

Chapter 12 LAND USE

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Note

* The standards within this chapter are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the community, preserve the taxable values and promote public health, safety and welfare.

Article 1. 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. Zoning designations and their related uses are defined in Chapter 10 and are listed below:

- SF Single-Family Residential
- MD Medium Density Residential
- A Apartment Residential
- NC Neighborhood Commercial
- GC General Commercial
- DB Downtown Business Zone
- MU Mixed Use
- LI Light Industrial
- I Industrial
- PF Public Facility
- SR Special Reserve

USE	SF	MD	A	NC ¹	GC	DB ³	MU	LI	I	PF	SR ⁴
Residential											
Single-Family Dwelling ^{13, 26, 27}	P	P	P	P							C
Duplex ^{13, 26, 27}	P	P	P	P			P				C
Triplex ¹³		C	P	P	p ⁶	p ⁶	P				C
Fourplex ¹³		C	P	P	p ⁶	p ⁶	P				C
Apartment ¹³			P	P	P	p ⁶	P				C
Above Ground Floor Apartment				P	P	P	P				C
Townhouse ⁷		P	P	P			C				C
Manufactured Home ^{8, 13}	P	P	P	P							C
Manufactured Home Park		C	C								C
Family Child Care Home	P	P	P	P	p ⁵	p ⁵	p ⁵				C

USE	SF	MD	A	NC ¹	GC	DB ³	MU	LI	I	PF	SR ⁴
Residential Care Home	P	P	P	P		P ⁶					C
Transitional Housing	C	C	P	P	P						
Accessory											
Accessory Dwelling Unit (ADU) ^{2, 12}	P	P	P	P							
Boat Facilities ¹⁰	P	P	P	P	P		P			P	C
Caretaker Residence ²								C	C	C	
Day Care									C	C	
Fence	P	P	P	P	P	P	P	P	P	P	P
Garage, Carport ¹⁰	P ¹³	P ¹³	P ¹³	P	P		P ⁷	P	P	P	P
Greenhouse (not including retail or wholesale) ¹⁰	P	P	P	P			P				P
Home Occupation ⁹	P	P	P	P	P	P	P				C
Innovative Alternative Energy System	C	C	C	C	C	C	C	C	C	C	C
Minor Antenna ¹⁴	P ¹⁰	P ¹⁰	P	P	P	C	P	P	P	P	P
Playhouse ¹⁰	P	P	P	P			P				P
Signs ¹⁵	P	P	P	P	P	P	P	P	P	P	C
Small Solar Energy System	P	P	P	P	P	P	P	P	P	P	P
Small Wind Energy System	P	P	P	P	P	P	P	P	P	P	P
Storage Shed ¹⁰	P ¹⁷		P ¹⁷	P	P	P ¹⁷	P ¹⁷				
Swimming Pool ¹⁰	P	P	P	P	P		P			P	P
Tennis Court ¹⁰	P	P	P	P	P		P			P	P
Commercial Trade											
Antique Store	C ¹⁸	C ¹⁸	C ¹⁸	P	P	P	P				
Printers/Publishers				P	P	C	C	P	P		
Retail Indoor	C ¹⁸	C ¹⁸	C ¹⁸	P	P	P	P	P ¹⁹			C
Retail Outdoor					P ²⁰	P ²⁰	P				C
Resale/Thrift Store				P	P	C	P				
Vehicle Sales, Service and Rental (automobile, boat, motorcycle, RV)					P	C	C	P	P ¹⁹		

USE	SF	MD	A	NC ¹	GC	DB ³	MU	LI	I	PF	SR ⁴
Wholesale				P	P	C	P	P	P		C
Commercial Services											
Adult Business ²¹				P	P	P	P	C			C
Adult Day Care			C	P	C	P	P			C	C
Athletic Club				P	P	P	P	P	p ²²		C
Auto Repair/Maintenance				P	P	C		P		C	
Auto Service Station				P	P	C	P	P	p ²²		C
Bed & Breakfast ²³	C	C	C	P	P	P	P				C
Business/Professional Office			C	P	P	P	P	P	p ¹⁹		C
Child Care Center	C	C	C	C	P	P	P	P			C
Child Treatment Center	C	C	C	C	C	C ⁶	C				C
Gun Firing Range—Indoor					C			C	C		
Hotel/Motel				P	P	P	P				C
Indoor Recreation				P	P	P	C	C	C	C	C
Medical Office			C	P	P	P	P	C	C ¹⁹		C
Parking Lot				P	P	C	C	P	P	P	C
Personal Services				P	P	P	P				C
Residential Care Facility	C	P	P	P	P	p ⁶	P				C
Restaurant	C ¹⁸	C ¹⁸	C ¹⁸	P	P	P	P	C ²²	C ²²		C
RV Park					C					C	
Telecommunications Facility ¹⁴			C	C	C	C	C	C	C	C	C
Telecommunications Facility Collocation ¹⁴			P	P	P	P	P	P	P	P	P
Veterinary Clinic				P	P	P	P	P	P	P	C
Public											
Cemetery	C	C	C	C	C			C		P	C
Church	C	C	C	C	C	C ⁶	C	C	C	P	C
Community Food Services ²⁸				C	C			C	C ¹⁹	C	
Crematory ²⁴								C	C	P	C

