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Zoning Map (Requires Acrobat Reader to view.)

The Zoning Map is for reference purposes only. Contact City Hall for current Zoning Information.

ORDINANCE No. 950

Zoning Regulations

Introduction and Definitions

In this section:

Purpose	Definitions	Compliance with Ordinance Provisions	State and Federal Regulations	Classification of Zones
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AN ORDINANCE ESTABLISHING ZONING REGULATIONS, PRESCRIBING THE USES TO WHICH PROPERTY IN THE ZONES MAY BE PUT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ORDINANCE NO. 381.

The City of Junction City, Oregon, does ordain as follows:

Section 1. Purpose. The several purposes of this ordinance are to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide for adequate light and air; to lessen congestion; to encourage the orderly growth of the City; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; and in general, to promote public health, safety, convenience and general welfare.

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Section 2. Definitions. As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

(1) **Accessory Structure or Use.** A structure or use incidental and subordinate to the main use of the property and which is on the same lot with the main use.

(2) **Alley.** A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(3) **Bicycle Facilities.** A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

(4) **Bikeway.** Any road, path, or way this is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

(a) **Multi-use Path.** A paved 10 to 12-foot wide way this is physically separated from motorized

vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

(b) **Multi-use Path Bike Lane.** A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

(c) **Shoulder Bikeway.** The paved should of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

(d) **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles.

(e) **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

(5) **Boarding, Lodging or Rooming House.** A building where lodging with or without meals is provided for compensation for not less than five or more than ten guests.

(6) **Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature greater than 120 square feet or ten feet in height.

(7) **City.** City of Junction City, Oregon.

(8) **Civic Center.** A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

(9) **Club.** A group of people organized for a common purpose to purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

(10) **Day Care Facility.** Any facility that provides day care to children, including a child day care center, group day care home, home of a family day care provider, including those known under a descriptive name such as nursery school, preschool, or kindergarten.

(11) **Day Care Home.** A day care facility located in a building constructed as a single family dwelling that is certified to care for no more than 12 children at any given time.

(12) **Dormitory.** A building or buildings with rooms that provide sleeping and living accommodations for students as an ancillary use to an educational institution.

(13) **Dwelling, multi-family.** A building containing three or more dwelling units.

(14) **Dwelling, single-family.** A detached building containing one dwelling unit.

(a) Shall conform to all residential use development standards for single-family dwellings.

(b) Shall be constructed or installed in accordance with the State Building Code (CABO), as adopted by the City or as defined within the statutes of the State of Oregon.

(c) Shall have a pitched roof of at least one foot in height for every three feet in width.

(d) Exterior siding and roofing shall be similar in color, material, and appearance to that of surrounding dwellings.

(e) The dwelling shall provide on-site covered parking consistent with the predominant construction patterns of immediately surrounding dwellings.

(15) **Dwelling, Two-Family.** A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

(a) Shall conform to all residential use development standards for single-family dwellings.

(b) Shall be constructed or installed in accordance with the State Building Code (CABO), as adopted by the City or as defined within the statutes of the State of Oregon.

(c) Shall have a pitched roof of at least one foot in height for every three feet in width.

(d) Exterior siding and roofing shall be similar in color, material, and appearance to that of surrounding dwellings.

(e) The dwelling shall provide on-site covered parking consistent with predominant construction patterns of immediately surrounding dwellings.

(16) **Dwelling Unit.** One or more rooms designed for occupancy by one family and designed to have no more than one kitchen.

(17) **Easement.** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

(18) **Factory-Built House.** A dwelling unit that is constructed and assembled at a factory in conformance with the Uniform Building Code and transported to the building's site and placed on a prebuilt foundation.

(19) **Family.** A group of related individuals by blood or marriage, or five or fewer individuals, unless certified as disabled, not related by blood or marriage occupying a dwelling unit and living as a single household unit.

(20) **Fence, Sight-Obscuring.** A fence or planting arranged in such a way as to obstruct visibility of land uses on a parcel from adjacent properties.

(21) **Floor Area, Gross.** The sum of the gross horizontal areas of the several floor(s) of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

- (22) **Garage, Private.** An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.
- (23) **Garage, Public.** A building other than a private garage used for the care and repair of motor vehicles where such vehicles are owned or used or stored for compensation, hire, or sale.
- (24) **Grade.** The average of the finished ground level at the center of all walls of the building. In case walls are parallel to and within five feet of a sidewalk, the above ground level should be measured at the sidewalk.
- (25) **Height.** The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.
- (26) **Home Occupation.** A lawful activity carried on within a dwelling by members of the family occupying the dwelling with no servant, employee or other person being engaged, provided that:
- (a) The residential character of the dwelling is maintained.
 - (b) The activity occupies less than one-quarter of the ground floor area of the dwelling.
 - (c) The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- (27) **Hospital.** An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.
- (28) **Industrial Park.** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- (29) **Industry.** Those fields of economic activity related to forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.
- (30) **Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other old or scrap ferrous, or nonferrous material, metal or nonmetal materials.
- (31) **Junkyard.** Any establishment or place of business where there is accumulated on the premises eight or more motor vehicles or an equivalent volume of junk that is maintained, operated or used for storing, keeping, buying or selling of junk and the term includes automobile graveyards, wrecking yards, and salvage yards.
- (32) **Lot.** A parcel or tract of land.
- (33) **Lot Area.** The total horizontal area within the lot lines of a lot.

- (34) **Lot, Corner.** A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.
- (35) **Lot, Depth.** The horizontal distance ordinarily measured from the midpoint of the front lot line to the midpoint of the rear lot line.
- (36) **Lot, Interior.** A lot other than a corner lot.
- (37) **Lot Line.** The property line bounding a lot.
- (38) **Lot Line, Front.** In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner or through lot, the lot line along a street other than an alley over which the primary vehicular access to the property is gained[, except as provided for corner lot duplex residential uses in Sections [18](#), [24](#), and [31](#).]
[Webmaster's note: Section 31 was deleted by Ordinance 1116.]
- (39) **Lot Line, Rear.** The lot line which is opposite and most distant from the front lot line. Where a rear lot line cannot be determined, it shall be developed by striking a cord 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
- (40) **Lot Line, Side.** Any lot line not a front or rear lot line.
- (41) **Lot Width.** The horizontal distance between the side lot lines, ordinarily measured at the front lot line.
- (42) **Manufacturing.** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.
- (43) **Mini-Warehouse.** A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
- (44) **Manufactured Home.** A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.
- (45) **Mobile Home Park.** Any tract, lot, or parcel of land maintained, offered or used for the purpose of parking four or more mobile homes as dwelling units.
- (46) **Nonconforming Structure or Use.** A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.
- (47) **Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

(48) **Parcel.** A unit of land that is created by the partitioning of land.

(49) **Park.** A tract of land, designated and used by the public for active or passive recreation.

(50) **Parking Space.** A rectangle not less than 20 feet long and 9 feet wide.

(51) **Parking Space, Handicapped.** A rectangle not less than 20 feet long and 9 feet wide with 6 foot access isle which is part of the access route to the building.

(52) **Pedestrian Facilities.** A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

(53) **Person.** Every natural person, firm, partnership, association and/or corporation.

(54) **Planned Unit Development.** A parcel of land planned as a single unit rather than as an aggregate of individual lots, with design flexibility from traditional zoning regulations.

(55) **Planning Commission.** The City Planning Commission.

(56) **Plat.** Includes a final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

(57) **Recreational Vehicle.** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

(58) **Residential Care Facility.** A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related.

(59) **Residential Care Home.** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related.

(60) **Rubbish.** A general term for solid waste, excluding food waste and ashes, taken from residences, commercial establishments and institutions.

(61) **Scrap.** Discarded or rejected materials that result from manufacturing or fabricating operations.

(62) **Screening.** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

(63) **Setback.** The distance between the property line and the building foundation, excluding uncovered steps.

(64) **Spot Zoning.** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

(65) **Story.** That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

(66) **Street.** Any vehicular way which is an existing state, county or municipal roadway and is shown on a plat duly filed and recorded in the office of the county recording officer; and includes the land between the street lines, whether improved or unimproved.

(67) **Street, Collector.** A street which collects traffic from local streets and connects with minor and major arterials.

(68) **Street, Cul-de-sac.** A street with a single common ingress and egress and with a turnaround at the end.

(69) **Street, Local.** A street designed to provide vehicular access to abutting property and to discourage through traffic.

(70) **Street, Arterial.** A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets. [\[See Appendix E, Diagram 1\]](#)

(71) **Structure.** That which is built or constructed. An edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

(72) **Structural Alteration.** A change to the supporting members of a structure including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders or the roof.

(73) **Swimming Pool.** A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

(74) **Use.** The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

(75) **Unstable Soil.** Soil types which pose severe limitations upon development or create a groundwater pollution hazard due to poor filtration, high water table and/or cemented hardpan, as defined by the U.S. Soil Conservation Service.

(76) **Vision Clearance Area.** A triangular area on a lot at the intersection of two streets or a street and an alley, driveway, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the curb lines to a distance specified in these regulations [[Section 89](#)]. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection [refer to illustration in [Appendix E](#) of this ordinance]. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet [or lower than 8 feet] in height measured from the grade of

the street centerline.

[Sub§ (70) amended by Ordinance No. 1037, passed August 12, 1997.]

(77) **Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (ORS 196.800 (16)). Wetlands generally include swamps, marshes, bogs and similar areas.

(78) **Yard.** An open space on a lot which is unobstructed with buildings from the ground upward, except as otherwise provided in this ordinance.

(79) **Yard, Front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the foundation of a building.

(80) **Yard, Rear.** A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the foundation of a building.

(81) **Yard, Side.** A yard between the front and rear yards measured horizontally and at right angles to the side lot lines from the side lot line to the nearest point of the foundation of a building.
[§2 amended by Ordinance No. 1021, passed June 11, 1996; by Ordinance 1037, passed August 12, 1997; and by Ordinance No. 1103, passed January 8, 2002]

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Section 3. Compliance With Ordinance Provisions. No structure or premises shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of this ordinance.

Section 4. State and Federal Regulations. All development within the City shall adhere to:

- (1) State and federal air quality standards.
- (2) State and federal clean water regulations.
- (3) State noise regulations.
- (4) State and federal solid and hazardous waste regulations.

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Section 5. Classification of Zones. For the purpose of this ordinance, the City is divided into zones designated as follows:

Zone	Abbreviated Designations
<u>Agricultural</u>	AG
<u>Single-Family Residential</u>	R1
<u>Duplex Residential</u>	R2
<u>Multiple-Family Residential</u>	R3
<u>Multi-Structure Residential</u>	R4
<u>Residential-Commercial</u>	CR
<u>Central Commercial</u>	C2
<u>General Commercial</u>	GC
<u>Professional-Technical</u>	PT
<u>Light Industrial</u>	M1
<u>Heavy Industrial</u>	M2
<u>Public Lands</u>	PL

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ORDINANCE No. 950

Zoning Regulations

Public Lands

In this section:

[Public Lands](#)

[Zoning Map](#)

Section 6. **Public Lands (PL).**

(1) **Purpose.** The purpose of the public lands zone is to identify and protect public facilities which serve a community educational, recreational, social service or governmental function including:

- (a) Public schools.
- (b) Public nonprofit social service, community or recreational facilities.
- (c) Governmental structures such as City offices, fire station, library, post office and public parks.
- (d) Public utilities including wells, water storage tanks, sanitary sewer pump stations, and power substations.
- (e) Other similar uses deemed appropriate by Planning Commission.

(2) **Application.** Following enactment of this ordinance amendment, and at the time any of the above facilities are proposed to be constructed, the subject property shall be placed in a public lands zone and so designated on the zoning map. In taking any subsequent action which affects a property so designated or adjacent properties, the Planning Commission shall consider the special community value and benefits of said facility. The use shall be subject to setback standards of the underlying zones adjacent to the subject property and to all other city and state regulations, including standard city development and construction specifications. For example, if a lot in the public lands zone is adjacent to a lot in the [R-1](#) zone to the north, east, and south and adjacent to a lot zoned [M-1](#) to the west, the setbacks to the north, east, and south shall conform to the R-1 setback requirements, while the setback to the west shall conform to the M-1 setback requirements. For the purposes of this zoning district, an adjacent lot is either a lot that shares a common lot line with the subject lot or a lot that is across the street from the subject lot.

(a) **Exceptions.** Public well sites, sewer pump stations, and storm drain pump stations shall have zero (0) setback requirements provided that these structures do not intrude into the required vision clearance area at street, alley, or driveway intersections.

(3) **Special Provisions.** Special additional provisions shall apply to historic buildings as follows:

(a) The City shall identify by resolution buildings as historic structures worthy of protection:

(b) The City shall add to the list in [Subsection \(a\)](#) above any other building or site determined to have historical, cultural or archeological value. The City shall request the assistance of the Junction City Historical Society and the Oregon State Historic Preservation Officer (SHPO) to identify and document said buildings or sites.

(c) Prior to undertaking remodeling, rehabilitation or structural alteration which affects the external appearance of a building or site listed in Subsection [\(a\)](#) or [\(b\)](#) above, the owner of said building or site or his authorized agent shall be required to obtain a conditional use permit, subject to provisions in [Sections 97 through 102](#) herein. Before approving an application for said permit, the Planning Commission shall determine that the proposed alterations are harmonious with the appearance of the historical building and do not otherwise adversely affect its architectural integrity or historical value. The applicant shall provide sufficient information about the proposed alterations to permit the Commission to render an informed decision.

(d) Upon receipt of an application for a conditional use permit as required in [\(c\)](#) above, the City shall provide the [Junction City Historical Society](#) with a copy of the application and request the association's recommendation on the matter.

(e) Prior to granting a permit to demolish a historical structure listed in Subsection [\(a\)](#) or [\(b\)](#) above, the Planning Commission shall review the request, taking into consideration the state of repair, and reasonableness of the cost of rehabilitation or repair and the historic value of the property. If the Commission determines that the building cannot be repaired at a reasonable cost, constitutes an immediate danger to the public health or safety, or a delay in the demolition will pose an undue economic hardship upon the owner and that these factors outweigh the value to the public of preserving the structure, the Commission shall recommend the City issue the demolition permit. If preservation of the structure is feasible, the Commission may delay the issuance of the permit for up to 120 days while the owner is informed of state and federal rehabilitation incentives and/or a buyer who is willing to preserve the building can be found. In rendering its decision, the Commission shall seek the recommendation of the Junction City Historical Society on the matter. At the end of 120 day period, the Commission shall review the application for a demolition permit. If no reasonable alternative to demolition is available, the commission shall recommend that the City issue the permit without further delay. If, in the opinion of the commission, there is a reasonable alternative, the permit shall be denied.

(f) All actions of the Commission may be appealed to the City Council subject to provisions in [Section 112](#) of this ordinance.

[Webmaster's note: Section 112 was changed to Section 113 by Ordinance 1112. The link takes you to the correct section.]

[§ 6 amended by Ordinance No. 1037, passed August 12, 1997.]

Section 7. Zoning Map.

(1) The location of boundaries on the zones designated in [Section 5](#) are hereby established as shown on the map entitled "Zoning Map of the City of Junction City," dated with the effective date of this ordinance and signed by the mayor and city recorder, and hereafter referred to as the "[zoning map](#)."

(2) The signed copy of the zoning map shall be maintained on file at City Hall and is hereby made a part of

this ordinance.

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ORDINANCE No. 950

Zoning Regulations

Agricultural Zone AG

In this section:

Uses Permitted Outright	Conditional Uses	Height of Buildings	Lot Size
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Section 8. Uses Permitted Outright. In a AG zone, only the following uses and their accessory uses are permitted outright:

(1) **Single-family dwellings** provided in conjunction with a farm use and meeting the following criteria:

(a) Is compatible with farm uses described in [ORS 215.203\(2\)](#);

(b) Is consistent with the purpose of the zoning district and [ORS 215.243](#);

(c) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use;

(d) Does not materially alter the stability of the overall land use pattern of the area;

(e) Is situated upon land generally unsuitable for the production of farm crops or livestock, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location and size of tract.

(2) **Churches.**

(3) **Public or private schools.**

(4) **Farm uses** which mean the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, including the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise, and for growing cultured Christmas trees. "Current employment" of land for farm use includes those described in [ORS 215.203\(2\)\(b\)](#).

(5) **Conditional uses.** The following uses may be permitted subject to the provisions of [Section 97 through 102](#) of this ordinance:

(a) Parks, playgrounds or community centers owned and operated by a governmental agency;

(b) Golf courses, except driving tees or ranges, miniature courses, and similar uses operated for commercial purposes;

(c) Commercial activities which are in conjunction with farm use.

(6) **Height.** No building or structure, nor the enlargement of any building or structure, shall be hereafter erected or maintained to exceed 35 feet in height when located [and] placed within 150 feet of a residential zone.

(7) **Lot Size.** Shall be no less than that identified by Lane County.

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ORDINANCE No. 950

Zoning Regulations

Single-Family Residential R1

In this section:

Uses Permitted Outright	Conditional Uses	Lot Size	Setback Requirements	Height of Buildings	Lot Coverage	Setback Exceptions
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Section 9. Uses Permitted Outright. In an R1 zone, only the following uses and their accessory uses are permitted outright:

- (1) **Single-family dwelling** conforming to the Uniform Building Code.
- (2) **Residential care home.**
- (3) **Day care home.**
- (4) **Home occupations.**
- (5) **Accessory structures.**
- (6) **Accessory dwelling units** provided they conform to the following:
 - (a) Accessory dwelling unit must comply with the Oregon Uniform Building Code--One and Two Dwelling Specialty Code.
 - (b) The accessory dwelling unit may be a detached cottage, a unit attached to or above a garage, or in a portion of an existing house.
 - (c) The primary residence or accessory dwelling shall be owner-occupied or occupied by a family member. A deed restriction is required, and a copy of the recorded deed shall be submitted to the city administrator or designee prior to issuance of a building permit.
 - (d) A maximum of one accessory dwelling unit is allowed per lot.
 - (e) The floor area of the accessory dwelling unit shall not exceed 800 square feet.
 - (f) The building height of a detached accessory dwelling (*i.e.*, separate cottage or second floor above a detached garage) shall not exceed 25 feet.

(g) An accessory dwelling is subject to existing setback requirements, with the exception of the rear setback if the rear lot line borders an alley, in which case the minimum setback shall be 4 feet.

(7) **Manufactured homes** provided they conform to the following:

(a) The structure shall be multisectional and enclose a space of no less than 1000 square feet.

(b) The dwelling shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.

(c) The dwelling shall have a pitched roof of at least three feet in height for every twelve feet of width.

(d) Exterior siding and roofing shall be similar in color, material, appearance to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the city building inspector.

(e) The exterior thermal envelope shall meet performance standards required of single-family dwelling built under the state building codes.

(f) The dwelling shall provide on-site covered parking consistent with the predominant construction patterns of immediately surrounding dwellings.

(8) **Uses similar** to those above.

[§9 amended by Ordinance No. 975, passed August 10, 1993 and by Ordinance No. 1116, passed June 24, 2003.]

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Section 10. Conditional Uses Permitted. In an R1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance:

(1) **Cemetery.**

(2) **Church.**

(3) **Day care facility.**

(4) **Golf course** and other open land recreational use, but excluding intensive commercial amusement use such as "pitch and putt golf course, automobile race track or amusement park.

(5) **Governmental structure** or land use including but not limited to a public park, playground, recreational building, fire station, library, museum, or civic center.

(6) **Grange hall** or community building.

(7) **Hospital**, sanitarium, rest home, home for the aged, nursing home or convalescent home.

(8) [Deleted]

(9) **Residential care facility.**

(10) **School** - nursery, day care, primary, elementary, junior or senior high.

(11) **Utility lines** or substation.

(12) **Mortuary.**

[§10 amended by Ordinance No. 1105, passed June 11, 2002; and by Ordinance No 1116, passed June 24, 2003.]

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Section 11. Lot Size. In an R1 zone, the lot size shall be as follows:

(1) The minimum lot area shall be 6,000 square feet.

(2) The minimum lot width shall be 60 feet and 35 feet for cul-de-sac lots.

[§11 amended by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1116, passed June 24, 2003.]

Section 12. Setback Requirements. Except as provided in [Section 86](#) of this ordinance, in an R1 zone, the yards, measured from the property line to the foundation of the building with a maximum projection of three feet into any setback area as defined in [Section 14A](#), shall be as follows:

(1) The front yard shall be a minimum of 18 feet to the front façade of the house and a minimum of 20 feet to the garage. Covered, but unenclosed porches shall be allowed to be a minimum of 10 feet from the property line, as long as it does not encroach into a public utility easement (See [Appendix E, Diagram 4](#)).

(2) Each side yard shall be a minimum of 6 feet, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet.

(3) The rear yard shall be a minimum of 15 feet. An exception shall be permitted where an accessory dwelling unit, garage, or other accessory structure is located at the rear lot line abutting an alley, in which case the setback shall be a minimum of 4 feet.

[§12 amended by Ordinance No. 1037, passed August 12, 1997; and by Ordinance No. 1116, passed June 24, 2003.]

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Section 13. Heights of Buildings. In an R1 zone, no building shall exceed a height of 30 feet.

[§13 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 14. Lot Coverage. In an R1 zone, buildings shall not occupy more than 40 percent of the lot area except where an accessory dwelling unit is constructed, and then buildings shall not occupy more than 50 percent of

the lot area.

[§14 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 14A. Setback Exceptions. In an R1 zone, the following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by up to 3 feet, provided that State fire code is met. Walls and fences ay be placed on property lines, subject to the standards in [Section 82](#). Walls and fences within front yards shall additionally comply with the vision clearance standards in [Section 89](#).

[§14A added by Ordinance No. 1116, passed June 24, 2003.]

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ORDINANCE No. 950

Zoning Regulations

Duplex Residential R2

In this section:

Uses Permitted Outright	Conditional Uses	Lot Size	Setback Requirements	Height of Buildings	Lot Coverage	Setback Exceptions
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Section 15. Uses Permitted Outright. In an R2 zone, only the following uses and their accessory uses are permitted outright:

- (1) Single and two-family dwellings.
- (2) A use permitted in the [R1 zone](#).
- (3) a use similar to those listed above.

[§15 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 16. Conditional Uses Permitted. In an R2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance:

- (1) A use permitted as a **conditional use in an [R1 zone](#)**.
- (2) **Multiple-family dwelling**, which shall comply with the applicable standards listed in the [R3](#) zone.
- (3) **Townhome**, which shall comply with applicable standards listed in the [R3](#) zone.
- (4) **Planned unit development**.
- (5) **Neighborhood commercial use** less than 5,000 gross square feet which serves the immediate neighborhood, and complies with the applicable Neighborhood Commercial standards listed in the [R3](#) zone.
- (6) **Beauty salon** and **barber shop**.
- (7) **Bed and Breakfast** facilities provided that:

- (a) no other such facilities exist within 400 feet;

- (b) the facility is owner occupied or immediately adjacent to the owner's residence; and
- (c) length of stay for guests shall not exceed three days.

[§16 amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 17. Lot Size. In an R2 zone, the minimum lot size shall be as follows:

- (1) The minimum lot area for single-family dwellings shall be 5,000 square feet.
- (2) The minimum lot area for two-family dwellings (duplexes) shall be 7,000 square feet.
- (3) The minimum lot area for multiple-family dwellings shall be 7,500 square feet.
- (4) The minimum lot depth shall be 75 feet.
- (5) The minimum lot width shall be 50 feet and 35 feet for cul-de-sac lots.

[§ 17 amended by Ordinance No. 1037, passed August 12, 1997; and by Ordinance No. 1116, passed June 24, 2003.]

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Section 18. Setback Requirements. Except as provided in [Section 86](#) of this ordinance, in an R2 zone the yards, measured from the property line to the foundation of the building with a maximum projection of three feet into any setback area as defined in [Section 20A](#), shall be as follows:

- (1) The front yard shall be a minimum of 18 feet to the front façade of the house and a minimum of 20 feet to the garage. Covered, but unenclosed porches shall be allowed to be a minimum of 10 feet from the front property line, as long as it does not encroach into a public utility easement and complies with the vision clearance standards in [Section 89](#) (see [Appendix E, Diagram 4](#)).
- (2) Each side yard shall be a minimum of 6 feet, measured from the foundation, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet measured from the foundation.
- (3) The rear yard shall be a minimum of 15 feet, measured from the foundation. An exception shall be permitted where an accessory dwelling unit, garage, or other accessory structure is located at the rear lot line abutting an alley, in which case the setback shall be a minimum of 4 feet.
- (4) In the case of a duplex residential use on a corner lot where primary vehicular access is provided from two streets, then both yards abutting the street may be considered the front yard with appropriate front yard setbacks (20 feet from property line to foundation of building). Setbacks for rear yards are measured separately for each residential dwelling opposite the front yard (see [Appendix E, Diagram 2](#)).

