

PART I – CDO Ordinance Update
State Compliance and Housekeeping

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General Provisions

10.010 Definitions.

Auto Repair/Maintenance. A facility for modifying, restoring, repairing or maintaining vehicles. ~~Does not include Industrial Disassembly.~~

Banner Sign. Also referred to simply as “Banners.” ~~Any~~A temporary sign constructed of lightweight fabric or similar material that is permanently mounted to a pole or a building ~~by a permanent frame at one or more edges,~~ including Feather Banners. See Temporary Sign.

Caretaker Residence. A permanent attached or detached single dwelling unit, accessory to the principle industrial use on the same lot, for a resident caretaker who provides ancillary support services, such as site security, for that industrial use.

Carport. ~~An open-sided shelter for an automobile, sometimes formed by a roof projecting from the side of a building.~~ A permanent, open-sided structure for sheltering for an automobile, sometimes formed by a roof projecting from the side of a building, constructed of durable material, such as metal, wood, or hard plastic intended for building. Does not include non-permanent structures, such as those created using tarp, PVC, flexible plastic sheets, cloth, or other similar material.

Child Care ~~ing~~ Facility Center. ~~A residence or building used to provide substitute residential care for children as provided for under ORS 657A.250(5).~~ A child care center, other than a Family Child Care Home, that is certified under ORS 329A.280 (3). See Family Child Care Home.

Commercial Service. Any commercial enterprise which provides a useful labor that does not produce or involve the sale of a tangible commodity or good.

Comprehensive Plan. ~~The Klamath Falls Comprehensive Plan, which interrelates all functional and natural systems and activities of a general nature relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive” means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the Plan.~~ The Urban Area Comprehensive Plan for the City of Klamath Falls, which this Community Development Ordinance implements.

Day Care. Daytime care for the needs of children, accessory to Industrial and Public Facility uses. For residential day care, see Family Child Care Home. For similar uses in Commercial or Light Industrial zones, see Child Care Center.

Director. The ~~Community Development~~ Development Services Director of the City or their designee.

Dwelling. A place to live; any one or combined number of dwelling units or residences.

- A. Single-Family Dwelling. A detached building, ~~except manufactured homes,~~ containing one dwelling unit.
- B. Duplex or Two-Family Dwelling. ~~A detached building, containing two dwelling units, sharing a common wall and having separate entrances.~~ Any combination of two dwelling units, except manufactured homes, with separate entrances, whether attached or detached, on a single lot or multiple lots combined through a deed restriction forbidding the sale of the units or lots separately, except when one dwelling unit is considered an ADU.
- C. Tri-Plex Triplex. ~~A detached building containing three dwelling units, sharing a common wall and having separate entrances.~~ Any combination of three dwelling units, except manufactured homes, with separate entrances, whether attached or detached, on a single lot or multiple lots combined through a deed restriction forbidding the sale of the units or lots separately.

- D. ~~Four-Plex~~ Fourplex. ~~A detached building containing four dwelling units, sharing a common wall and having separate entrances.~~ Any combination of four dwelling units, except manufactured homes, with separate entrances, whether attached or detached, on a single lot or multiple lots combined through a deed restriction forbidding the sale of the units or lots separately.
- E. Apartment. ~~A multiple-unit complex containing more than four dwelling units, sharing a common wall and having separate entrances.~~ Any combination of five or more dwelling units, except manufactured homes, with separate entrances, whether attached or detached, on a single lot or multiple lots combined through a deed restriction forbidding the sale of the units or lots separately.
- F. Condominium. A special form of property ownership which is created and governed in Oregon by statute. See ORS 100.005–100.910 and 100.990.
- G. Above Ground Floor Apartment. An attached residential area containing one or more dwelling units; above the ground floor. ~~The principal use for the ground floor shall be commercial services or commercial trade.~~
- H. Dormitories. A multiple-unit complex which has sleeping quarters and residential quarters for large numbers of people, often boarding school, college or university students.
- I. Townhouse. ~~A multiple dwelling unit complex which has a row of houses joined by common sidewalls. Each unit is owned as is the property directly beneath it.~~ A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. Two attached units in a townhouse configuration may be referred to as “single-family attached.”
- J. Accessory Dwelling Unit (ADU). A dwelling unit, except a manufactured home, that, based on gross floor area, is smaller than, and located on the same lot or parcel as a single-family dwelling. ~~The An ADU can be an attached or detached stick-built dwelling and must imitate the architectural design and characteristics of the primary dwelling. The ADU must~~ that contains adequate provisions for sleeping, cooking (kitchen), and sanitation. Accessory dwellings may also be known as guest apartments, in-law apartments, family apartments, granny flats, or secondary dwelling units.
- K. Manufactured Home. As defined in ORS 446.003(24)(a).
- L. Mobile Home. As defined in ORS 446.003(29).

Electronic Message Sign. Any sign or portion of a sign that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

Family Child Care Home. A child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330.

Feather Banner. A freestanding banner sign comprised of a flexible or rigid pole to which fabric is attached on one side, generally in the shape of a feather or tear. See Banner Sign and Temporary Sign.

Flag Sign. See Flag or Pennant.

Home Occupation. An occupation carried on within a dwelling or accessory building by members of a family with a maximum of one employee, or other person being engaged within said dwelling or building. Typical uses include, but are not limited to, accounting, off-site cleaning services, contractors, Internet sales, landscapers, tutoring, music lessons, vocal lessons, and/or tailoring, and/or day care.

~~Manufactured Home. As defined in ORS 446.003(24)(a).~~

~~Mobile Home. As defined in ORS 446.003(29).~~

Modular Home. A prefabricated structure as defined in ORS 455.010(6). For purposes of this CDO, a modular home ~~is a single family dwelling~~ may be a single-family dwelling or comprise any/all units within a duplex, triplex, fourplex or apartment configuration. Does not include [Shipping Container Structures](#).

Off-Street Parking. ~~A Parking lot~~ that is not located within a street right-of-way.

Portable Sign. An A-frame sign, also known as a sandwich board, designed and able to be moved indoors or otherwise off the property at the close of business on a daily basis.

Residential Sign. Any sign typically associated with residential uses located in a district zoned for residential uses. Examples include monument signs identifying an apartment complex or subdivision.

Retail Outdoor. A use type A business that displays and sells merchandise outdoors. Typical uses include, but are not limited to, home and garden sales, vehicle sales, floral sales, home improvement sales, art/sculpture sales, clothing sales, pottery sales, and/or recreational equipment sales. Does not include used automobile parts or other items that could otherwise be construed as junk, debris, or the products of industrial disassembly. See: [Industrial Disassembly](#).

