~For~~ 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, T.V. 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. ~~Provided, further, that~~ 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 Sub-district.

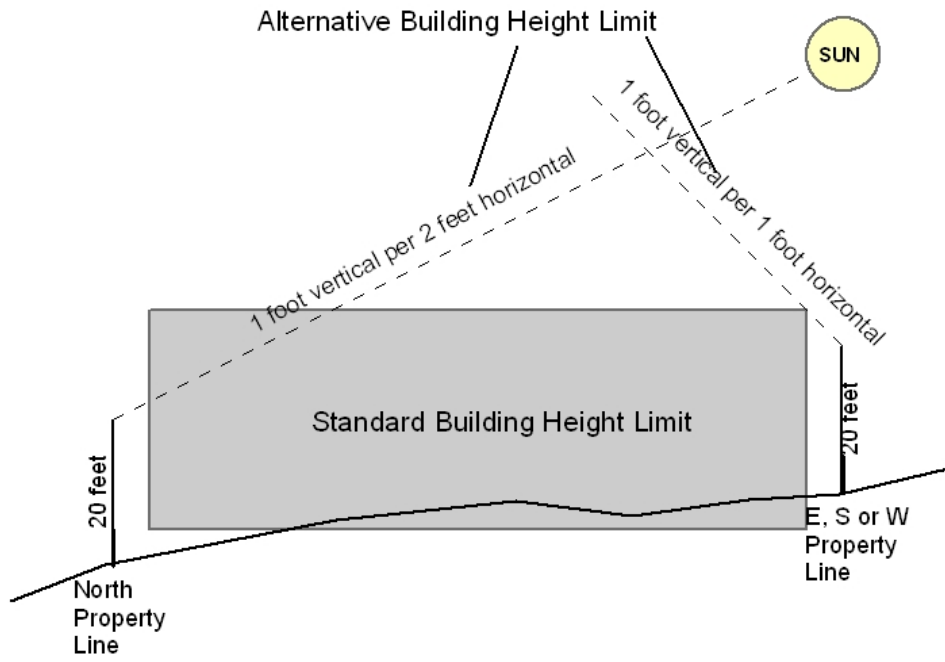
**Section 5. Add Figures XXIII and XXIV below to the Development Code:**

**XXIII. BUILDING HEIGHT AND ROOF TYPES**





# XXIV. ALTERNATIVE BUILDING HEIGHT STANDARD



**Section 6. The definitions in Newberg Development Code 151.003 shall be amended as follows:**

**BUILDING HEIGHT.** The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. See Figure XXIII.

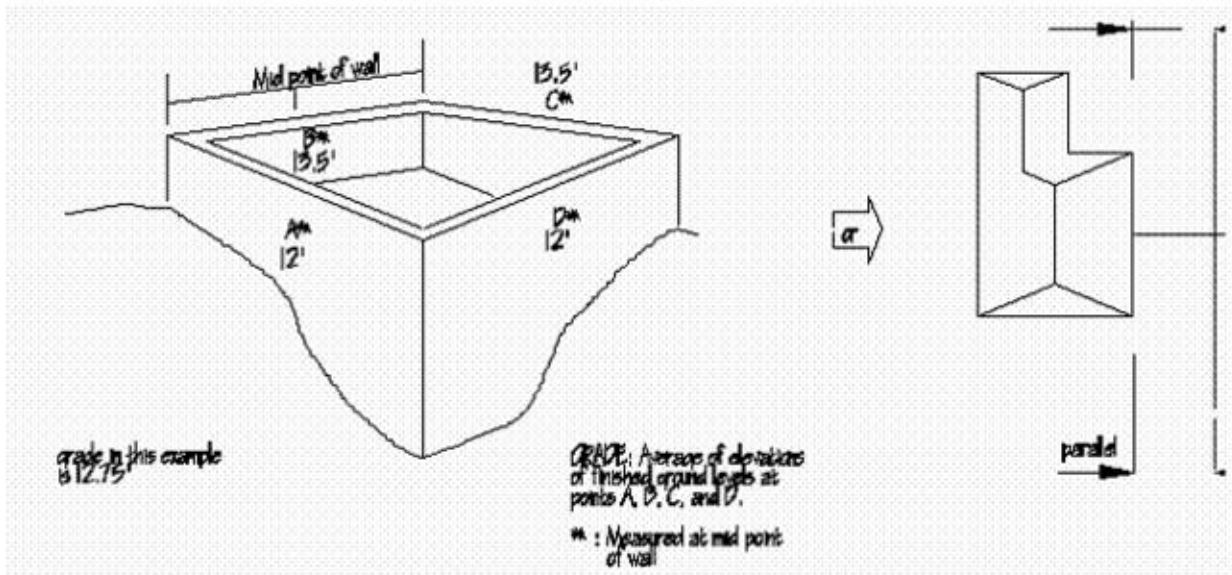
*[Note Figure XXIII would be added to the Development Code]*