[§18 amended and subsection (4) added by Ordinance No. 1037, passed August 12, 1997; and by Ordinance No. 1116,

passed June 24, 2003.]

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Section 19. Height of Buildings. In an R2 zone, no building shall exceed a height of 35 feet.

[§19 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 20. Lot coverage. In an R2 zone, buildings shall not occupy more than 50 percent of the lot area.

[§20 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 20A. Setback Exceptions. In an R2 zone, the following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by up to 3 feet provided that State fire code is met. Walls and fences may be placed on property lines, subject to the standards in [Section 82](#). Walls and fences within front yards shall additionally comply with the vision clearance standards in [Section 89](#).

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ORDINANCE No. 950

Zoning Regulations

Multiple-Family Residential R3

In this section:

Uses Permitted Outright	Conditional Uses	Development Review	Lot Size	Setback Requirements	Setback Exceptions	Height of Buildings
Lot Coverage	Building Height Transition	Building Orientation	Building Form	Townhome	Neighborhood Commercial Supplemental Standards	Multi-Family Housing Supplemental Standards

Section 21. Uses Permitted Outright.

- (1) **Multiple-family dwellings** (3 or more attached units on one lot).
- (2) **Townhomes** (attached single-family housing or row houses on their own lots with 3 or more units).
- (3) **Neighborhood commercial** uses as defined in [Section 26E](#).
- (4) **Duplex** (two-family attached dwelling on one lot), which shall comply with the standards in [R2 zone](#) (Sections 15-20A).
- (5) **Accessory structures.**

[§21 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 22. Conditional Uses Permitted. In a R3 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance:

- (1) *[deleted]*
- (2) **Manufactured dwelling park** meeting requirements of [Appendix A](#).

[§22 amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 22A. Development Review. In an R3 zone, development review by the city administrator or designee shall be required to ensure compliance with the following sections regarding R3 standards: Sections [24](#), [24A](#), [25](#), [26](#), [26A](#), [26B](#), [26C](#), [26D](#), [26E](#), [26F](#):

(1) **Uses requiring development review.** Development review shall be required for the following uses:

- A. **Townhomes.**
- B. **Multi-family buildings.**
- C. **Neighborhood commercial buildings.**
- D. **Residential care homes and residential care facilities.**

(2) **Procedure.** Development review is a non-discretionary, administrative review conducted by the city administrator or designee. Development review shall follow [Section 111A\(1\)](#) type procedures for administrative decisions.

(3) **General submission requirements.** The applicant shall submit an application on forms provided by the city administrator that shall:

- A. Contain all the general information required;
- B. Address the criteria in sufficient detail for review and action; and
- C. Be filed with the required fee as established by the city council.

(4) **Development review information.** An application for development review shall include a proposed site plan on a page size of 11 inches x 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.
2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.
3. The proposed development site, including boundaries, dimensions, and gross area.

4. Features which are proposed to remain on the site.
5. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.
6. Landscape plan if applicable.
7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.
8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes and location and dimensions of parking areas if applicable.
9. Location and dimensions of common and private open spaces if applicable.
10. Location and dimensions of trash receptacles if applicable.
11. Detail drawings of site-obscuring fence if applicable.
12. Architectural drawings.
 - a. Building elevations which illustrate building orientation ([Section 26B](#)) and building form design features ([Section 26C](#)).
 - b. Building plans which illustrate Townhome supplemental standards ([Section 26D](#)) if applicable.
 - c. The name, address, and phone number of the architect.

[Section 22A added by Ordinance No. 1116, passed June 24, 2003.]

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Section 23. Lot Size. In a R3 zone, the lot size shall be as follows:

(1) For multiple-family dwellings, residential care homes, and residential care facilities the minimum lot area shall be 7,500 square feet. The minimum lot width at the front building line shall be

50 feet, and 35 feet for cul-de-sac lots.

(2) For townhomes (single-family attached or row houses) the minimum lot area shall be 2,500 square feet per unit. The minimum lot width at the front property line shall be 25 feet.

(3) For neighborhood commercial uses, the minimum lot area shall be 5,000 square feet. The minimum lot width at the front of the property line shall be 60 feet.

(4) The minimum lot area for two-family dwellings (duplexes) shall be 5,000 square feet. The minimum lot width at the front property line shall be 50 feet and 35 feet for cul-de-sac streets. [§23 amended by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 24. Setback Requirements. This standard applies to multi-family, townhomes, neighborhood commercial developments, and residential care homes and residential care facilities. Except as provided in [Section 86](#) of this ordinance, in an R-3 zone the yards, measured from the property line to the foundation of the building with a maximum projection of three feet into any setback area as defined in [Section 24A](#), shall be as follows:

(1) A minimum front setback of 15 feet is required for multi-family dwellings and townhouses except that a covered (but not enclosed) porch may be within 10 feet of the front line. A minimum front setback of 10 feet is required for a neighborhood commercial building.

(2) Each side yard setback shall be a minimum of 6 feet, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet measured from the foundation. Townhomes shall have no setback requirement where they share common walls.

(3) The back yard shall be a minimum of 15 feet. An exception shall be permitted where a townhome, garage, or other accessory structure is located adjacent to an alley, in which case the back yard (alley facing) setback shall be a minimum of 4 feet.

(4) In the case of a duplex residential use on a corner lot where primary vehicular access is provided from two streets, then both yards abutting the street shall be considered the front yard with appropriate front yard setbacks. Setbacks for rear yards are measured separately for each residential dwelling opposite the front yard (see [Appendix E, Diagram 2](#)).

(5) All buildings shall be sited to ensure they do not encroach into a public utility easement or the vision clearance areas ([Section 89](#)).

[§24 amended by and subsection (4) added by Ordinance 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 24A. Setback Exceptions. In an R3 zone, the following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by up to 3 feet, provided that State fire code is met. Walls and fences may be placed on property lines, subject to the standards in [Section 82](#). Walls and fences within front yards shall additionally comply with the vision clearance standards in [Section 89](#).
[§24A added by Ordinance No. 1116, passed June 24, 2003.]

Section 25. Height of Buildings. In an R3 zone, no buildings shall exceed a height of 35 feet. Building height may be restricted to less than the maximum when necessary to comply with the building height transition standard in [Section 26A](#) below.

(1) **Applicability.** This standard applies to townhomes, multi-family buildings, and neighborhood commercial buildings.

(2) **Method of Measurement.** The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy.
[§25 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 26. Lot Coverage. In an R3 zone, the buildings shall not occupy more than 60 percent of the lot area.
[§26 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 26A. Building Height Transition. In an R3 zone, new buildings, or portions of new buildings exceeding one story in height that abut an existing one-story single-family detached residential or duplex building, shall not exceed a building height greater than one foot for each foot of horizontal distance from the property line.
[§26A added by Ordinance No. 1116, passed June 24, 2003.]

Section 26B. Building Orientation (see [Appendix E, Diagram 5](#)). In an R3 zone, all buildings that abut private, local, or collector streets shall have their primary entrance(s) oriented to the street. Multi-family and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances. Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street. This section does not apply to buildings with the sole purpose of housing mechanical equipment.

(1) All buildings that abut private, local, or collector streets shall be set back a maximum of 25 feet from the front lot line.

(2) Off-street parking lots and driveways shall not be placed between buildings and streets.

[§26B added by Ordinance No. 1116, passed June 24, 2003.]

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Section 26C. Building Form In an R3 zone, new multi-family, townhomes, residential care homes and residential care facilities, and neighborhood commercial uses shall comply with the following building form standards (see Appendix E, [Diagram 6](#) and [Diagram 7](#)):

(1) Structures shall not have a continuous horizontal distance exceeding 150 feet (measured from end wall to end wall);

(2) Roofs shall have gable, hip, or gambrel forms, minimum pitch 4 foot in height for every 12 feet in width, with at least a 6-inch overhang (eave), or they may be flat with a decorative cornice;

(3) Design features. All street facing elevations (façades) shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building. Along the vertical face of a structure, such features shall occur at a minimum of every 35 feet, and on each floor shall contain at least two of the following features:

- A. Recess (e.g., deck, patio, courtyard, balcony, garage, entrance, or similar feature) that has a minimum depth of 4 feet
- B. Extension (e.g., floor area, deck, porch, bay window, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
- C. Offsets of façade or roof elevation of 2 feet or greater.

(4) Eyes on the street. All building elevations shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of the front (*i.e.*, street facing) elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story; and

(5) Garages and carports attached to living units and accessed from a street (adjacent to the front lot line) shall be recessed behind the front façade of the building or covered front porch by at least 2 feet.

[§26C added by Ordinance No. 1116, passed June 24, 2003.]

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Section 26D. Townhome (Single-family attached/rowhouses) supplemental standards (see [Appendix E, Diagram 8](#)). All townhomes shall comply with the following standards:

(1) The maximum number and width of consecutively attached units shall not exceed 5 or 140 feet (from end wall to end wall, whichever is less).

(2) Townhomes shall receive vehicle access from a rear alley whenever possible. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns make construction of alleys impractical.

(3) Townhomes receiving access directly from a public or private street shall comply with all of the following standards in order to minimize interruption of adjacent sidewalks by driveway entrances and improve appearance of the streets:

A. The maximum allowable driveway width facing the street is 12 feet per dwelling unit.

B. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet.

C. The maximum combined garage width per unit is 50 percent of the total unit width. For example a 26-foot wide unit may have one 13-foot wide recessed garage facing the street.

(4) "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, lawns, play areas, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance and roof replacement. A copy of any applicable covenants, restrictions, and conditions shall be recorded and provided to the City prior to building permit approval.

[§26D added by Ordinance No. 1116, passed June 24, 2003.]

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Section 26E. Neighborhood Commercial Supplemental Standards All neighborhood commercial uses shall comply with the following standards:

(1) **Permitted uses.** Only the following neighborhood commercial uses are permitted in an R3 zone:

A. **Retail goods and services;**

B. **Child care center** (care for more than 12 children);

C. **Food services**, excluding automobile-oriented uses;

- D. **Medical and dental offices, clinics, and laboratories;**
- E. **Professional and administrative offices;**
- F. **Repair services**, conducted entirely within the building; auto repair and similar services not permitted;
- G. **Mixed use building** (residential with other permitted use);
- H. **Laundromats and dry cleaners;**
- I. **Art, music, or photography studio;**
- J. **Personal services** (barber shops, salons, similar uses); and
- K. **Other similar uses.**

(2) **Floor area standards.** The maximum commercial floor area shall not exceed 5,000 square feet total for all uses on one neighborhood commercial site. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (*i.e.*, with less than 7½ feet of vertical clearance).

(3) **Hours of operation.** Neighborhood commercial land uses shall be limited to the following hours of operation: 7:00 a.m. to 10 p.m.

(4) **Storage.** Except for plants and garden supplies, overnight outdoor storage is not permitted. Plants and garden storage must comply with the vision clearance standards in [Section 89](#).

(5) **Parking.** Parking lots shall comply with the following standards:

- A. Parking lots shall be placed to the side or rear of buildings.
- B. Off street vehicle parking must comply with the landscaping, size, and pedestrian circulation standards specified in [Sections 78-80](#).

[§26E added by Ordinance No. 1116, passed June 24, 2003.]

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Section 26F. Multi-Family Housing Supplemental Standards In an R3 zone, these supplemental standards apply to new multi-family housing developments. Multi-family is defined as 3 or more attached dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:

(1) **Common open space.**

- A. In all developments with more than 20 units, a minimum area of 15 percent of the total site area (inclusive of required setback areas), shall be designated, and permanently reserved, as usable common open space. The site area is defined as the lot or parcel on which the development is planned, after subtracting the required dedication of street right-of-way and planned, after subtracting the required dedication of street right-of-way and other land for public purposes (e.g., public park). Sensitive lands and historic buildings or landmarks open to the public can be counted toward meeting the common open space requirements.
- B. The development shall designate, within the common open space, a minimum of 250 square feet of active recreation area (e.g., children's play areas, play fields, swim pool, sports courts, etc.) for every 20 units or increments thereof. For example, a 50-unit development shall provide a minimum of 500 square feet for active recreation. Indoor or covered recreation space may be counted toward this requirement, but should not exceed 30 percent of the required common space area.

(2) **Private open space.** Usable private outdoor space such as patios, balconies, porches, roof gardens, or small yards shall be provided in all newly constructed multi-family developments. Private open space shall comply with the following standards:

- A. Dwelling units located at or below finished grade, or within 5 feet of finished grade, shall have a minimum of 96 square feet of private open space, with no dimension less than 6 feet.
- B. All upper floor dwelling units shall have balconies or porches measuring at least 36 square feet, with no dimension less than 4 feet. Upper-floor dwelling unit means housing units, which are more than 5 feet above finished grade.
- C. All private open space shall have direct access from the dwelling unit by way of a door.
- D. Any excess private open space (above what is required) may be counted toward fulfilling the common open space requirement.
- E. Building masses and screening such as low hedges, fences, walls, arbors, or trellises shall be used to help delineate private outdoor spaces. The screening element must be a minimum of 3 feet in height.

(3) **Stairways.** Stairways shall be incorporated inside the building where possible to minimize visual impact. External stairways, when necessary, shall be recessed into the building, sided using the same siding materials as the building itself, or otherwise incorporated into the building architecture. Stairways that are simply hung from the building's exterior are not permitted.

(4) **Vehicular circulation.** Multi-family developments shall provide vehicular circulation in accordance with the following standards (see [Appendix E, Diagram 9](#)):

- A. To provide for traffic safety and to minimize the impacts on the public circulation system, where possible, driveways or private streets shall connect to local or collector streets rather than onto arterial streets.
- B. Multi-family developments 4 acres or larger shall be developed as a series of complete blocks bounded by a connecting network of public streets with sidewalks and street trees to break the development into numerous smaller blocks. The average block size within a multi-family development shall be a maximum of 2 acres in size. City standards for public local residential streets in regard to pavement width, sidewalks, and street trees, shall apply to all internal trees.

(5) **Parking.** Multi-family developments shall provide parking designed in accordance with the following standards (see [Appendix E, Diagram 9](#)):

- A. Off street vehicle parking spaces and bicycle parking shall be provided as specified in [Section 78](#). On-street parking along the streets contained within the development can be applied to the off-street parking requirements.
- B. Parking lots shall be placed to the side or rear of buildings in accordance with the building orientation standards ([Section 26B](#));
- C. Parking on the streets contained within the site shall not include head-in or angle parking. Parking shall be accommodated in parking lots or along the internal street system in the form of parallel parking.
- D. Parking lot landscaping shall be provided as specified in [Section 80](#); and
- E. Parking lots shall be connected to all building entrances by means of internal pedestrian walkways that meet the standards in subsection 8 below.

(6) **Trash receptacles.** Trash receptacles shall be screened on all sides with an evergreen hedge or solid fence or wall of not less than 6 feet in height. No trash receptacle shall be located in any front yard setback, or within 25 feet of property lines abutting other residential zones.

(7) **Utilities.** All utilities on the development site shall be placed underground. Ground mounted equipment such as transformers, utility pads, cable television and telephone boxes, cell tower

equipment boxes, and similar utility services, shall be placed underground whenever practicable. Where undergrounding of ground mounted equipment is not feasible, equipment shall be screened from view with an evergreen hedge or solid fence or wall a minimum of 4 feet in height and must be sited to comply with the vision clearance standards in [Section 89](#).

(8) **Pedestrian circulation.** To ensure safe, direct, and convenient pedestrian circulation, all multi-family developments shall contain a system of pathways designed based on the standards below:

- A. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent public parks and commercial uses, and the public sidewalk system.
- B. Pathways within the development shall provide safe, reasonably direct connections between dwelling units and parking areas, recreational facilities, storage areas, and common areas;
- C. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed or separated from the driveway/street by a minimum 5-foot strip with bollards, a landscape berm, or other physical barrier;
- D. Pedestrian pathways shall be separated a minimum of 6 feet from all building façades with residential living areas on the ground floor, except at building entrances;
- E. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping; and
- F. Pathway surface shall be concrete, asphalt, brick/masonry pavers, or other durable hard surface, at least 5 feet wide, and shall conform to federal Americans with Disabilities Act (ADA) requirements.

(9) **Landscaping.** Landscaping shall be installed within the development to provide erosion control, visual interest, buffering, privacy, open space and pathway definition, and shading based on the following standards:

- A. A minimum of 15 percent of the site shall be landscaped with a mix of vegetative ground cover, shrubbery, and trees. At the time of planting, trees shall be planted a minimum of 2 inches (dbh) in caliper and shrubbery a minimum of 24 inches in height. Bark mulch, rocks, and similar non-plant material may be used to compliment the cover requirement, but shall not be considered a sole substitute for the vegetative ground cover requirement; and
- B. The use of native and/or drought tolerant landscaping is encouraged. All landscaping shall be irrigate with a permanent irrigation system unless a licensed Landscape

Architect submits written verification that the proposed plant materials do not require irrigation. The property owner shall maintain all landscaping.

[§26F added by Ordinance No. 1116, passed June 24, 2003.]

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ORDINANCE No. 950

Zoning Regulations

Multi-Structural Residential R4

In this section:

[Uses Permitted Outright](#) [Conditional Uses](#)

Section 27. Uses Permitted Outright. In an R4 zone, the following uses and their accessory uses are permitted outright:

(1) A use permitted in the [R3](#) zone.

(2) Manufactured Dwelling Park subject to requirements of [Appendix A](#).

[§27 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 28. [Deleted]

[§23 deleted by Ordinance No. 1116, passed June 24, 2003.]

Section 29. Conditional Uses Permitted. In an R4 zone a conditional use permitted in an [R3](#) zone is permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance.

Section 29A. All uses and structures in the R4 zone, other than Manufactured Dwelling Parks, shall comply with all the standards listed in the R3 zone, [Sections 21-26F](#).

[§29A added by Ordinance No. 1116, passed June 24, 2003.]

Section 30. [Deleted]

[§ 30 amended by Ordinance No. 1037, passed August 12, 1997; and by Ordinance No. 1116, passed June 24, 2003.]

Section 31. [Deleted]

[§ 31 amended by Ordinance 1037, passed August 12, 1997; and deleted by Ordinance No. 1116, passed June 24, 2003.]

Section 32. [Deleted]

[§32 deleted by Ordinance No. 1116, passed June 24, 2003.]

Section 33. [Deleted]

[§33 deleted by Ordinance No. 1116, passed June 24, 2003.]

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ORDINANCE No. 950

Zoning Regulations

Central Commercial C2

In this section:

Uses Permitted Outright	Development Review	Conditional Uses	Lot Requirements	Setback Requirements	Height of Buildings	Limitations on Use	Design Standards	Utilities
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Section 34. Uses Permitted Outright. In a C2 zone, only the following uses and their accessory uses are permitted outright:

- (1) **Automobile, boat or trailer sales.**
- (2) **Bakery.**
- (3) **Bank**, loan company or similar financial institution.
- (4) **Barber shop.**
- (5) **Beauty shop.**
- (6) **Bicycle shop.**
- (7) **Blueprinting, photostatting or other reproduction.**
- (8) **Book or stationery store or newsstand.**
- (9) **Bookbindery.**
- (10) **Building supply** with no outside storage.
- (11) **Bus station.**
- (12) **Business machines**, retail and service.
- (13) **Catering establishment.**

- (14) **Church.**
- (15) **Clinic**, except animal clinic.
- (16) **Clothes.**
- (17) **Clothing store or tailor shop.**
- (18) **Club, lodge, union or fraternal organization.**
- (19) **Cocktail lounge or tavern.**
- (20) **Confectionery store**, including soda fountain.
- (21) **Curtain or drapery store.**
- (21a) **Day care facility.**
- (22) **Dancing school or music studio.**
- (23) **Delicatessen.**
- (24) **Drug store, pharmacy.**
- (25) **Dry cleaning**, or pressing, except those using highly volatile or combustible materials or using high pressure steam tanks or boilers.
- (26) **Dry goods, millinery or dress shop.**
- (27) **Electrical supply store.**
- (28) **Feed and seed store.**
- (29) **Florist shop.**
- (30) **Floor covering** sales and service.
- (31) **Food store.**
- (32) **Frozen food lockers**, retail only.
- (33) **Furniture store.**
- (34) **Garden store.**

- (35) **Gift, hobby or art shop.**
- (36) **Grocery store.**
- (37) **Hardware store.**
- (38) **Health studio**, physical therapist, reducing salon.
- (39) **Hotel.**
- (40) **Jewelry store**, including repairing.
- (41) **Leather goods store**, including harness and saddle shop.
- (42) **Locksmith.**
- (43) **Magazine or newspaper distribution agency.**
- (44) **Meat market**, retail only.
- (45) **Newspaper publishing.**
- (46) **Notions** or variety store.
- (47) **Office**, business or professional.
- (48) **Office supplies.**
- (49) **Paint store**, including related contractor shop.
- (50) **Parking lot or garage.**
- (51) **Pawn shop.**
- (52) **Pet shop.**
- (53) **Printing plant.**
- (54) **Radio or television** sales and service.
- (55) **Residential uses**, second story or multiple family.
- (56) **Restaurant or hotel supply.**

- (57) **Restaurant or tea room.**
- (58) **Retail store.**
- (59) **Scientific or professional instrument** sale or repair.
- (60) **Secondhand store.**
- (61) **Self-service laundry.**
- (62) **Shoe store** or shoe repair shop.
- (63) **Storage building** for household goods in conjunction with retail sales.
- (64) **Studio-art, music and photography.**
- (65) **Telephone or telegraph building.**
- (66) **Theater**, except drive-in theater.
- (67) **Upholstery shop**, but excluding operations in mattress and upholstery refinishing where cyanide or other highly toxic material is used.
- (68) **Wholesale office** or show room with merchandise on the premises limited to small items and samples.
- (69) [Unintentionally left blank for future use.]
- (70) **Museum, private or public.**

[§34 amended by Ordinance No. 982, passed January 25, 1994; and by Ordinance No. 1037, passed August 12, 1997.]

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Section 34A. Development Review. In the C2 zone, development review by the city administrator or designee shall be required to ensure compliance with [Section 39A](#).

(1) **Procedure.** Development review is a non-discretionary, administrative review conducted by the city administrator or designee. Development review shall follow [section 111A\(1\) Type I procedures](#) for administrative decisions.

(2) **General submission requirements.** The applicant shall submit an application on forms provided by the city administrator that shall:

A. Contain all the general information required;

B. Address the criteria in sufficient detail for review and action; and

C. Be filed with the required fee as established by the city council.

(3) **Development review information.** An application for development review shall include a proposed site plan on a page size of 11 inches x 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.
2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.
3. The proposed development site, including boundaries, dimensions, and gross area.
4. Features that are proposed to remain on the site.
5. The location and dimensions of all existing and proposed structures, utilities, street lighting, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area, if applicable.
6. Landscape plan, including parking area landscaping if applicable.
7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, alleys, and easements.
8. Location and dimension of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes, and location and dimensions of vehicular and bicycle parking areas, if applicable.
9. Architectural drawings.
 - a. Building elevations which illustrate building orientation and building form design features including but not limited to building façade(s), entrance(s), windows, roof decoration, awnings and overhangs, building materials, and paint colors.
 - b. Building plans that illustrate proposed amenities.
 - c. Signage, if applicable.
 - d. The name, address, and phone number of the architect.

[§34A added by Ordinance No. 1116, passed June 24, 2003.]

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Section 35. Conditional Uses Permitted. In a C2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance.

- (1) Auditorium, exhibition hall or other public assembly room.
- (2) Automobile service station including minor automobile repairs but excluding body and fender work, or painting.
- (3) Drive-in establishment offering goods or services to customers waiting in parked motor vehicles, except drive-in theater.
- (4) Motel.
- (5) [Planned unit development](#).
- (6) Microwave receiver or transmission tower.

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Section 36. Lot Requirements. None, except where precluded to comply with other sections of the zoning ordinance, 100 percent lot coverage is permitted.
[§36 amended by Ordinance No. 1116, passed June 24, 2003.]