Shipping Container Structure. A container that was built for shipment of materials, but has been retrofitted for accessory use as residential housing or commercial or industrial work space.

Temporary Sign. Any sign that ~~is used only for a limited period of time and is not permanently mounted~~ is neither designed nor constructed to be permanently affixed to a building, other permanent structure, or the ground. Examples include [Banner Signs](#) and similar temporarily anchored freestanding signs. See [Portable Sign](#).

Wall Sign. Any sign attached parallel to, but mounted within 18 inches of a wall, painted surface ~~of~~ or erected and confined within the ~~limits edges~~ of an outside wall of any building or structure, ~~which is supported by such wall or building~~ and displays only one sign surface. Does not include [Temporary Signs](#).

Text Amendment Procedures

10.115 Hearing—Notice procedures.

~~Notice of time and place of the public hearing before the Commission and the purpose of the proposed amendment shall be given by the Director in the form of one publication in a newspaper of general circulation in the City and notice to all local electronic media. Such notice shall be given not less than 45 days prior to the evidentiary hearing. (Ord. 17-10, 2017)~~

See Chapter 10, Article 7 (Notification Requirements), Sections 10.605–10.635.

Compliance and Enforcement Procedures

10.200 Compliance.

No person shall erect, construct, reconstruct, alter, maintain or use any structure, or shall use or transfer any land in violation of Chapters 10 to 14 or any amendment thereto or in violation of any statement, plans, or maps submitted and approved under the provisions of Chapters 10 to 14. Neither shall any person use or develop any land without first applying for and receiving approval of said use or development from the City.

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this CDO (including non-conforming uses, subject to Chapter 12, Article 20 – Nonconforming Uses and Structures), has received approval from the City of Klamath Falls Development Services Department and/or the Planning Commission and/or the City Council, is compliant with the approved plans and stated conditions, has completed all conditions of approval, and is not prohibited by law.

Appeals

10.405 Decisions appealable.

- A. A decision by the Director ~~shall be final unless a notice of appeal to the Commission is filed with the Community Development Department. Such notice must be received from an aggrieved party within 12 business days of the date of mailing of the Director's final decision.~~ for ministerial reviews, such as Fence and Sign Permits, Home Occupations, Flood Plain Hazard Permits, Residential Reviews, and Property Line Adjustments, is the final decision of the City and cannot be appealed to City officials.
- B. Except as noted in (A), a decision by the Director shall be final unless a notice of appeal to the Commission is filed with the Development Services Department.
 - 1. Such notice must be received from an aggrieved party within 14 calendar days of the date of mailing of the Director's final decision.
 - 2. The appellant must have raised an issue which may be the basis for an appeal in writing prior to the expiration of the comment period.
 - 3. The appellant must have provided statements or evidence sufficient to afford the Director an opportunity to respond to the issue.
- C. A decision of the Commission shall be final unless a notice of appeal to the Council is filed with the ~~Community Development~~ Development Services Department.
 - 1. Such notice must be received from an aggrieved party ~~of the Commission~~ within ~~12 business~~ 14 calendar days of the date of mailing of the Commission's final decision.
 - 2. The appellant must have raised an issue which may be the basis for an appeal in person during the evidentiary hearing or by letter prior to the close of public comment during the hearing.
 - 3. The appellant must have provided statements or evidence sufficient to afford the Commission an opportunity to respond to the issue.
- D. A decision of the Council shall be final unless a person who appeared in the proceeding(s) appeals the land use decision or the limited land use decision to the Land Use Board of Appeals (LUBA), pursuant to ORS Chapter 197.
- E. Any issue which is the basis for an appeal to the Land Use Board of Appeals shall have been raised prior to the closing of the final record on the proposal before the Council. Such issues shall have been raised with sufficient specificity as to afford the Council and the parties an adequate opportunity to respond to each issue.

10.425 Written appeal statement(s).

The appellant of a Commission decision shall submit a written statement as described in Section 10.410 and all evidence and documents in support of the appeal to the ~~Division~~ Development Services Department. The ~~Division~~ Development Services Department must make it available to the public, as required by ORS 197.763(4)(a). Any staff report used at the hearing shall be made available to the public at least seven days prior to the hearing, as required by ORS 197.763(4)(b).

Application Procedures and Fees

10.505 Application for residential review, minor design review, design review, conditional use permit, minor and major variance, change of zone, temporary use permits, property line adjustment, land partition, lawfully establishing unit of land, subdivision.

- E. Ownership List. The applicant shall file with such applications a list of names, addresses, and tax lot numbers of all owners of property situated within the following radii, including public rights-of-way, of the external boundaries of the property affected by the application:
1. Residential review: Not applicable.
 2. Minor design reviews: Not applicable.
 3. Design review: 100 feet.
 4. Conditional use permit: 250 feet.
 5. Minor variance: ~~Not applicable~~ 100 feet.
 6. Major variance: 250 feet.
 7. Change of zone (without annexation): 500 feet.
 8. Temporary use permit: 100 feet.
 9. Property line adjustment: ~~100 feet~~ Not applicable.
 10. Land partition: ~~250~~ 100 feet.
 11. Lawfully established unit of land: ~~100 feet~~ Not applicable.
 12. Subdivision: 500 feet.
 13. Flood hazard permit: ~~250 feet~~ Not applicable.
 14. Urban growth boundary amendment: 500 feet.
 15. Annexation: 100 feet.
 16. Vacation: Affected area as defined in ORS 271.080(2).

Notification Requirements

10.610 Notice of Hearing.

- A. Upon fixing the time of public hearing before the Council or Commission, the Director shall cause notice of such hearing to be given ~~by mail, posting, publication, or broadcast~~ as required by the provisions of this article. Said notice shall set forth the following:
1. Location, date, time and place of the hearing;
 2. Summary of the nature and substance of the action to be considered at the hearing including the proposed use or uses which could be authorized;
 3. Applicable review criteria that apply to the land use request;
 4. Location and a brief description of the subject property;
 5. Statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Commission, Council or Land Use Board of Appeals (LUBA) based on that issue;
 6. The name and phone number of a City representative to contact for further information;
 7. Indication that a staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a reasonable cost;

8. Indication 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 that physical or electronic copies will be provided at a reasonable cost that covers employee time, reproduction costs, or any other associated costs to the City;
9. A general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.
10. ~~A brief description of the property involved.~~ Additional information required by Section 10.640(D), as applicable.

