



Proposed Zoning Amendments

March 12, 2025 City Council Meeting
First Reading

Introduction



A lot of confusion has been brought up to staff and to Council Members about the currently-proposed Zoning Amendments.

To Clarify:

- There are no properties proposed to be re-zoned!
- There are no changes to density limits on any properties!
- There are no changes to the ADU Ordinance
- All proposed changes are small fixes in our Zoning Code

Proposed Changes to the Zoning Code

State Enabling Legislation Changes & Local Zoning Improvements

Outline



- I. Decks** - New dimensional standards for decks
- II. Substandard Lots** - State Changes to Substandard Lot Dimensional Requirements
- III. Zoning Board** – State-allowed change to Zoning Board Membership
- IV. Planning and Zoning Fees** – Proposed update to application fee schedule
- V. Temporary Use Permits** – Proposed new ordinance

Proposed Changes to the Zoning Code

I. Upper-Level Decks



- Currently regulated only under the Substandard Lots chapter with no size limitations. All upper-level decks on nonconforming properties require a SUP
- Proposal:
 - 1) Eliminate SUP requirement in Ch. 17.72 – Substandard Lots
 - 2) Establish specific deck dimensional standards under Ch. 17.04 - General Provisions for all residential properties
- The proposed dimensional standards are to create **reasonable size limits** to upper-level decks to allow private use by owners/tenants, but **prevent noise and privacy impacts to neighboring lots** caused by large, elevated decks
- Staff has prepared revised language for Ch. 17.04 to clarify the meaning of “First Floor”, “Second Floor”, and “Third Floor” after feedback was provided from Solicitor’s Office

I. Upper-Level Decks

Proposed Amendment to submitted language

Decks on residential properties. Decks on residentially-zoned properties and on non-residentially-zoned properties that have been approved for residential and/or Guest House use must follow the following dimensional requirements. For purposes of this section, “Second Floor deck” means a deck with a surface level greater than 5 feet above grade, but no greater than 15 feet above grade, and “Third floor deck” means a deck with a surface level greater than 15 feet above grade but no greater than 25 feet above grade.

- i. First Floor “ground-level” decks. Allowed by-right, following standard setbacks for main buildings and lot coverage limitations, per the dimensional standards in §17.12.040 based on the zoning district in which the property is located.
- ii. Second Floor decks and balconies.
 - a. Decks. ~~Only allowed over existing portions of the building,~~ Allowed following standard setbacks for main buildings per the dimensional standards in §17.12.040 based on the zoning district in which the property in which the property is located. Limited to 100 sq.ft. in total size.

I. Upper-Level Decks



Deck Level	Proposed Standards for Decks on Residential Properties
First Floor Decks	Allowed by-right within normal setbacks and lot coverage limitations
Second Floor Decks (5'-15' above grade)	Decks – Allowed following normal setback restrictions. Up to 100 sq. ft. Balconies – Only allowed to project 4 ft. from the house. Up to 40 sq. ft.
Third Floor Decks (15'-25' above grade)	Decks – Only allowed over existing portions of the building. Must be located 3 ft from the edge of the structure. Up to 30 sq. ft. Balconies – Only allowed to project 3 ft from house. Up to 24 sq. ft.
Fourth Floor+ & Roof Decks	No decks or balconies allowed above 25'

I. Upper-Level Decks



Proposed Motion

- Approve Chapter 17.04, *as amended*, and approve the following chapter changes, as presented:
 - 17.20 – R-10
 - 17.24 – R-10A
 - 17.28 – R-20
 - 17.32 – R-40
 - 17.36 – R-40A
 - 17.40 – R-60
 - 17.44 – R-120
 - 17.48 – R-160
 - 17.52 – Limited Business
 - 17.56 – Waterfront Business
 - 17.60 – General Business

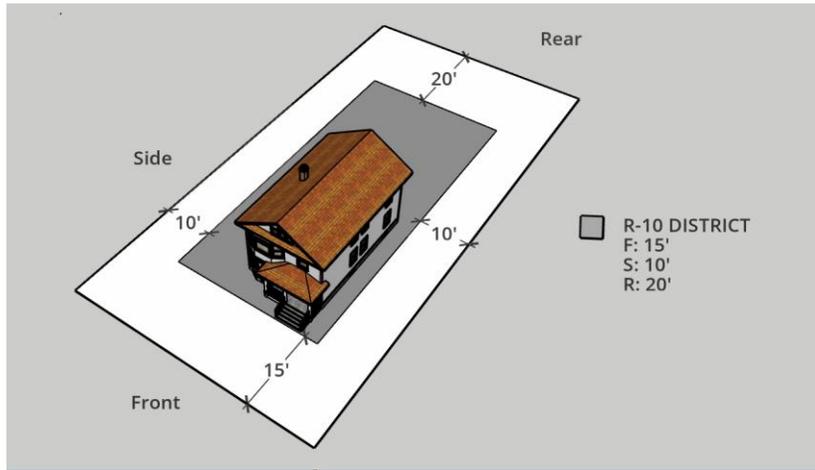
Sample language added in each Zoning District chapter listed above:

