

### **SECTION 3.326: NESKOWIN COMMERCIAL ZONE (Nesk C)**

- (1) **PURPOSE:** The purpose of the NeskC zone is to permit a moderate level of commercial activities to serve the commercial needs of neighborhoods, rural areas, and tourist areas. Commercial uses in the NeskC zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the NeskC zone because it:
  - (a) Is needed;
  - (b) Is physically capable of being developed;
  - (c) Can obtain access to a public road without causing traffic hazards or congestion;
  - (d) Will not cause significant conflicts with nearby residential uses; and
  - (e) Has sufficient land area to accommodate off-street parking.
  
- (2) **USES PERMITTED OUTRIGHT:** In the NeskC zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
  - (a) General retail trade establishments such as grocery stores, drug stores, hardware stores, and nursery and landscaping stores, provided that such establishments do not require over 25 parking spaces.
  - (b) Repair and maintenance services for the type of goods to be found in the above permitted retail trade establishments, provided that such services are performed either off-site or entirely within an enclosed building.
  - (c) Personal and business services such as barbers, tailors, printing shops, funeral homes, shoe repair shops, and laundry and dry cleaning services.
  - (d) Business, government, professional, and medical offices, financial institutions, and libraries.
  - (e) Eating and drinking establishments, excluding drive-in or fast food restaurants.
  - (f) A single-family dwelling, manufactured or mobile home for the owner of an active business located on the same lot or parcel.
  - (g) Mobile home or recreational vehicle used during the construction of a use for which a building or placement permit has been issued.
  - (h) Swimming, tennis, racquetball, or other similar facilities.

- (i) Signs, subject to Section 4.020.
  - (j) Dwelling unit or units accessory to an active commercial use, located above the first story.
  - (k) Bed and breakfast enterprise.
  - (l) Public park and recreation uses.
  - (m) Foster family home accommodating 5 or fewer adults or children, in a dwelling approved under the requirements of this zone.
  - (n) Recreational facilities and fitness facilities
  - (o) Art Center
- (3) **USES PERMITTED CONDITIONALLY:** In the NeskC 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) General retail trade establishments such as grocery stores, drug stores, hardware stores, and nursery and landscaping stores, that require over 25 parking spaces.
  - (b) Retail establishments requiring drive-in facilities such as gas stations, bank drive-up windows, fast food restaurants, and car washes.
  - (c) Sales and service activities requiring a large outdoor storage space, including the sale and repair of cars, trucks, farm equipment, heavy machinery and marine craft; the storage of construction, plumbing, heating, paving, electrical and painting materials; and parking for trucks as part of a construction or shipping operation.
  - (d) Warehousing, including mini-storage.
  - (e) Shopping centers.
  - (f) Animal hospitals, kennels or other animal boarding facilities.
  - (g) Lodges, clubs, or meeting facilities for private organizations.
  - (h) Motels, hotels, or cabin camps, served by a community sewer system, and containing a maximum of 35 units.
  - (i) Temporary mobile kitchen units.
  - (j) Light industries.

- (k) One-, two-, three-, or four or multi-family dwelling, including townhouses, and condominiums.
  - (l) Mobile home or recreational vehicle.
  - (m) Churches and schools.
  - (n) Community meeting buildings and associated facilities.
  - (o) Hospitals, sanitariums, rest homes, and nursing homes.
  - (p) Fire and ambulance stations.
  - (q) Utility substations and power transmission lines.
  - (r) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (s) Water supply and treatment facilities, and sewage treatment plants.
  - (t) Mobile home park .
  - (u) Foster family home accommodating six or more children or adults.
  - (v) Mixed Use Developments subject to Section 4.130, and including only uses allowed in Neskowin zones.
  - (w) 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.
- (4) STANDARDS: Land divisions and development in the NeskC zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) Commercial use shall occur in a building or buildings not exceeding 4,000 square feet. Motels and hotels are exempt from the 4,000 square-foot limit, but are limited to 35 units.
  - (b) A larger commercial structure may be permitted only:
    - 1. By comprehensive plan amendment, justifying use as consistent with the policies of this plan or by a plan amendment that includes an exception to the applicable Statewide Planning Goals; or

2. Through a conditional use permit in accordance with Section 3.326(4)(c) if the structure does not exceed 8,000 square feet or a combination of two or more uses utilizing common walls and shared parking, and does not exceed 12,000 square feet.
- (c) A conditional use to permit larger structures as provided by Section 3.326(4)(b)(2) shall meet the review criteria contained in Article VI of this ordinance and the following additional review criteria:
- (1) The use is consistent with policy 7.5 of the Neskowin Community Plan adopted as part of the Tillamook County Comprehensive Plan and uses exceeding 4000 square feet are limited to the following uses
    - (A) Grocery Store,
    - (B) Nursery and Landscaping Facility,
    - (C) Art Center, or
    - (D) Recreational or Fitness Center;
  - (2) The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
  - (3) The use is compatible with the rural character of the community;
  - (4) The size and type of development does not dominate the character of the commercial uses in the community;
- (d) Industrial uses shall occur in a building or buildings not exceeding 10,000 square feet, unless such use is authorized under Goal 3 or 4 of the Statewide Planning Goals.
- (e) 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.

- (f) 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.
- (g) The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential use shall be the same as in the NeskR-3 zone. In the NeskC zone, motels, hotels and cabin camps shall be considered a commercial use.
- (h) Minimum yards for any structure on a lot or parcel adjacent to a residential zone shall be 5 feet on the yard adjacent to the residential zone, and 10 feet in the front yard.
- (i) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.326(4)(e).
- (j) All structures shall meet the requirements for clear-vision areas specified in Section 4.010.
- (k) All uses shall meet off-street parking requirements as provided in Section 4.030.
- (l) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (m) The maximum building height for commercial structures shall be 35 feet except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted as a conditional use in accordance with Article VI. 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.
- (n) 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.