Section 37. Setback Requirements and Yard Regulations. All yard regulations are subject to compliance with vision clearance standards. The Planning Commission shall consider setback exceptions for installation of publicly oriented features such as landscaped courtyard or sculpture display. Drought tolerant, low-water requiring, or native landscaping materials are strongly encouraged.

(1) **Front yard setbacks.** A new building shall establish a front yard setback of 0-5 feet. To maintain street-front continuity, the following exception to the yard requirements is authorized: if there are buildings on both abutting lots with yards of more than the required depth for the zone, the yard of the lot may equal but not exceed the average yard of the abutting buildings. If there is a building on one abutting lot with a yard of more than the required depth for the zone, the yard for the lot may equal but not exceed a depth one-half way between the depth of the abutting yard and the required yard depth.

(2) **Side yard setbacks.** A side yard facing a street shall have a setback of 0-5 feet. The setback for a side yard not facing a street and for a rear yard shall be a minimum of 0 feet, with no maximum.

(3) **Rear yard setbacks.** The setback for a rear yard shall be a minimum of 0 feet, with no maximum.

(4) **Allowed extensions** into the public right-of way. Eaves, second story bay windows, cornices, canopies, pergolas, and similar architectural features may encroach into a setback by no more than five feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code.

[§ 37 renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

Section 38. Height of Buildings. In a C2 zone within 100 feet of a residential zone, no building shall exceed three stories or 35 feet in height. A building on a corner lot is encouraged to be at least two stories in height. Multistory buildings with residential uses on the upper floor or floors are encouraged in the C2 zone.
[§ 38 renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003]

Section 39. Limitations on Use. In C2 zone, the following conditions and limitations shall apply:

(1) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking and loading, drive-in windows, island service for motor vehicles and display of merchandise along the outside wall of the building not extending more than 3 feet from the wall once per calendar quarter, unless conducted as part of special event and authorized by the city council.

(2) All items produced or wares and merchandise handled shall be sold at retail on the premises except in the case of [Section 34 \(68\)](#).

(3) Existing residential dwellings and their accessory uses may be maintained, expanded, constructed or reconstructed in conformance with the development standards as established in the [R3 zone](#).

(4) Ground floor spaces shall be used for commercial and retail uses. Upper floors of a building shall be used for commercial or residential uses.
[§ 39 renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

Section 39A. Design Standards. In the C2 zone, the following design standards shall apply. Applicants proposing construction or major exterior renovation of structures in the C2 zone will be required to comply with the following standards and shall be subject to site review as part of the development application process.

For purposes of this ordinance, a "Major Exterior Renovation" shall be defined as follows: Where the building shell undergoes any structural repair, reconstruction, or improvements and the cost of the repair or renovation equals or exceeds 35 percent of the assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. This includes:

- Changes to the façade of a building;
- Increases or decreases in floor area that result in changes to the exterior of a building;
- Changes to exterior improvements.

Major exterior renovation does not include normal maintenance and repair or total demolition, nor does it include improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications, or any alteration of a structure listed on the national register of historic places or a state inventory of historic places. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

A variance to this requirement may be requested in the event of a casualty (fire, flood, etc.) in which the

portion of the building exterior visible from the primary street has not been affected. An applicant seeking a variance to this requirement must provide a description of the casualty and an explanation of why the applicant cannot comply with the standard.

For a major exterior renovation, the applicant shall submit a development schedule indicating the approximate dates when construction of the planned amenities and design elements are expected to be initiated and completed. All improvements required under this section shall be completed within 3 years of the date of approval of the proposed major exterior renovation.

(1) **Building Architecture.** All new buildings and major exterior renovations shall provide architectural relief and interest to promote and enhance a comfortable pedestrian scale orientation. The use of building materials that require less maintenance and are longer lasting are encouraged.

- a. **Façades.** Architectural emphasis shall be placed on the façade facing a public street, especially at the building entrance and along sidewalks. Blank walls shall be avoided unless structurally necessary. Any blank wall clearly visible from a public street shall include a combination of architectural elements and features such as offsets, entry treatments, varied materials and colors, division into bays, decorative murals, etc. A decorative mural should reflect the local human and natural history, and should not be used for advertising purposes.
- b. **Entrances.** The primary entrance to a building, including on a corner lot, shall be located along the primary street, not the parking lot. For a building on a corner lot of two primary streets, the entrance may be oriented toward the intersection. A variance may be granted by the Planning Commission if this building orientation is not achievable due to site constraints.
- c. **Windows.** A new building or major exterior renovation shall include large, regularly spaced and similarly shaped windows with trim. Windows shall cover between 50 to 80 percent of the ground floor façade area on the building side that faces the public street and includes the main building entrance. Windows shall continue the vertical and horizontal character of the ground floor level windows. Transom or clerestory windows are encouraged above the building entrance.
- d. **Roof Decoration.** A building with a flat roof shall include a decorative cornice or decorative moldings at the top. A building with a pitched roof shall include eaves.
- e. **Awnings and Overhangs.** All new or renovated buildings may include overhangs or awnings. Overhangs and awning extending into the public right-of-way may project to within two (2) feet of the curb line and must be a minimum of eight (8) feet in height over the sidewalk and/or ground surface. The design, materials, and colors of these features shall complement the architecture of the building. New lighted, plastic, or bubble awnings are not allowed. In the event that a street is widened, an awning or overhang that is not in compliance with this ordinance will need to be removed.
- f. **Building Materials.** Building materials should be compatible with the surrounding area and can include masonry, tile, stucco, split face (decorative) concrete block, or wood. A building may not be made of unadorned poured or tilt-up concrete or metal siding.
- g. **Paint Colors.** Paint colors should be compatible with the surrounding area. No neon or fluorescent-colored paint shall be allowed.

(2) **Amenities.** Every new building shall provide one or more of the alternatives listed below for each 4,000

square feet of building. Pedestrian amenities may be provided within a public right-of-way when approved by the Planning Commission. Amenities should be compatible with adjacent downtown development. The use of landscaping and building materials that require less maintenance and are longer lasting are encouraged.

- a. **A plaza, courtyard, or extra-wide sidewalk** next to the building entrance.
- b. **Planters or hanging baskets.**
- c. **Sitting space** (e.g., dining area or benches.)
- d. **Public art** (e.g., fountain, sculpture, mural, etc.)
- e. **Special surfacing** such as brick or tile. Surfacing must meet ADA standards.

(3) **Street Lighting.** When street lighting is required to be installed ;under the requirements of this or supporting ordinances or standards, street lighting shall be old-fashioned, ornamental, and compatible with street lighting in the C2 zone and along Ivy Street.

(4) **Parking and Access.** The following requirements for parking in the C2 zone should minimize visual impacts on the downtown area. The use of paving and landscaping materials that require less maintenance and are longer lasting are encouraged.

- a. **Parking area location.** Off-street parking shall be located to the rear or side of the building. On corner lots, the parking may not be located adjacent to the street corner. Use of a corner lot for parking is discouraged.
- b. **Parking area landscaping.** Provided that minimum parking requirements are met, all parking lots shall include landscaping of not less than 7 percent of the area devoted to outdoor parking facilities. Drought tolerant, low-water requiring or native landscaping materials are strongly encouraged. Said landscaping shall be provided with underground irrigation and protective curbs or raised wood headers. If minimum parking requirements cannot be met, the highest percentage possible of landscaping shall be required, subject to Planning Commission approval.

(i) A parking area located adjacent to a road right-of-way shall be buffered by a five-foot landscaped strip between the parking lot and road right-of-way and must include at least one deciduous street tree every 30 feet.

(ii) For a corner lot with four or more off-street parking spaces as required under this code, then off-street parking adjacent to a public street shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage along that street. Such landscaping shall consist of landscaped berms or shrubbery at least two feet in height, which shall be parallel to and adjacent to the street frontage as much as practical. Additionally, one tree, which will provide a canopy of at least three hundred square feet upon maturity, shall be provided for each 50 lineal feet (or fraction thereof) of street frontage along that street.

- c. **Bicycle parking.** Bicycle parking shall be in accordance with the Junction City Transportation System Plan. If the bicycle parking requirement cannot be met due to site constraints, the bicycle parking may be located elsewhere in the C2 zone in a location to be determined by the Planning Commission.

- d. **Alley paving.** In conjunction with a building permit or with a change in use that will take access paved off-street parking from the alley, the developer shall pave the entire alley. This requirement may be waived by the Planning Commission if adjacent to residential development. Subsequent development or change of use will be subject to a latecomer's fee per Ordinance 1001 to reimburse the development cost for the portion of the alley not adjacent to the original development.

[§39A added by Ordinance No. 1116, passed June 24, 2003.]

Section 39B. Utilities. All utilities on the development site shall be placed underground. Ground mounted equipment such as transformers, utility pads, cable television and telephone boxes, cell tower equipment boxes, and similar utility services, shall be underground whenever practicable. Where undergrounding is not practicable, equipment shall be screened from view from adjacent streets, sidewalks, and abutting residentially zoned properties with an evergreen hedge or solid fence or wall at least 4 feet in height and must be sited to comply with the vision clearance standards in Section 89.

[§39B added by Ordinance No. 1116, passed June 24, 2003.]

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ORDINANCE No. 950

Zoning Regulations

General Commercial GC

In this section:

Uses Permitted Outright	Conditional Uses	Development Review	Restrictions on Use	Setback Requirements	Building Orientation Guideling	Height of Buildings
Parking	Building Entries	Building Form	Trash Receptacles	Utilities	Delivery and Loading Facilities	Drive-through Facilities

Section 40. Uses Permitted Outright. In a GC zone, only the following uses and their accessory uses are permitted outright:

- (1) **A use permitted outright** in a [C2 zone](#).
- (2) **Amusement enterprise**, including pool hall, bowling, dancing hall, skating rink, when enclosed in a building.
- (3) **Auditorium**, exhibition hall or other public assembly room.
- (4) **Automobile, boat or trailer** sales, rental, service and repair.
- (5) **Automobile service station**.
- (5a) **Automotive paint shop**.
- (6) **Car wash**.
- (7) *[Deleted]*
- (8) **Motel**.
- (9) **Mortuary, undertaking or funeral parlor**.
- (10) **Taxidermy shop**.

(11) **Tire shop**, including tire recapping.

(12) *[Deleted]*

(13) **Small animal clinics** and small animal hospitals, where boarding of sick or injured animals is permitted, but boarding of healthy animals is not permitted.

(14) **Drive-up and drive-through facilities** (e.g., associated with restaurants, banks, car washes, and similar uses.).

(15) **Uses similar** to those listed above.

[§40 amended by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 982, passed January 25, 1994; by Ordinance No. 986, passed June 14, 1994; by Ordinance No. 1025, passed October 8, 1996; renumbered by Ordinance No. 1037, passed August 12, 1997; amended by Ordinance No. 1051, passed July 14, 1998; and by Ordinance No. 1116, passed June 24, 2003.]

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Section 41. Conditional Uses Permitted. In a GC zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance:

(1) **Amusement enterprise** not enclosed in a building including, but not limited to, "pitch and putt" golf course, archery range, automobile race track and drive-in theater.

(2) **Mobile Home Park** (RV Park), subject to requirements of [Appendix C](#).

(3) **Mini-storage**, provided that it is not located within 260 feet of the center line of State Highway 99.

(4) **Day Care Home**.

(5) **Day Care Facility**.

[§41 amended by Ordinance No. 986, passed June 14, 1994; amended by Ordinance No. 1025, passed October 8, 1996; renumbered by Ordinance No. 1037, passed August 12, 1997; amended by Ordinance No. 1051, passed July 14, 1998; and amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 41A. Development Review. In an GC zone, development review by the city administrator or designee shall be required to ensure compliance regarding GC standards.

(1) **Procedure.** Development review is a non-discretionary, administrative review conducted by the city administrator or designee. Development review shall follow [Section 111 A\(1\) Type 1](#) procedures for administrative decisions.

(2) **General submission requirements.** The applicant shall submit an application on forms provided by the

city administrator that shall:

- A. Contain all the general information required;
- B. Address the criteria in sufficient detail for review and action; and
- C. Be filed with the required fee as established by the city council.

(3) **Development review information.** An application for development review shall include a proposed site plan, on a page size of 11 inches x 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.
2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.
3. The proposed development site, including boundaries, dimensions, and gross area.
4. Features which are proposed to remain on the site.
5. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.
6. Landscape plan if applicable.
7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.
8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routs and location and dimensions of parking areas if applicable.
9. Architectural drawings:
 - a. Building elevations which illustrate windows and building form design features.
 - b. The name and address of the architect.

[Section 41A added by Ordinance No. 1116, passed June 24, 2003.]

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Section 42. Restrictions on Use:

(1) Residential dwellings shall not be allowed on the ground floor in the GC zone. However, dwellings and their accessory uses that were legally established prior to this ordinance may be used for residential purposes and may be maintained, expanded, constructed or reconstructed in conformance with the development standards as established in the R3 zone and non-conforming use standards in [section 92-96](#). Residential dwellings are encouraged for upper floors in multistory buildings located close to the downtown area.

(2) Any outside storage shall be conducted entirely within a sight-obscuring fence a minimum of 4 feet in height, when adjacent to a property used or zoned for residential use or when directly visible from a public street or sidewalk and must comply with the vision clearance standards in [Section 89](#).

[§42 amended by Ordinance No. 985, passed June 14, 1994; renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 43. Setback Requirements. Except as provided in [Section 86](#), in a GC zone the yards are measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area. Projections may include eaves, chimneys, bay windows, overhangs, and similar architectural features. Setbacks shall be as follows:

(1) A minimum front (street facing) setback is not required, except as necessary to comply with the vision clearance standards in [Section 89](#). In the case of a corner lot, both street facing sides of the lot shall be considered the front.

(2) The side yard is not required except where the foundation of a structure abuts a residential zone, in which case it shall be a minimum of 10 feet.

(3) A rear yard is not required, except where the foundation of a structure abuts a residential zone, in which case it shall be a minimum of 15 feet measured from the foundation where abutting a residential zone.
[§ 43 renumbered and amended by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

Section 43A. Building Orientation Guideline. In order to create streets which are attractive to pedestrians, create a sense of enclosure, and provide activity and interest along the street edge of a building, the preferred siting of new commercial buildings is close to the street rather than set back from the street behind large parking lots. Front (street facing) setbacks of between 0 and 25 feet from the front property line are encouraged where site size and configuration permit (see [Appendix E, Diagram 10](#)).

[§43A added by Ordinance No. 1116, passed June 24, 2003.]

Section 44. Height of Buildings. In a GC zone, no building shall exceed a height of 35 feet.

[§ 44 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 44A. Parking. In a GC zone, parking lots shall comply with the following standards:

1. **Off street vehicle parking** must comply with the landscaping, size, and pedestrian circulation standards specified in [Sections 78-80](#).

2. **Parking lot siting guideline:** To minimize the visual impact of parking areas, new commercial developments are encouraged to site off-street parking lots to the rear or side of the building where site size and configuration permit.

[§44A added by Ordinance No. 1116, passed June 24, 2003.]

Section 44B. Building Entries. In a GC zone, new commercial buildings shall comply with the following building entry standards:

(1) All commercial buildings must provide at least one customer entrance within 50 feet of an adjacent public sidewalk. Pedestrian access from the public sidewalk to the building entrance shall be provided and must be separated, raised, or protected from vehicular traffic and provide access for disabled persons in a manner that complies with applicable state and federal law. This standard does not apply to mini-storage, automobile paint shop, or car wash uses (see [Appendix E, Diagram 12](#)).

[§44B added by Ordinance No. 1116, passed June 24, 2003.]



Section 44C. Building Form. In a GC zone, new commercial buildings shall comply with the following building form standards:

(1) **Building Articulation.** Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet measured horizontally. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Wall plane projections or recesses shall be a minimum of two feet in depth to satisfy this standard and shall extend at least a total of 20 percent of the length of the façade. Variations in exterior building materials or colors do not satisfy this standard (see [Appendix E, Diagram 12](#)).

(2) **Windows.** All street facing building façades shall provide windows along a minimum of 50 percent of the length and 20 percent of the ground floor wall area (doorways may be used to help satisfy this standard). On corner lots, the general ground floor window standards must be met on one street frontage only. On the other street(s), the requirement is ½ of the general standard. This standard does not apply to mini-storage, automobile paint shop, or car wash uses (see [Appendix E, Diagram 12](#)).

(3) **Front Façade Architectural Detail Guideline.** New large commercial buildings with ground floor façades that face public streets are encouraged to include architectural details such as arcades, colonnades, entry areas, awnings, or other such architectural features that break up the horizontal plane of the building (see [Appendix E, Diagram 11](#)).

[§44C added by Ordinance No. 1116, passed June 24, 2003.]

Section 44D. Trash Receptacles. Trash receptacles shall be screened on all sides with an evergreen hedge or solid fence or wall of not less than 6 (six) feet in height. No trash receptacle shall be located within required setbacks, or within 25 feet of property lines abutting residential zones.

[§44D added by Ordinance No. 1116, passed June 24, 2003.]

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Section 44E. Utilities. All utilities on the development site shall be placed underground. Ground mounted equipment such as transformers, utility pads, cable television and telephone boxes, cell tower equipment boxes, and similar utility services, shall be placed underground whenever practicable. Where undergrounding of ground mounted equipment is not practicable, equipment shall be screened from view from adjacent streets, sidewalks, and abutting residentially zoned properties with an evergreen hedge or solid fence or wall at least 4 feet in height and must be sited to comply with the vision clearance standards in [Section 89](#).

[§44E added by Ordinance No. 1116, passed June 24, 2003.]

Section 44F. Delivery and Loading Facilities. In a GC zone, new commercial buildings shall comply with the following delivery and loading facility standards:

(1) Delivery and loading facilities are not permitted in required setback areas.

(2) All loading spaces for commercial buildings and uses shall be off the street, shall be in addition to required off-street spaces, and shall be served by service drives and maneuvering areas within a street, other than an alley, will be required.

[§44F added by Ordinance No. 1116, passed June 24, 2003.]

Section 44G. Drive-through Facilities. Drive-through facilities (e.g., associated with restaurants, banks, and similar uses) shall conform to the following standard:

(1) A stacking lane a minimum of 80 feet in length shall be provided for cars waiting to access a drive-through window. The stacking lane must be contained entirely on private property between the public right-of-way and the drive-through window and shall not interfere with vehicle parking or circulation.

[§44G added by Ordinance No. 1116, passed June 24, 2003.]

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ORDINANCE No. 950

Zoning Regulations

Commercial/Residential CR

In this section:

Uses Permitted Outright	Conditional Uses	Lot Size	Setback Requirements	Setback Exceptions	Height of Buildings	Lot Coverage	Residential Standards	Non-Residential Standards
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Section 45. Uses Permitted Outright.. In the CR zone, only the following uses and their accessory uses are permitted outright:

- (1) **A use permitted** in the [R3](#) zone.
- (2) **Neighborhood commercial** uses as follows:
 - (A) **Retail goods and services;**
 - (B) **Child care center** (care for more than 12 children);
 - (C) **Food services**, excluding automobile-oriented uses;
 - (D) **Medical and dental offices, clinics, and laboratories;**
 - (E) **Professional and administrative offices;**
 - (F) **Repair services**, conducted entirely within the building; auto repair and similar services not permitted;
 - (G) **Mixed use building** (residential with other permitted use);
 - (H) **Laundromats and dry cleaners;**
 - (I) **Art, music, or photograph studio;**
 - (J) **Personal services** (barber shops, salons, similar uses); and

(3) **Uses similar** to those listed above.

[§45 amended by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1025, passed October 8, 1996;

renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 46. Conditional Uses. In the CR zone uses allowed outright in the [C2](#) zone and their accessory uses are permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance:

(1) **Dormitories.**

(2) **Clubs, lodges, fraternal and religious associations.**

[§46 amended by Ordinance 1021, passed June 11, 1996, and renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

Section 47. Lot Size. In a CR zone, the lot size shall be as follows:

(1) The minimum lot area for commercial and single-family dwellings shall be 5,000 square feet.

(2) The minimum lot area for two-family dwellings shall be 6,000 square feet.

(3) For multiple-family dwellings, the minimum lot area shall be 7,500 square feet.

(4) The minimum lot width at the front building line shall be 50 feet for an interior lot, and 35 feet for cul-de-sac lots.

(5) There is no minimum lot depth.

(6) The minimum lot area for townhomes (single-family attached or row houses) shall be 2,500 square feet per unit. The minimum lot width at the building front of the building shall be 30 feet.

[§47 renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 48. Setback Requirements. Except as provided in Sections [48A](#) and [86](#) of this ordinance, in a CR zone the yards, measured from the property line to the foundation of the building shall be as follows:

(1) A minimum front setback of 15 feet is required for multi-family dwellings, townhomes, and duplexes, except that a covered (but not enclosed) porch may be within 10 feet of the front line. A minimum front setback of 10 feet is required for non-residential and mixed use buildings.

(2) Each side yard setback shall be a minimum of 6 feet, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet. Townhomes shall have no setback requirement where they share common walls.

(3) The back yard shall be a minimum of 15 feet.

(4) In the case of a two-family (duplex) residential use on a corner lot where primary vehicular access is provided from two streets, then both yards abutting the street shall be considered the front yard. Setbacks for back yards are measured separately for each residential dwelling opposite the front yard (see [Appendix E, Diagram 2](#)).

(5) No building shall encroach into a public utility easement or vision clearance area ([Section 89](#)).

[§48 renumbered and amended by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 48A. Setback Exceptions. In a CR zone, the following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by up to 3 feet, provided that State fire code is met. Walls and fences may be placed on property lines, subject to the standards in [Section 82](#). Walls and fences within front yards shall additionally comply with the vision clearance standards in [Section 89](#).

[Section 48A added by Ordinance No. 1116, passed June 24, 2003.]

Section 49. Height of Buildings. No buildings shall exceed a height of 35 feet. Building height may be restricted according to requirements in Sections [25](#) and [26A](#) (see [R3 Multi-Family Residential](#)) and [50B](#).

[§49 renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

Section 50. Lot Coverage. In a CR zone, the buildings shall not occupy more than 60 percent of the lot area.

[§ 50 renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1116, passed June 24, 2003.]

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Section 50A. Residential Standards. All new residential buildings in the CR zone shall comply with the development review, building height transition, building orientation, building form, and other standards listed in the [R3](#) zone in sections [22A](#), [26A – 26D](#), and [26F](#).

[§50A added by Ordinance No. 1116, passed June 24, 2003.]

Section 50B. Non-Residential Standards. All new non-residential buildings in the CR zone shall comply with the development review, building height transition, building orientation, building form, and other standards listed in the [R3](#) zone in Sections [22A](#), [26A–26C](#), and [26E](#) with the following exceptions:

(A) Hours of operation are not limited.

(B) There is no maximum floor area standard.

[§50B added by Ordinance No. 1116, passed June 24, 2003.]

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ORDINANCE No. 950

Zoning Regulations

Light Industrial M1

In this section:

[Uses Permitted Outright](#)

[Conditional Uses](#)

[Limitations on Use](#)

[Lot Size](#)

[Setback Requirements](#)

[Height of Buildings](#)

Section 51. Uses Permitted Outright. In a M1 zone, only the following uses and their accessory uses are permitted outright:

- (1) **Cabinet, carpenter or woodworking shop.**
- (2) **Compounding, packaging or storage of cosmetics, drugs, perfumes, pharmaceutical, soap or toiletries**, but not including processes involving refining or rendering of fats and oils.
- (3) **Dwelling for caretaker or night watchman** on the property.
- (4) **Freight depot.**
- (5) **Ice or cold storage plant.**
- (6) **Laboratory** for research or testing, but not including the testing of combustion engines.
- (7) **Laundry, dry cleaning or dyeing establishment.**
- (8) **Lumber yard, building supply outlet.**
- (9) **Machinery or equipment sales, services or storage.**
- (10) **Manufacture, repair or storage of articles** from the following previously prepared materials: bone, cellophane, cloth, cork, feathers, felts, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious stone or metal, shell, textiles, wax, wire or yarn.
- (11) **Manufacture, repair or storage** of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, engineering, scientific or precision instrument, medical or dental supplies or equipment, electronic supplies or equipment, industrial or business machines, aircraft parts and equipment, luggage, photographic equipment or small pleasure boats.
- (12) **Motor vehicle body shop, tire shop or similar repair service.**

(13) **Plumbing, heating, electrical or paint contractor's sales, repairs or storage.**

(14) **Processing, packaging or storage of food or beverages**, but not including processes involving distillation, fermentation, slaughtering or rendering of fats and oils.