17.20.020. Use regulations.

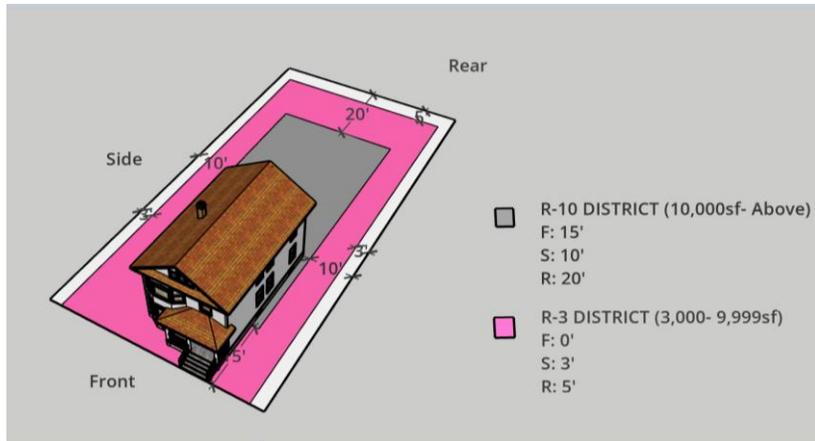
A. The following uses are permitted by right:

13. [Decks, following dimensional standards described in §17.04.050 \(K\)](#)

II. Substandard Lots



Current R-10 standards



State-mandated R-10 "using" R-3 standards

- In 2023, the State required that dimensional standards for undersized lots are reduced proportionally to how substandard the lot is (by size). Newport adopted this.
- In 2024, the State changed this to require that undersized lots use the building setback requirements from another zoning district in the city in which the lot would be conforming to. **Many undersized R-10 lots now use R-3 setback standards.**
- While we have been applying state law, we have not adopted this state code, **which we must do today.**
- Most of Newport's lots are undersized, especially in our largest zone, the R-10 district, where 89% of lots are non-conforming by size.
- All lots between 3,000 – 9,999 sq ft now use R-3 setback requirements, even if they are only slightly undersized.

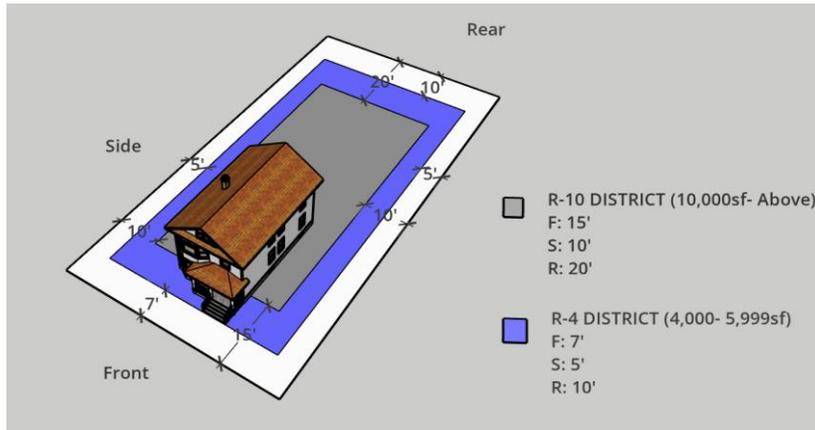
II. Substandard Lots

Proposal: Create R-4 & R-6 District Dimensional Standards

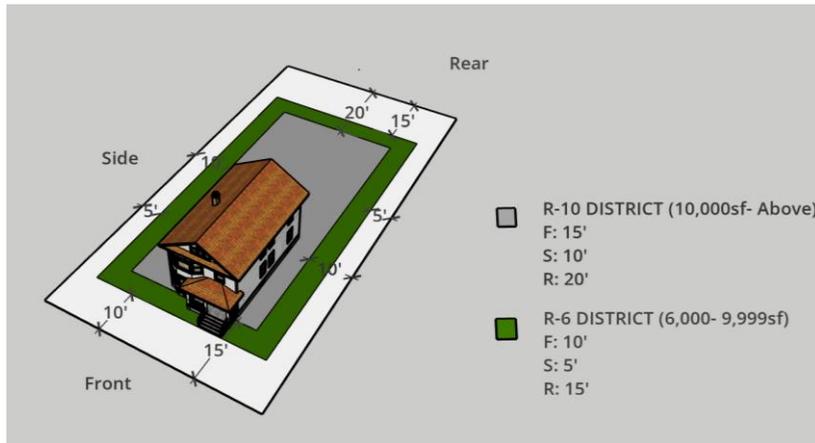
To address the gap between R-3 & R-10 standards, staff recommends adding dimensional standards for lots between 3,000 – 10,000 sq ft to the Zoning Code **without rezoning any properties.**

