ORDINANCE NO. 1037

AN ORDINANCE AMENDING ORDINANCE NO. 950, THE JUNCTION CITY ZONING ORDINANCE, AS AMENDED, TO RESOLVE INCONSISTENCIES AND TO CLARIFY CERTAIN SECTIONS; TOPICS ADDRESSED INCLUDE NOTICE REQUIREMENTS, SETBACK STANDARDS, NON-CONFORMING USES, STREET FRONTAGE, VISION CLEARANCE AREA, PUBLIC LANDS, FENCES, MUSEUMS, AND MINIMUM LOT DIMENSIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission initiated this amendment package to clarify certain issues and remove some inconsistencies in the zoning ordinance (Ordinance No. 950), and

WHEREAS, the proposed amendment to the Zoning Ordinance is consistent with the Junction City Comprehensive Plan and Ordinance No. 950, and

WHEREAS, the Junction City Planning Commission held a public hearing on this matter, adopting findings of fact and recommending to the City Council that Sections 100; 109; 2; 12; 18; 24; 31; 36; 42; 47; 54; 60; 86; 103; 93; 88; 89; 81; 34; 11; 17; 23; and 30 of Ordinance No. 950 be amended as presented in the attached Exhibit A, and

WHEREAS, the Junction City Council held a public hearing and took testimony on the matter; now, therefore

THE CITY OF JUNCTION CITY DOES ORDAIN AS FOLLOWS:

Section 1. The City of Junction City Ordinance No. 950 shall be modified to clarify certain issues and resolve inconsistencies as presented in Exhibit A, which is attached and hereto made a part of this ordinance.

Section 2. Since this ordinance amends Ordinance No. 950, which affects the direction of development in Junction City, an emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Passed by the City Council this 12th day of August, 1997.

Approved by the Mayor this 12th day of August, 1997.

APPROVED:

ATTEST:

Steven L. Shear, Mayor

Barbara Scott, City Recorder
Amend Zoning Ordinance (Ord. 950) as follows:

Proposed additions shown in [brackets and italic text], deletions shown in overstrike. Bold topic headings inserted for purposes of organization; they are not part of the current or proposed text of the zoning ordinance.

Notice Requirements

Section 100. Public Hearing on Conditional Use.
(1) 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 days prior to the date of the hearing.
(2) Not less than 10 days prior to the date of the hearing, notices shall be mailed to all property owners 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 a conditional use. [See Section 112, Notice.]

Renumber Section 100 (3) to Section (2)

Section 109. Public Hearing on Amendment.
(1) (b) If an amendment to the zoning map of an area of less than 10 acres is proposed, the notice 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 hearing and by mailing a written notice not less than 10 days prior to the date of hearing to owners of property within the area enclosed by lines parallel to and 400 [300] feet from the exterior boundaries of the property involved, using for this purpose the name and address of the owners as shown upon the records of the county assessor. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section.

Setbacks

Section 2. Definitions.
(35) 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.

Section 12. Setback Requirements. Except as provided in Section 86 of this ordinance, in a R1 zone, the yards, measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area, shall be as
follows:
(1) The front yard shall be a minimum of 20 feet.
(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.
(3) The rear yard shall be a minimum of 15 feet. However, for any structure exceeding 16 feet in height the rear yard shall be increased one (1) foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 16 feet.

Section 18. Setback Requirements. Except as provided in Section 86 of this ordinance, in a R2 zone the yards,[ measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area,] shall be as follows:
(1) The front yard shall be a minimum of 20 feet.
(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. However, for any structure exceeding 16 feet in height the rear yard shall be increased one (1) foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 16 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.).

Section 24. Setback Requirements. Except as provided in Section 86 of this ordinance, in a R-3 zone the yards,[ measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area,] shall be as follows:
(1) The front yard shall be a minimum of 20 feet.
(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 measured from the foundation.
(3) The rear yard shall be a minimum of 15 feet. However, for any structure exceeding 16 feet in height the rear yard shall be increased one (1) foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 16 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.).

Section 31. Setback Requirements. Except as provided in Section 86 of this ordinance, in a R4 zone the yards,[ measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area,] shall be as follows:
(1) The front yard shall be a minimum of 20 feet.
(2) Each side yard shall be a minimum of $6\text{ feet}$, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet.

(3) The back yard shall be a minimum of 15 feet. However, for any structure exceeding 16 feet in height, the rear yard shall be increased one (1) foot, up to a maximum of 25 feet, for every foot, or fraction thereof above 16 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 ($20\text{ feet from property line to foundation of building}$). Setbacks for rear yards are measured separately for each residential dwelling opposite the front yard (see Appendix E, Diagram 2).

Renumber Section 36, Setback Requirements, to Section 37. Renumber all subsequent sections.

Section 42. Setback Requirements. Except as provided in Section 86, in a GC zone the yards, measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area, shall be as follows:

(1) The setback from any street shall be 20 feet. However, if solid ground cover landscaping is provided and maintained the setback from a street may be reduced to 10 feet.

(2) The side yard shall be a minimum of 10 feet measured from the foundation where abutting a residential zone.

(3) The rear yard shall be a minimum of 15 feet measured from the foundation where abutting a residential zone.