**SPECIAL NEEDS HOUSING.** Group housing specially designed or adapted for those with particular physical, developmental, or social needs.

**GRADE (ADJACENT GROUND ELEVATION).** The average elevation of the finished surface of the ground at the midpoints of all walls or edges of a structure, or The-the lowest point of elevation of the finished surface of the ground between the exterior wall of a building or edge of a structure and the property line, if it is less than five feet distance from said wall or edge. In case walls are parallel to and within five feet of, or the edge of a structure with no walls is within five feet of a public sidewalk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way.

*[Note: Figure III below is existing in the Development Code]*

**III. GRADE.**



**Section 7. The following shall be added as Section 151.230-232 of the Newberg Development Code:**

**151.230 FLEXIBLE DEVELOPMENT TRACK PURPOSE AND INTENT**

The purpose of this section is to provide an optional “Flexible Development Track” that would allow developers flexibility in some development standards, provided they commit to providing some

affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with any combination of market-rate housing, provision of affordable housing units guaranteed to remain affordable in the long-term, and/or in-lieu credits though cash contributions to the City of Newberg Housing Trust Fund.

### **§ 151.231 FLEXIBLE DEVELOPMENT STANDARDS**

Developers choosing this option may elect to use any/all of the following flexible development standards. Use of this option will require the developer to make provisions for affordable housing as described in § 151.232.

(A) Lot Standards:

(1) Street frontage. Lot frontage or easement width required may be reduced from 25 feet to 20 feet.

(2) Lot depth to width ratio. Lot depth to width ratio may exceed standards otherwise permitted.

(3) Other lot dimensions. Other required lot dimensions, such as lot width, may be reduced without limit.

(4) Rounding up credit for “partial” lots. Where the maximum number of lots allowed is a fraction the number of lots allowed may be rounded (with decimals 0.5 or over rounded up). For example, where zoning allows 10.8 lots, applicant may round up to 11 lots. Lot sizes within the development may be reduced by up to 25% in order to attain the partial lot.

(5) Multi-unit density bonus. Multi-unit residential developments may increase the allowed number of units by up to 5 percent beyond the maximum density otherwise allowed in the zone.

(6) Minimum lot size. Minimum lot sizes may be reduced as follows:

(a) R-2: Reduce from 3,000 square feet to 2,500 square feet

(b) R-3: Reduce from 3,000 square feet to 1,500 square feet

(c) R-P Reduce from 3,000 square feet to 2,500 square feet

(B) Site Design Standards.

(1) Side yard setback. Side yard setback may be reduced to 3 feet.

(2) Front yard setback. Front yard setbacks may be reduced to 10 feet.

(3) Coverage. Lot coverage, parking coverage or combined coverage may be increased an additional 10% beyond the applicable standard (for example, from 30% to 40%).

(C) Street and Sidewalk Standards.

(1) Sidewalk location. Sidewalks may be constructed on one side only of local streets.

(2) Sidewalk type. Curb-side sidewalks, 6-feet in width, may be constructed on local streets, eliminating required planter strips.