USE	SF	MD	A	NC ¹	GC	DB ³	MU	LI	I	PF	SR ⁴
Government Office			C	C	C	C	C	C	C ¹⁹	P	C
Hospital	C	C	C	C	C		C	C		P	C
Fraternal Lodge	C	C	C	C	C	C	C	C	C	P	C
Mortuary ²⁵				C	C			C	C	P	C
Parks and Recreation Facilities	P	P	P	P	P	P	P			P	C
Public Utilities	C	C	C	C	C	C	C	C	P	P	C
School	C	C	C	C	C	C ⁶	C	C		C	C
Social Services Office				C	C	C	C	C	C ¹⁹	C	
Industrial											
Cleanroom Manufacturing					C		C	P	P		C
Call Center					C	C ⁶	C	P	P		C
Industrial Disassembly							C	P	P		C
Repair/Maintenance							C	P	P		C
Storage/Warehousing							C	P	P		C
Manufacturing/Assembly							C	P	P		C
Light Industrial							C	P	P		C

Notes:

- 1 A business in the Neighborhood Commercial Zone shall occupy 3,000 square feet or less, and in no case shall the total floor area within one structure or group of related structures, treated as a common whole, exceed 18,000 square feet. All nonresidential service, repair, storage or merchandise display performed in conjunction with any use in any Neighborhood Commercial Zone, shall be conducted wholly within an enclosed building, except for the following: off-street parking or loading, drive-up windows and fuel sales and related minor service for motor vehicles.
- 2 Only one unit is permitted per site or per use existing over multiple sites.
- 3 Downtown Business Zone is subject to the provisions of Sections 12.750 to 12.796, Downtown Business Zone Design Review Standards.
- 4 Special Reserve Zone is subject to the provisions of Sections 12.415 to 12.445, Special Reserve Development Standards.
- 5 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.

- 6 The use is allowed in designated zones, provided the use is not located on the first or ground floor on Main Street between 2nd Street and Esplanade.
- 7 Garages, an accessory use, shall be located at the rear of building.
- 8 Manufactured home structures shall conform to the placement standards found in Section 12.015.
- 9 Home occupations shall conform to the standards found in Section 12.020.
- 10 For non-commercial, private use only.
- 11 Intentionally omitted.
- 12 Accessory dwelling units shall conform to the standards found in Section 12.020.
- 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, triplex, and fourplex. Accessory dwelling units and dormitories are excluded from covered parking requirements.
- 14 Minor antennae are subject to the provisions of Sections 14.950 through 14.996, Telecommunications.
- 15 Signs are subject to the provisions of Sections 14.300 to 14.368, Signs.
- 16 Solar energy farms are subject to the provisions of Sections 14.700 to 14.715, Solar, Wind, and Innovative Alternative Energy.
- 17 Portable on-demand storage units (PODS), boxcars, and shipping containers used for storage shall look similar in architecture, siding material, and color to the primary structure and shall be on a permanent foundation.
- 18 Subject to the provisions of Section 12.030, Neighborhood Business Standards.
- 19 Commercial uses shall be accessory or secondary to an industrial or light industrial use and if located on a separate lot, the commercial use shall be located not more than 150 feet from the external boundary of the lot containing such industrial or light industrial use.
- 20 Vendor permit is required if goods or services are supplied within the public right-of-way.
- 21 Adult business uses are subject to Sections 12.490 to 12.496, Adult Business Overlay Zone.
- 22 Commercial uses shall be accessory or secondary to an industrial or light industrial use and if located on a separate lot, is the commercial use shall be located not more than 1,500 feet from the external boundary of the lot containing such industrial or light industrial use.
- 23 Bed and breakfasts shall conform to the standards found in Section 12.025.
- 24 Crematories are allowed in conjunction with permitted cemeteries in Single-family, Medium Density, Apartment, Neighborhood Commercial and General Commercial Zones. Crematories are conditionally permitted without a cemetery use in the Light Industrial and Industrial Zones.