(15) **Railroad tracks and related facilities.**

(16) **Utility lines, station or substation**, not including wireless telecommunications facilities.

[Sub§ (16) amended by Ordinance No. 1105, passed June 11, 2002.]

(17) **Veterinary clinic or hospital.**

(18) **Welding, sheet metal or machine shop.**

(19) **Wholesale distribution or outlet**, including trucking, warehousing and storage.

(20) **Motor Home Manufacturing.**

[Sub§ (20) added by Ordinance No. 984, passed April 12, 1994.]

(21) *[Unintentionally left blank for future use.]*

(22) **Recreational Vehicle (RV) sales and service** that is conducted in conjunction with the manufacture of recreational vehicles on the same lot.

[Sub§ (22) added by Ordinance No. 1024, passed September 10, 1996.]

[§ 51 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 52. Conditional Uses Permitted. In a M1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance:

(1) **Temporary dwelling unit.**

(2) **Fuel oil distribution.**

(3) **Planned unit development.**

[§ 52 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 53. Limitations on Use. In a M1 zone, the following conditions and limitations shall apply:

(1) A use which creates a nuisance because of the noise, smoke, odor, dust or gas is prohibited.

(2) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

(3) Storage of junk on property abutting or facing a residential zone or a public street shall be wholly within an enclosed building or screened from view by a permanently maintained, sight-obscuring fence at least six feet high.

(4) Points of access from a public street to properties in a M1 zone shall be so located as to minimize traffic congestion and avoid directing traffic into residential streets.

(5) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone.
[§ 53 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 54. Lot Size. In a M1 zone, no minimum lot size shall be identified other than that to meet the requirements of this ordinance.
[§ 54 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 55. Setback Requirements. Except as provided in [Section 86](#), in a M1 zone no yard shall be required except when abutting a residential zone setbacks shall be a minimum of 50 feet measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area. If a living, solid screen is provided adjacent to the residential zone the minimum setback may be reduced to 25 feet.
[§ 55 renumbered and amended by Ordinance No. 1037, passed August 12, 1997.]

Section 56. Height of Buildings. In a M1 zone, within 150 feet of a residential zone, no building shall exceed a height of 35 feet.
[§ 56 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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ORDINANCE No. 950

Zoning Regulations

Heavy Industrial M2

In this section:

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[Conditional Uses](#)

[Limitations on Use](#)

[Lot Size](#)

[Setback Requirements](#)

[Height of Buildings](#)

Section 57. Uses Permitted Outright. In a M2 zone, the following uses and their accessory uses are permitted outright:

(1) A use permitted outright in a [M1 zone](#).

(2) Manufacturing, repairing, compounding, fabricating, processing, packing or storage of a use not listed in [Section 45](#).

[§ 57 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 58. Conditional Uses Permitted. In a M2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of [Sections 97 through 102](#) of this ordinance:

(1) **Temporary dwelling unit.**

(2) [Planned unit development](#).

[§ 58 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 59. Limitations on Use. In a M2 zone, the following conditions and limitations shall apply:

(1) A use is prohibited which creates a nuisance because of noise, smoke, odor, dust or gas or which has been declared a nuisance by statute, by action of the municipal court or by a court of competent jurisdiction.

(2) Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

(3) Storage of junk on property abutting or facing a residential zone or a public street shall be wholly within an enclosed building or screened from view by a permanently maintained, sight-obscuring fence at least six feet high.

(4) Points of access from a public street to properties in a M1 zone shall be so located as to minimize traffic

congestion and avoid directing traffic into residential streets.

(5) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone. [§ 59 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 60. Lot Size. In a M2 zone, no minimum lot size shall be identified other than that to meet the requirements of this ordinance.

[§ 60 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 61. Setback Requirements. Except as provided in [Section 86](#), in a M2 zone no yard shall be required except when abutting a residential zone setbacks shall be a minimum of 50 feet [measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area]. If a living, solid screen is provided adjacent to the residential zone the minimum setback may be reduced to 25 feet.

[§ 61 renumbered and amended by Ordinance No. 1037, passed August 12, 1997.]

Section 62. Height of Buildings. In a M2 zone, within 150 feet of a residential zone, no building shall exceed a height of 35 feet.

[§ 62 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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ORDINANCE No. 950

Zoning Regulations

Professional-Technical District PT

In this section:

Description and Purpose	Uses Permitted Outright	Conceptual Development Plan	Lot Size	Setback Requirements	Height of Buildings
Parking Requirements	Landscaping Plans	Utilities	Fence Standards	Performance Standards	Site Development and Review

Section 63. Description and Purpose. The district is intended to designate those areas identified by the Comprehensive Plan text and map as suitable sites for accommodating large-scale concentrations of mixed office, high technology systems manufacturing, industrial park buildings, warehousing and laboratories. Development within the district may include mutually compatible uses which value a setting characterized as "park-like." The structures shall be limited to buildings housing offices, laboratories, high technology systems manufacturing, light industrial mixed-use buildings that do not generate offensive external impacts such as noise, pollution or substantial emissions, warehouses that conform to the park setting, and commercial activities directly serving occupants of these facilities. [§ 63 amended by Ordinance No. 1012, passed October 24, 1995; and renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 64. Permitted Uses Outright. No building, structure or land shall be used, and no building or structures shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses. When the use is for manufacturing, the use may include the design, assembly, subassembly, fabrication or production of any item included or associated with the following uses:

- (1) **Calculating and accounting machines.**
- (2) **Commercial activities directly serving occupants of the offices, laboratories and manufacturing facilities**, for example; establishments engaged in wholesale computer sales, rental, or programming; copying and reproduction businesses; mail centers; sandwich shops; and similar support businesses.
- (3) **Communication equipment**, including telephone, laser, radio and television transmitting, signalling, and detection equipment and apparatus.
- (4) **Electronic components and accessories.**
- (5) **Engineering, laboratory, scientific, and research instruments.**

- (6) **Measuring and controlling instruments.**
- (7) **Musical equipment and instruments.**
- (8) **Offices, laboratories, or both.**
- (9) **Ophthalmic equipment.**
- (10) **Optical instruments and lenses.**
- (11) **Photographic equipment and supplies.**
- (12) **Printing, publishing and associated business.**
- (13) **Radio and television receiving equipment**, including satellite ground stations.
- (14) **Surgical and medical equipment.**
- (15) **Watches, clocks, clockwork operated devices, and parts.**
- (16) **Uses associated with motor home manufacturing** (for example, cabinet making and metal assembly, but not repair or servicing of motor homes).
- (17) **Computer components.**
- (18) **Uses associated with computer component manufacturing.**
- (19) **Offices consistent with a business park setting**, provided at least half of the gross floor area is occupied by a single tenant.
- (20) **Special light industrial buildings for light industrial uses** with minimal impact on surrounding businesses and park atmosphere. These buildings include those that are constructed with various bays and allow expansion of uses permitted in this district (also known as "incubator buildings").
- (21) **Manufacture and assembly of products** that have a high level of technological input, such as research and development and testing laboratory facilities.
- (22) **Corporate office headquarters**, provided that at least half the gross square floor area is occupied by a single tenant.
- (23) **Uses the City Administrator determines are similar** in size, bulk, operating character, location needs, external impacts, and employee characteristics of those otherwise listed in this section.
- (24) **After 50 acres** have been developed for uses (1) and (3) through (24), commercial uses allowed under [section \[63\]\(2\)](#) above, may not be greater than 10 acres. Development of these service related establishments shall

remain no greater than 20 percent of total development of this zoning district.

(25) **Use Conversions.** In no event shall manufacturing or industrial establishments be converted to retail uses, partially or otherwise, except as specifically provided for in this district.

(26) **Public park, playground, recreation facilities** as a conditional use permit.

[§ 64 amended by Ordinance No. 1012, passed October 24, 1995; and renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1095, passed June 27, 2001.]

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Section 65. Conceptual Development Plan. The intent of this section is to describe the Conceptual Development Plan (CDP) process that is required for the entire PT district that must be developed before any development can begin. The CDP is a logical, area-wide, plan to show the basic infrastructure and potential lot and building locations. The intent of such a plan is to prevent piecemeal development patterns where road access and infrastructure are not coordinated among property owners. The CDP shall show that all property owners in the PT area have been notified of the intent to develop a CDP district thirty (30) days prior to submission. A CDP is required in order to create a compatible environment within the district and with surrounding land uses.

Approval of the CDP will be granted by the planning commission when it determines the provisions of all sections of this zoning district have been complied with, as described below. Once a CDP has been approved, further development will occur without Planning Commission review, except for land divisions, unless the specific site development plan requires a significant modification of the CDP, in which case, the Planning Commission would consider that amendment using the process described in [subsection 4](#) below. Future land divisions shall be consistent with the approved CDP.

(1) **Required elements of the CDP.** The CDP shall be prepared by an architect licensed by the State of Oregon or by other appropriate professionals, such as an engineering or planning firm. The CDP document should include both text and maps to scale to clearly portray an overall plan for the area.

Application for the initial CDP shall include the following information:

- (a) **Major vehicle and pedestrian access and circulation routes;** including access points onto adjacent arterial and collector streets and truck routes;
- (b) **Provision of public and private facilities, utilities and services,** such as: roads, water, sewer, storm sewer, and other private utilities;
- (c) **Location of proposed buildings** and development and identification of potential sites throughout the area for projected future users;
- (d) **Identification and location of natural features** such as waterways and wetlands and preliminary fill and mitigation areas;
- (e) **Location and percentage of landscaping.**

(2) **Planning Commission shall review** the CDP at a public hearing within 45 days from the time a complete

plan is filed in accordance with the following procedures:

(a) Notice of the hearing shall be published in a newspaper of general circulation in the City not less than 5 days nor more than 20 day prior to the date of the hearing.

(b) Not less than 20 days prior to the date of the hearing, notices shall be mailed to all property owner within the area enclosed by lines parallel to and 100 feet from the exterior boundaries of the property involved. The names and addresses of property owners shall be those shown in the records of the county assessor. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate the proceedings in connection with the application for approval of a CDP covered by this district.

(c) Based on the testimony provided at the hearing, the Planning Commission shall develop findings of fact to justify either approving or denying the preliminary site plan. The Planning Commission may approve such requests when it is determined the request is in conformance with all the criteria listed in [subsection \(3\)](#) below.

(3) CDP Review Criteria:

(a) The proposed development plan is consistent with standards, plans, policies and ordinances of the city, including the comprehensive plan.

(b) The proposed development is of general design character (including but not limited to anticipated building design, type, location, bulk, height, location, and distribution of landscaped area, parking, roads, and access) which will not create problems for the appropriate development of abutting properties and the surrounding area.

(c) Proposed development will create an attractive, safe, efficient, and stable internal environment.

(d) Proposed buildings, roads, and other uses will be designated and sited to ensure preservation of significant on-site vegetation, topographic features, and other unique or worthwhile natural features so as to prevent soil erosion or flood hazard.

(e) There will be adequate on-site provisions for public and private utility services, emergency vehicular access, and public transportation facilities, if on existing or proposed transit routes.

(4) Changes to CDP. It is the policy of the City that during the site development review process there shall be sufficient administrative flexibility to permit modification of the CDP approved by the Planning Commission. Administrative approval of modifications of the CDP shall be limited to:

(a) Addition or reduction of the area of a building size not to exceed 25 percent of the accumulative total of the floor area of all buildings. A reduction in building area shall be offset by a proportionate increase in the landscaped area.

(b) Placement of buildings on a site.

(c) The major realignment of interior streets when points of ingress and egress to Oaklea Drive or High Pass Road are not altered.

(d) Alteration of accessory features, such as landscaped areas and parking areas, to the same percentage as any reduction or expansion.

[§ 65 amended by Ordinance No. 1012, passed October 24, 1995; and renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 66. **Siting Conditions.**

(1) **Area.** The minimum lot size in the PT district shall be 10,000 square feet, with a minimum of 75 feet of frontage. Panhandle lots are prohibited.

(2) **Setbacks.**

(a) The minimum setback to all buildings and parking areas along Oaklea Drive shall be 75 feet. The area contained within this yard shall be landscaped with living vegetative stock, berms, and such screens as may be deemed necessary during the site review process.

(b) The minimum setback to the exterior boundary of the district shall be 75 feet to any building, storage area, parking area, or activity associated with a use within the district.

i. **Setback from a residential zoning district or designation** (other than Oaklea Drive). The area contained within this yard shall be landscaped and screened from an adjacent residential use by employing the use of landscaped berms and decorative fences.

ii. **Setbacks from agricultural uses.** The area contained within the yard associated with this setback may be incorporated in an agricultural crop or open space area to prevent incompatible activities from interfering with established agricultural uses outside the exterior boundary of the district. Agricultural uses are permitted provided that spraying, dust, odors and other side effects of such uses do not interfere with the successful operation of the permitted uses.

iii. **Setbacks from City Police Training Facility.** The area adjacent to the police training facility, located to the southwest of the PT zone, shall use berms, noise buffering landscaping, and other noise buffer devices to mitigate the impact of the training facility to the PT site.

(c) The minimum setback of all structures to any future streets within the district shall be 35 feet. The area contained within this yard shall be landscaped with living vegetative stock, berms, and such screens as may be proposed or deemed necessary during the site review process. When additional right-of-way is required, setbacks shall be based on future right-of-way locations.

(3) **Height Standards.** The maximum height for buildings shall be 35 feet, unless abutting a residential district or designation. In this case, one of the following building height limitations shall apply:

(a) When the PT district abuts a residential district or designation, the building height limitation shall be no greater than that permitted in the residential district for a distance of 50 feet.

(b) Incidental equipment may exceed height standards specified above if no additional floor space exceeding that necessary for the equipment is provided. Therefore, air conditioning units, vents, and stacks can protrude beyond 35 feet.

(c) Variance to height limit: a variance from this height limit may be sought through the City's variance process, as described in [Sections 103 to 105](#) of this Ordinance.

(4) Off Street Parking.

(a) The number of required parking spaces shall be determined based upon standards for similar uses as described in [Sections 78 through 80](#). The following specific off-street parking standards shall apply:

USE CATEGORY	NUMBER OF SPACES
Manufacturing/Assembly	1 space for each 500 square feet of gross floor area
Warehousing	1 space for each 1000 square feet of gross floor area
Office	1 space for each 300 square feet of gross floor area

(b) Exception: Parking spaces may be reduced on a one-for-one basis when the number of spaces required is more than the number of employees on the busiest shift, provided that a landscaped area equal to the total number of spaces reduced shall be held in reserve for future use.

(c) All parking lots shall be screened from public rights-of-way by shrubs at least 3 ½ feet tall at maturity. Shrubs in the vision clearance areas shall not exceed 2 ½ feet in height. Other landscaping features required in [Sections 78 through 80](#) also apply to the Professional Technical district.

(d) Truck parking areas shall be prohibited in all front and street-side yards, and shall be screened from view of adjacent parcels and public rights-of-way.

(5) Landscaping Plans.

(a) Required yards shall be landscaped. At least 20 percent of the site shall be landscaped with living plant materials.

(b) Vegetation shall not block the solar access to buildings contained both on adjoining property or to buildings outside the district.

(c) The cluster of oak trees located adjacent to the right-of way of Oaklea Drive must be protected and incorporated into a site plan.

(d) Undeveloped land within a site plan shall be maintained in an uncluttered, dust free, mowed, and attractive manner. Such land shall not be used for parking.

(e) Undeveloped land outside of site plan areas may be farmed within thirty-five (35) feet of developed sites. The non-farmed area is to be maintained as described in item [\(d\)](#) above.

(6) **Utilities.** All on-site utility lines which serve the proposed development shall be underground and located on the CDP. Substations, switching stations, or above ground installation of utility service equipment shall be screened from uses within the district and uses adjacent to the district, but traversing residential areas shall be placed underground.

(7) **Fence Standards.**

(a) Long expanses of fence or wall visible from public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and/or change in materials. Alternatives to fencing are encouraged, such as berms, plantings and live screening materials.

(b) Except as specified elsewhere in this Code, fences shall not exceed the height standards listed below and shall be located as follows:

i. Six feet, provided that the fence is located behind the required front yard and street side yard planted areas, and outside the vision clearance area.

ii. Two and one-half feet in the vision clearance area.

(c) No fencing shall be permitted within 35 feet of a Professional Technical District perimeter or 20 feet of any development area perimeter. In addition, fences shall be prohibited within interior lots of development areas. Exception: low (3 feet maximum height) decorative fencing or masonry walls may be permitted as screening devices around parking lots.

(d) Painted fences shall match the building color scheme of the development area.

(e) Every fence shall be maintained. No fence shall be allowed to become or remain in a condition of disrepair, including but not limited to noticeable leaning or sagging, missing sections of substantial amounts of missing slats, broken supports, and overgrowth of weeds or vines.

(8) **Performance Standards.** Statements from the appropriate state, county or regional agencies that operation levels of a proposed use meet applicable environmental standards shall be submitted before final approval of the site plan is made.

(a) **Storage** of materials and finished products shall be within enclosed buildings.

(b) **The emission of odorous or noxious gases**, or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odor or pollutant is prohibited.

(c) **Outdoor loading, garbage and service areas** shall not be permitted in front or street-side yards, and shall be screened from view of adjacent parcels and from public rights-of-way. Painted structural screens shall match the building color scheme of the development area. Storage and disposal of waste materials generated on-site shall be approved by appropriate governmental agencies and comply with any applicable City laws and standards.

(d) **Exterior lighting**, except for low-intensity, pedestrian-level lighting shall be designed to deflect light away from adjacent development areas or zoning districts and from public rights-of-way. The sources of

light, except for low-intensity, pedestrian- level lighting, shall be hooded or controlled and shall not be directly visible from beyond development area boundaries.

(e) **Truck access.** Trucks transporting materials to and from the professional technical area shall only use the following major arterials to access the site: Highway 99, High Pass/1st Avenue, 18th Avenue, and Oaklea Drive. Truck traffic should not be routed on 6th and 10th Avenues.

(f) **Noise Standards.** Maximum noise levels (measured at the property line) generated by uses in the PT district shall be as follows:

- i. abutting other lots within the SLI district: 65 dba at all times;
- ii. abutting non-commercial districts: 57 dba 7:00 a.m. to 10:00 p.m., and 50 dba 10:00 p.m. to 7:00 a.m.

[§66 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 67. Site Development and Review Procedures. The intention of this section is to clarify the elements of individual building permit review and information required for such review. This review process occurs at the staff level, much as a mobile home park, or apartment complex is reviewed by the staff team. Individual site development plans must be consistent with the approved CDP.

(1) **Developer's Design Team.** Plans used for the development of buildings and grounds should be prepared by a design team comprised of an architect, engineer, and a landscape architect licensed by the State of Oregon, one of whom shall serve as project coordinator. One or more members of the design team must certify that buildings, elevations, site, and landscaping have been constructed according to plans approved under the site review procedures of the Professional Technical District.

(2) **Policy.** It is the policy of the city that during the site review process there shall be sufficient administrative flexibility to permit modification of the preliminary site plan approved during the annexation process. Modifications of the preliminary site plan shall be limited to:

(a) **Addition or reduction of the area** of a building size not to exceed 25 percent of any one building or 10 percent of the accumulative total of the floor area of all buildings. A reduction in building area shall be offset by a proportionate increase in the landscaped area.

(b) **Placement of buildings on a site.**

(c) **The major realignment of interior streets** when points of ingress and egress to Oaklea Drive or High Pass Road are not altered.

(d) **Alteration of accessory features**, such as landscaped areas and parking areas, to the same percentage as any reduction or expansion.

(3) **Information required for application for site development and review.**

- (a) **A general vicinity map** of the proposed site.
- (b) **Property limits and accurate contours** at one-foot intervals of existing ground and details of terrain and area drainage.
- (c) **Location of any buildings or structures** on the property and proposed structures.
- (d) **Location of all parking lots**, space site and number of spaces.
- (e) **Location of all interior streets** designated by curb lines with sufficient curb elevations for evaluation of design.
- (f) **Location and size of all access points** to county streets or roads.
- (g) **A soils engineering report.**
- (h) **An engineering geology report.**
- (i) **A report delineating any wetlands** on the site development that has been approved by appropriate state and federal agencies. The delineation report should describe type of wetland, plant species, and wildlife habitat as well as provide a map of wetland areas. Should wetlands exist on property, then the appropriate state and federal permits must be obtained prior to final approval of the site plan. Developers in the Professional Technical Zone are encouraged to build wetland mitigation or restoration plans into their site plans, if applicable.
- (j) **Grading plan**, including all proposed finished site and building floor elevations.
- (k) **The approximate location and width of all existing and proposed easements** for public and private utilities and the size of such utilities.
- (l) Inclusive of the information required in (a) through (k) above, **such additional information as required by state law** for a building permit may be supplied.

(4) The city staff shall conduct the **site development review** as a prerequisite for issuance of a building permit. An applicant for site development review may apply for a building permit at the same time as site development review approval is requested. Other processes, such as annexation and partitioning must be completed prior to submittal of the site development for review.

(a) **Site Development Review Criteria.** Junction City staff shall apply the following criteria when reviewing the site development plans for specific buildings in the PT area.

i. The proposed development is consistent with standards, plans, policies and ordinances of the City, including the comprehensive plan and the approved CDP for the PT area.

ii. The proposed development is of general design character (including but not limited to

anticipated building design, type, location, bulk, and height; location and distribution of landscaped area; parking, roads, and access) which will not create problems for the appropriate development of abutting properties and the surrounding area.

iii. The proposed development will create an attractive, safe, efficient and stable internal environment.

iv. Proposed buildings, roads, and other uses will be designed and sited to ensure preservation of significant on-site vegetation, topographic features, and other unique or worthwhile natural features so as to prevent soil erosion or flood hazard.

v. There will be adequate on-site provisions for public and private utility services, emergency vehicular access, and public transportation facilities if on existing or proposed transit routes.

[§67 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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ORDINANCE No. 950

Zoning Regulations

Planned Unit Development (PUD)

In this section:

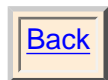
Purpose	Ownership	General Requirements	Procedures	Pre-preliminary Conference
Preliminary Approval	Final Approval	Changes and Modifications	Modification and Adherence	Revocation

Section 68. Purpose. The purpose of a Planned Unit Development is to permit greater flexibility in land use regulations thereby allowing the developer to use a more creative approach in the development of land. Density requirements, setbacks and other land use regulations may be adjusted to allow for a more desirable living environment. Preservation of natural features, harmonious variety of uses, the economy of shared services and facilities, and a development more compatible with the surrounding area are a few of the common benefits attained from a Planned Unit Development.

The PUD approach is expected to result in development that is superior to what could be obtained through ordinary lot-by-lot development. It is not intended to circumvent conventional land use regulations.

In return for greater flexibility in site development, the PUD introduces some special requirements and standards for design approval. These conditions will be employed to maximize quality of site design. They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more conventional development. The PUD process will not be used as a device to force a decrease in residential density below that otherwise allowed by the Comprehensive Plan and underlying zoning.

[§ 68 renumbered by Ordinance No. 1037, passed August 12, 1997.]



Section 69. Ownership. The tract or tracts of land included in a proposed Planned Unit Development may be in one ownership or control, or the subject of a joint application by owners of all the property included. The holder of a valid written real estate option contract shall be deemed the owner of such land for the purpose of this section. The Planning Commission may require satisfactory evidence of such contract of purchase.

[§ renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 70. General Requirements. The following general requirements will apply to Planned Unit Developments:

(1) A Planned Unit Development shall be allowed in all zones except [R-1](#) as a conditional use according to the procedures set forth for such uses. Minimum site area shall be two acres to qualify for a PUD.

(2) As a condition of approval of a Planned Unit Development, the Planning Commission may require the

following:

- (a) A performance bond or other securities acceptable to the City to insure that a Planned Unit Development is completed as submitted.
- (b) An Economic Impact Statement if the Planned Unit Development is of a sufficient size and economic complexity.
- (c) An Environmental Impact Study if the Planned Unit Development is large enough to have critical impact upon the land and environment.
- (d) Areas for parks or playgrounds, sized according to prevailing statewide and local government standards, shall be permanently reserved within the PUD or provided for off site.
- (e) Streets be designed and constructed according to City standards and dedicated to the City.
- (f) Easements for the orderly extension, maintenance, repair or replacement of public utilities.
- (g) Adequate guarantee must be provide to ensure permanent retention of common open space and recreation areas which may be required as conditions of PUD approval. This guarantee may be satisfied by creation of a nonprofit homeowners association to ensure maintenance of the area, or by development of the space to City specifications and acceptance of it by the City, in which case it would be available for general public use.