(3) Street width. Subject to Fire Marshal and City Engineer approval, street width may be reduced to 28-feet with parking on both sides where, in their determination, adequate emergency access, large vehicle access, and parking can be maintained.

(4) Right-of-way width. Right-of-way width may be reduced, depending upon the street/planter strip/sidewalk configuration. In no case shall the right-of-way width be less than 38 feet.

### **§ 151.232 FLEXIBLE DEVELOPMENT STANDARDS – AFFORDABLE HOUSING PROVISION**

A developer that chooses to utilize the flexible development standards described in § 151.231 shall provide affordable housing, as detailed below. The required amount of affordable housing to be provided will be at least 50% of the extra units above what would normally be expected in the development. “What would normally be expected” would be calculated as 80% of the target density. The formula is as follows:

50% x [#dwelling units in development – (target density in zone {du/ac} x lot size in acres x 80%)] = required Equivalent Affordable Dwelling Units (EADUs).

The following describe affordable dwelling units:

(A) *Long-term Affordable Dwellings*

(1) *Moderate income units.* One moderate income unit equals 0.75 EADUs. Moderate income units are defined as residential units on the subject property reserved for qualifying buyers or renters with incomes at or below one hundred percent (100%) of Newberg area median income.

(2) *Low income units.* One low income unit equals 1.0 EADUs. Low income units are defined as residential units on the subject property reserved for qualifying buyers or renters with incomes at or below eighty percent (80%) of Newberg area median income.

(3) *Very low income units.* One very low income unit equals 1.25 EADUs. Very low income units are defined as residential units on the subject property reserved for qualifying buyers or renters with incomes at or below fifty percent (50%) of Newberg area median income.

(4) In order to use this option, the applicant must ensure a legal mechanism is in place to guarantee that the requisite long-term affordable housing units remain affordable for a period of not less than 25 years. Potential tools to guarantee long-term affordability of the units include deed restrictions, mortgage encumbrances, or agreements made in order to receive federal funding. The agreement must be approved by the City Attorney.

(5) The applicant also may meet this obligation by transferring title to a sufficient amount of buildable land for development of equivalent number of affordable housing units, as prescribed in subsections (A)(1), (A)(2) and/or (A)(3) above, to a non-profit (IRC 501(c)(3)) affordable housing developer or comparable development corporation for the purpose of complying with subsections (A)(1), (A)(2) and/or (A)(3), above. The land shall be located within the project, except as provided in § 151.232 (C), and all needed public facilities shall be extended to the area or areas proposed for transfer. If to be transferred, ownership of the land shall be transferred to the affordable housing developer or development corporation in accordance with said development agreement.

(6) The Director shall determine the Newberg area median income, using the best available data.

(7) The maximum monthly rental rates for moderate, low, and very low income units shall be determined as follows:

(a) For moderate income units, the maximum monthly rental rate shall be 30 percent of the area monthly median income minus estimated average monthly tenant paid utility costs.

(b) For low income units, the maximum monthly rental rate shall be 24 percent of the area monthly median income minus estimated monthly tenant paid utility costs.

(c) For very low income units, the maximum monthly rental rate shall be 15 percent

of the area monthly median income minus estimated monthly tenant paid utility costs.

(8) For for-sale, long term affordable dwelling units, the seller shall demonstrate that the sales price does not exceed the following:

(a) For moderate income units, the maximum sales price shall be set such that a typical purchaser's total annual mortgage, homeowner's insurance, and property tax payments will not exceed 30 percent of the annual area median income.

(b) For low income units, the maximum sales price shall be set such that a typical purchaser's total annual mortgage, homeowner's insurance, and property tax payments will not exceed 24 percent of the annual area median income.

(c) For very low income units, the maximum sales price shall be set such that a typical purchaser's total annual mortgage, homeowner's insurance, and property tax payments will not exceed 15 percent of the annual area median income.