~~B. Notice of any hearing shall be given not less than 20 days prior to the evidentiary hearing, or 10 days if two or more evidentiary hearings are allowed as follows:~~

- ~~1. By publication once in a local newspaper of general circulation;~~
- ~~2. By providing notice to all local electronic media;~~
- ~~3. By first class mail to applicant and all property owners as shown on the ownership list filed with the application. However, failure to receive such notice shall not invalidate any of the proceedings involved if the City can demonstrate by affidavit that such notice was given, by mail; and~~
- ~~4. Where applicable, by posting in accordance with Section 10.615. (Ord. 17-10, 2017)~~

B. Notice of hearing(s)

1. For quasi-judicial hearings
 - a. Shall be provided not less than 20 days calendar before the evidentiary hearing before the Planning Commission, or 10 calendar days if two or more evidentiary hearings are allowed:
 - i. To the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within 100 feet of the property, or if the radius is greater, as described in the Ownership List required by Section 10.505 (E), via United States Postal Service.
 - ii. To any neighborhood or community organization recognized by the City and whose boundaries include the site.
 - iii. At the discretion of the applicant, to the Department of Land Conservation and Development (DLCD).
 - b. Shall be posted on the City of Klamath Falls website at least 7 days before a scheduled hearing.
 - c. Shall be posted at City Hall and other locations or via other media as deemed appropriate by the Director.
 - d. May be required to be posted by the applicant in accordance with Section 10.615.
2. For legislative hearings
 - a. Shall be provided not less than 10 calendar days before the public hearing before the Planning Commission AND not less than 10 calendar days before the public hearing before the City Council, except as described in 10.640(B) and (C):
 - i. On the City of Klamath Falls website.
 - ii. At City Hall and other locations or via other media as deemed appropriate by the Director.
 - b. Meet the requirements found in Section 10.640, as applicable.

- C. The failure of any property owner or others to receive notice as provided in this section shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given.

10.620 Notice of administrative action.

~~The Director shall cause notice to be given to all property owners within 250 feet of the external boundaries of a property for which a proposed conditional use permit, variance, partition or temporary permit is pending administrative action. In the case of a design review and lawfully established unit of land, the Director shall cause notice to be given to all property owners within 100 feet of the external boundary of the property pending administrative action. Such notice shall include a summary of the nature and substance of the proposal, a brief description of the property involved and a solicitation of oral or written comments to be submitted within 10 days of mailing the notice. (Ord. 17-10, 2017)~~

- A. The Director shall cause notice to be given to all property owners as described in the Ownership List required by Section 10.505 (E). Such notice shall:
 - 1. Provide a 14-day period for submission of written comments prior to the decision.
 - 2. State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the Director to respond to the issue.
 - 3. List, by commonly used citation, the applicable criteria for the decision.
 - 4. Set forth the street address or other easily understood geographical reference to the subject property;
 - 5. State the place, date and time that comments are due;
 - 6. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 - 7. Include the name and phone number of a local government contact person;
 - 8. Briefly summarize the decision-making process for the land use decision being made.
- B. Notice of the decision must be provided to the applicant and any person who submits comments under (A)(1–2) above. The notice of decision must include an explanation of the right to appeal the decision.

10.640 Notice of text amendments or zone change.

In addition to the provisions of Section 10.610, the following notice requirements apply to proposed text amendments and zone changes.

- A. At least 35 days before the date of the first public hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof or to adopt an ordinance that proposes to rezone property or to amend the Community Development Ordinance, a notice shall be sent to the DLCDD in accordance with ORS 197. Submission of the proposed change must include all the following materials:
 - 1. The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;
 - 2. If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

3. A brief narrative summary of the proposed change and any supplemental information that the City believes may be useful to inform the Director of the DLCD or members of the public of the effect of the proposed change;
 4. The date set for the first evidentiary hearing;
 5. The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and
 6. Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.
- B. For ordinances that change the base zoning classification of a property or prohibit land uses previously allowed in a zone, at least 20 days but not more than 40 days before the date of the first hearing, written notice shall be prepared and mailed to the owner of each lot or parcel of property subject to the ordinance.
- C. If a zone change or a text amendment that would effectively act to rezone property includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, written notice shall be provided to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the ordinance. Costs for such notice shall be paid by the applicant.
- D. Content of notice. The notices required in B and C shall also:
1. Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:
 - a. This is to notify you that the City of Klamath Falls has proposed a land use regulation that may affect the permissible uses of your property and other properties.
 2. Contain substantially the following language in the body of the notice:
 - a. On (date of public hearing), the City of Klamath Falls will hold a public hearing regarding the adoption of Ordinance Number _____. The City of Klamath Falls has determined that adoption of this ordinance may affect the permissible uses of your property and other properties in the affected zone and may change the value of your property.

Ordinance Number _____ is available for inspection at the Klamath Falls City Hall Annex building located at 500 Klamath Avenue. A copy of Ordinance Number _____ is also available for purchase at a cost of _____.

For additional information concerning Ordinance Number _____, you may contact the City of Klamath Falls Development Services Department.

- E. At least 30 days prior to the adoption or amendment of a comprehensive plan or the CDO as a requirement of periodic review of the Comprehensive Plan under ORS 197.628, 197.633, and 197.636, written individual notice of the land use change shall be mailed to the owner of each lot or parcel that will be rezoned as a result of the ordinance or plan amendment. The notice shall:
1. Describe in detail how the ordinance or plan amendment may affect the use of the property.
 2. Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:
 - a. This is to notify you that the City of Klamath Falls has proposed a land use regulation that may affect the permissible uses of your property and other properties.
 3. Contain substantially the following language in the body of the notice:
 - a. As a result of an order of the Land Conservation and Development Commission, the City of Klamath Falls has proposed Ordinance Number _____. The City of Klamath Falls has determined that adoption of this ordinance may affect the permissible uses of your property

and other properties in the affected zone and may change the value of your property.

Ordinance Number _____ will become effective on (date).

Ordinance Number _____ is available for inspection at the Klamath Falls City Hall Annex building located at 500 Klamath Avenue. A copy of Ordinance Number _____ is also available for purchase at a cost of _____.

For additional information concerning Ordinance Number _____, you may contact the City of Klamath Falls Development Services Department.

4. The provisions of this section do not apply to legislative acts resulting from action of the Legislative Assembly or the DLCD for which notice is provided under ORS 197.047 or resulting from an order of a court of competent jurisdiction.

Administrative Review

10.805 Administrative review—Staff review procedures.

- C. If the Director at his or her discretion, determines that persons other than the applicant can be expected to question the compliance of the application with the relevant zone requirements and the site standard requirements of Chapter 14, or if any property owner entitled to notice under subsection B requests a public hearing in writing, the Director will initiate a public hearing on the application before the Planning Commission. The Director shall set a date for the public hearing and mail notice in accordance with Section 10.610 ~~to all property owners within a 250-foot radius of the property~~. If the Director initiates a discretionary hearing, mailing notice of administrative action under Section 10.620 is not required. At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposal including reasons, [based on the applicable review criteria](#), why the application should be approved or denied or proposing modifications that the person believes necessary for approval.