(3) Whenever a Planned Unit Development is subject to the City's subdivision ordinance, the procedures and regulations of the subdivision ordinance shall apply.
[§ 70 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 71. **Procedures.**

- (1) **Application.** A letter of intent to develop a Planned Unit Development along with a conditional use permit application shall be filed with the city administrator. The applicant shall also pay an application fee as established by the city council.
- (2) **Stage Review.** There shall be a three-stage review process when approving a Planned Unit Development application:
 - (a) [Pre-preliminary conference](#) (Stage 1).
 - (b) [Preliminary approval](#) (Stage 2).
 - (c) [Final approval](#) (Stage 3).

(3) Fees. The following fees as provided or otherwise approved by council resolution shall accompany each stage of review:

- (a) [Pre-preliminary conference](#) (no fee).
- (b) [Preliminary approval](#) (\$100.00).
- (c) [Final approval](#) (\$75.00).

[§ 71 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 72. [Pre-preliminary conference \(Stage 1\)](#).

(1) Before preparing a preliminary plan map and preliminary plan program, the applicant of a proposed Planned Unit Development shall meet with the City staff at a conference scheduled at a time most convenient for both parties. At the conference, the developer shall provide basic information, such as a schematic drawing, showing the general relationship contemplated among all public and private uses and existing physical features, and written statements regarding the source of water supply, method of sewage disposal, dwelling types, lot layout, public and private access, non-residential uses, and provisions for maintenance of landscaped areas, parks and open spaces. In return, the City staff shall provide the developer applicable standards and regulations.

(2) If the staff and applicant reach a satisfactory agreement, the applicant may proceed to Stage 2, [preliminary approval](#).

[§ 72 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 73. [Preliminary Approval \(Stage 2\)](#).

(1) The applicant shall submit to the Planning Commission four copies of the preliminary plan map for the proposed Planned Unit Development. The plan map shall show the following information:

- (a) Legally described property lines.
- (b) Section lines.
- (c) Existing streets, buildings, watercourses, tree masses, sanitary and storm sewers, water mains, culverts and other existing underground facilities.
- (d) Location and size of the nearest water main and sewer outlet.
- (e) Title of the Proposed Planned Unit Development and the name of the developer.
- (f) Ownership of adjoining parcels within 300 feet of the proposed Planned Unit Development.

(g) Contours referred to a city engineer's bench mark with intervals sufficient to determine the character and topography of the land to be developed.

(h) North point, scale and date.

(i) Location and size of all proposed streets, buildings, sanitary sewer or other sewage disposal facilities, water mains, storm water facilities, sidewalks, parks, open spaces and signs.

(2) A preliminary plan program or outline of the following shall accompany the preliminary plan map:

(a) Proposed ownership and maintenance of streets.

(b) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common space, or required dedications or reservations of public open spaces and any dedications of development rights.

(c) A list of the types of buildings proposed.

(d) The amount of land area to be devoted to the various types of buildings and a calculation of the average residential density per net acre.

(e) The nature of all proposed signs.

(f) All landscaping plans.

(g) Plans or written statements regarding grades of proposed streets, width and type of pavement, type of sanitary sewer or other sewage disposal facilities and any grading plans.

(h) A stage development schedule setting forth a schedule thereof if the final development plan is to be developed in stages.

(3) Upon receiving the preliminary plan map and program, the Planning Commission shall review the proposed Planned Unit Development and shall seek to determine that all of the following conditions are met:

(a) The Planned Unit Development will be consistent with the Comprehensive Plan of the City. Specifically, this includes:

(1) Information indicating how the housing provided in the PUD relates to Junction City area housing needs. All PUD proposals may, consistent with the density allowed by underlying zoning, propose housing concepts including townhouses, condominium-owned multi-family units, mixtures of housing types and lot sizes, multi-plex construction, mobile homes or other kinds of dwellings manufactures off site.

(2) Description of the municipal service and utilities needed at initial and later phases of PUD occupancy, and whether it is consistent with the City's capital facilities plan.

(3) Indication that the streets required off-site are provided already, or planned and funded by

appropriate city or county agencies. Sufficient access will be required to meet vehicular movement and storage generated by the proposed development. Continuity with future streets in adjoining developments and dedication of sufficient arterial street right-of-way for the proposed development and other developments generally anticipated in the capital facilities plan.

(4) Assurance that if density of the development in the PUD's initial stages does not warrant public sewer or water connections, that the layout allows for later increases of density to a level that makes such connections financially feasible.

(5) Deed restrictions to support future assessments to provide services necessary for urban densities of development.

(b) The Planned Unit Development can be developed in harmony with the surrounding area, and between uses within PUD itself. Specifically:

(1) Height, bulk and density of buildings not radically different from those anticipated on adjacent or facing properties. Exceptions could be made if the PUD were in a transitional area between a higher-intensity district and a lower-intensity residential district.

(2) Preservation of natural and cultural assets within the area.

(3) Density bonuses of 15 percent may be granted by the Planning Commission as an incentive to go through the PUD process, and providing at least three of the following:

(a) Landscaping.

(b) Public open space.

(c) Provision of low cost housing.

(d) Enhancement of public enjoyment of natural or cultural assets on site.

(e) Solar energy protection.

(c) The time table for the completion of the Planned Unit Development is within reason.

(4) If, in the opinion of the Planning Commission, the foregoing provisions are satisfied, the Planned Unit Development proposal are satisfied, the Planned Unit Development proposal shall be processed for a public hearing according to [Section 97 to 102](#) of this ordinance.

(5) After the hearing, the Planning Commission shall determine whether the proposal still conforms to the permit criteria according to this section.

(6) The Planning Commission may approve or place conditions upon approving the preliminary plan map and preliminary plan program as suggested in [Section 67 \(2\)](#), or any other conditions it deems necessary.

(7) The Planning Commission may deny the Planned Unit Development application or return the Planned Unit Development to the applicant for revisions.

(8) If the preliminary plan map and preliminary plan program are approved, the applicant may proceed to [final approval](#) (Stage 3).

[§ renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 74. Final Approval (Stage 3).

(1) Within one year after the approval of the preliminary plan map and preliminary plan program, the applicant shall submit to the city a final plan map and final plan program, for the entire development or when submission in stages has been authorized pursuant to [Section 73 \(2\) \(h\)](#) for the first stage of development.

(2) The final plan map and final plan program shall include all information included in the preliminary plan map and program.

(3) The final plan program shall include all fully drafted, properly executed legal documents for dedication or drafted, properly executed legal documents for dedication or reservation of public facilities, and for the creation of a nonprofit home owners association.

(4) The Planning Commission shall review the final plan map and program and shall determine whether they conform to all applicable criteria in [Section 72 \(3\)](#) and all major respects with the approved preliminary plan map and program.

(5) The Planning Commission may approve, deny or return the application for the Planned Unit Development proposal to the applicant for revision. The applicant shall resubmit the revised plan within 30 days.

(6) The decision of the Planning Commission shall become final 10 days after the date of the decision, unless appealed to the City Council.

[§ 74 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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Section 75. Changes and Modifications.

(1) Major changes in the final plan map and final plan program from the preliminary plan map and program shall be considered the same as a new application and shall follow the procedures specified in [Section 70](#).

(2) Minor changes in the final plan map and final plan program may be approved by the City staff:

(a) Minor changes may include minor shifting of the location of proposed streets, public or private ways, utility easements, parks or other open spaces. Such minor changes shall not increase the density, boundary lines, use, location or amount of land devoted to specific land uses.

[§ renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 76. Modification and Adherence to the Approved Planned Unit Development.

(1) All building permits in a Planned Unit Development shall be issued only on the basis of the approved final plan map and final plan program.

(2) All public site dedications for the entire site and regulations regarding a home owners association, if proposed, shall be properly recorded prior to the issuance of any building permit.

[§ renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 77. Revocation.

(1) In the event of a failure to comply with the approved final plan map and final plan program, the Planning Commission may, after notice and hearing, revoke a Planned Unit Development application.

(2) The findings of the Planning Commission shall become final 30 days after the date of decision unless appealed to the City Council in accordance with Section 112 of this ordinance.

[§ 62 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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ORDINANCE No. 950

Zoning Regulations

Off Street Parking & Loading

In this section:

Off-street parking	Exceptions to Off-Street Parking Requirements	Elimination of Parking Spaces	Measurement of Required Parking Spaces	Off-street Parking Spaces	Bicycle parking facilities	Off-street loading
General Provisions	Submission of Parking Plans	Distance of Parking from Use	Parking Space Usage	Visual Clearance and Safety Hazards	Design Requirements	Proposed Gravel Parking Lots

Section 78. Off-Street Parking.

(1) **Off Street Parking Spaces Required.** At the time of erection of a new structure, or at the time of enlargement of an existing structure's floor area by more than 20 percent or at the time of change in use of an existing structure within any zone in the City, off-street parking spaces shall be provided in accordance with the requirements of this section.

(2) **Exceptions to Off-Street Parking Requirements.** Properties are exempt from the requirement for off-street parking if such properties:

(a) are or have been assessed for public off-street parking facilities;

(b) have a commercial use and are bounded by 4th Avenue to the south, 7th Avenue to the north, West Front Street to the east, and western edge of the Central Commercial zone; or

(c) have a commercial use, are located within 900 feet of a City of Junction City parking lot, and are located in an existing residential structure located in the area bounded by W. 4th Avenue to the north, W 2nd Avenue to the south, Holly Street to the west, and Front Street to the east, including abutting properties to the alleys. [See [Zoning Map](#)]

(3) **Elimination of Parking Spaces.** If a parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less parking than required by this ordinance.

(4) **Measurement of Required Parking Spaces.** Where square feet are specified the area measured shall be the gross floor area of the functional use of the building, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

(5) **Off-street Parking Spaces.** The minimum number of off-street parking spaces shall be provided as follows:

Use	Standard
(A) Residential	
(a) One and two family dwellings	Two spaces per dwelling unit, located in driveway or garage, and one of which may be located within any required yard, with both paved in accordance with design requirements in Section 80(9) .
(b) Multi-family dwellings	Two spaces per dwelling unit with three or more bedrooms, and 1.5 spaces per unit with less than three bedrooms.
(c) Residential hotel, rooming or boarding house	Two spaces for each three guest rooms, or one per three beds, whichever is more.
(d) Townhomes	Two spaces per unit for dwelling units with three or more bedrooms and 1.5 spaces per unit for dwelling units with fewer than three bedrooms.
(e) Studio units or one bedroom units less than 800 sq. ft.	One space per unit.
(B) Commercial Residential	
(a) Motel, Hotel	One space per guest room or suite plus one additional space for the owner or manager.
(b) Club, lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
(C) Institutional	
(a) Welfare or correctional institution	One space per five beds for patients or inmates.
(b) Convalescent hospital, nursing home, sanitarium	One space per three beds for patients or residents.
(c) Rest home, home for the aged, assisted living	One space per two patient beds or one space per apartment unit.

(d) Hospital

Spaces equal to 1.5 times the number of beds.

(D) Place of Public Assembly

(a) Church

One space per four seats or eight feet of bench length in the main auditorium.

(b) Library, reading room

One space per 400 square feet of floor area plus one space per two employees.

(c) Child care centers

One space per 400 square feet of floor area plus one space per two employees.

(d) Kindergarten, elementary or junior high school

1.5 spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.

(e) High school

1.5 spaces per classroom plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.

(E) Commercial Amusement

(a) Stadium, arena, theater

One space per four seats or eight feet of bench length.

(b) Bowling alley

Five spaces per alley plus one space per two employees.

(c) Dance hall, skating rink

One space per 100 square feet of floor area plus one space per two employees.

(F) Commercial

(a) Retail store except as provided in subsection (b) of this section

One space per 350 square feet of floor area.

(b) Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture

One space per 600 square feet of floor area. Floor area calculation does not include canopied or unenclosed structures.

(c) Bank, office (except medical and dental)

One space per 400 square feet of floor area.

- | | |
|--------------------------------------|--|
| (d) Medical and dental clinic | One space per 350 square feet of floor area. |
| (e) Eating or drinking establishment | One space per 100 square feet of floor area. |
| (f) Mortuaries | One space per four seats or eight feet of bench length in chapels. |

(G) Industrial

- | | |
|--|---|
| (a) Storage warehouse, manufacturing establishment, rail or trucking freight terminal or wholesale establishment | One space per 1,000 square feet of floor space, plus one space per company vehicle. |
|--|---|

(H) Unspecified Uses—Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs.

(6) Bicycle parking facilities shall be provided as part of new multi-family developments of three units or more, new retail, office and institutional developments, and all transit transfer stations and park and ride lots. Bicycle parking requirements shall apply to new development, changes of use, and building expansions and remodels where the floor area of the building is being increased by 50% or more. Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall be at least six feet long, two feet wide, and shall provide at least seven feet of vertical clearance. Bicycle parking shall not interfere with pedestrian circulation. For any use where bicycle parking is required, if the vehicular parking is covered or partly covered the bicycle parking will be covered at the same ratio. Bicycle parking spaces shall be provided as indicated below:

Use	Standard
(a) Multi-family dwellings of 3 or more dwelling units	At least 1 covered bicycle space for each dwelling unit.
(b) Parking lots—All public, commercial, and institutional parking lots	1 bicycle space for every 10 motor vehicle parking spaces.

(7) In calculating the number of required spaces fractions shall be rounded up to the nearest whole number.

(8) For existing buildings in the Commercial Zone in the downtown area where space is restricted and bicycle parking cannot be provided safely, the Planning Commission may waive the bicycle parking requirements. [§78 amended by Ordinance No. 1021, passed June 11, 1996; renumbered by Ordinance No. 1037, passed August 12, 1997; amended by Ordinance No. 1051, passed July 14, 1998; by Ordinance 1103, passed January 8, 2002, by Ordinance 1111, passed February 11, 2003; and by Ordinance No. 1116, passed June 24, 2003.]

Section 79. Off-Street Loading.

(1) **Passengers.** A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(2) **Merchandise, Materials or Supplies.** Buildings or structures to be built or substantially altered which receive and distribute material or merchandise shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
[Section 79 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 80. General Provisions--Off-Street Parking and Loading.

(1) **Submission of Parking Plans and Changes of Uses.** The provision and maintenance of off-street parking and loading spaces are continuous obligations of the property owner. No permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking loading requirements, it shall be unlawful and in violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

(2) **Requirements for buildings and uses not specifically listed.** Requirements for types of buildings and uses not specifically listed herein shall be determined by the city administrator based upon the requirements of comparable uses listed.

(3) **Multiple Uses in Structure or on Parcel.** In the event several uses occupy a single structure or parcel of land, the total requirements of off-street parking shall be the sum of the requirement of the several uses computed separately.

(4) **Agreements for Joint Use.** Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases or contracts to establish the joint use. Failure to utilize this parking will constitute a violation of this ordinance.

(5) **Distance of Parking from Use.** Off-street parking spaces shall be located on the same lot with the building. However, non-residential required parking spaces may be located not farther than 400 feet from the building or use they are required to serve, measured in a straight line from the building and shall be used by the business's employees. Exceptions to this requirement are listed in [Section 78 \(2\)](#).

(6) **Parking Space Usage.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(7) **Visual Clearance and Safety Hazards.** Off-street parking of any vehicle, watercraft, or parts designed to be affixed thereto, which creates a vision clearance problem or potential safety hazard, to be determined by the city administrator or designee, shall not be allowed in any required yard.

(8) **Design Requirements.** Design requirements for parking lots and spaces, with the exception of single family and duplex dwelling units:

(a) Areas used for parking, standing, and maneuvering of vehicles shall have a hard surface of asphalt or concrete and be maintained adequately for all-weather use and so drained as to avoid flow of water onto adjacent property. Lots may be paved with a permeable surface, subject to approval by the city administrator or designee. Permeable pavement parking lots may be sited anywhere, but are subject to the requirements listed below, Section 80 (9) (a) and (9) (c) – (f). Gravel lots may be approved as a conditional use as outlined in Section 80 (10). Size of standing and maneuvering areas, in addition to the required number of parking spaces, shall comply with the areas illustrated in [Appendix E, Diagram 14](#).

(b) Except for parking to serve single-family detached, townhome, or duplex residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than four feet in height except where vision clearance is required by this code.

(c) Parking spaces within a parking lot shall be designed and constructed so that no portion of a parked vehicle, including an opened door, will extend beyond the property line.

(d) Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.

(e) Access aisles shall comply with the aisle widths illustrated in [Appendix E, Diagram 14](#).

(f) All parking spaces, except single-family detached, townhomes, and duplex residential, shall be served by a driveway designed so that no backing movements or other maneuvering within a street, other than an alley, will be required.

(g) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site. In no case shall two-way and one-way driveways be less than 20 feet wide and 12 feet wide respectively. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives. Service drives are also subject to the requirements of [Appendix H: Access Management](#).

(h) If four or more off-street parking spaces are required under this code, then off-street parking adjacent to a public street shall provide a minimum of two square feet of landscaping for each lineal foot of street frontage. Such landscaping shall consist of landscaped berms or shrubbery at least two feet in height upon maturity, which shall be parallel to and adjacent to the street frontage as much as practical. Additionally, one tree, which will provide a canopy of at least three hundred square feet upon maturity, shall be provided for each 30 lineal feet of street frontage or fraction thereof. For list of trees that shall be allowed, see [Appendix J](#). Said landscaping shall be provided with irrigation facilities and protective curbs or raised wood headers.

(i) Parking lots with 20 or more spaces shall comply with the following interior landscaping standards (see [Appendix E, Diagram 13](#)):

(1) There shall be one planter island for every 10 parking spaces. Planter islands shall be a minimum of 6 feet in width (exclusive of the curb) and a full parking space in length and contain one deciduous shade tree (a minimum 2-inches in caliper at planting). Tree species shall be limited to those species specified in [Appendix J](#). The parking islands shall be fully landscaped with shrubs and

groundcover, which will not exceed 3' in height at maturity. Bark mulch shall not be an acceptable substitute for vegetation. Parking areas with fewer than 10 spaces are not required to have a planter island.

(2) A minimum 6-foot wide planter area shall separate and visually screen parking from building façades with living area windows. The planting area shall include a mix of groundcover, shrub, and/or tree species of appropriate size and growth habit. At least one small tree or large shrub with mature canopy no larger than 10 feet in diameter shall be provided for each 50 lineal feet of building.

(3) The property owner shall be responsible for maintaining the landscaped areas to the specified standards.

(j) Lots containing more than 3 parking spaces shall have all spaces permanently and clearly marked.

(k) Parking lots with 80 spaces or more shall be divided into separate areas by landscaped areas or walkways at least 10 feet in width, or by a building or group of buildings (see [Appendix E, Diagram 13](#)).

(l) Commercial, industrial, multi-family, and mixed use developments with two or more buildings shall provide safe, reasonably direct, and convenient pedestrian connections between primary building entrances and between building entrances and all adjacent streets. Where walkways cross a driveway or street, they shall be clearly marked with contrasting paving materials, painted striping ("crosswalk"), or humps/raised crossings (see [Appendix E, Diagram 13](#)).

(m) New off-street parking lots located in R3, R4, CR, and C2 zones shall be placed to the rear or side of the building in accordance with [Section 26B](#) (R3 zone) and [Section 39A](#) (C2 zone). In the GC zone, new development is encouraged to site parking lots to the rear or side of the building where site size and configuration permit.

(9) **Proposed Gravel Parking Lots.** Gravel parking lots may be allowed under the Type III Conditional Use Process as outlined in Sections 97 - 102. Any change in use associated with a gravel lot will require review of the lot and paving may be required if usage increases. Gravel lots must meet the following standards:

(a) There must be an additional paved primary lot that serves the parking needs of customers and employees on a regular basis. The proposed gravel lot must be auxiliary to the primary parking lot. The parking spaces within the gravel lot may not count towards the parking requirements outlined in [Section 78](#) of the Zoning Ordinance.

(b) Lots must be located south of W. 1st Avenue or on land anywhere within city limits that is zoned Public Lands (PL). Gravel lots may not be located on residentially zoned land or within the Central Commercial zone.

(c) The gravel parking lot shall meet the design standards for parking lots as outlined in this section, with the exception of paving requirements, and including size of spaces, standing and maneuvering areas.

(d) There must be a paved driveway leading to the gravel lot that is a minimum of 12 feet in length. The length of the paved driveway is to be measured from the existing near edge of pavement or from the property line. The exact requirement for the length of the paved driveway shall be

determined by the planning commission based on the need to minimize impact on nearby properties from dust, noise, or gravel infiltration.

(e) Lots are subject to the landscaping provisions in Section 80 (9) (h) and all landscaping is to be maintained on a permanent basis.

(f) Surfaces must remain grass and weed free.

(g) The infiltration of environmental contaminants shall be minimized. Environmental contaminants include, but are not limited to, motor oils, volatile organic compounds, for example: benzene, toluene, ethylbenzene, zylene, and ethylene glycol.

[§ 80 renumbered by Ordinance No. 1037, passed August 12, 1997; amended by Ordinance No. 1111, passed February 11, 2003; and by Ordinance No. 1116, passed June 24, 2003.]

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ORDINANCE No. 950

Zoning Regulations

Supplemental Provisions

In this section:					
Zone Boundaries	Fences	Greenhouses	Guest house	Swimming pools	Authorization of Similar Uses
Maintenance of Minimum Ordinance Requirements	General Exception to Lot Size Use	Exceptions to Yard Requirements	General Exception to Building Height Limitations	Access	Vision Clearance

Section 81. Zone Boundaries. Unless otherwise specified, zone boundaries are lot lines or the centerline of street, alley, railroad right-of-way or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedure for a zone change shall be followed.

[§81 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 82. General Provisions Regarding Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:

(1) **Fence Height in Residential Zones and for Residential Uses.** Fences, which may be located within yards, shall not exceed three and one-half feet from the grade of the street centerline in the front yard and on corner lots shall not conflict with requirements of a vision clearance area. Fences or walls around rear and side yard property lines shall not exceed 7 feet in height (including lattice or other extensions), shall not interfere with vision clearance requirements, and shall not intrude into the required front yard and, in the case of corner lots, shall not intrude into the required side yard adjacent to a street (see [Appendix E, Diagram 3](#)). Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential zones. Barbed wire fences shall not be permitted in residential zones. Where a non-residential zone abuts a residential zone, barbed wire may be used only above 6 feet.

(2) **Fence Height in Non-Residential Zones and For Non-Residential Uses.** Fences in non-residential zones and for non-residential uses shall not exceed 8 feet in height and shall not conflict with requirements of a vision clearance area.

(3) **Fence Materials.** Fences in or abutting residential zones shall be constructed using materials suitable for residential-style fencing, including, but not limited to, wood, block, brick, chain link, or other suitable material. Field wire fences (also referred to as chicken, rabbit, or hog wire) shall not be used as perimeter fencing in residential

zones. Barbed wire fences shall not be permitted in residential zones. Where a non-residential zone abuts a residential zone, barbed wire may be used only above 6 feet.

(4) **A greenhouse or hothouse** may be maintained accessory to a dwelling only if there are no sales.

(5) **A guest house** may be maintained accessory to a dwelling provided there are no charges made for the accommodation.

(6) **Swimming pools, fish ponds or other decorative pools** shall conform with [Appendix B](#).

[§82 renumbered and amended by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance 1051, passed July 14, 1998.]

Section 83. Authorization of Similar Uses. The Planning Commission may rule that a use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion of a use in a zone where it is specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

[§83 amended and renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 84. Maintenance of Minimum Ordinance Requirements. No lot area, yard or other open space or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension or size below the minimum required by this ordinance, nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this ordinance for one use be used as the lot area, yard or other open space or off-street parking or loading area requirements for any other use, except as provided in [Section 80, Subsection \(4\)](#).

[§84 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 85. General Exception to Lot Size Requirements. If, at the time of passage of this ordinance, a lot or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

[§85 amended by Ordinance No. 959, passed January 28, 1992; and renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 86. Exceptions to Yard Requirements.