(9) The maximum rental rates and maximum sales prices described in (A)(7) and (A)(8) above shall be adjusted for inflation. In addition, they may be adjusted uniformly each year such that the rates/prices equal market value at the end of the 25-year period. For example, the price of a unit that initially has a maximum sales price that is 75 percent of market value may be sold at 85 percent of market value after 10 years, and at 95 percent of market value after 20 years.

(B) Market rate affordable units. Market rate affordable units are dwellings on the subject property that, by virtue of their size, are more likely to be affordable on the open market. Such market rate units must meet one or more of the following criteria:

(1) studio or one-bedroom dwellings with less than 600 square feet gross floor area.

(2) two-bedroom dwellings with less than 800 square feet gross floor area.

(3) dwellings containing three or more bedrooms and containing less than 1,000 square feet floor area.

(4) accessory dwelling units.

Market rate affordable units equal 0.5 EADUs.

(C) Construction of off-site units. At the Planning and Building Director's discretion, long-term affordable dwellings or market rate affordable units may be constructed at an alternate location in the City and equal 75% of the EADUs of on-site units. The off-site unit may not be used as affordable dwelling points for any other project. If this option is selected, the applicant shall file an agreement with the City stating the election to use the off-site unit as credit for the applicant's project. A property for construction of the off-site units must be secured and platted in a reasonable time frame, as determined at the Planning and Building Director's discretion. The off-site units must be constructed within 2 years of the completion of the principal on-site development.

(D) Purchase of affordable dwelling in-lieu credits. In-lieu of constructing affordable dwelling units, the applicant may purchase affordable dwelling in-lieu credits by paying a fee to the City of Newberg Housing Trust Fund. The fee shall be assessed at the time of final plat for a subdivision, or at time building permit issuance for other projects. The price of each credit shall be established by resolution of the City Council. The price of a credit shall be calculated based on the following:

The estimated average purchase price for a market-rate dwelling unit suitable for a median sized family

in Newberg, minus the estimated average purchase price affordable to a median sized low-income family in Newberg.

**Section 8. Newberg Development Code Section 151.145 shall be amended as follows:**

**151.145 SINGLE FAMILY NON-CONFORMING USE EXEMPTION.**

(A) Where a single family, duplex, or multi-family dwelling is a legal, non-conforming use in any zoning district, it may be rebuilt if partially or completely destroyed. ~~This does not apply to any other type of residential use or other non-single family use (see § 151.146 for other types of uses).~~ If a single family, duplex, or multi-family dwelling 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.

**Section 9. Newberg Development Code Section 151.226 (F) shall be amended as follows:**

**PD PLANNED UNIT DEVELOPMENT REGULATIONS**

**151.226 GENERAL PROVISIONS.**

(F) Density. Except as provided in Section 151.123 relating to sub-districts, 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:

<u>District</u>	<u>Maximum Density per Gross Acre</u>	<u>Density Points</u>
R-1	175 density points <del>as calculated below</del> <u>per gross acre, as calculated in section (b) below</u>	
R-2	310 density points <del>as calculated below</del> <u>per gross acre, as calculated in section (b) below</u>	
R-3	640 density points <del>as calculated below</del> <u>per gross acre, as calculated in section (b) below</u>	
RP	310 density points <del>as calculated below</del> <u>per gross acre, as calculated in section (b) below</u>	
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% for deed-restricted affordable dwelling units as follows:

Density Point Table

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

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 §151.232 regarding affordable housing requirements for developments using the Flexible Development Standards.

**Section 10. Newberg Development Code Section 151.280-282 shall be amended as follows:**

**ZONING DISTRICTS**

**Part 1. R-1 LOW DENSITY RESIDENTIAL DISTRICT**

**151.280 DESCRIPTION AND PURPOSE.**

**151.281 PERMITTED BUILDINGS AND USES.**

In the R-1 Low Density Residential District the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

- (A) Accessory buildings and uses normal and incidental to the uses permitted in this section and § [151.282](#).
- (B) Agricultural uses, limited to the following:
  - (1) Berry and bush crops.
  - (2) Flower gardening.
  - (3) Orchards, tree crops, the raising and harvesting of.
  - (4) Truck gardening, the raising and harvesting of vegetables for home consumption.