Residential Review

11.008 Criteria for Approval.

The approval criteria for a Residential Review shall be equivalent to those set forth in Section 11.068.

11.010 Appeal.

The decision of the Director is final and may [not](#) be appealed ~~pursuant to the provisions of Chapter 10, Article 5 (Appeals)~~ to City officials.

11.015 Validity period.

Residential Reviews approved by the Director shall remain valid for a period of one year following the date of approval. At the end of that time, if substantial site excavation or construction has not begun,

then the Residential Review approval shall be void and any further action on the site would require a new application and approval. All construction and development initiated under any building permit shall be in accordance with the approved Residential Review.

Minor Design Review

11.020 Procedure.

The Director, without public hearing and without publishing or mailing of notices, may consider and render a minor design review decision, for the following:

- A. When a plan would otherwise require a design review and but calls for less than a 25% addition to an existing footprint.
- B. Reconstruction of a parking lot for commercial, industrial or public facilities.
- C. Alternate path approval for fences as described in Section 14.155.

11.028 Criteria for Approval.

The approval criteria for a Minor Design Review shall be equivalent to those set forth in Section 11.068.

11.040 Validity period.

Site plans approved by the Director shall remain valid for a period of one year following the date of approval. At the end of that time, if substantial site excavation or construction has not begun, then the site plan approval shall be void and any further action on the site would require a new application and approval. All construction and development initiated under any building permit shall be in accordance with the approved site plan.

Design Review

11.055 Review.

A design review shall be conducted whenever plans are made for the following:

- A. A new structure or an exterior structural addition, extension or relocation of or to, an existing structure or a commercial, industrial or public facility nature, **except when a Minor Design Review would apply;**
- B. A business enterprise or individual use to move into an existing structure that requires a change in occupancy as defined by the building code;
- C. **A business enterprise or individual use to move into an existing structure that differs from the most recent previously approved land use as identified in Section 12.000.**
- D. A multifamily dwelling having five or more units;
- E. Parking lots for commercial, industrial or public facilities or a multifamily dwelling having five or more units, **except when a Minor Design Review would apply;** or
- F. A business enterprise or individual use that moves into an existing structure that has been vacant for more than 24 months.
- G. **Any new land use or change to an existing land use not similar to or otherwise referenced in this Chapter, at the discretion of the Director.**

~~The decision of the Director may be appealed pursuant to Chapter 10, Article 5 (Appeals). (Ord. 17-10, 2017)~~

11.060 Application.

The applicant shall submit ~~10 copies~~ **3 physical copies** of the applicable plans, and, if necessary, illustrations and/or photographs. **Applicant shall also submit a copy of all documents in an electronic format acceptable to the Development Services Department (i.e., in a format or computer program the City can open and use).**

11.065 Procedure.

- B. Except as provided by subsection C, an application shall be processed by the Director without a need for public hearing. If the Director determines that the development proposal appears to meet the required standards, the Director shall mail notice of the proposal for which approval is ~~forthcoming requested~~ **requested** to all property owners ~~within a 250-foot radius of the property as described in the Ownership List required by Section 10.505(E).~~ The notice shall summarize the standards and facts related to the decision, invite persons to submit information relevant to the standards that are pertinent to the proposal within 10 days of notification, giving reasons why the application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise the person of the right to request a hearing.

11.090 Conformity to the site plan.

No building permit shall be issued nor any development commence until a site plan, as required under Sections 11.050 (Purpose) to 11.068 (Criteria for approval), is approved by the Director and a development permit and/or a site construction permit as outlined in Section 11.093 (Site construction permit/development permit) is signed by all parties.

Upon written request of the applicant, the Director may approve quantifiable changes in approved site plans, not to exceed five percent of quantifiable requirements, when he or she determines the changes will not significantly alter the character, density, intensity or otherwise significantly change the plan as originally approved. Significant changes must be approved anew as required by Sections 11.050 (Purpose) to 11.068 (Criteria for approval). (Ord. 17-10, 2017)

All construction and development shall be in accordance with the approved site plan. Site plan approval shall lapse and become void if construction on the site is in violation of the approved plan.

11.094 Validity period.

Site plans approved by the Director shall remain valid for a period of one year following the date of approval. ~~All construction and development initiated under any building permit shall be in accordance with the approved site plan.~~

- A. At the end of ~~that time~~ the validity period, if substantial site excavation or construction has not begun, ~~then~~ the site plan approval shall become void ~~and shall become effective only if resubmitted to the Director and again approved.~~
1. Prior to the expiration of the validity period, the holder of such a permit may apply for and the Director may extend the validity period for up to one year if:
 - a. No changes are made on the original approved site plan, except as described in 11.090 B;
 - b. The applicant can show intent of initiating construction on the site within the one-year extension period;
 - c. There have been no changes to the applicable provisions on which the Design Review approval was based. If there have been changes to the applicable provisions and the original approved Design Review does not comply with those changes, the extension shall not be granted; in this case, a new Design Review shall be required; and
 - d. The applicant demonstrates that failure to substantially begin construction within one year of Design Review approval was beyond the applicant's control.
 2. Only one extension of the validity period may be granted.
 3. A site plan approval that has been rendered void cannot be renewed.

Conditional Use Permit

11.120 Termination of conditional use permit.

- A. When a conditional use permit is approved, such approval shall become void one year from the date of approval if substantial progress, such as substantial site excavation or substantial structure construction, toward the specified conditional use has not been made. ~~The holder of such a permit may apply for an extension of up to one year of such approval and may be granted by the Director.~~
1. Prior to the expiration of the validity period, the holder of such a permit may apply for and the Director may extend the validity period for up to one year if:

- a. No changes are made on the original approved site plan;
 - b. The applicant can show intent of initiating construction on the site within the one-year extension period;
 - c. There have been no changes to the applicable provisions on which the Conditional Use Permit approval was based. If there have been changes to the applicable provisions and the original approved Conditional Use Permit does not comply with those changes, the extension shall not be granted; in this case, a new Conditional Use Permit shall be required; and
 - d. The applicant demonstrates that failure to substantially begin construction within one year of Conditional Use Permit approval was beyond the applicant's control.
2. Only one extension of the validity period may be granted.
 3. A Conditional Use Permit approval that has been rendered void cannot be renewed.
- B. The Commission shall have the power to revoke or modify an approved conditional use permit if the Commission finds that one or more of the following criteria are met:
3. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety, or general welfare, or so as to constitute a nuisance.
 - g. The decision of the Commission on the revocation shall be the final decision of the City unless the Director receives a notice of appeal to the Council within ~~12 days~~ 14 calendar days of the date of mailing of the final decision by the Commission. See Chapter 10, Article 5 (Appeals).