25 Mortuaries are allowed in conjunction with permitted cemeteries in Single-Family, Medium Density, and Apartment Zones. Mortuaries are conditionally permitted without a cemetery use in the Neighborhood Commercial, General Commercial, Light Industrial and Industrial Zones.

26 Single-family and duplex residences are allowed in the General Commercial zone only on properties with frontage on Plum Avenue between S 8th Street and S 9th Street.

27 Single-family and duplex residences are allowed in the Downtown Business zone only on properties between Pine Street and Main Street from Payne Alley to N 3rd Street that do not have frontage on Main Street.

28 Community food services may be conditionally permitted as accessory uses to churches and hospitals. Community food services operating in an accessory capacity and may operate for a maximum of 90 days within any calendar year only in zones where both the primary and accessory uses are permitted.

(Ord. 22-13, 2022; Ord. 22-02, 2022; Ord. 17-10, 2017)

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	20					
Non-Structure Impervious Lot Coverage (%)⁹	25	35	50	75	90	90	90	90	90	90	20

Design Feature	SF	MD	A	NC ^{1, 16}	GC	DB	MU	LI	I	PF	SR
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

Notes:

- 1 Dwellings shall conform to the setbacks of the Apartment Residential Zone.
- 2 Duplexes, triplexes, fourplexes, and townhouses may have a 10-foot front setback when the parking is in the rear of the structure, and the building incorporates additional architectural details, such as a front porch. Setbacks in any residential neighborhood shall remain consistent. If the houses in a particular neighborhood have a 20-foot setback, then the 20-foot setback shall continue to be enforced.
- 3 Townhouses are allowed an interior side yard setback of 0 feet when the side yard is shared by two townhouses.
- 4 Zoning goes to the centerline of the adjacent street(s) right-of-way. In Commercial and Industrial Zones, no setback requirement from residential zones is necessary when a street right-of-way is between the Commercial/Industrial Zone and the Residential Zone.
- 5 In the Neighborhood Commercial, General Commercial, Mixed Use, and Public Facility Zones, for every foot the proposed nonresidential structure exceeds the maximum building height in the residential zone it abuts, one additional foot of setback is required.
- 6 Where permitted, public facilities are allowed a height of 70 feet.
- 7 Vertical clearance is required between two feet six inches and 10 feet zero inches. Under no circumstance shall any structure block a street sign.
- 8 For zones that allow 100% coverage, structures may occupy the entire lot, except that amount necessary to comply with applicable parking and landscaping requirements.
- 9 Pavers and decks less than 30 inches in height shall not count towards lot coverage or non-structure impervious lot coverage. Decks 30 inches and above in height are included in lot coverage calculations.
- 10 Applies to newly created lots.