- (C) Churches, subject to the following conditions:
    - (1) Dedication and improvements of public streets.
    - (2) Conveyance or dedication of public utility easements, as determined by the city.
  - (D) Churches, when using existing buildings.
  - (E) Day nurseries.
  - (F) Duplex, subject to density restrictions.
  - ~~(G)~~ Group care homes.
  - ~~(H)~~ Home occupation.
  - ~~(I)~~ Manufactured homes on individual lots provided the homes meet the development standards set forth in §§ [151.640](#) through [151.642](#).
  - ~~(J)~~ Modular homes.
  - ~~(K)~~ Open space.
  - ~~(L)~~ Private and public parks, playgrounds and golf courses.
  - ~~(M)~~ Public and semi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.
  - ~~(N)~~ Single family dwellings (one per lot).
  - ~~(O)~~ Schools; elementary, junior high and high schools and colleges, and related buildings in conjunction therewith, subject to the following conditions:
    - (1) Dedication and improvement of public streets.
    - (2) Conveyance or dedication of public utility easements as determined by the city.
  - ~~(P)~~ Transportation facilities and improvements.
  - ~~(Q)~~ Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.
- (Ord. [96-2451](#), passed 12-2-96; Am. Ord. [99-2505](#), passed 2-1-99; Am. Ord. [99-2513](#), passed 8-2-99; Am. Ord. [2000-2537](#), passed 11-6-00; Am. Ord. [2005-2619](#), passed 5-16-05)

**151.282 BUILDING AND USES PERMITTED CONDITIONALLY.**

In addition to the buildings and uses permitted conditionally, listed in § [151.211](#), the Planning Commission may grant a conditional use permit for the following buildings and uses in accordance with a Type III procedure.

- (A) Accessory dwelling units (subject to the provisions of § [151.678](#)).
- (B) Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).



- (C) Bed and breakfast establishments.
- (D) Community centers.
- (E) Driving range.
- (F) ~~Duplex and m~~Multi-family housing, including multiple single family dwellings on a single lot, subject to density restrictions and permanent open space provisions of the comprehensive plan.
- (G) Group care facilities.
- (H) Hospitals.
- (I) Nursing homes.
- (J) Planned unit developments.
- (K) Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure or utility pole more than 18 feet. Top hat antenna installations are prohibited.
- (L) Any building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [99-2505](#), passed 2-1-99; Am. Ord. [2000-2536](#), passed 11-6-00; Am. Ord. [2000-2537](#), passed 11-6-00)

**Section 11. Newberg Development Code Section 151.326 shall be amended as follows:**

**Part 4. RP RESIDENTIAL-PROFESSIONAL DISTRICT**

**151.326 PERMITTED BUILDINGS AND USES.**

In the RP Residential-Professional District, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth by this code. All uses permitted in this district except parking areas shall be contained entirely within an enclosed building.

- (A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and § [151.327](#).
- (B) Accessory dwelling units (subject to the provisions of § [151.678](#)).
- ~~(B)~~ Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).
- ~~(D)~~ Bed and breakfast establishment (two or fewer guest sleeping rooms).
- ~~(E)~~ Churches; subject to the following conditions:
  - (1) Dedication and improvement of public streets.
  - (2) Conveyance or dedication of public utility easements as determined by the city.