(1) In the case of buildings, the following exception to the yard requirements is authorized for a lot in any zone: If there are buildings on both abutting lots with yards of less than the required depth for the zone, the yard of the lot need not exceed the average yard of the abutting buildings. If there is a building on one abutting lot with a yard of less than the required depth for the zone, the yard for the lot need not exceed a depth one-half way between the depth of the abutting yard and the required yard depth.

[§86 renumbered and amended by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1051, passed July 14, 1998.]

Section 87. General Exception to Building Height Limitations. The following types of structures or structural parts are not subject to the building height limitations of this ordinance except in residentially zoned areas unless otherwise restricted: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and

hose towers, observation towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors and other similar projections.

[§87 renumbered by Ordinance No. 1037, passed August 12, 1997; amended by Ordinance No.1105, passed June 11, 2002; and by Ordinance No. 1116, passed June 24, 2003.]

Section 88. Access. All lots shall abut a street other than an alley for a width of at least 35 feet[, except as provided in the subdivision ordinance ([Ordinance 809](#)) for flag/panhandle lots in the R1 and R2 zones].

[§88 renumbered and amended by Ordinance No. 1037, passed August 12, 1997.]

Section 89. Vision Clearance. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet or lower than 8 feet in height measured from the grade of the street centerline. Vision clearance shall be provided from the outside edge of the curb as shown in [Appendix E, Diagram 1](#), or from the edge of the paved road where no curbs exist with the following distance(s) establishing the size of the vision clearance area:

(1) In a residential zone the minimum distance shall be 30 feet at street intersections and 10 feet for an alley or driveway.

(2) In all other zones, except the C2, the minimum distance shall be 15 feet at street intersections including an alley or service drive; except that when the angle of intersection between streets is less than 30 degrees, the distance shall be 25 feet.

[§89 renumbered and amended by Ordinance No. 1037, passed August 12, 1997.]

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ORDINANCE No. 950

Zoning Regulations

Nonconforming Uses and Structures

In this section:

Continuation of Nonconforming Uses and Structures	Vested Rights	Alteration of Nonconforming Use of Structure	Restoration of Nonconforming Use or Structure	Discontinuance	Criteria to Grant or Deny	Compliance with State and Local Codes
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Section 90. Continuation of Nonconforming Uses and Structures. Except as otherwise provided, the use of a building, structure, premises or land lawfully existing at the time of the effective date of this ordinance or at the time of a change in the official zoning maps may be continued and maintained in reasonable repair, although such use does not conform with the provisions of this ordinance.

[§90 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 91. Vested Rights. Nothing in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this ordinance, provided the structure is completed within two years from the issuance of the permit.

[§91 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 92. Alteration of Nonconforming Use of Structure. As used in this section, "alteration" of a nonconforming use or structure includes: (a) a change in the use of no greater adverse impact to the neighborhood; and/or (b) a change in the structure or physical improvements of no greater adverse impact to the neighborhood.

(1) Minor Alteration. For any given non-conforming use or structure, the city administrator may approve as a minor variance to the provisions of this ordinance one or more alterations up to a point where a cumulative alteration of ten percent (10%) or less of the total square footage of that non-conforming use or structure has occurred.

(2) Major Alteration. A proposal for the alteration greater than ten percent (10%) of the total square footage of a nonconforming use or structure may be approved by the planning commission subject to the provisions for conditional use permits.

[§92 renumbered and amended by Ordinance No. 1037, passed August 12, 1997.]

Section 93. Restoration of Nonconforming Use or Structure. The city administration may approve, as a minor variance, the restoration, reconstruction, or replacement of a nonconforming use or structure which is damaged by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy to an extent greater than 60 percent of the replacement value using new materials, provided that the restoration is commenced within a period of one year and is diligently prosecuted to completion.

Residential uses of land, destroyed to any extent, shall be allowed to be reconstructed, replaced, or restored, provided such work is commenced within one year and diligently completed.

[§93 amended by Ordinance No. 969, passed March 23, 1993; and renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 94. Discontinuance. If a nonconforming use involving a structure or property is discontinued from active use for a period of one year, any subsequent use of the property or structure shall be a conforming use. The planning commission may, however, permit a use for which the structure was originally designed or similar thereto, through the conditional use process.

[§94 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 95. Criteria to Grant or Deny. When reviewing any request to alter or restore a nonconforming use, in addition to the conditional use criteria, it shall be determined that all of the following are found to exist:

(1) The nature and character of the proposed use are substantially the same as that for which the structure was originally designed;

(2) There is no material difference in the quality, character, or degree of use; and

(3) The proposed use will not prove materially adverse to surrounding properties.

[§95 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 96. Compliance with State and Local Codes. The granting of any such approval shall not be deemed as providing any exception to all other state and local codes such as, but not limited to, fire and life safety, building or health codes.

[§96 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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ORDINANCE No. 950

Zoning Regulations

Conditional Uses

In this section:

[Authorization to Grant or Deny Conditional Uses](#)

[Application for a Conditional Use](#)

[Public Hearing on Conditional Use](#)

[Recess of the Hearing by the Planning Commission](#)

[Notification of Action](#)

[Standards Governing Conditional Uses](#)

Section 97. Authorization to Grant or Deny Conditional Uses. Conditional uses are those uses which may be appropriate, desirable, convenient or necessary in the district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Uses designated in this ordinance as conditional uses may be permitted, enlarged or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth. In the case of a use existing prior to the effective date of this ordinance and which is classified in this ordinance as a conditional use, any change in use or in lot area or any alteration of the structure shall conform with the requirements dealing with conditional uses.

In permitting a conditional use, the City may impose, in addition to those standards and requirements expressly specified by this ordinance, any additional conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole. These conditions may include, but are not limited to, increasing height of buildings; controlling the location and number of vehicle access points; increasing the street width; increasing the number of off-street parking and loading spaces required; limiting the number, size and location of signs; requiring screening and landscaping to protect adjacent property; and recording such conditions on the property with the County Clerk.

[§97 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 98. Application for a Conditional Use. A property owner or his authorized agent may initiate a request for a conditional use by filing an application with the city using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may require other drawings or information necessary to understand the proposed use and its relationship to surrounding properties. The applicant shall pay a fee as established by the City Council at the time the application is filed.

[§98 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 99. Public Hearing on Conditional Use. Before the Planning Commission may act on a request for a conditional use, it shall hold a public hearing. The hearing shall be held within 40 days after the application for the conditional use is filed. Notice of the hearing and criteria for granting or denying a permit shall be as follows:

(1) [See [Section 111/Notice](#)]

[Webmaster's note: Section 111 has been changed to 112 by Ordinance 1112, link is accurate.]

(2) Based on the testimony provided at the hearing, the Planning Commission shall develop findings of fact to justify either approving or denying a conditional use permit. The Planning Commission may approve such requests when it is determined the request is in conformance with all the following requirements:

(a) The proposal is in conformance with the zoning ordinance;

(b) The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the Planning Commission;

(c) Public facilities are of adequate size and quality to serve the proposed use; and

(d) The proposed use will prove, or can be made to be through imposing conditions, reasonably compatible with surrounding properties.

[§99 amended and renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 100. Recess of the Hearing by the Planning Commission. The Planning Commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the commission shall announce the time and date when the hearing will be resumed.

[§100 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 101. Notification of Action. Within 5 days after a decision has been rendered, the City shall provide the applicant and all opponents with written notice of the City's action on the request for a conditional use.

[§101 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 102. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

(1) **Height Exception.** A governmental building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed one and a half times the area of the site and if the yard dimensions in each case are equal to at least two thirds of the height of the principal structure.

(2) **Limitation on Access to Property and on Openings to Buildings.** The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit building openings within 50 feet of a residential property in an agricultural or residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

(3) **Schools:**

(a) Nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least 4 feet but not more than 6 feet high shall separate the play area from abutting lots.

(b) Primary schools shall provide one acre of site area for each 90 pupils or one acre for every 3 classrooms, whichever is greater.

(c) Elementary schools shall provide one acre of site area for each 75 pupils or one acre for every 2½ classrooms, whichever is greater.

(4) **Utility Substation or Pumping Substation.** In the case of a utility substation or pumping substation, the City may waive the minimum lot size requirement only if it is determined that the waiver will not have a detrimental effect on adjacent property.

[§102 renumbered and amended by Ordinance No. 1037, passed August 12, 1997.]

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ORDINANCE No. 950

Zoning Regulations

Variations

In this section:

[Authorization to Grant or Deny Variations](#)

[Variance Procedure](#)

[Authorization to Grant or Deny Minor Variations](#)

Section 103. Authorization to Grant or Deny Variations. The Planning Commission may authorize variations from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of the property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this ordinance. No variance shall be granted unless it can be shown that all of the following conditions exist:

(1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of the lot size, topography or other circumstances over which the applicant has no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

(3) The authorization of the variance shall not be materially detrimental to the purpose of this ordinance, be injurious to the property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

(4) It is impractical to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure as desired.

[§103 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 104. Variance Procedure. The procedure to be followed in applying for and acting on a variance shall be substantially the same as those provided in [Sections 97 through 102](#) of this ordinance for the case of a conditional use.

[§104 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 105. Authorization to Grant or Deny Minor Variations. The city administration may grant a minor variance to the requirements of the ordinance where it can be shown that owing to special and unusual circumstances, strict application of the ordinance would cause an undue or unnecessary hardship. In granting a minor variance, conditions may be imposed which are necessary to protect the best interest of the surrounding property or vicinity or otherwise achieve the purpose of this ordinance.

(1) **Minor Variances.** One variance involving the following may be granted by the city administration after a thorough examination and upon presentation of evidence that the variance requested involves one of the issues listed below:

- (a) deviation from a minimum property development standard by not more than ten percent (10%);
- (b) expansion of a conditional or nonconforming use by not more than fifteen (15%) of the gross building volume; and
- (c) extension or restoration of a nonconforming structure.

(2) **Procedure.** Upon receipt of the application form and payment of fifty percent (50%) of the usual application fee for a variance, the city administration shall render a decision within five working days, or the decision may be deferred to the Planning Commission. Additional information may be requested to arrive at a decision; and, if so, the decision shall be rendered within five working days following the submission of such information.

(3) **Notice.** Should a minor variance be granted by administrative action, a notice of the variance decision and reasoning shall be mailed to all property owners abutting the subject property, exclusive of any public rights of way, soliciting comments or objections. If any written objections to the proposed variance are received within ten (10) days of the mailing, a public hearing shall be required in accordance with Sections 102 through 104 of this ordinance governing variances. If no objections to the variance are received within the ten (10) day period, the variance shall become effective at the end of that period.

In addition to notice to abutting property owners, the Planning Commission shall be notified of all minor variances granted by administrative variance.

[§105 renumbered by Ordinance No. 1037, passed August 12, 1997.]

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ORDINANCE No. 950

Zoning Regulations

Amendments to the Zoning Ordinance

In this section:

[Authorization to Initiate Amendments](#)

[Application Fee](#)

[Public Hearing on Amendment](#)

[Records of Amendments](#)

Section 106. Authorization to Initiate Amendments. An amendment to the text or the zoning map of this ordinance may be initiated by the City Council, by the Planning Commission or by application of a property owner or his authorized agent. The Planning Commission shall, within 40 days after a hearing, recommend to the City Council approval, denial, or modification of the proposed amendment.

[§106 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 107. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the city. The application shall be accompanied by a fee equal to the average cost of such applications as established by the City Council.

[§107 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 108. Public Hearing on Amendment. Notice of Hearing. Notice of time and place of the public hearing before the Planning Commission and of the purpose of the proposed amendment shall be given by the city in accordance with [Sections 111-112](#) in this Ordinance.

[§108 renumbered by Ordinance No. 1037, passed August 12, 1997.]

Section 109. Records of Amendments. The City shall maintain a record of amendments to the text and a map of this ordinance in a form convenient for the use of the public.

[§109 renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance 1112, passed February 11, 2003.]

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ORDINANCE No. 950

Zoning Regulations

Administration, Enforcement, and Interpretation

In this section:

Enforcement	Procedures for Development Permit Applications	Notice	Public Hearing Procedure	Decision
Appeal to City Council	Form of Petitions, Applications, and Appeals	Time Limits / Conditional Use or Variance	Interpretation	Severability
				Penalty

Section 110. Enforcement. The city administrator or a designee shall have the power and duty to enforce the provisions of this ordinance. Any violation of Ordinance No. 950 or failure to comply with conditions of approval of a land use action may be deemed a nuisance, and may be abated in accordance with the provisions of Ordinance No. 591, instead of, or in addition, to any penalties imposed pursuant to Section 120 of Ordinance No. 950. Failure to comply with the conditions of approval of a land use action will be considered a nuisance. An appeal from a ruling of the city staff shall be made to the planning commission. No decision of the City shall be influenced by factors relating to race, religion, gender, age or physical disability.

[§110 enumerated by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1112, passed February 11, 2003]

In this subsection:

Type I Procedures Administrative Decision	Type II Procedure Limited Land Use Decision	Type III Procedure Quasi-Judicial	Type IV Procedure Legislative	Table, Development Decision/Permit Summary
Determining the Applicable Procedure	Pre-Application Conference	Consolidation of Permits	Time Limits	Computation of Time

Section 111. Procedures for Development Permit Applications.

A. **Types of Procedures.** Development permit applications subject to Junction City Development Ordinances shall be classified according to one of the following categories: Type I, Type II, Type III, or Type IV. These categories are defined below.

(1) **Type I Procedure, Administrative Decision.**

(a) This type of decision does not require interpretation or legal judgment in reviewing the proposed land use. Approval of a Type I application is not a land use decision as defined by [ORS 197.015](#).

(b) A public hearing or notice of action is not required. However, the applicant shall receive notice of the final decision.

(c) The applicant may appeal a Type I decision in accordance with the requirements of [Section 117](#) of this ordinance.

(d) Type I Administrator's decisions: Actions that are processed by the City Administrator or their designee as a Type I procedure include, but are not limited to decisions related to:

1. determination of the completeness of applications;
2. determination of the appropriate procedure for any application;
3. building permits for outright permitted uses requiring no Planning Commission action;
4. building permits after discretionary approvals become final;
5. minor modifications to non-conforming uses as described in Section 92 of the Zoning Ordinance;
6. access permits as described in [Appendix H](#) of the Zoning Ordinance for uses not requiring site plan review or when issued in conformance with an approved site plan;
7. development permits for property located partially or wholly within a flood hazard zone as described in [Ordinance No. 906](#);
8. billboard permits as described in [Ordinance No. 235](#)
9. sign permits as described in [Ordinance No. 949](#); and
10. lot line adjustments;
11. decisions on whether to support an application for annexation;

(e) Type I Planning Commission decisions: Actions that are processed by the Planning Commission as a Type I procedure include but are not limited to:

1. final subdivision plan and final partition plan plat approval; and
2. similar decisions that result in, or are the final opportunity for review before a change in ownership of any real property subject to review under this ordinance.

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(2) **Type II Procedure, Limited Land Use Decision**

(a) A Type II Procedure is classified as a Limited Land Use Decision as defined in [ORS 197.015](#). This procedure allows for review of applications that involve discretionary standards for uses permitted outright by Junction City Development Ordinances. The Commission or designated staff shall follow the procedures specified in the acknowledged comprehensive plan, land use regulations, and other applicable legal requirements.

(b) Notice of the proposed action shall be as provided in [Section 112](#).

(c) A public hearing may be requested on a proposed decision by the applicant, a member of the Planning Commission, or any party entitled to notice or who is affected by the proposal. If, after review of the application, the city administrator or designee determines that the request for a public hearing is necessary for a complete analysis of the application, the city administrator or designee shall schedule a public hearing at the next available Planning Commission meeting, and shall provide notice of the hearing to all persons entitled to receive the original notice of the application. Procedures at the public hearing shall be the same as for a Type III hearing, as found in [Ordinance 635](#).

(d) Either after receiving all written comments, or after close of the record in the event of a public hearing, the planning commission or designated staff shall review all information received and make findings based on the applicable criteria. The decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision, and providing justification for the approval, conditional approval, or denial of the application. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions. The decision can be appealed in accordance with [Section 116](#).

(e) Examples of applications. Applications that are processed as a Type II procedure include, but are not limited, to

1. preliminary partition plans and replats;
2. preliminary subdivision plans and replats;

(f) Expedited land divisions shall be administered in accordance with procedures outlined in [ORS 197.360-380](#).

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(3) **Type III Procedure, Quasi-Judicial.**

(a) In accordance with [ORS 197.764](#), a Type III procedure requires a public hearing and may involve complex actions which require discretion on the part of the commission. Type III procedures will usually require decisions of a specific nature about discrete properties. Procedures for public hearings are set forth in [Ordinance 635](#).

(b) Notice of the proposed action shall be as provided in [Section 112](#).

(c) After the close of the record in the public hearing, the planning commission or designated staff shall review all information received and make findings based on the applicable criteria. The decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision, and providing justification for the approval, conditional approval, or denial of the application. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions. The decision can be appealed in accordance with [Section 116](#).

(d) Examples of applications. Type III applications include, but are not limited to the following;

1. conditional uses,
2. temporary use permits;
3. variances (including variances to sign permits), and
4. Planned Unit Developments.

A rectangular button with a thin border and a light background, containing the word "Back" in blue text.

(4) **Type IV Procedure, Legislative.**

(a) A Type IV procedure requires review by the Commission and the Council (except for withdrawals of property from special districts prior to annexations where only a review by the Council is required). This type of decision may have significant or broad effects on various parties and properties in a large area.

(b) Proposed amendments to Junction City Development Ordinances, the Comprehensive Plan, or other land use regulations may be initiated by an application from a citizen, the Planning Commission, the City Council or Lane County, if the requested change relates to the Junction City Comprehensive Plan.

(c) Public notice shall be provided in accordance with [Section 112](#).

(d) A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except for withdrawals of property from special districts prior to annexations where only a review by the Council is required. Procedures for these hearings are set forth in [Section 113](#). Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions.

(e) The Commission may submit recommendations and findings regarding the proposal to the City Council. These recommendations and findings may include alterations from the original proposal or application. If the Commission determines that the proposed change should not be recommended for approval by the Council, as originally proposed or as modified by the Commission, the Commission may, but need not, submit the proposal to the City Council. The Council may enact, amend, or defeat all or portions of the proposal or may refer the matter back to the Commission for further consideration.

(f) If the Council takes final action in the form of an ordinance, resolution, or amendment, then the applicable rules of the Department of Land Conservation and Development must be complied with. Any

participants in the hearing shall receive notice of the final action including the effective date of the decision as well as appeal requirements.

(g) Examples of Type IV applications include, but are not limited to the following;

1. amendments to the Comprehensive Plan;
2. amendments to the Junction City Development Ordinances;
3. changes to the zoning map; and
4. withdrawal of property from special districts prior to annexations.

(5) Summary of Development Decisions/Permits by Type of Decision-making Procedure, Table 111 (A)(5). The following table lists land development application types, illustrating the types defined in Section 111 (A)(1-4). Examples listed in Table 111(A)(5) are for informational purposes and are not exclusive.

Table 111 (A)(5)

Development Decision/Permit	Category	Title/Ordinance	Review/ Hearing
Access Permit (not requiring site plan review)	Type I	Title 10-11/ Ord. 950 App H	staff
Annexation	Type I/III/IV	Title 10-11/Ord. 950 App. D	staff, LCLGBC
Billboard Permit	Type I	Title 9-3/Ord. 235	staff
Building Permit (Uses permitted outright)	Type I	Title 9-5/Ord. 487	staff
Code Interpretation	Type II		staff
Code Amendment	Type IV	Title 10-11/Ord. 950 Sec.106	
Comprehensive Plan Amendment	Type IV	Title 10-8 Comprehensive Plan	
Conditional Use Permit	Type III	Title 10-11/Ord. 950 Sec. 99	
Development Review	Type I	Title 10-7/Ord. 809	staff
Flood Hazard Zone Development Permit	Type I	Title 10-9/Ord. 906	staff
Home Occupation Permit	Type I		staff
Master Planned Development (PUD)	Type III		
Modification to Approval	Type II/III		

Land Use District Map Change Quasi-Judicial (no plan amendment required) Legislative (plan amendment required)	Type III Type IV	Title 10-11/Ord. 950 Sec.106	PC PC/CC
Lot Line Adjustment	Type I		staff
Non-Conforming Use or Development Confirmation	Type I	Title 10-11/Ord. 950 Sec. 92	staff
Partition Major or Minor	Type II	Title 10-/Ord. 809 Sec. 3 and 4	PC
Sign Permit	Type I	Title 9-10/Ord. 949	staff
Stream Corridor and Wetland District Development Permit	Type I	Title 10-11/Ord. 950 Appendix G	PC
Subdivision	Type II	Title 10-7/Ord. 809 Sec. 4	PC
Subdivision – final plat approval	Type I	Title 10-7/Ord. 809 Sec. 4	PC
Temporary Use Permit	Type III	Title 10-11/Ord. 950 Appendix F	PC
Tree Removal	Type I/II	Title 7-4/Ord. 965	staff
Variance	Type III	Title 10-11/Ord. 950 Sec. 103	PC
Minor Variance (clear & obj. standards, <i>i.e.</i> 10%)	Type I	Title 10-11/Ord. 950 Sec. 105	staff
Withdrawal of property from special districts after annexation	Type IV	Title 10-11/Ord. 950 Sec. 111	City Council only



B. **Determining the Applicable Procedure.**

(1) If there is a question as to the appropriate procedure type, the City Administrator or designee will determine the applicable type based upon the most similar land use application procedure specified herein or other established policy.

(2) For an application containing two or more proposals for the same property, these applications may be processed collectively under the highest numbered procedure that is applicable to any of the proposals. Alternatively, the applications can be reviewed individually according to the corresponding procedure type.

C. **Pre-Application Conference.** An applicant may request an informal review of a proposal by the City Administrator or by planning staff prior to application to determine the general feasibility of the proposal. This informal

review does not constitute a land use decision and is not appealable.

D. **Consolidation of Permits.** Applicants shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. For purposes of Junction City Development Ordinances, a consolidated permit process shall mean that the deciding body, to the greatest extent possible, apply concurrent notice, public hearing and decision-making procedures to the permits and zone changes which have been consolidated for review.

E. **Time Limits.** If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the 31st day after the application was first received.

F. **Computation of Time.** For any reference to time in this ordinance, unless otherwise specified, the time within which an act is to be done is computed by excluding the first day and including the last unless the last day falls upon any legal holiday, Saturday, or Sunday in which case the last day is also excluded. [§111 amended by Ordinance No. 975, passed August 10, 1993; renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance 1112, passed February 11, 2003.]

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Section 112. Notice. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the decision is made. The goal of this notice is to invite people to participate early in the decision-making process. Notice of a proposed Type II, III, or IV action shall be provided as follows:

(1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the date of the hearing.

(2) With the exception of [Type IV](#) applications, notice of hearing or contemplated land use action shall be mailed to the applicant and to all owners and abutting property owners, including owners of property which would be abutting if there were not intervening streets, of the property which is the subject of the notice. In addition, notice shall be provided to all owners of record of property on the most recent property tax assessment roll within 300 feet of the subject property. Notice shall be mailed at least 20 days before the date of the hearing or review.

(3) For [Type IV](#) applications:

(a) Notice shall be mailed to each owner whose property would be rezoned in order to implement the ordinance (*i.e.* owners of a property subject to comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment).

(b) If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the City of Junction City, individual notice shall be prepared and mailed to these affected, including all persons within 300 feet of the affected property.

(c) When a proposal to change the zone of property which includes all or part of a mobile home park is to be considered at a public hearing, notice shall be sent to each existing mailing address for tenants of the

mobile home park.

(d) Owners of airports shall be notified of a proposed zone change in accordance with [ORS 227.175](#).

(4) Notice shall be mailed to all recognized neighborhood groups or associations affected by the proposal. A recognized neighborhood group or association is defined as an organization that has been formally acknowledged by the City Council as representing a specific geographic area or group of citizens with respect to land use issues.

(5) Notice shall be provided to any person who submits a written request to receive a notice.

(6) Notice shall be provided to any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city, and to other affected agencies as appropriate. For [Type IV](#) applications, the Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received; otherwise notice to DLCD shall be provided at the discretion of the applicant.

(7) The city administrator or designee shall certify any mailing of notice or published notice.

(8) The notice provisions of this section shall not restrict the giving of notice by other means, including mail or posting on property.