11 Multifamily units with more than four units shall have an additional 1,000 square feet for each unit over four.

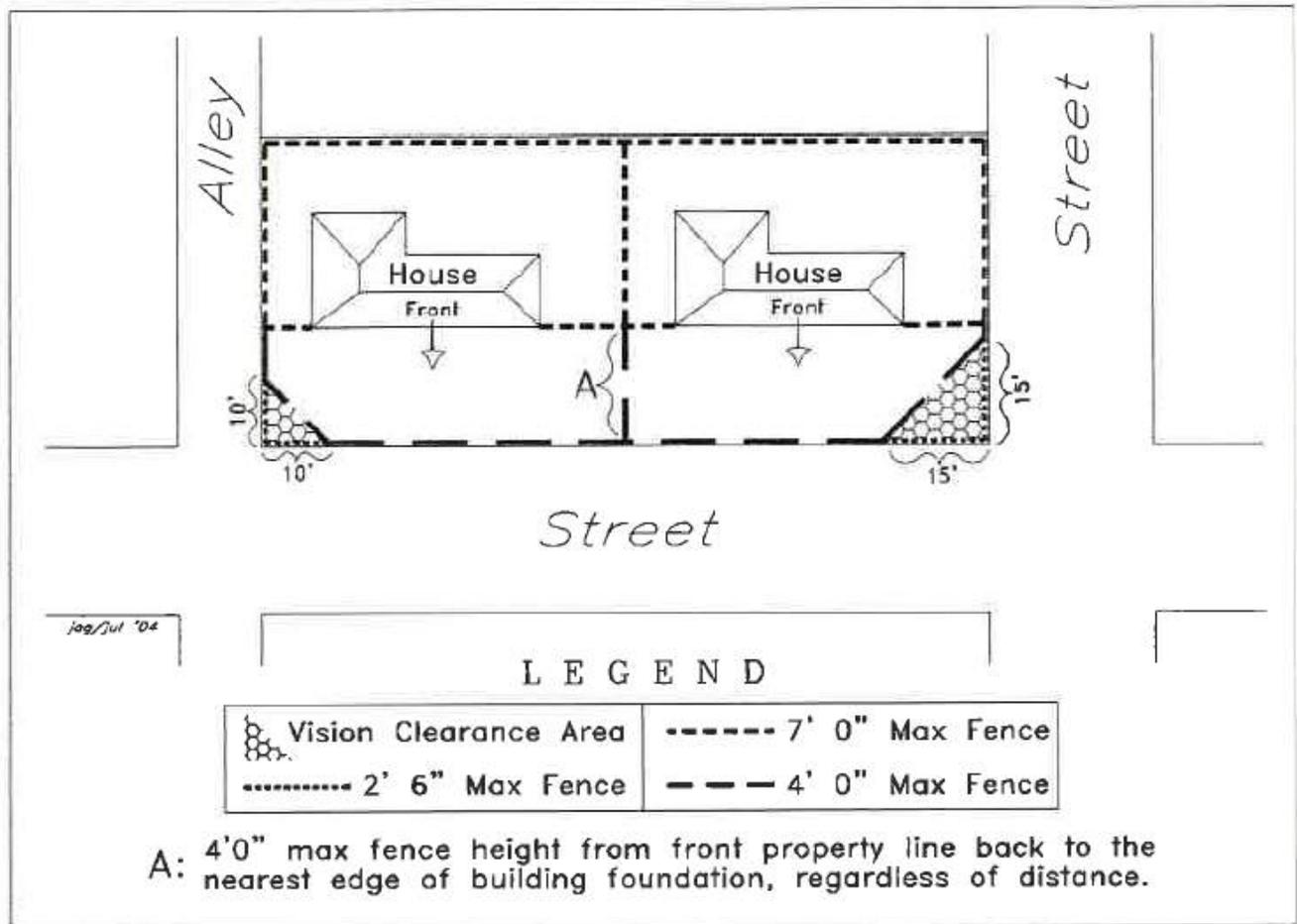
12 Fence type, color and composition shall be compatible with the neighborhood within which it is placed. Fence height shall not exceed three feet six inches from the front property line back to the nearest edge of the building foundation, regardless of distance. All properties must comply with Section 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 When fences are erected for public utilities, they are allowed a height of seven feet.

14 When screening trash and recycling receptacles, fences are allowed a height of seven feet. Trash and recycling receptacles shall be screened to a minimum height of six feet by a sight obscuring fence and conform to the other screening standards found in Section 14.150.

15 For a rear yard, fence height for an exterior side yard abutting a street right-of-way can increase to a height of seven feet starting at the rear corner of the building foundation. For rear and side yards, fence height for an exterior side yard abutting an alley right-of-way can increase to a height of seven feet at the front edge of the building foundation. See below diagram.

16 The front setback for permitted or conditional uses that are not classified as residential or accessory in Section 12.000 is zero.



(Ord. 22-13, 2022; Ord. 22-02, 2022; Ord. 17-10, 2017)

Article 2. General Exceptions

12.010 General yard exceptions.

Exceptions to yard requirements are as follows:

- A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, sunshades, gutters and other similar architectural features may project not more than three feet into the required yard, except that no such feature shall be closer than two feet to a side lot line.
- B. In all residential zones on a lot occupied by a use allowed on April 20, 1981, a carport may be erected in a required side yard provided it is not closer than two feet to a side lot line. The carport shall be open on the side extending into the required side yard except for supporting members and storage space in the rear six feet of the carport.
- C. In all residential zones, a garage or carport may be built on the side property line if it replaces an existing garage which is built up to the side property line providing it is not possible to gain automobile access to the garage with the required setback. The height of the new garage cannot exceed 15 feet or the height of the existing structure, whichever is greater.

D. Sidewalks, driveways and designated off-street parking areas may be constructed within the required setbacks. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.012 General exception to the rear yard requirements.