- (~~EF~~) Clinics.
- (~~FG~~) Day nurseries.
- (~~GH~~) Dormitories.
- (~~HI~~) Duplexes.
- (~~IJ~~) General office use, provided that the use does not involve any retail activities.
- (~~JK~~) Group care homes.
- (~~KL~~) Home occupations.
- (~~LM~~) Laboratories, biochemical and X-ray.
- (~~MN~~) Manufactured homes on individual lots provided the homes meet the development standards as set forth in §§ [151.640](#) through [151.642](#).
- (~~NO~~) Multiple family dwellings.
- (~~OP~~) Offices for the following:
  - (1) Accountants.
  - (2) Attorneys.
  - (3) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.
  - (4) Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.
  - (5) Insurance brokers.
  - (6) Lumber brokers.
  - (7) Real estate sales.
  - (8) Stockbrokers.
- (~~PQ~~) Open space.
- (~~QR~~) Planned unit developments.
- (~~RS~~) Private and public parks, playgrounds or community centers.
- (~~ST~~) Private parking area. These areas shall exist only as an accessory to a use already provided for within the RP District.
- (~~TU~~) Public and semi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations, and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.
- (~~UV~~) Single family dwellings (one or more per lot subject to density restrictions).

(~~V~~W) Studios for the following:

- (1) Interior decorating.
- (2) Photographers.
- (3) Artists.

(~~W~~X) Schools; elementary, junior high and high schools and colleges, subject to the following conditions:

- (1) Dedication and improvement of public streets.
- (2) Conveyance or dedication of public utility easements as determined by the city.

(~~X~~Y) Transportation facilities and improvements.

(~~Y~~Z) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any a different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [2000-2537](#), passed 11-6-00; Am. Ord. [2005-2619](#), passed 5-16-05)

**Section 12. Newberg Development Code Section 151.341 shall be amended as follows:**

**Part 5. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

**151.341 PERMITTED BUILDINGS AND USES.**

In the C-1 Neighborhood Commercial District, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

- (A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and § [151.342](#).
- (B) Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).
- (C) Bakeries (retail only).
- (D) Banks.
- (E) Barber and beauty shops.
- (F) Bed and breakfast establishments (two or fewer guest sleeping rooms).
- (G) Bicycle shops.
- (H) Book stores.
- (I) Chapels.
- (J) Christmas tree sales (outdoor sales) in accordance with this code.
- (K) Churches; subject to the following conditions:

- (1) Dedications and improvements of public streets.
- (2) Conveyance or dedication of public utility easements as determined by the city.
- (L) Clinics.
- (M) Confectionery stores with fountains (no drive-ins or walk-ups).
- (N) Dairy products stores (retail only).
- (O) Day nurseries.
- (P) Delicatessen stores.
- (Q) Dry cleaners, coin operated.
- (R) Dwelling units - ( 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.
- (S) Fireworks sales (outdoor sales) from June 24 to July 6.
- (T) Florist shops.
- (U) Gift shops.
- (V) Grocery stores or markets.
- (W) Group care homes.
- (X) Laundromats, hand laundries, and self-service laundries.
- (Y) Meat markets.
- (Z) Offices for the following:
  - (1) Accountants.
  - (2) Attorneys.
  - (3) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.
  - (4) Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.
  - (5) Insurance brokers.
  - (6) Lumber brokers.
  - (7) Real estate brokers.
  - (8) Savings and loans.
  - (9) Stockbrokers.
- (AA) Open space.

- (BB) Pharmacy or drug stores.
- (CC) Planned unit developments.
- (DD) Post offices.
- (EE) Public and semi-public buildings essential to the physical and economic welfare of an area such as fire stations, substations and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.
- (FF) Restaurants, except drive-through.
- (GG) Shoe repair shops.
- (HH) Small animal clinics.
- (II) Studios for the following:
  - (1) Interior decorators.
  - (2) Photographers.
  - (3) Artists.
- (JJ) Tailor or dressmaking shops.
- (KK) Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure more than 18 feet.
- (LL) Telephone and telegraph exchanges.
- (MM) Transportation facilities and improvements.
- (NN) Variety shops.
- (OO) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [2000-2536](#), passed 11-6-00; Am. Ord. [2005-2619](#), passed 5-16-05)