Dimensional Requirements	R-10 <i>(existing)</i>	R-6 <i>(NEW)</i>	R-4 <i>(NEW)</i>	R-3 <i>(existing)</i>
Minimum Lot Size	10,000 sq ft	6,000 sq ft	4,000 sq ft	3,000 sq ft
Front Setback	15 ft	10 ft	7 ft	0 ft 5 ft
Side Setback	10 ft	5 ft	5 ft	3 ft
Rear Setback	20 ft	15 ft	10 ft	5 ft
Lot Coverage	20%	30%	35%	45%
Lot Width	80 ft	50 ft	50 ft	50 ft

II. Substandard Lots



Proposed R-4 standards



Proposed R-6 standards

Proposed Motion

- Approve the following chapter changes, as presented:
 - 17.72 – Substandard Lots and Nonconforming Uses
 - 17.16 – R-3
 - 17.17 – R-4 (New Chapter)
 - 17.18 – R-6 (New Chapter)
 - 17.78 – Accessory Structure (added setbacks for accessory structures in the R-3, R-4, and R-6 zones)

III. Zoning Board



Change
Allowed by
State Law

Zoning Board Membership

- Currently **5** full members & **2** alternates
- State Law now requires **5** full members & up to **4** alternates
- **Proposed Motion:** Adopt proposed ordinance amendment to Ch. 17.112 – Administration, to update the language to allow for up to 4 alternate members of the Zoning Board of Review

IV. Fee Schedule

Update Zoning Application Fee Schedule

Project/Application Type	Current Fee	Proposed Fee
1-family dwellings (alterations)	\$100	\$200
1-family dwellings (new)	\$100	\$300
2-family dwellings (alterations)	\$150	\$200
2-family dwellings (new)	\$150	\$300
Multifamily dwellings (all)	\$300	\$600
Home Occupation (dimensional variance)	\$150	\$300
Home Occupation (SUP)	\$200	\$400

Project/Application Type	Current Fee	Proposed Fee
Commercial (dimensional variance)	\$200	\$400
Commercial (SUP)	\$300	\$600
Hotels, Nursing homes, Hospitals, Schools	\$300	\$600
Temporary Use Permits	n/a	\$400
Use Variance	\$350	\$750
Appeals & other	\$200	\$500
Special Meetings	\$500	\$1,000
Abutter notice letters	\$2.30 per page	

IV. Fee Schedule

Update Planning Application Fee Schedule

In Ch. 2.120 #49 Subdivision Applications	Fee Schedule in Code	All Planning Department Applications	Current Fees on Applications	Proposed Fees to be added to Ch 2.120
Administrative – minor	\$50	Administrative Subdivision (1 phase)	\$50	\$150
Administrative – major	\$100	Minor Subdivision (2 phases of review)	\$100 each phase (total is \$200)	\$150 each phase (total is \$300)
Advertising Fee	\$75	Major Subdivision (3 phases of review)	\$100 each phase (total is \$300)	\$150 each phase (total is \$450)
<i>Applications in code do not match our actual application types</i>		Development Plan Review	\$750	\$750 (no change)
		Demolition Application	\$100	\$150
		Unified Development Review (Zoning)	No fee	\$200 residential \$500 commercial
		Advertising Fee	Applicants do the advertising	

V. Temporary Use Permits

- Temporary uses are currently permitted by Special Event License for a maximum of 2 weeks, approved by Council.
- Special Event Licenses **do not address** temporary uses that are **longer** than 2 weeks and are formatted primarily for live entertainment events.
- **Proposal:** Adopt Temporary Use Permits that are **first** granted by the Zoning Board for short-term uses between 2 weeks – 6 months, **then** approved by the City Council. Examples of temporary uses include:
 - **Outdoor Sales:** holiday markets, Christmas tree and pumpkin sale lots
 - **Outdoor Structures:** Art installations, ice skating rinks, tents
- The **Zoning Officer** will be authorized to approve the following Temporary Uses administratively:
 - Mobile Homes on a residential lot when the residence is temporarily uninhabitable
 - Outdoor Self-storage Containers