Property Line Adjustment

11.630 Appeal.

The decision of the Director is final and may not be appealed ~~pursuant to the provisions of Chapter 10, Article 5 (Appeals)~~ to City officials.

Lawfully Established Unit of Land

11.770 Appeal.

The decision of the Director is final and may not be appealed ~~pursuant to the provisions of Chapter 10, Article 5 (Appeals)~~ to City officials.

Uses Permitted by Zone

12.000 Uses permitted by zone.

Uses with a “P” designation are permitted outright (subject to provisions of Chapters 10 to 14); those with a “C” designation are subject to the conditional use provisions of Chapter 11, Article 4. If the use, the zone or site standards have a footnote, additional restrictions apply to the use or site standards. Different standards than noted in Chapter 12 may apply in designated overlays, such as Downtown Business Zone, Adult Business Overlay Zone, Hazard Overlay Zone, Flood Hazard Zone or the Geothermal Overlay Zone. Different standards may also apply within approved planned unit developments (PUDs). The zoning designation extends to the centerline of any adjacent street or right-of-way. ~~One principal use or structure is permitted per lot.~~ Zoning designations and their related uses are defined in Chapter 10 and are listed below:

Residential Uses

USE	SF	MD	A	NC ¹	GC	DB ³	MU	LI	I	PF	SR ⁴
Residential											
Single-Family Dwelling ¹³	P	P	P	P	P ⁶	P ⁶					C
Duplex ¹³	P € ⁵	P	P	P	P ⁶	P ⁶	P				C
Tri-Plex Triplex ¹³		C	P	P	P ⁶	P ⁶	P				C
Four-Plex Fourplex ¹³		C	P	P	P ⁶	P ⁶	P				C
Apartment ¹³			P	P	P	P ⁶	P				C
Manufactured Home ^{8, 13}	P	P	P	P							C
Family Child Care Home	€ P	€ P	€ P	P	€ P ⁵	P ⁵	P ⁵	€	€	€	C
Home Occupation ⁹	P	P	P	P			P				€

Accessory Uses

Accessory											
Accessory Dwelling Unit Dwelling unit (ADU) ^{2, 12}	P €	P €	P €	P €							
Accessory Dwelling Unit Caretaker Residence ²	€							C	C	C	
Day Care	€	€	€	P	€	P	P	€	C	C	€
Fence ¹⁰	P	P	P	P	P	P	P	P	P	P	P
Home Occupation ⁹	P	P	P	P	P	P	P				C

Commercial Services

Commercial Services											
Child Care Facility Center	C	C	C	C	C P	P	P	P			C

Commercial Trade

Commercial Trade											
Vehicle Sales, Service and Rental (automobile, boat, motorcycle, RV)					P	C P	C	P C	P ¹⁹ P	P ¹⁹	

2 Only one unit is permitted per site or per use existing over multiple sites.

5 ~~Duplex is conditionally permitted in Single-Family Zone, provided that the duplex is on a corner lot and the units face opposite streets.~~ Neither new Single-Family nor new Duplex residences may be constructed in the GC or DB zones, and new Single-Family residences may not be constructed in the MU zone. Existing Single-Family and Duplex residences in those zones may be used as Family Child Care Homes.

10 For non-commercial, private use only.

12 Fence type, color and composition shall be compatible with the neighborhood within which it is placed. Fence height shall not exceed ~~three~~ 4 feet ~~six inches~~ from the front property line back to the nearest edge of the building foundation, regardless of distance. All properties must comply with Section 5.638 of the Klamath Falls City Code and properties in the Downtown Business Zone must comply with the Section 12.796. When adjacent to public rights-of-way, stringers shall be located to the interior of the lot. When erecting fences greater than six feet in height, contact the Klamath County Building Department about building permit information.

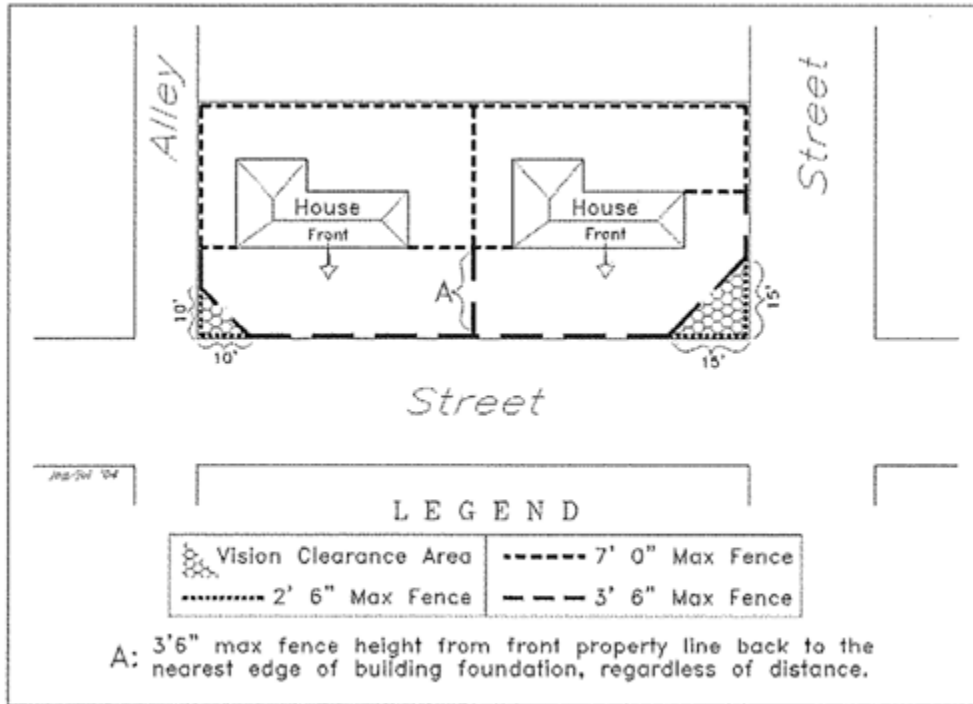
13 A garage or carport [meeting the parking space requirements of Section 14.040](#) is required for every [manufactured home or dwelling unit](#) in a single-family dwelling, duplex, ~~tri-plex~~ triplex, and ~~four-plex~~ fourplex. For apartments, one in every four required parking spaces shall be covered. Accessory dwelling units and dormitories are excluded from covered parking requirements.