(9) Notice of a hearing shall be reasonably calculated to give actual notice, and shall contain the following information:

(a) Explain the nature of the application and the proposed use or uses which could be authorized. State number and title of the application file.

(b) List the applicable criteria from the ordinance and the plan, as well as other plans and laws that apply to the application at issue.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the date, time, and place of the hearing or the ending date for any opportunity to submit comments. Notice for [Type II](#) applications shall provide a 14-day period for submitting written comments before a decision is made on the permit.

(e) State: "Failure to raise an issue at this opportunity for comment or hearing, in person or by letter, or failure to provide statements or evidence related to an issue sufficient to afford the decision maker an opportunity to respond to the issue, precludes reliance on that issue in any later appeal of the decision that will be made after consideration of statements and evidence submitted, including an appeal to the Oregon Land Use Board of Appeals based on that issue."

(f) Include the name of a local government representative to contact and the address and telephone number where additional information may be obtained.

(g) State that a copy of the application, all documents and evidence relied upon by the applicant and

applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

(h) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost. (Note: moved to [Section 113 \(6\)](#))

(i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings, and a statement that the hearing will be held under the rules of procedure adopted by the Council and available at City Hall.

(j) State: "Notice to mortgagee, lienholder, vendor, or seller: The Junction City Development code requires that if you receive this notice, it shall be promptly forwarded to the purchaser."

[amended by Ordinance No. 975, passed August 10, 1993; renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1112, passed February 11, 2003.]

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Section 113. Public Hearing Procedure.

(1) No less than one public hearing shall be held on all [Type III](#) land use applications, as described in [Section 111 \(3\)](#). This public hearing shall be held within 45 days of when the application has been deemed complete. The conduct of the hearing shall be consistent with [Ordinance 635](#). Two public hearings are required for [Type IV](#) land use applications, as described in [Section 111 \(4\)](#).

(2) Any staff report used at the first hearing shall be available at least seven days prior to the hearing.

(3) At the commencement of a quasi-judicial hearing required by this ordinance, a statement shall be made to those in attendance that:

(a) Lists the applicable substantive criteria.

(b) States that testimony and evidence must be directed toward the applicable substantive criteria or other criteria believed to apply to the decision.

(c) States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue.

(4) The planning commission may continue a public hearing. This hearing shall be continued to a date, time, and place at least seven days from the date of the initial evidentiary hearing.

(5) Unless there is a continuance, if a participant so requests before the conclusion of the evidentiary hearing, the record shall remain open at least seven days after the hearing.

(6) If additional documents or evidence are provided by any party, the local government may allow a

continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of [ORS 227.178 and ORS 227.179](#).

(7) When the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision making which apply to the matter at issue.

(8) Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record but shall not include any new evidence. This seven-day time period is not subject to the limitations of [ORS 227.178 and 227.179](#) (120-day time period).

[Section 113 amended by Ordinance No. 975, passed August 10, 1993; renumbered by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1112, passed February 22, 2003.]

Section 114. **Decision.**

(1) Following the hearing procedure described above, the hearing body shall approve, table, or deny the application; or if the hearing is in the nature of an appeal, either affirm, reverse, or remand the decision that is on appeal. A decision on a hearing or an application for a development permit may be continued for a reasonable period of time as determined by the hearing body, but not to exceed the requirements of subsection [\(2\)](#), below.

(2) Except as provided in this subsection, the city shall take final action on an application for a permit or zone change, including resolution of all appeals, within 120 days after the application is deemed complete. Exceptions to the 120 day time limit are as follows:

(a) The time limit may be extended for a reasonable period by the applicant;

(b) The time limit only applies to decisions wholly within the authority and control of the city and does not apply if the parties have agreed to mediation to resolve the issue;

(c) The time limit does not apply to an amendment to the Comprehensive Plan or land use regulations or to adoption of a new land use regulation that was forwarded to the State Department of Land Conservation and Development for postacknowledgment review, nor does the time limit apply when the parties have agreed to mediation.

(3) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(4) When the city council approves an amendment of an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation, a copy of the adopted text of the provision or regulation together with the adopted findings shall be mailed or otherwise submitted to the director of the Department of Land Conservation and Development not later than five working days after the final decision. If the proposed amendment or new regulation that the director received notice under [Section 111](#) and [ORS 197.610](#) has been substantially amended, the local government shall specify the changes that have been made in the notice provided to the director. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail. Also within five days of the decision, the local government shall mail notice to persons who participated in the proceedings and to persons who requested in writing that they receive notice of the decision. This notice shall comply with [ORS 197.615](#).

(5) In rendering a decision, a local government may adopt an exception to a Statewide Planning Goal in accordance with [197.732](#).

[~~Section~~ renumbered by Ordinance No. 965, passed August 10, 1993; and by Ordinance No. 1037, passed August 12, 1997; and amended by Ordinance No. 1112, passed February 11, 2003.]

Section 115. **Permit Required.** Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of a structure, necessary permit(s) for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained. The applicant shall pay a fee as established by the city council at the time the application is file.

[~~Section~~ renumbered by Ordinance No. 965, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 2003.]

Section 116. **Appeal to City Council.** Any final action of the planning commission authorized by this ordinance may be appealed to the city council within twelve (12) days after notice has been mailed to all opponents indicating the planning commission's decision and right to appeal. Appeals may be made by filing written notice with the city and paying the fee equal to the average cost as prescribed by the city council, and cost of the written transcripts up to \$500, plus one-half the cost over \$500. If no appeal is taken within the 12-day period, the decision of the planning commission shall be final. If an appeal is filed, the city council shall receive a report and recommendation from the planning commission and shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city not less than 5 days nor more than 20 days prior to the date of the hearing. The appeal hearing before the city council shall be a de novo hearing held in accordance with [Sections 111 through 113](#) of this Ordinance and [ORS 227.173](#).

[§116 renumbered by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 2003.]

Section 117. **Form of Petitions, Applications and Appeals.** All applications and appeals provided for in this ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the planning commission in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. All applications for permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact sizes and locations on the lot of the building and other structures, existing and proposed; and the existing and intended use of each building, structure or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine their conformance with the provisions of this ordinance. Where multiple land use permits or zone changes are required, such hearings and applications may be applied for and conducted at one time. Final action on a permit or zone change application, including all appeals, shall occur within 120 days of submittal of a complete application.

[§117 renumbered by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 2003.]

Section 118. **Time Limit on a Permit for a Conditional Use or a Variance.** All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, all land use approvals shall be void after one year if no substantial construction has taken place. However, the planning commission may grant two one-year extensions upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation has occurred.

[§118 renumbered by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 2003.]

Section 119. **Interpretation.** The provisions of this ordinance shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

[§119 renumbered by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 1003.]

Section 120. **Severability**. The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

[§120 renumbered by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 1003.]

Section 120. **Penalty**. The owner or owners of any buildings or premises, or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, or be maintained, and any architect, builder or contractor who shall assist in the commission of any such violation, and all persons or corporations who shall violate or maintain any violation of any of the provisions of this ordinance or who shall fail to comply therewith, or with any requirements thereof, or who shall build in violation of any detained statement of plan submitted and approved thereunder, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$250. Each day that a violation of this ordinance continues shall be considered a separate offense.

[§121 by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 1003.]

Section 121. **Repeal**. Ordinance No. 381 is hereby repealed.

[§122 renumbered by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 1003.]

Section 122. **Emergency Clause**. Whereas passage of this ordinance is deemed to be necessary for the preservation of the public health, safety, and welfare of citizens of the city of Junction City, an emergency is hereby declared to exist, and this ordinance shall take full force and effect upon passage by the city council and approval of the mayor.

[§123 renumbered by Ordinance No. 975, passed August 10, 1993; by Ordinance No. 1037, passed August 12, 1997; and by Ordinance 1112, passed February 11, 1003.]

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ORDINANCE NO. 950

Appendix A Mobile Home Park Standards

City of Junction City

1. **Area.** Minimum area - one acre.
2. **Access.** Manufactured dwelling parks shall abut and have direct access to a public street. No individual space within the manufactured dwelling park shall have direct access to a public street outside the park boundaries.
3. **Streets.** All streets within the manufactured dwelling park shall be constructed to City street standards for paving, gutters, and sidewalks unless otherwise approved by the planning commission.
4. **Walkways.** Walkways within the manufactured dwelling park shall provide safe, reasonably direct, connections between dwelling units and parking areas, recreational facilities, storage areas, and common areas. All walkways must be separated, raised, or protected from vehicular traffic and provide access for disabled persons in a manner that complies with applicable state and federal law.
5. **Screening.** Except as required for vision clearance, the outer perimeter of each park shall be improved with one of the following:
 - a. Sight-obscuring fence or wall not less than five feet nor greater than six feet in height; except next to public streets where a fence no less than three and one half feet nor greater than four feet in height shall be provided, unless otherwise approved by the planning commission when found to conform to the purpose of this ordinance; or
 - b. Maintained evergreen landscaping that is at least five feet in depth, will mature within three years, and reach at least five feet height at maturity;
 - c. Combination of (a) and (b) above when required by the commission to blend the proposed development in with that of surrounding property.
 - d. All walls and fences must conform to the vision clearance standards in Section 89.
6. **Setback and Building Separation.** The minimum setback between park structures and abutting properties is 10 feet. The minimum setback between park structures and public right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings except

where a carport, garage, or storage structure is shared by adjoining spaces in which case the shared facilities may be attached at the space dividing line. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet from a street, sidewalk, or walkway contained within the manufactured home park. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling.

7. **Space.** The minimum size of a space for each home is 2,500 square feet, provided that the overall (gross) density of the park does not exceed 12 units per acre.
8. **Pads.** All areas covered by manufactured dwellings and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.
9. **Landscaping.** Landscaping shall be installed within the development to provide erosion control, visual interest, buffering, privacy, open space and pathway definition, and shading based on the following standards:
 - a. All shared/common open space areas shall be landscaped with a mix vegetative ground cover, shrubbery, and trees. Trees, shrubs, and groundcover (other than turf) shall cover a minimum of 15 percent of the total shared/common open space area within the manufactured dwelling park. At the time of planting, trees shall be planted a minimum of 2 inches (dbh) in caliper and shrubbery a minimum of 18 inches in height. Bark mulch, rocks, and similar non-plant material may be used to complement the cover requirement, but shall not exceed 20 percent of the total planting mix.
 - b. All manufactured dwelling spaces shall be landscaped within six months of legal occupancy. The installation and maintenance of such landscaping shall be the responsibility of the park owner unless, under terms of the space rental agreement, grading and materials are supplied by the park owner and labor is furnished by the renter or other arrangement approved by the City.
 - c. The use of native and/or drought tolerant landscaping is encouraged. All landscaping shall be irrigated with a permanent irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation.
 - d. The park owner shall be responsible for the maintenance of all landscaping.
10. **Patio.** Each manufactured dwelling space shall be improved with one patio of concrete, brick pavers, or other similar hard surface, having a minimum area of 150 square feet. Asphalt paving is prohibited.
11. **Development Fee.** A parks development fee per dwelling unit, established by the City Council to be the same as established for other single family dwelling units, shall be paid to the City upon issuance of a siting permit.

12. **Common Open Space.** Manufactured dwelling parks with more than 20 spaces shall provide shared open space within the park as follows:
 - a. A minimum of 15 percent of the total site area (inclusive of required setback areas), shall be designated and permanently reserved, as usable common open space. It may be located in more than one area within the park if such area meets all City requirements. "Usable" means that no single common open space area shall be less than 200 square feet and shall have no outer dimension that is less than 10 feet. The site area is defined as the lot or parcel on which the development is planned, after subtracting the required dedication of street right-of-way and other land for public purposes. (e.g., public park). Lands that the City has designated as sensitive or natural, and jurisdictional wetlands identified by the Division of State Lands, may be counted toward this requirement, but cannot be counted toward the active recreational requirement listed in subsection (b) below.
 - b. The owner shall permanently designate and demarcate within the common open space, a minimum of 250 square feet of active recreation area (e.g., children's play areas, play fields, swim pool, sports courts, etc.) for every 20 units or increments thereof. For example, a 50-unit development shall provide a minimum of 500 square feet for active recreation. Indoor or covered recreation space may be counted for this requirement, but should not exceed 30 percent of the required common space area. It may be located in more than one area within the park if each such area meets all City requirements, is no less than 200 square feet, and has no outer dimension that is less than 10 feet. Designated sensitive lands and natural areas may not be counted toward this requirement.
13. **Storage - Common.** A storage area for boats, campers, camping trailers, other recreational vehicles, motorcycles, automobiles, and other similar items owned by residents of the park shall be provided in each manufactured home park. Such storage area shall contain a minimum of 160 square feet for each manufactured dwelling space and be enclosed by a sight-obscuring fence or a wall a minimum of six feet in height that has a lockable gate.
14. **Storage - Individual.** A storage building and carport/garage shall be provided on each manufactured dwelling space. Storage buildings shall have a minimum floor area of 32 square feet. Carports/garages shall not exceed 600 square feet in area unless designed to serve two adjacent manufactured dwelling spaces, in which case the maximum area is 1,200 square feet. All such structures shall be constructed in conformance to the applicable building codes.
15. **Mailboxes.** Mailboxes shall be provided, whether centrally or individually, for each manufactured dwelling space. Three off-street parking spaces shall be provided for all centralized mailbox areas unless on-street parking is provided adjacent to the mailboxes.
16. **Utilities.** All manufactured dwelling parks shall provide each lot or space with storm drainage, public sanitary sewer, electric, telephone, and public water, with easements dedicated where

necessary to provide such services. All utilities (*i.e.*, sewer, water, natural gas, electricity, telephone, and television cable) shall be underground in locations approved by the City Community Development Director or designee.

17. **Construction and Safety Standards.** Prior to location of a manufactured dwelling in a manufactured dwelling park, the owner or occupant shall establish to the satisfaction of the building inspector that the manufactured dwelling home is in a condition that conforms to mobile home construction and safety standards as established under Oregon Revised Statutes and Administrative Rules.
18. **Perimeter Enclosures.** All manufactured dwellings shall be installed with an approved foundation siding/skirting enclosing the entire perimeter of the dwelling. Foundation siding/skirting and backup framing shall be weather-resistant materials, which blend with the exterior siding of the dwelling. Below-grade level and for a minimum distance of eight (8) inches above finish grade, the materials shall be resistant to decay or oxidation. The siding must be installed in accordance with the manufacturer's recommendations.
19. **Fire Hydrants.** Hydrants must be provided within 250 feet, measured along a vehicular way, of any space or permanent structure within the park. Each hydrant within the park must be located on a vehicular way and conform in design and capacity to the public hydrants in the city.
20. **Accessory Structures and Uses.** Manufactured Dwelling Parks may contain community laundry, recreation facilities, and other common buildings for the exclusive use of park residents and their visitors.
21. **Park Caretaker or Manager's Residence.** The park may contain one residence, which may be other than a manufactured dwelling, for the use of a caretaker or manager responsible for maintaining or operating the property.
22. **Development Review.** Development review by the city administrator or designee shall be required to ensure compliance with Appendix A of this code.
 - a. Procedure. Development review is a non-discretionary, administrative review conducted by the city administrator or designee. Development review shall follow Section 111 A(1) Type I procedures for administrative decisions.
 - b. General submission requirements. The applicant shall submit an application on forms provided by the city administrator that shall:
 1. Contain all the general information required;
 2. Address the criteria in sufficient detail for review and action; and
 3. Be filed with the required fee as established by the city council.

- c. Development review information. An application for development review shall include a proposed site plan, on a page size of 11 inches x 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:
1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.
 2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.
 3. The proposed development site, including boundaries, dimensions, and gross area.
 4. Features which are proposed to remain on the site.
 5. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.
 6. Landscape plan if applicable.
 7. Location and dimensions of all proposed public and private streets, drives, rights-of way, and easements.
 8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes and location and dimensions of parking areas if applicable.
 9. Location and dimensions of common and private open spaces if applicable.
 10. Location and dimensions of trash receptacles if applicable.
 11. Detail drawings of site-obscuring fence.

[Appendix A amended by Ordinance No. 969, Section 1, passed March 23, 1993; by Ordinance No. 982, passed January 25, 1994; and by Ordinance No. 1116, passed June 24, 2003.]

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ORDINANCE NO. 950

Appendix B Swimming Pools, Fish Ponds or Other Decorative Pools

City of Junction City

1. Every person in possession of land within the City, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool or other outside body of water designed or used for swimming, dipping or immersion purposes having a depth of more than 18 inches shall maintain an enclosure consisting of a fence or wall which shall discourage children climbing and is acceptable to the building inspector.
2. All gates or doors opening through such enclosure shall be equipped with self-enclosing and self-latching devices installed at least 40 inches above the ground or base, designed to help and capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure required need not be so equipped.
3. No swimming pool shall be constructed without first obtaining a building permit. No building permit shall be issued until the plans are filed with the building inspector's office, and no pool shall be used until a final inspection is made by the building inspector after its construction is completed.
4. Every person in possession of land within the City, either as owner, purchaser under contract, lessee, tenant or licensee, on which there is a fish pond or other decorative pool having a depth of 18 inches or more shall construct and maintain an acceptable enclosure and securely close off or block any and all entrances thereto.
5. An acceptable enclosure shall be one of the following:
 - (a) A fence completely surrounding the fish pond or decorative pool;
 - (b) A wire screen or cover of sufficient strength to hold a weight of at least 75 pounds and installed not more than 6 inches below the surface of the water at all times.

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ORDINANCE NO. 950

Appendix C Governing Recreational Vehicle Park Developments

City of Junction City

1. All such developments shall comply with Oregon Administrative Rule Chapter 918, Division 650, and all other applicable state building or specialty codes.
2. Seven sets of construction drawings and site plans shall be provided the city. The Planning Commission shall review and approve all site and construction plans prior to local government approval being issued by the City Administrator.
3. All perimeters of the park shall be fenced or screened as determined by the planning commission. All street frontages shall provide a suitable fence three and one-half to four and one-half feet in height to restrict the passage of small children or animals. Fences adjacent to streets shall be setback (10) feet from the property line and the intervening area between the property line or sidewalk shall be landscaped. Such landscaping shall provide solid ground cover and at least one tree each lineal feet which will provide a canopy of at least three hundred square feet upon maturity.
4. All areas designed for parking or maneuvering of vehicles shall be covered with asphalt or cement.
5. Length of stay for all tenants shall be limited to no more than 45 days in any calendar quarter. The City Administrator or designee shall be afforded the right to drive through the property, and review all registration documents.
6. Shower facilities shall be provided at the ratio of at least one shower for each sex for the first 20 spaces and for every 20 spaces thereafter, except when the recreational vehicle park is a facility for self-contained vehicles only.
[Item #6 amended by Ordinance No. 982, passed January 25, 1994.]

[Appendix C added by Ordinance No. 953, passed August 13, 1991.]

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ORDINANCE NO. 950

Appendix D Annexation Policies on Property Owner Consent, The Costs of Annexation, and the Right to Appeal

Section 1. Consent for Annexation: It is a policy of Junction City that no property will be annexed, except in health hazard situations, unless owners petition the city as allowed by state law.

Section 2. Costs Associated With Annexation:

a) Applicants for annexation shall pay the costs of processing the annexation, including any costs associated with recording, as established by the city council.

b) Property owners within the territory requesting annexation must agree to pay all costs of extending city services. The city will require the property owners to sign a non-remonstrance agreement. The city may agree to commit its resources to extend services to an area or contribute to the costs of extending services.

c) The city will reach agreement with the property owner(s) requesting annexation on how payment of costs for extending city services will be made during the city's review of an annexation request.

d) The city may consider formation of an assessment district in accordance with Junction City ordinances during its review of the annexation request.

Section 3. Following the appeals procedures outlined in Ord. 950 Sections 111-114, if staff determines that there already is sufficient land of a particular designation within the current city limits and does not support annexation to the Lane County Boundary Commission, then the staff's decision may be appealed to the Planning Commission. Planning Commission determinations on annexations may be appealed to the City Council.

[Appendix D added by Ordinance No. 1027, passed November 12, 1996; and amended by Ordinance 1112, passed February 11, 2003.]

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Junction City Ordinances Zoning Ordinance

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ORDINANCE NO. 950

Appendix F Temporary Use Permits

(1) **Purpose.** The purpose of the temporary use permit procedure is to allow on an interim basis temporary uses in the city not otherwise allowable in a zoning district and not otherwise a nonconforming use. No temporary use permit can be granted which would have the effect of permanently rezoning or granting a privilege not shared by other property in the same zone.

Location and operation of designated temporary uses shall be subject to review and authorized only issuance of a temporary permit, with the exception of uses that fall into the exceptions category described below in (9). The purpose of the review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in the surrounding areas, and for the further purpose of establishing such conditions as may be reasonable so that the basic purposes of this ordinance shall be served. Nothing herein shall be construed to require the granting of a temporary use permit.

(2) **Application.** Applications shall be filed with City Hall on the form prescribed by the City Administrator at least three weeks prior to the Planning Commission's public hearing. The application shall be accompanied by the fee set forth in the City's fee schedule.

(3) **Criteria.** A Temporary Use Permit may be granted only if:

(a) The temporary use is not inconsistent with the nature of the zoning district in which it is placed.

(b) The temporary use is not inconsistent with the Junction City Comprehensive Plan.

(4) **Conditions.**

(a) Reasonable conditions may be imposed in connection with the temporary permit as necessary to meet the purposes of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- Special yards and spaces
- Surfacing of parking areas
- Street and road dedications and improvements
- Control of points of vehicular ingress and egress

- Special provisions on signs
- Landscaping and maintenance thereof
- Maintenance of grounds
- Control of noise, vibration, odors or other similar nuisances
- Limitation of time for certain activities
- A time period within which the proposed use shall be developed
- A limit on total duration of use

(b) Where new structures and use thereof and new open land uses are permitted, the premises shall be required to be restored to the prior state within three months of the termination of the permit. Approved financial guarantee shall be required, if determined necessary by the Planning Commission, at the time of approval in sufficient amount to cover the estimated cost of such restoration.

(6) **Compliance with Conditions of Approval.** Compliance with conditions imposed in the Temporary Use Permit and adherence to the plot plan submitted as approved are required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance.

(7) **Vested Interest in Approved Temporary Use Permits.** A valid Temporary Use Permit supersedes conflicting provisions of subsequent rezoning or amendments to this ordinance unless specifically provided otherwise by the provisions of this section or the conditions of the approval of the Temporary Use Permit.

(8) **Time Limit on an Approved Temporary Use Permit.** Authorization of a temporary use permit shall be void one (1) year after the date of approval of the permit application or such lesser time as the authorization may specify.

All rights granted by the temporary use permit, where construction of a permanent structure is part of the basis for permit issuance, shall be null and void after six months from the dated of approval of the permit application unless the grantee shall have commenced actual construction and, upon request, be able to establish to the satisfaction of the commission that is still the intention of the grantee to use said temporary permit, and that construction to completion would be carried on within a reasonable time thereafter.

(9) **Exceptions.** The following category of uses shall be exempt from the requirements of this ordinance: temporary uses that do not exceed one week per year and that have been recurring on an annual basis for more than 5 years prior to adoption of this ordinance.

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ORDINANCE NO. 950

Appendix G Stream Corridor and Wetland District

City of Junction City

Section:

1. [Intent.](#)
2. [Application.](#)
3. [Designation Criteria.](#)
4. [Survey Requirements.](#)
5. [Uses.](#)
6. [Standards.](#)
7. [Conditions.](#)
8. [Compliance with Conditions of Approval.](#)

1. **Intent.** The Stream Corridor and Wetland District (SCWD) is intended to conserve the significant stream corridors, significant wetlands and approved wetland mitigation sites, consistent with the Goal 5 Administrative Rule (OAR Chapter 660, Division 23).
2. **Application.** Applications for development on properties within, or partially within, the SCWD shall be filed with City Hall on a form prescribed by the City Administrator at least three weeks prior to the Planning Commission's public hearing. The application shall be accompanied by the fee set forth in the City's fee schedule.
3. **Designation Criteria.** Land and water areas designated within this overlay district include Crow Creek and significant wetlands.
 - a. All perennial streams, including Crow Creek, shall have a riparian corridor (building setback area) of 50 feet from the top-of-bank.
 - b. Significant wetlands, based on delineations approved by the Division of State Lands (DSL).
 - c. Wetland mitigation sites approved by the Division of State Lands (DSL).
4. **Survey Requirements.** A site-specific topographical survey, prepared by a licensed surveyor, shall be submitted with any development application affecting land within the SCWD. This survey shall show two-foot contour lines for the area within this special district, and the

following:

- a. The top-of-bank as defined in OAR 660-23-090(1)(g).
- b. The 50' stream corridor building setback area.
- c. Delineations of significant wetlands on the site.
- d. Approved or proposed wetland mitigation sites as approved by DSL.