**Section 13. Newberg Development Code Section 151.612 shall be amended as follows:**

**OFF-STREET PARKING REQUIREMENTS**

**151.612 PARKING SPACES REQUIRED**

Use	Minimum Parking Spaces Required
<b>RESIDENTIAL TYPES</b>	

Dwelling, multiple or two family or single family	2 for each dwelling unit; where fractioned, next highest full unit
Studio or 1 bedroom unit	1 per dwelling unit
2 bedroom unit	1.5 per dwelling unit
3 and 4 bedroom unit	2 per dwelling unit
5 or more bedroom unit	0.75 spaces per bedroom
Unassigned spaces	If a development is required to have more than 10 spaces on a lot then it must provide some unassigned spaces. At least 15% of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the Director.
Visitor spaces	If a development is required to have more than 10 spaces on a lot then it must provide at least 0.2 visitor spaces per dwelling unit.
On-street parking credit	On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all City standards, and cannot be counted if they could be removed by <u>planned</u> future street widening or a bike lane on the street.
<u>Available transit service</u>	<u>At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10% 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.</u>
<u>Commercial Neighborhood District (C-1)</u>	<u>1 for each dwelling</u>
Dwelling, single family or two family	2 for each dwelling unit on a single lot
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
<u>Special needs housing</u>	<u>1 space per 3 beds or actual parking needs as</u>

**Section 14. Newberg Development Code Section 151.615 shall be amended as follows:**

**151.615 PARKING AREA AND SERVICE DRIVE IMPROVEMENTS.**

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 storm water 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 right-of-ways. 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 or two family dwelling, 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 or two family dwellings shall be screened in accordance with § [151.580\(B\)](#).
- (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 § [151.616](#).
- (G) Parking areas for residential uses shall not be located in a required front yard, except as follows:
  - (1) Attached or detached single family or 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 (Fig. XII).
- (H) A reduction in size of the parking stall may be allowed for up to a maximum of 30% of the total number of spaces to allow for compact cars. For high turn-over 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 Planning and Building Director.

**Section 15. Newberg Development Code Section 151.678.2 and 151.678.3 shall be amended as follows:**

## Part 5. ACCESSORY DWELLING UNITS

### 151.678.2 DEVELOPMENT STANDARDS.

(A) Location. Accessory dwelling units are permitted as conditional uses in the R-1 zone and as outright permitted uses in the R-2 and R-3 zones.

(B) Limitations. An accessory dwelling unit is permitted providing there is compliance with all of the following standards:

(1) An accessory dwelling unit may be created within or as an addition to a detached or attached single family structure or as a free-standing accessory building.

(2) An accessory dwelling unit may not exceed 50% of the size of the primary unit, up to a maximum of ~~800~~ 1,000 square feet.

(3) The number of residents permitted to inhabit the accessory dwelling unit is regulated by the Uniform Building Code.

~~(4) Either the primary or accessory dwelling unit must be owner-occupied.~~

~~(5)~~ In addition to the number of parking spaces required for the primary residence, as established in § [151.612](#), one on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered.

~~(6)~~ The front door of the accessory dwelling unit shall not be located on the front facade of the primary residence unless the door is already existing.

~~(6) Second story windows 10 feet or less from the property line must be made of privacy glass.~~

(7) There shall be compliance with all of the development standards established in the base zone.

(Ord. [99-2505](#), passed 2-1-99)

### 151.678.3 APPROVAL.

To obtain approval to create an accessory dwelling unit, the applicant must demonstrate compliance with all of the requirements of § [151.678.2](#). ~~If the proposed use is outright permitted in the zone, the application shall be processed as a Type I procedure as regulated by § [151.044](#). If the proposed use is conditionally permitted in the zone, the application shall be processed as a Type III procedure as regulated by § [151.046](#) and subject to conditional use criteria identified in § [151.046](#).~~

**Section 16. Newberg Development Code Section 151.191(A)(2) shall be amended as follows:**

#### 151.191 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 a Type I or Type II, as noted below.



(2) Type II.

- (a) Any new development or remodel which is not specifically identified within § [151.191](#)(A)(1) above.
- (b) Telecommunication facilities.
- (c) Accessory dwelling units.