12.005 Site Standards by zone.

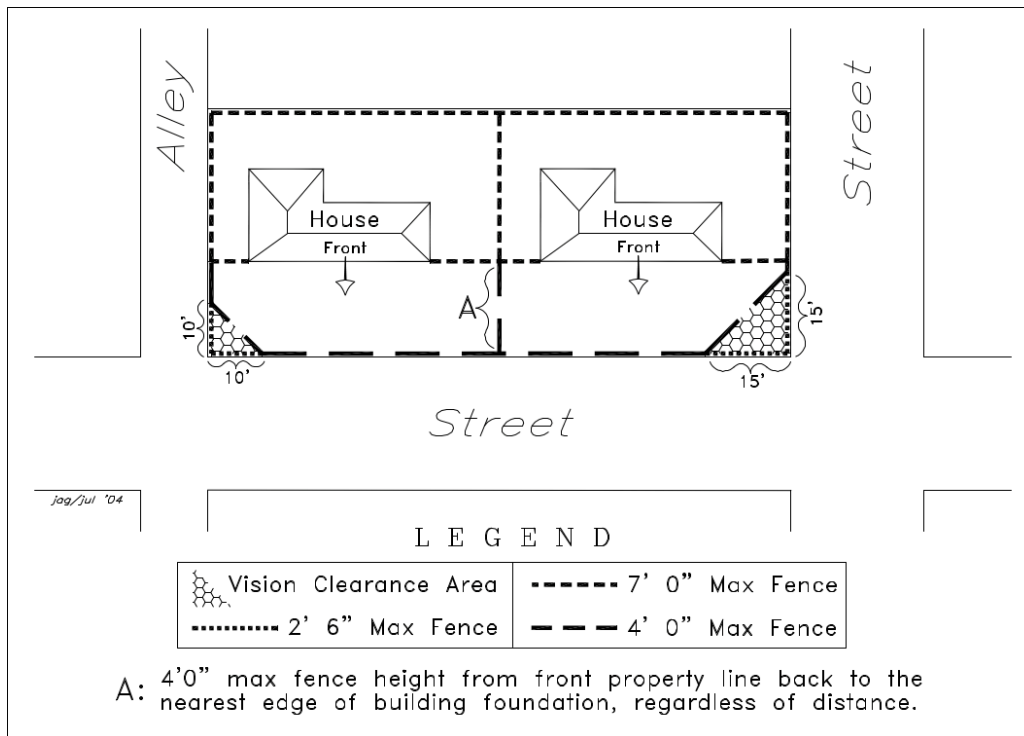
Design Feature	SF	MD	A	NC ^{1,16}	GC	DB	MU	LI	I	PF	SR
Setbacks (feet)											
Front Yard General	15 ²	15 ²	10 ²	10 ²	0	0	0	0	0	0	20
Front Yard Garage	20 ²	20 ²	10 ²	10 ²	0	0	0	0	0	0	
Rear Yard	5	5	5	5	0	0	0	0	0	10	20
Front Yard Unenclosed Porch	10	10	10	10	0	0	0	0	0	0	20
Interior Side Yard	5	5	5	0	0	0	0	0	0	10	20
Exterior Side Yard	10	10	10	0	0	0	0	0	0	10	10
Yard Abuts Res. Zone ⁴	n/a	n/a	n/a	15 ⁵	15 ⁵	n/a	15 ⁵	25	25	15 ⁵	n/a
Yard Abuts Arterial St.	n/a	n/a	n/a	10	0	0	0	30	30	0	n/a
Max. Building Height⁶	28	35	45	45	55	55	55	70	70	70	30
Vision Clearance (feet)⁷											
Street Leg	15	15	15	15	15	0	0	15	15	15	15
Alley Leg	10	10	10	10	10	0	0	10	10	10	10
Lot Coverage (%) ⁹	40	50	60	75	100 ⁸	100 ⁸	100 ⁸	100 ⁸	100 ⁸	100 ⁸	20
Non-Structure Impervious Lot Coverage (%)⁹	25	35	50	75	90	90	90	90	90	90	20
Minimum Lot Size (thousand square feet)¹⁰	7	5	5 ¹¹	5	5	5	5	5	5	5	20
Fence Height (feet)¹²											
Front Yard	4	4	4	4	4	4	4	7	7	4 ¹³	4
Rear Yard	7	7	7	7	7	4 ¹⁴	4 ¹⁴	7	7	7	7
Interior Side Yard	7	7	7	7	7	4 ¹⁴	4 ¹⁴	7	7	7	7
Exterior Side Yard ¹⁵	4	4	4	4	4	4	4	7	7	4	4

¹⁶ The front setback for Permitted or Conditional Uses that are not classified as Residential or Accessory in Section 12.000 is 0.

Current Image:



Proposed Image:



Manufactured Home Placement

12.015 Standards.

- ~~G.—The home shall have a garage or carport at least 180 square feet in size, constructed before occupancy, of like materials; and~~
- G. The manufactured home shall be situated on the space with a door facing toward the primary street servicing the home. A paved pedestrian connection shall be provided from the sidewalk or public right-of-way to such door facing the street. (Ord. 17-10, 2017)

Shipping Container Structures

12.040 Standards.

Shipping container structures are allowed in all zones in lieu of traditional structures provided they comply with the following:

- A. Shipping containers shall not be permitted as a primary structure in any zone.
- B. Planning Commission may ~~grant a variance to~~ allow shipping containers to be used as a primary structure in the Neighborhood Commercial and General Commercial Zones ~~following as part of a~~ **Conditional Use Permit with a required** public hearing.
- C. Shipping containers may be permitted as an accessory structure in any zone provided:
1. In residential zones, shipping containers shall be sided with **the same** materials, and painted to ~~be complementary to match~~ the primary ~~structure and neighboring structures~~. **As an alternate path for approval, an applicant may request discretionary review by the Director as part of the Residential Review for siding and paint that is complementary to the primary structure and surrounding neighborhood buildings.**
 2. In the commercial zones, shipping containers shall be placed behind the primary structure. (Ord. 17-10, 2017)

Accessory Dwelling Units

12.050 Standards.

Accessory dwelling units (ADUs) are allowed when accessory to a primary single-family dwelling structure and provided it complies with the following:

- A. An ADU shall be permitted as a second dwelling unit that may be located either within, attached to, or detached from the primary single-family dwelling structure.
- ~~B.—An ADU shall have a design that relates to the design of the primary dwelling unit by use of similar exterior wall materials, window types, door and window trim, roofing materials and roof pitch.~~
- C. An ADU shall comply with maximum lot coverage and minimum setback requirements applicable to the parcel containing the primary dwelling unit as set forth in Section 12.010. Lot coverage calculations are determined by adding the lot coverage of the ADU, the single-family dwelling structure, and any other structures.
- D. An ADU shall not exceed 50% of the gross floor area of the primary single-family dwelling structure, not including the garage and/or detached accessory buildings.
- ~~E.—An ADU shall not be established on any parcel smaller than 5,000 square feet.~~

- F. Only one ADU shall be allowed per property.
- G. An ADU shall have an entrance separate ~~entrance than~~ from the primary dwelling unit.
- H. An ADU shall have a separate street address from the single-family dwelling structure that is visible from the street and clearly identifies the location of the ADU.
- ~~I.— For ADUs at or less than 500 square feet, one off-street parking space shall be provided. For ADUs larger than 500 square feet, two off-street parking spaces shall be provided. In no case, shall more than two new off-street parking spaces be provided. Parking for the ADU is in addition to the required parking for the single-family dwelling structure.~~
- J. An ADU shall share the same sewage disposal and water supply systems as the single-family dwelling structure.
- ~~K.— An ADU shall not be occupied by more than two people. (Ord. 17-10, 2017)~~

Flood Hazard Overlay Zone

12.587 Appeal.

The decision of the Director is final and may not be appealed ~~pursuant to the provisions of Chapter 10, Article 5 (Appeals)~~ to City officials.

Nonconforming Uses and Structures

12.870 Extension of nonconforming use.

Where a use of land involving a structure with an assessed value greater than \$10,000 ~~existed on May 1, 2000, which would not have been permitted by the zoning imposed on that date and the use~~ was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful.

~~Excepting A above,~~ no nonconforming use shall be extended.

No nonconforming use shall be expanded, ~~including those not involving a structure.~~

12.885 Destruction of a structure containing a nonconforming use.

~~A.— If a structure containing a nonconforming residential use is destroyed by any cause, to an extent exceeding 80% of the assessed valuation of said structure, a structure or use can be replaced if substantial construction on the structure has begun within six months of being destroyed on the lot or parcel. If construction on the structure has not begun within six months, then the lot or parcel shall conform to the provisions of Chapters 10 to 14.~~

A. For residential uses:

1. A structure containing a nonconforming use may be replaced in the event of its destruction only if
 - a. The destruction accounts for 80% or less of the assessed value of the structure, and
 - b. Substantial reconstruction of the structure begins on the lot or parcel within 6 months of its having been destroyed.
2. If the destruction of a structure containing a nonconforming use exceeds 80% of that structure's assessed value, or reconstruction of such a structure destroyed to a lesser extent has not begun

on the lot or parcel within 6 months of it having been destroyed, the lot or parcel must conform to all provisions of this code.

B. For all other uses:

1. If a structure containing a nonconforming ~~commercial, industrial or public facility~~ use is destroyed by any cause to an extent exceeding 50% of the assessed valuation of said structure, a structure or use on this lot or parcel shall conform to the provisions of Chapters 10 to 14.

C. The assessed valuation of the structure for purposes of this article (Nonconforming Uses and Structures) shall be determined from current assessment records of the Klamath County Assessor.

Off-Street Parking and Loading

14.005 Off-street parking requirements.

Use	Minimum Number of Off-Street Parking Spaces	Coverage Restriction
Residential		
Single-Family Dwelling	2 spaces	Vehicular parking and maneuvering areas in front yards are not to exceed the lesser of either: 75% of front yard; or the allowed driveway area, plus 400 square feet.
Duplex	4 2 spaces	
Tri-Plex Triplex	5 spaces	
Four-Plex Fourplex	6 spaces	
Apartment	1.5 spaces per unit plus 1 space per 5 units for visitor parking	

Fences and Screening

14.155 Specifications of fences and screens.

A. Fences. Unless otherwise specified, fencing or other non-vegetative screening shall not exceed ~~four~~ 4 feet in height in a required front yard nor ~~seven~~ 7 feet in height in all other areas ~~and shall be constructed in a manner which is not detrimental to the aesthetics of the surrounding area. The aesthetic considerations may include fence type and composition, fence color and texture and overall appearance.~~ and shall be structurally sound and constructed of chain link, wrought iron, vinyl, or wood. Wood fences must be one of the following styles: picket, vertical board, post and rail, lattice, or staggered board. When adjacent to public rights-of-way, fence stringers shall be located toward the interior of the lot. ~~When erecting fences greater than six feet in height contact the Klamath County Building Department about building permit information.~~ All fences must comply with the standards of the Klamath County Building Department. See the table and footnotes in Section 12.005 for additional requirements for fence height.

1. As an alternate path to approval, additional fence styles beyond those allowed in A above may be approved at the discretion of the Director as a Minor Design Review. Such fences shall be constructed in a manner that is not detrimental to the aesthetics of the surrounding area and to a higher standard than other fences. Aesthetic considerations may include fence type and composition, fence color and texture, and overall appearance. Fence setback and height may be altered under this alternative path, but in no case shall a fence height greater than 4 feet be

permitted within a required front yard setback nor a fence height greater than 7 feet be permitted in any location.

2. See City Code Section 5.638 for fence-related regulations related to public safety.

Recycling Accommodation

14.180 Recycling accommodation requirements.

All uses except for single-family dwellings and duplexes that must obtain a design review under Section 11.055 or conditional use permit pursuant to Section 11.100 shall provide an opportunity to recycle on site.

A. Except for residential uses, all uses having a solid waste receptacle shall provide a site for recycling of equal or greater size. This site must be located adjacent to the solid waste receptacle. The site must accommodate recyclable materials collected by the local solid waste franchisee. If an owner is required to screen the solid waste receptacle under Section 14.150, the owner shall also screen the recycling as required in Section 14.150.

B. Residential Uses. Except for single-family dwellings and duplexes, all newly constructed residential uses, either as part of an existing development or as a new development, shall provide a recycling site, in accordance with the following standards:

1. If the residences are not sharing a common solid waste receptacle, the owner shall provide a curbside recycling container for each dwelling unit. This container shall be allowed at the curb on pick-up days only.
2. Residences sharing a common solid waste receptacle shall provide a site for recycling of equal or greater size. This site must be located adjacent to the solid waste receptacle. The site must accommodate recyclable materials collected by the local solid waste franchisee. If an owner is required to screen the solid waste receptacle under Section 14.150, the owner shall also screen the recycling as required in Section 14.150. (Ord. 17-10, 2017)

Signs

14.304 Applicability.

- B. The effect of this article is more specifically set forth herein, is to:
1. Establish a permit system to allow a variety of types of signs in commercial and ~~light~~ industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this article;

14.312 Permit procedures.

The following procedures shall govern the application for and issuance of all sign permits under this article.