5. **Uses.** The following uses may be permitted within the SCWD, subject to a mitigation plan approved by the City:

- a. A single-family residence on a legal lot of record, where imposition of the standards of this ordinance prohibit reasonable economic use of lot.
- b. Passive park and recreation uses, including trails.
- c. Public facilities necessary to support development on nearby buildable lands.
- d. Water-related development.

6. **Standards.** The following standards shall apply to land divisions and development on parcels within, or partially within, the SCWD:

- a. No new lots shall be created within the SCWD unless the significant stream corridor, delineated wetlands or wetland mitigation sites on the property(ies) are protected by a conservation easement or other legally binding instrument approved by the City Attorney.
- b. Building and parking lot construction, grading and removal of native riparian vegetation shall be prohibited within the designated riparian corridor, except for uses listed in Section (5), above.
- c. All permitted uses shall be located so as to minimize impacts on the stream corridor, wetlands and wetland mitigation sites – and their respective vegetation, flood storage capacity, and water quality.
- d. Where adverse impacts are identified, mitigation plans shall be required. Such plans shall be approved by the City and, when required by state law, DSL.
- e. Public facilities necessary to support permitted development may only be permitted within the SCWD where there is no practicable alternative and mitigation is approved by

the City and, when required by state law, DSL.

7. **Conditions.** Reasonable conditions may be imposed in connection with development within or adjacent to the SCWD to ensure that the purposes of this ordinance are met.
8. **Compliance with Conditions of Approval.** Compliance with conditions imposed on development within the SCWD and adherence to approved development plans shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance.

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ORDINANCE NO. 950

Appendix H Access management

City of Junction City

Section 1. Purpose. This Section is adopted to implement the access management policies of Junction City as set forth in the Transportation System Plan. The Transportation System Plan categorizes state, county and local roads for access purposes based upon their level of importance and function. The purpose of this Section is to reduce traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. This Section serves to further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

Section 2. Applicability. This ordinance shall apply to all public streets within Junction City and to all properties that abut these roadways.

Section 3. Requests. Requests for new accesses or modified access to public rights-of-ways shall complete an access permit application and comply with the standards in Appendix H of the zoning ordinance (Ord. 950 as amended).

Section 4. Conformation. The proposed use and development of land shall conform to all applicable land use regulations and the Junction City Comprehensive Plan.

Section 5. Construction. All construction of such driveways shall be done in conformity with proper standards and workmanship, and according to specifications furnished by the Community Development Director.

Section 6. Corner Clearance.

1. New accesses shall meet or exceed the minimum spacing requirements as set forth in [Table 1](#), below, for that roadway's classification, as set out in the City's Transportation System Plan. The measurement shall be from centerline to centerline of the intersection.

Table 1. Access Spacing

ROADWAY TYPE	ACCESS SPACING
--------------	----------------

Arterial	150 feet
Major Collector	75 feet
Minor Collector	50 feet
Local Street	25 feet

2. Where no other alternatives exist, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connection restrictions (i.e. right in/out, right in only, or right out only) may be required.

Section 7. Joint and Cross Access.

1. Adjacent commercial or office properties classified as major traffic generators (*i.e.*, uses that generate more than 30 peak hour trips, as cited in the Institution of Transportation Engineers' (ITE) trip generation tables) shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. For new commercial retail and service uses, a system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - b. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 - c. Stub-outs and other design features to make it usually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
 - d. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
3. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
4. Pursuant to this section, property owners shall:

Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

- a. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to Junction City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - b. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
5. The city may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

Section 8. Requirements for Phased Development Plans. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage.

Driveways shall be designed to avoid queuing across surrounding parking and driving aisles and pedestrian ways and sidewalks.

Section 9. Nonconforming Access Features.

1. Legal access connections in place as of the date of adoption of this ordinance that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - a. When new access or modified accesses to public rights-of-way and/or access permits are requested;
 - b. Change in use or enlargements or improvements that will increase trip generation, as cited in the Institution of Transportation Engineers' (ITE) trip generation tables)

Section 10. Reverse/dual Frontage. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

Section 11. Site Plan Review Procedures for Access Management.

1. Applicants shall submit a preliminary site plan for review by the planning department. At a minimum, the site plan shall show:
 - a. Location of existing and proposed access point(s) on both sides of the road where applicable;

- b. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
 - c. Number and direction of lanes to be constructed on the driveway plus striping plans;
 - d. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
 - e. Parking and internal circulation plans including walkways and bikeways;
 - f. Detailed description of any requested variance and the reason the variance is requested.
2. Site plan review shall address the following access criteria:
- a. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
 - b. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
 - c. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
 - d. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
 - e. The access shall be consistent with the access management standards adopted in the Transportation System Plan.
3. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

Section 12. Variance Standards.

1. The granting of the variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
2. Applicants for a variance from these standards must provide proof of unique or special

conditions that make strict application of the provisions impractical. Applicants shall include proof that:

- a. Indirect or restricted access cannot be obtained;
- b. No engineering or construction solutions can be applied to mitigate the condition; and
- c. No alternative access is available from a street with a lower functional classification than the primary roadway.

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ORDINANCE NO. 950

Appendix I Wireless Telecommunications

City of Junction City

Section 1: Purpose. The purpose of this ordinance is to establish general guidelines for the siting of wireless telecommunications towers and antennas.

Section 2: Definitions. As used in this ordinance, the following terms shall have the meaning set forth below:

1. **Antenna** means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), including but not limited to wireless telecommunications signals or other communication signals.
2. **Backhaul network** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
3. **FAA** means the Federal Aviation Administration.
4. **FCC** means the Federal Communications Commission.
5. **Height** means, when referring to a tower or other telecommunications structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
6. **Landowner** means the owner of the land upon which the tower is located.
7. **Preexisting towers and preexisting antennas** means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
8. **Stealth facilities** means man-made trees, clock towers, bell steeples, light poles and similar camouflaging designs that camouflage or conceal the presence of antenna or towers.
9. **Tower** means any structure that is designed and constructed to support one or more antennas. The term includes radio and television transmission towers, microwave towers, common-carrier

towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

10. **Wireless Telecommunications Facilities.** The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

Section 3: Applicability. All new towers or antennas within the City of Junction City shall be subject to these regulations, except for the following uses, which shall only be required to comply with the applicable provisions of the underlying zoning district in which they are located and Federal Communications Commission policy:

1. **Private Amateur Radio/Direct Home Satellite.** Private Amateur Radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from this ordinance.
2. Preexisting Towers or Preexisting Antennas.
3. Towers and antennas operated by governmental entities.

Section 4: General Requirements. The following requirements apply to all wireless telecommunications facilities:

1. **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use or existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot, as long as the facility meets setbacks and other requirements.
2. **Not Essential Services.** Wireless telecommunications facilities shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
3. **State and Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the landowner's expense.
4. **Building Codes; Safety Standards.** To ensure the structural integrity of wireless

telecommunications facilities the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes. A building permit may be required by the City of Junction City. If, upon inspection, the City of Junction City concludes that a tower fails to comply with such codes and standards, then upon notice being provided to the landowner, the landowner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for removal of the tower or antennas at the landowner's expense. If a pre-existing tower suffers more than 60% damage of the assessed value of the tower, then these rules are in addition to the standards of the building code. Any applicable building and safety standards shall apply.

5. **Allowed Tower Types.** Except for towers approved under Section 6 (3) or approved stealth facilities, all towers must be monopole type towers.
6. **Height.** Towers shall not exceed 150 feet. All antennas or other supporting equipment attached to towers are included in the calculation of height. Antennas that are attached to buildings may not exceed the height standards in the base zone in which it is located.
7. **Setbacks.** All equipment shelters shall be set back from property lines according to the required setbacks of the underlying zone. A tower shall be set back from the property line of any lot with an adjacent dwelling located on it or any residentially zoned lot a distance twice the height of the tower from finished grade, or according to the setbacks of the underlying zone, whichever is greater.
8. **Separation distances between towers.** Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers within a one mile radius of the proposed tower. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the following table.

Table 1. SEPARATION DISTANCES

Proposed Tower Type	Existing Tower Types	
	Monopole 75 Ft. in Height or Greater	Monopole Less Than 75 Ft. in Height
Monopole 75 Ft. in Height or Greater	1,500 ft	750 ft

Monopole Less Than 75 Ft. in Height	750 ft	750 ft
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9. **Color.** Towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted colors that reduce visual obtrusiveness. Supporting electrical and mechanical equipment must also be a color that is identical to, or closely compatible with, the color of the supporting structure.
10. **Design and Building Materials.** At a tower site, the design of the building and related structures shall use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
11. **Lighting.** Towers shall not be artificially lighted, unless specifically required by the FAA. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding areas, must be shielded, and may not include intermittent or flashing lights (unless specifically required by the FAA).
12. **Landscaping.** Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet in width outside the perimeter of the compound. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
13. **Signs.** No signs shall be allowed on an antenna or tower.
14. **Security Fencing.** Towers shall be enclosed by security fencing not less than six feet in height.
15. **Collocation requirements.** Towers must be built in a manner that allows antennas for additional users.

Section 5. Application requirements. In addition to any information required for applications for conditional use permits pursuant to Section 97 of the Ordinance 950, applicants for a permit for a wireless telecommunications facility governed by Section 6 (2) or (3), shall submit the following information:

1. Signature(s) of the landowner (s) on the application form or a written statement from the landowner (s) granting authorization to proceed with land use and building permit application.
2. Documentation of lease agreements with a Federal Communications Commission (FCC) licensed provider.
3. A scaled site plan clearly indicating the location, type, and height of the proposed wireless

telecommunications tower, on-site land uses and zoning, adjacent land uses and zoning, Comprehensive Plan designation of the site and surrounding properties, adjacent roadways, proposed means of access, setbacks from property lines, landscaping, elevation drawings of the proposed tower and antenna array, and any other structures, topography, parking, and any other information deemed necessary by the City Administrator to be necessary to assess compliance with this ordinance.

4. A description of the type of service offered and the consumer receiving equipment.
5. Identification of the provider and backhaul provider, if different.
6. Legal description of the parent tract and lease parcel (if applicable).
7. The setback distance between the proposed tower and the nearest residentially zoned property.
8. The separation distance from other towers described in Section 4 (8) shall be shown on an updated site plan or map in relationship to the proposed tower. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if applicable.
9. **Inventory of Existing Sites.** Each applicant for an antenna and/or tower shall provide to the City of Junction City an inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the City of Junction City and/or within one mile of the proposed tower site, including specific information about the location, height, and design of each tower. The City of Junction City may share such information with other applicants applying for administrative or conditional use approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Junction City, provided, however that the City is not, by sharing this information, in any way representing or warranting that such sites are available or suitable for collocation of facilities.
10. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
11. A copy of the applicant's Federal Communication Commission license, a copy of a letter of determination from the Federal Aviation Administration or the Oregon Department of Transportation – Aeronautics Division, as to whether or not aviation lighting would be required for the proposed facility.
12. The application shall include a certification that the completed installation will comply with all Federal, state and local standards. The applicant shall submit documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).
13. A notarized affidavit by the applicant demonstrating that collocation is not possible because of

either: (a) the applicant has made a good faith effort to collocate it facilities on all existing towers in the area to be served, but has been unable to obtain the consent if the owners of such other towers; or (b) collocation is not physically possible for reasons set forth in Section 5 (14) (a)-(d).

14. An engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure within the area recommended by the engineer's report provides an opportunity for collocating, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies:
 - a. the structure is not of sufficient height to meet engineering requirements;
 - b. the structure is not of sufficient structural strength to accommodate the facility;
 - c. electromagnetic interference for one or both facilities will result from collocation;
 - d. the radio frequency coverage objective cannot adequately be met.
15. A copy of that portion of the lease agreement with the land owner, or a statement from the land owner if the applicant owns the property, that includes collocation provisions (where applicable), facility removal within 90 days of abandonment and a bond to guarantee removal.

Section 6. Procedures for Approval. Wireless communication facilities are only permitted in the areas described in (1)-(3) of this section. The following procedures apply to wireless telecommunications facilities:

1. **Type I Review.** Any antennas that are not attached to a tower and or collocated on an approved tower under this ordinance, may be approved administratively as an accessory use provided:
 - a. The antenna is located in the Light Industrial (M-1) zoning district, Heavy Industrial (M-2) zoning district, Public Lands (PL) zoning district, General Commercial (GC) zoning district or Central Commercial (C2) zoning district.
 - b. The antenna does not exceed the height standards of the base zone, except as approved on an existing tower under this ordinance,
 - c. The antenna complies with all general requirements of this ordinance, all applicable FCC and FAA regulations and all applicable building codes.
2. **Type II Review.** Type II review includes Planning Commission review, but does not require a public hearing. All proposals must meet the general requirements in Section 4 of this ordinance. The following towers must be reviewed through a Type II procedure:

Towers that are of a stealth design and are to be located in the Light Industrial (M-1), Heavy Industrial (M-2) zone or Public Lands (PL). Towers may not be located in the area bounded by E. 12th Avenue and E. 9th Avenue and Front Street and Elm Street.

3. **Type III Review: Conditional Use Permit.** All other towers will be processed through a Type III process, which requires a public hearing before the Planning Commission. All towers allowed under the Type III process must be located in either the Light Industrial (M-1) or Heavy Industrial (M-2) zoning districts. Towers may not be located in the area bounded by E. 12th Avenue and E. 9th Avenue and Front Street and Elm Street.
 - a. An applicant for a conditional use permit shall submit the information described in this Appendix and in Section 97 of Ordinance 950 of Junction City Ordinances, and a non-refundable fee.
 - b. Criteria in Granting Conditional Use Permits. In addition to any standards for consideration of conditional use permit applicants pursuant to Section 97 of Ordinance 950 of Junction City Ordinances and the general requirements of this ordinance, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit:
 - (i) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (ii) Location of the tower on the lot, with particular reference to reducing or eliminating visual obtrusiveness;
 - (iii) Proximity of the wireless telecommunications facility to residential district boundaries;
 - (iv) Proposed ingress and egress.
 - (v) Reasons why the tower cannot be designed as a stealth facility.
 - c. In granting a conditional use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed wireless telecommunications facility on adjoining properties, which includes, but not limited to: requiring stealth facilities, additional landscaping and screening of equipment and additional setbacks from property lines, buildings or other uses
 - d. Prior to issuance of building permits for the tower, the applicant shall submit to the Building Official documentation from the Federal Aviation Administration, the Oregon Department of Aviation and any other local or state agency with jurisdiction that the tower has been reviewed and is not determined to be a hazard if constructed as

proposed.

- e. Prior to issuance of a building permit a Memorandum of Lease or other document acceptable to the City has been recorded in Lane County Deeds and Records reflecting the removal requirements in Section 7 of this ordinance.

Section 7. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Junction City notifying the owner of such abandonment. Failure to remove the tower or antenna within said ninety (90) days shall be grounds to remove the tower or antenna at the landowner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The city requires the posting of a bond before development permit issuance to insure removal of a wireless telecommunications facility after the facility is no longer being used.

Section 8. Enforcement. This ordinance shall be enforced under Section 120 of Ordinance 950 of Junction City Ordinances. In addition to fines for violation, the City shall also be entitled to recover costs of enforcement, such as attorney's fees, staff time and removal of the structure.

Section 9. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 10. Effective Date. This Ordinance shall take effect June 11, 2002.

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ORDINANCE NO. 950

Appendix J Shade Trees

City of Junction City

The following shade trees shall be permitted within parking areas and for street rights-of-way:

SPECIES NAME	COMMON NAME
<i>Acer rubrum</i>	Red maple
<i>Acer rubrum</i> "Armstrong"	Armstrong red maple
<i>Acer rubrum</i> "Columnare"	Columnar red maple
<i>Acer rubrum</i> "Derie"	Derie red maple
<i>Acer rubrum</i> "Scanlon Red"	Scanlon red maple
<i>Acer saccharum columnare</i>	Newton sentry sugar maple
<i>Acer saccharum monumentale</i>	Temple's upright sugar maple
<i>Carpinus betulus</i>	European hornbeam
<i>Carpinus betulus</i> "Fastigiata"	Pyramidal European hornbeam
<i>Carpinus betulus purpurea</i>	Purple European hornbeam
<i>Carpinus caroliniana</i>	American hornbeam
<i>Celtis occidentalis</i>	Common hackberry
<i>Celtis sinensis</i>	Chinese hackberry
<i>Cercidiphyllum japonicum</i>	Katsura tree
<i>Cladrastis lutea</i>	Yellowwood
<i>Davidia involucrata</i>	Dove tree
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Fagus sylvatica cuprea</i>	European beech
<i>Fagus sylvatica</i> "Heterophylla"	European beech
<i>Fagus sylvatica</i> "Atropunicea" or	
<i>Fagus sylvatica</i> "Purpurea"	Purple beech
<i>Fraxinus angustifolia</i> "Doctor Prione"	Doctor Prione ash
<i>Fraxinus oxycarpa</i> "Flame"	Flame ash
<i>Fraxinus pennsylvanica</i> "Marshall"	Marshall's seedless ash
<i>Ginkgo biloba</i> (males only)	Ginkgo
<i>Lauris nobilis</i>	Sweet bay
<i>Ligustrum japonicum</i> (or <i>texanum</i>)	Wax leaf privet
<i>Liriodendron tulipifera</i>	Tulip tree
<i>Maackia amurensis</i>	Amur maackia
<i>Oxydendrum arboreum</i>	Sourwood
<i>Phellodendron amurense</i>	Amur cork tree
<i>Pterocarya caucasica</i>	Caucasian wingnut

Quercus coccinea	Scarlet oak
Quercus ilex	Holly oak
Quercus phellos	Willow oak
Quercus rubra	Red oak
Sophora japonica	Japanese pagoda tree
Tilia cordata	Little-leaf linden
Tilia cordata "Rancho"	Rancho linden
Tilia cordata "Salem"	Salem linden
Zelkova serrata	Japanese zelkova

The following shade trees shall be permitted within parking areas, street rights-of-way, and smaller parking lots. These trees are suggested for small parking lots due to their relatively small size and non-aggressive growth habit.

RECOMMENDED FOR SMALL PARKING LOTS:

SPECIES NAME

COMMON NAME

Acer cappadocicum	Coliseum Maple
Acer rubrum	Red Maple
Acer rubrum "var"	"Autumn Flame" Red Maple
Acer rubrum "var"	"October Glory" Red Maple
Acer rubrum "var"	"Red Sunset" Red Maple
Carpinus betulus	European Hornbeam
Celtis laevigata	Sugar Hackberry
Celtis laevigata "var"	"All Seasons" Sugar Hackberry
Celtis occidentalis	Hackberry
Celtis occidentalis "var"	"Prairie Pride" Hackberry
Ceridiphyllum japonica	Katsura
Cercis canadensis	Redbud
Chionanthus virginicus	Fringe Tree
Fraxinus oxycarpa "var"	"Raywood" Ash
Nyssa sylvatica	Blackgum
Prunus sargentii	Sargent Cherry
Pyrus calleryana "var"	"Autumn Blaze" Callery Pear
Pyrus calleryana "var"	"Redspire" Callery Pear
Pyrus fauriei	Pea Pear

Trees not in this list may be approved by the city administrator or designee on a case-by-case basis.

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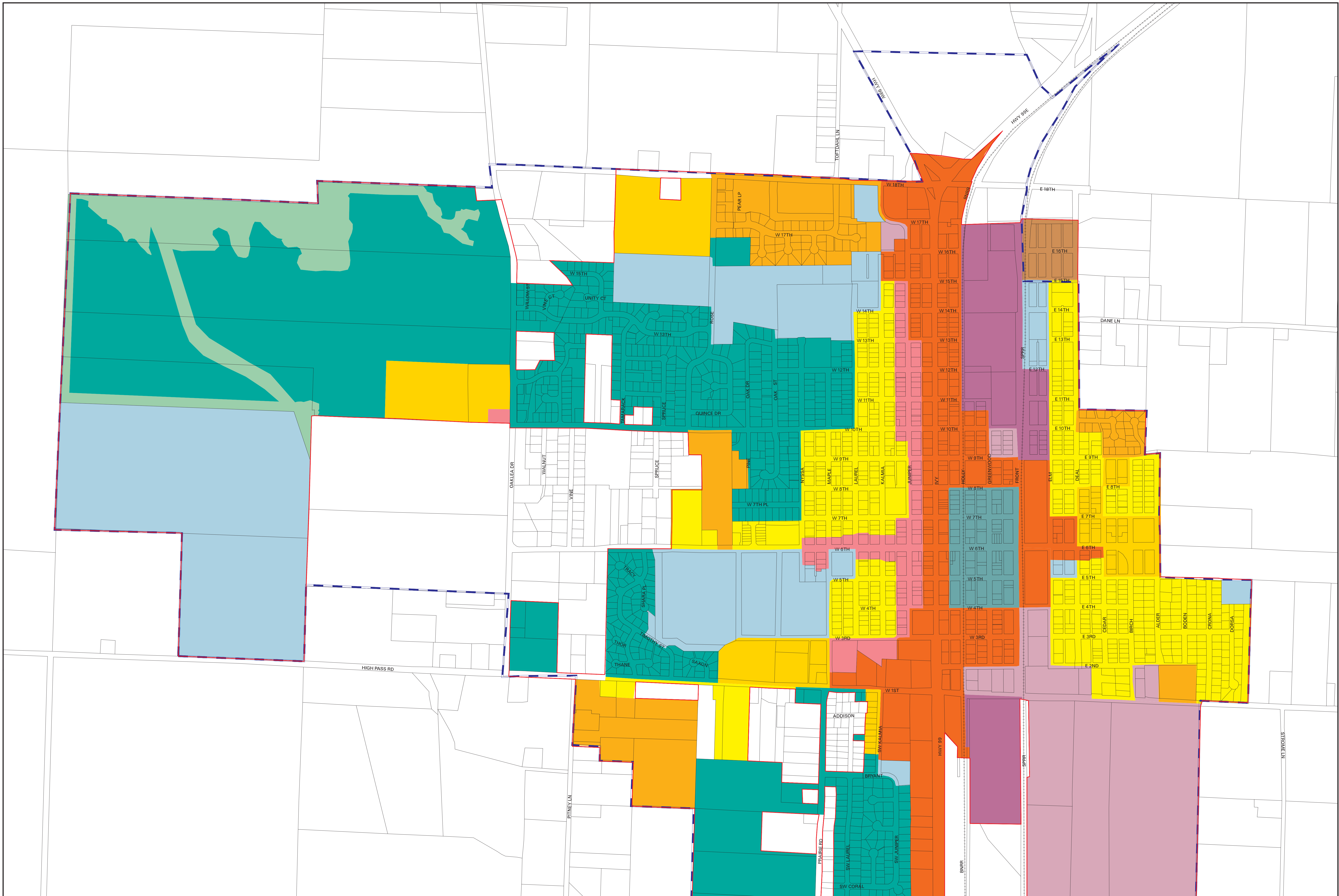
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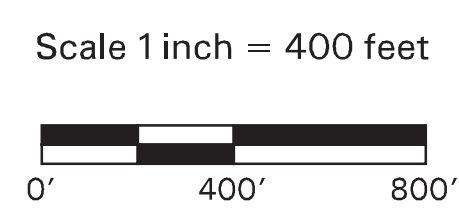
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Junction City Zoning

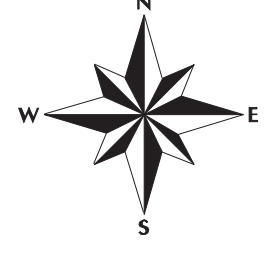
City Limits

UGB



Lane Council of Governments
 39 East Broadway, Suite 400
 Eugene, Oregon 97401
 04/26/06

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- Agricultural (AG)
- Public Land (PL)
- Single Family Residential (R-1)
- Duplex Family Residential (R-2)
- Multi-Family Residential (R-3)
- Multi-Structural Residential (R-4)
- Commercial Residential (CR)
- Central Commercial (C2)
- General Commercial (GC)
- Light Industrial (M1)
- Heavy Industrial (M2)
- SCWD Overlay