Section 47. Setback Requirements. Except as provided in Section 86 of this ordinance, in a CR zone, the yards, measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area, shall be as follows:

(1) The front yard shall be a minimum of 20 feet.

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

(3) The back yard shall be a minimum of 15 feet. However, for any structure exceeding 16 feet in height, the rear yard shall be increased one (1) foot, up to a maximum of 25 feet, for every foot, or fraction thereof above 16 feet.

Section 54. 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.

Section 60. 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].
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.

Section 83. Projections From Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may not project into a required setback or into required open space as established by coverage standards. Renumber all subsequent sections to reflect this deletion.

Section 86. Exceptions to Yard Requirements.
(1) Subject to the requirements of Subsection (2) of this section, in [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.

(2) To permit or afford better light, air and visibility on more heavily traveled streets and on streets of substandard width, all required setbacks shall be provided for from the abutting right of way at a point as set forth below in the right hand column, measured at right angles to the centerline of the street or from the centerline of general extension thereof.

<table>
<thead>
<tr>
<th>Street or Portion of Street</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) All streets less than 50 feet in width, except those specifically listed below</td>
<td>25 feet</td>
</tr>
<tr>
<td>(b) Any arterial or collector street as designated in the standard of 80 feet for arterials and 60 feet City’s Comprehensive Plan</td>
<td>½ of the applicable minimum right of way</td>
</tr>
</tbody>
</table>

[(2) Setbacks in effect at the time a structure was erected shall continue to be permitted in the case of expansion of the existing structure, regardless of setbacks in effect at the time of expansion. Any reconstruction or construction of a new structure shall comply with setbacks in effect at the time of the reconstruction or new construction.]

Section 103. Standards Governing Conditional Uses.
(1) Setback. In a residential zone, front, side and rear yards shall be at least two thirds the height of the principal structure. In any zone, additional yard requirements may be imposed.

Renumber subsections 2 through 5 in response to deletion of subsection 1.

Non-Conforming Uses

Section 93. Alteration of Nonconforming Use of [or] 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
(1) Minor Alteration. A proposal for the alteration of ten percent (10%) or less of the gross building volume of a nonconforming use or structure may be approved by the city administration as a minor variance to the provisions of this ordinance. [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 the 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 gross building volume [total square footage] of a nonconforming use or structure may be approved by the planning commission subject to the provisions for conditional use permits.

Street Frontage
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.

Vision Clearance Area
Section 2 (70) Vision Clearance Area. A triangular area on a lot at the intersection of two street 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 lot [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 lot [curb] lines at intersections have rounded corners, the curb 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.

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 distances 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.
Fences

Section 81. General Provisions Regarding Accessory Uses.

(1) 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 [or in the side yard adjacent to a street on a] 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 be 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.]

Public Lands

Section 6. Public Lands (PL).

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

(a) Public or private schools.
(b) Public or private nonprofit social service, community or recreational facilities.
(c) Governmental structures such as City offices, fire station, library, post office and public parks.
(d) Public and private 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, said [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 still be subject to all [setback] standards and requirements of the underlying zone[s] 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
Museums in the Central Commercial Zone
Section 34. Uses Permitted Entirely
[(70) Museum, private or public.]

Minimum Lot Dimensions
Section 11. Lot Size. In a R1 zone, the lot size shall be as follows:
(1) The minimum lot area shall be 6,000 square feet.
(2) The minimum lot depth shall be 100 feet.
(4) The minimum lot width shall be 60 feet and 25 [35] feet for cul-de-sac lots.

Section 17. Lot Size. In a 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 shall be 7,000 square feet.
(3) The minimum lot area for multiple-family dwellings shall be 9,000 square feet [for three units] plus 2,000 square feet for each additional dwelling unit.
(4) The minimum lot depth shall be 100 feet.
(5) The minimum lot width shall be 50 feet and 25 [35] feet for cul-de-sac lots.

Section 23. Lot Size. In a R3 zone, the 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 shall be 6,000 square feet.
(3) For multiple-family dwellings, the minimum lot area shall be 7,500 square feet [for three units] and 1,500 square feet [for each] additional dwelling unit.
(4) The minimum lot width at the front building line shall be 50 feet, and 25 [35] feet for cul-de-sac lots.
(5) The minimum lot depth shall be 100 feet.

Section 30. Lot Size. In a R4 zone, the 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 shall be 5,500 square feet.
(3) For multiple-family dwellings, the minimum lot area shall be 6,500 square feet for the three units, plus 1,500 square feet for each additional dwelling unit.
(4) The minimum lot width at the front building line shall be 50 feet for an interior lot, and 25 [35] feet for cul-de-sac lots.
(5) The minimum lot depth shall be 100 feet.
Vision Clearance Area Diagram

Diagram 1
See Ordinance 950, Section 2(70) and Section 89

Residential

Commercial

The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet (or lower than eight feet) in height measured from the grade of the street centerline.
Measuring Setbacks for Corner Lot Duplex Residential Uses

Diagram 2
See Ordinance 950, Section 18(4), Section 24(4), and Section 31(4)
Corner Lot Fencing Standards

Diagram 3
See Ordinance 950, Section 81(1)