- A. Applications. All applications for sign permits of any kind shall be submitted to the Director on an application form or in accordance with application specifications published by the Director and shall include the following:
1. A set of plans for the proposed sign.
 2. Location of the sign on the building or site inclusive of property line setback distances.
 3. Dimensions of the sign, building face on which the sign will be placed, and property frontage.

4. Construction materials and a color rendering or photograph of the sign.
 5. The method of attachment and character of the structure to which the sign is to be attached, if applicable.
 6. A diagram of the vision clearance area, if applicable.
 7. Any other materials necessary to ensure compliance with this Article.
 8. The sign permit review fee established per City Code Section 1.075.
- ~~B. Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body of the City from time to time by resolution.~~
- C. Completeness. ~~Within five days of receiving an application for a sign permit, t~~ Upon receiving the permit, the Director shall review it for completeness. If the Director finds that it is complete, the applications shall then be processed. ~~If the Director finds that it is incomplete, the Director shall within such five-day period, send to the applicant, a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this act.~~
- D. Action. After processing ~~Within seven days of the submission of~~ a complete application for a sign permit, the Director shall either:
1. Issue the sign permit if the sign(s) that is the subject of the application conforms in every respect with the requirements of this article; or
 2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this act. In case of a rejection, the Director shall specify in the rejection, the section or sections of the article or applicable plan with which the sign(s) is inconsistent. (Ord. 17-10, 2017)

14.364 Appeals and Variances.

- ~~A. Any aggrieved person who contests an interpretation of this act which causes denial of a permit or who believes a violation alleged in a notice of violation issued pursuant to this section to be factually or legally incorrect, may appeal the denial or notice of violation to the Commission in a manner provided by the Commission as a “quasi judicial hearing” or may in the case of a denial, request that a variance be granted, in accordance with the variance procedures in Chapter 11, Articles 5 and 6. An appeal from a denial and a request for a variance may be filed as an alternative.~~
- A. The Director, or other authorized representative of the City Manager, may grant an administrative variance to the Sign Act. Requests for administrative variances which that meet the following criteria may be considered for approval by the Director ~~or otherwise, the request shall be forwarded to the Commission for its consideration:~~
1. Relief is requested from height, setback or sign separation requirements;
 2. The exception requested may not exceed 20%, the maximum standards for height;
 3. The exception requested may not be reduced by more than 20% the minimum standard for setbacks or sign separation. All exceptions and requests will be evaluated in accordance with the criteria in Section 11.265 (Required findings).
- B. No person may ~~appeal to or~~ request a variance from the Director ~~or Commission~~ if the person has displayed, constructed, altered or relocated a sign without a sign permit as required by Section 14.316.
- C. ~~The Director and the Commission has no jurisdiction to hear a request for nor authority to grant~~ A variance that would increase the maximum permitted sign area on a single lot or building, would increase the maximum area of a freestanding sign, or grant exception from the prohibitions of Section 14.328 shall not be granted. ~~But the Commission has jurisdiction to hear an appeal of a permit denial~~

~~or of a notice of violation alleging that a sign would exceed the maximum permitted sign area or is prohibited if the appellant's position is that the sign does not exceed such area or is not prohibited.~~

- D. The ~~Commission or~~ Director may grant a ~~make any~~ variance ~~it they grants~~ subject to any reasonable conditions ~~that it deems~~ necessary or desirable to make the device that is permitted by the variance compatible with the purpose of this article.
- E. The decision of the Director on sign permits is final and may not be appealed to City officials.
- F. Notwithstanding E above, sign permits for signs within the Downtown Business zone may be appealed pursuant to the provisions of Chapter 10, Article 5 (Appeals).

Landscaping

14.410 Landscaping of parking areas.

- A. ~~Where off-street parking is required in the CDO,~~ On lots where more than 4 off-street parking spaces are required, there shall be at least one tree in each separate landscaped area and a minimum vegetative cover of at least 50%, at plant maturity, of each landscaped area.
- B. When parking is placed in the structure setback area, the parking shall be landscaped to provide partial screening of the parking area from the right-of-way. Landscaping shall include plantings and berms not exceeding 30 inches in height, except for trees. Landscaping shall include trees placed not less than one tree for each 50 feet of frontage. Tree limbs shall have a clearance of eight feet above sidewalk surface.
- C. Parking lots shall be screened from abutting land uses in accordance with Sections 14.070 (Building placement for new development) and 14.150 (Screens).
- D. Parking lots where more than 4 off-street parking spaces are required shall have landscaped islands at the ends of parking rows ~~to facilitate movement of traffic and to visually break up large areas of parking surface.~~ This does not apply to perimeter parking rows with an adjacent 4-foot buffer of landscaping. At the discretion of the Director, alternative landscaping may be considered for Industrial uses allowed within the Light Industrial and Industrial zones as described in Section 12.000 (Uses permitted by zone).
- E. A minimum of 10% of the space provided for vehicular circulation shall be added as landscaping, which shall be evenly distributed, where practicable, throughout the parking lot. Vehicular circulation includes driveways, driveway easements or parking areas. This subsection shall not apply to single-family, duplex, or tri-plex uses, or redevelopment that does not include a building addition. No parking row shall contain 12 contiguous parking spaces without a curbed planting area. In no case where landscaping is required shall there be less than 300 square feet of landscaping.
- F. The minimum dimensions on any one side of the landscaped area shall be three feet in length and the landscaping shall be protected from vehicular damage by some form of wheel guard. (Ord. 17-10, 2017)

14.420 Multifamily dwellings—Playgrounds.

- A. Except when located within the Downtown Business Zone, any combination of ~~duplexes, tri-plexes, four-plexes, and/or apartments located~~ dwelling units on a single lot, or contiguous lots under common ownership, and having seven or more dwelling units, shall provide within the development a recreation area and suitable playground or recreation equipment. Such recreation areas shall be a minimum of 200 square feet per dwelling unit and no less than 2,000 square feet.

14.425 Landscaping specifications.

Unless otherwise specified, all landscaping required by this article (Landscaping) or other applicable sections of Chapters 10 to 14 shall conform to the following provisions and are subject to the provisions of the Klamath Falls Street Tree Plan where applicable:

- F. New trees shall be chosen from the ~~list of trees approved by the City Manager~~ Approved Tree List in the Klamath Falls Street Tree Plan and shall be a minimum of two-inch caliper size, measured four inches above the ground, except “small trees” that shall be a minimum of one and one-half-inch caliper size, measured four inches above the ground.