Accessory structures, which do not exceed a height of 15 feet, may be located not less than three feet from a rear lot line. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.014 Structure height exceptions.

Notwithstanding the provisions of this section, all of the structures or structure parts listed in this section are restricted to height limitations as set forth in Article 18, Airport Safety and Hazard Prevention Overlay Zone. The following types of structures or structural parts are not subject to the structure height limitations of Chapters 10 to 14: tanks, storage bunkers, church spires, monuments, fire and hose towers, transmission towers, chimneys, smokestacks, flagpoles, aerials (roof antennas) and satellite dishes, scenery lofts/fly lofts (theater stage area used to raise and lower set pieces), cooling towers, and gas holders. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 3. Manufactured Home Placement

12.015 Standards.

Manufactured homes are allowed in all residential zones, except in a Historic District or immediately adjacent to a Historic Landmark, provided the following standards are met:

- A. The home shall be a double wide or larger multisection unit;
- B. The home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter with concrete block or a permanent poured material, such that the bottom plate line of the manufactured home is located not more than 12 inches above grade (ground level). Where the building site has a sloped grade, the height of the bottom plate shall be measured on the uphill side of the home;
- C. The home shall have a pitched roof with a nominal slope of at least three feet in height for each 12 feet in width;
- D. The home shall have exterior siding and roofing which in color, material and appearance is comparable or complementary to the predominant materials used on surrounding dwellings as determined by the Director and shall not have reflective metal siding or roofing;
- E. The home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards, which reduces heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS Chapter 455;

F. Evidence demonstrating that the manufactured home meets “Super Good Cents” (ceiling R-38, walls R-19, floors R-33 (requires two by six walls)) energy efficiency standards which are deemed to satisfy the exterior thermal envelope certification requirement;

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;

H. 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. 22-13, 2022; Ord. 22-02, 2022; Ord. 17-10, 2017)

Article 4. Home Occupations

12.020 Standards.

Home occupations are allowed in residential zones, with a valid business license as required in Klamath Falls City Code Chapter 7, Article 1 and based on the following criteria:

A. Other than members of the family which reside within the dwelling, there shall be no more than one full-time equivalent employee, and no more than one outside-of-the-family employee present at any given time engaged in the occupation. If there is an outside-of-the-family employee associated with the home occupation, there shall be one additional parking space provided beyond that required under Section 14.010. Such space shall be paved with asphalt, concrete or similar hard surface;

B. There shall be no on-premises, outside storage of materials, supplies or finished products associated with the occupation;

C. The occupation shall occupy no more than 25% of the ground floor area of the main building, including an attached garage, up to a maximum of 250 square feet or an equivalent amount of area within an accessory structure;

D. No occupation shall be allowed to infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes;

E. There shall be no more than eight client or customer vehicles per day at the home occupation. Clients or customers are permitted at the home occupation from 7:00 a.m. to 7:00 p.m. only;

F. On-site retail sales will not be allowed, except for the sale of items incidental to the occupational use, such as the sale of beauty products from salons, lesson books or sheet music for music teachers or computer software for computer consultants; and

G. Signs not to exceed four square feet are allowed at locations with licensed home occupations as allowed under Section 14.348. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 5. Bed and Breakfast Facilities

12.025 Standards.

Bed and breakfast facilities, when allowed, must be accessory to a residential use and must comply with the following:

- A. The residence is occupied by the owner (e.g., not a manager);
- B. Each rental unit must have one off-street parking space and the owner's unit must have two parking spaces, or the units must comply with the downtown parking provisions in Section 14.012;
- C. Except in commercial zones and the Downtown Business Zone Overlay, only one freestanding or wall mounted, non-illuminated sign of six square feet maximum size is allowed. Except in commercial zones and the Downtown Business Zone Overlay, signs other than wall mounted types shall be located no closer than 10 feet to the front or side lot line. For bed and breakfast facilities located in Commercial Zones or the Downtown Business Zone Overlay, facilities shall comply with the sign provisions in Chapter 14, Article 10;
- D. Room rentals to families or individuals shall not exceed 20 individuals at any one time;
- E. There must be at least 500 square feet of gross interior floor area for each rental unit. The maximum number of potential rental units is determined by dividing the gross interior floor area of the structure by 500 square feet. In no case, however, shall the total number of rental units exceed 10;
- F. All necessary State, County and City permits, certificates or requirements must be obtained as a condition of approval. These may include, but are not limited to, fire safety inspections and certification, County Health Department licensing and building permits; and
- G. The only meal to be provided to guests shall be breakfast and it shall only be served to guests lodging in the facility. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 6. Residential Businesses

