

SECTION 3.324: NESKOWIN HIGH DENSITY URBAN RESIDENTIAL ZONE
(NeskR-3)

- (1) **PURPOSE:** The purpose of the NeskR-3 zone is to designate areas for a medium-to high-density mix of dwelling types and other, compatible, uses. The NeskR-3 zone is intended for densely-developed areas or areas that are suitable for high-density urban development because of level topography and the absence of hazards, and because public facilities and services can accommodate a high level of use.
- (2) **USES PERMITTED OUTRIGHT:** In the NeskR-3 zone, the following uses and their accessory uses are permitted outright, and are subject to all applicable supplementary regulations contained in this ordinance.
 - (a) One, two, three, or four-family dwelling.
 - (b) Mobile or manufactured home meeting the standards of Section 5.160.
 - (c) Farm and forest uses.
 - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
 - (e) Public park and recreation areas.
 - (f) Utility lines necessary for public service.
 - (g) A mobile home, manufactured home or recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
 - (h) Bed and Breakfast enterprise.
 - (i) Signs subject to Section 4.020.
 - (j) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.
- (3) **USES PERMITTED CONDITIONALLY:** In the NeskR-3 zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
 - (a) Multifamily dwellings, including townhouses and condominiums.

- (b) Planned development subject to Section 3.080, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.
- (c) Churches and schools.
- (d) Nonprofit community meeting buildings and associated facilities.
- (e) Accessory structures or uses without an on-site primary use.
- (f) Swimming, tennis, racquetball or other similar facilities.
- (g) Utility substation and power transmission lines.
- (h) Cemeteries.
- (i) Hospitals, sanitariums, rest homes, or nursing homes.
- (j) Fire or ambulance stations.
- (k) Towers for communications, wind energy conversion systems or structures having similar impacts.
- (l) Water supply and treatment facilities and sewage treatment plants.
- (m) Temporary mobile kitchen units.
- (n) Cottage industries, subject to the standards of Section 3.226(4)(a) and (b).
- (o) Foster family home accommodating six or more children or adults.
- (p) Temporary placement of a mobile or manufactured home or recreational vehicle to be used because of a health hardship, subject to Section 6.050.
- (q) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled

individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

- (r) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the NeskR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) For a single family dwelling, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet for a single family dwelling. Each additional dwelling unit shall require 2500 square feet additional area on slopes of 20 percent or less, and 3000 square feet additional area otherwise. Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems, or for adequate protection of public health or sensitive water bodies.
 - (b) The minimum lot width shall be 50 feet, except on a corner lot it shall be 65 feet.
 - (c) The minimum lot depth shall be 75 feet.
 - (d) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:
 - (1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on-site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
 - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
 - (e) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be

provided to the Department prior to approval of residential construction or other development requiring potable water.

- (f) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.
- (g) The minimum front yard shall be 20 feet.
- (h) The minimum side yard shall be 5 feet; on the street side of a corner lot it shall be no less than 15 feet.
- (i) The minimum rear yard shall be 20 feet; on a corner lot it shall be no less than 5 feet.
- (j) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.
 - (1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).
 - (2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible).
 - (3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.
- (k) The maximum building height shall be 35 feet, except that on ocean or bay front lots, it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article VIII. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point. The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any building permit application. Prior to approval of a building permit for any

structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

- (l) Livestock shall be located no closer than 100 feet to a residential building on an adjacent lot.
- (m) Lot size and yard setback standards shall apply to motels or hotels in the NeskR-3 zone.
- (n) For multifamily structures with separately owned dwelling units with common walls, yard setbacks shall apply to the entire structures only.