

3.300 NEAHKAHNIE URBAN RESIDENTIAL ZONE (NK-7.5, NK-15, NK-30)

- (1) **PURPOSE:** The purpose of the NK-7.5, NK-15 and NK-30 zones is to designate area within the Neahkahnie Community Growth Boundary for relatively low-density, ~~single-family,~~ **residential development within an urban area that has** public sewer and water services. The permitted uses are those that appear most suitable for a coastal community that ~~wished~~ **wishes** to maintain a primarily single-family residential character. The ~~only differences~~ **primary difference** in the three zoning designations are density provisions for the creation of new lots. These varying densities are designed to be consistent with physical constraints within the Neahkahnie Community.
- (2) **USES PERMITTED OUTRIGHT:** In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
 - (a) Single-family dwellings.
 - (b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.
 - (c) Duplex, in any attached or detached configuration.
 - (d) Triplex according to the provisions of Section 5.120 of this ordinance.
 - (e) Quadplex according to the provisions of Section 5.120 of this ordinance.
 - (f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.
 - (g) Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.
 - (h) Farm and forest uses.
 - (i) Public park and recreation areas.
 - (j) Utility lines.
 - (k) Utility structures that are less than 120 square feet in size.
 - (l) Mobile homes or recreational vehicles used for a period of no more than 12 months during the construction of a use for which a building permit has been issued.
 - (m) Signs, subject to Section 4.020.
 - (n) Home occupations within a residence or accessory structure which may employ no more than two persons who do not live within the home, provided that there are no external manifestations of a business and that an additional off-street parking site be provided for each non-resident employee.

(3) **USES PERMITTED CONDITIONALLY:** In the NK-7.5, NK-15 and NK-30 zones, the following uses and their accessory uses are permitted subject to the provisions of Article VI and all applicable supplementary regulations contained in this ordinance.

- (a) Planned developments subject to Section 3.080.
- (b) Churches and schools.
- (c) Nonprofit community meeting buildings and associated facilities.
- (d) Utility substations.
- (e) Fire station.
- (f) Ambulance station.
- (g) Sewage collection system appurtenances larger than 120 square feet.
- (h) Structures for water supply and treatment that are larger than 120 square feet.
- (i) Communication structures that serve more than one residence.
- (j) Bed and breakfast facilities within an owner-occupied primary residence which provide for no more than two guest rooms.
- (k) Accessory apartment within a residence or accessory structure. Such a unit must be subordinate in size, location and appearance to the primary residence, and shall not be larger than 800 square feet.
- (l) Temporary subdivision sales office located within an approved subdivision which shall sell only properties within that subdivision.

(4) **STANDARDS:** Land divisions **and development** in the NK-7.5, NK-15 and NK-30 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:

- (a) The minimum size for the creation of new lots or parcels shall be 7,500 square feet in the NK-7.5 zone; 15,000 square feet in the NK-15 zone and 30,000 square feet in the NK-30 zone with the following exceptions:

1. **The minimum size for creation of new lots or parcels for townhouses shall be 1,500 square feet in all zones, provided, the average minimum size for lots shall be 1,875 square feet in the NK-7.5 zone for all attached units in a townhouse project; 3,750 square feet in the NK-15 zone; and 7,500 square feet in the NK-30 zone.**

2. The provisions of the "cluster subdivision" section of the Land Division Ordinance or of

the PD Overlay zone in the Land Use Ordinance may be used to concentrate development on a portion of a contiguous ownership except that no lots shall be created that are less than 7,500 square feet.

3. In the Neahkahnie Special Hazard Area, the minimum lot size shall be determined in accord with the requirements of Section 4.130 of the Land Use Ordinance, but such lots shall not be smaller than the minimums provided in the NK-7.5, NK-15 and NK-30 zones.

- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.
- (d) The minimum front yard setback shall be 20 feet.
- (e) The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 45 **10 feet**.
- (f) The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.
- (g) Livestock may be located no closer than 100 feet to a residential building on an adjacent lot.

(5) Building Heights within the Neah-Kah-Nie Community Growth Boundary

Within the Neah-Kah-Nie Community Growth Boundary, all buildings within five hundred (500) feet of the State Beach Zone Line shall be limited in height to seventeen (17) feet, and to twenty-four (24) feet otherwise. When the five hundred (500) foot measurement line divides a lot, the entire lot is subject to the seventeen (17) foot limitations. Higher buildings may be permitted only according to the provisions of Article 8.

(6) Maximum Lot Coverage & Maximum Building Floor Area

(a) Lot coverage maximums shall be applied to:

- 1. The vertical projection of all floors, and**
- 2. Covered decks and covered porches, and**
- 3. Garages, sheds and other accessory structures, and**
- 4. Non-pervious surfaces including: driveways, walkways, and other non-pervious hardscape.**

Lot coverage does not include gravel, grass-crete and other pervious materials.

(b) To determine maximum lot coverage, the formula below shall be applied to development listed in (1)-(4) above:

B=Base Lot Coverage

L=Lot Size

M=Minimum Lot Size

Z=Zone Increase Factor

NK7.5: B=2,500, M=7,500, Z=5
NK15: B=4,500, M=15,000, Z=28
NK30: B=4,500, M=30,000, Z=42

$$\text{Lot Coverage} = B + \frac{(L-M)}{Z}$$

$$\text{Max. Buildable Floor Area} = \text{Lot Coverage} \times 1.2$$

(7) Special Drainage Enhancement Area Provisions for the South Neahkahnie Area

Section 2.9 of the Goal VII Element of the County Comprehensive Plan identifies a special drainage enhancement area in Neah-Kah-Nie south and east of Nehalem Road at its junction with Beach Street. Section 2.9 of the Goal VII Element also identifies, within the southwest portion of this area, a "potential development area" upon which **one dwelling a single-family dwelling or duplex** may be placed. These areas are further described in the Plan and are identified on the County's Zoning Map. Subject to the following exceptions, development, including fill, will be prohibited within this drainage enhancement area:

- (a) Ditching and tiling that improve drainage into or out of the Drainage Enhancement Area shall be permitted.
- (b) Activities such as landscaping and gardening, which do not include placement of structures, dikes, levees, or berms, or filling, grading or paving, and which will not restrict drainage into or out of the Drainage Enhancement Area, shall be permitted.
- (c) A pond may be created if it can be shown through the flood hazard area development permit process of Section 3.510 of the County's Land Use Ordinance that it will not adversely affect drainage in the area.
- (d) One dwelling unit, including necessary fill, shall be permitted within the "potential development area" portion of the Drainage Enhancement Area, providing that the area subject to development for this purpose is contiguous and does not exceed one-half the area of the "potential development areas".