12.030 Standards.

All residential businesses shall comply with the provisions of Chapter 11, Article 4 (Conditional Use Permit), all other applicable provisions of Chapters 10 to 14, all minimum State licensing standards specific to the use and the following minimum standards:

- A. All residential business uses shall be located on a corner lot.
- B. Residential business uses shall only be allowed in Single-Family Residential, Medium Density Residential, and Apartment Residential Zones. Each of the following uses are allowed as residential business uses:

1. Boutique retail.
2. Convenience store.
3. Restaurant.

C. None of the residential business uses shall be closer than 3,000 feet to a like residential business use. This subsection shall not apply when major physical barriers, such as major arterial streets, State highway right-of-way, railroad right-of-way, or U.S. Bureau of Reclamation right-of-way, are between like residential business uses.

D. No residential business use shall be within 500 feet of a Neighborhood Commercial, General Commercial, and/or Mixed-Use Zones.

E. Notwithstanding the parking requirements in Sections 14.005 to 14.047 and in addition to the required residential off-street parking spaces, each residential business shall have the following minimum number of off-street parking spaces:

1. Boutique retail shall have a minimum of two off-street parking spaces.
2. Convenience stores shall have a minimum of four off-street parking spaces.
3. Restaurants shall have a minimum of five off-street parking spaces.

F. Each residential business shall have no more than 50% of the front yard paved with asphalt or concrete.

G. No residential business shall be allowed a drive-through window.

H. Each residential business shall have a minimum of 15% of the property landscaped.

I. No residential business shall be allowed a freestanding sign.

J. No sign shall have backlighting.

K. Wall mounted signs shall not exceed 12 square feet in size.

L. If new construction or remodeled, building architecture shall be similar to the neighborhood and compatible with adjacent residences. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.035 Procedure.

A conditional use permit for a residential business use shall require a public hearing by the Commission following the procedures set forth in Chapter 10, Article 8 (Rules of Procedure for the Conduct of Hearings). (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 7. 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 allow shipping containers to be used as a primary structure in the Neighborhood Commercial and General Commercial Zones 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 match the primary structure. 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. 22-13, 2022; Ord. 22-02, 2022; Ord. 17-10, 2017)

Article 8. Accessory Dwelling Units (ADUs)

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 comply with maximum lot coverage and minimum setback requirements applicable to the parcel containing the primary dwelling unit as set forth in Sections 12.005 and 12.010. Lot coverage calculations are determined by adding the lot coverage of the ADU, the single-family dwelling structure, and any other structures.
- C. 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.
- D. Only one ADU shall be allowed per property.
- E. An ADU shall have an entrance separate from the primary dwelling unit.
- F. 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.
- G. An ADU shall share the same sewage disposal and water supply systems as the single-family dwelling structure. (Ord. 22-13, 2022; Ord. 22-02, 2022; Ord. 17-10, 2017)

Article 9. Manufactured Dwelling Parks

12.100 Purpose.

The purpose of this article is to: (1) encourage the most appropriate use of land for manufactured dwelling park purposes; (2) establish minimum design standards which will assist in the creation of a pleasing appearance and living environment for both the occupant and the general public; (3) provide sufficient open space for light, air and recreation purposes; (4) provide adequate access and parking for manufactured dwelling sites; (5) provide adequate utility service, including sanitary sewer, storm drainage, and water; (6) assure that acceptable traffic circulation is maintained; and (7) promote the public health, safety and general welfare of the City. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.105 Conditional use permit required.

No manufactured dwelling park shall be developed, enlarged or otherwise modified without first obtaining a conditional use permit as required herein. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.110 Manufactured dwelling park uses.

For uses other than manufactured dwellings spaces, the specific land use proposed within the manufactured dwelling park must be approved as part of the conditional use permit process as provided in Chapter 11, Article 4 (Conditional Use Permit) and be accessory to the primary use. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.120 Preliminary site plans.

In addition to the standard application requirements of a conditional use permit, the application for a manufactured dwelling park shall be submitted with the following information:

- A. A legal description of the area to be occupied by the manufactured dwelling park;
- B. Boundaries and dimensions of the manufactured dwelling park and all existing property lines within the boundary of the manufactured dwelling park;
- C. Location and dimension of manufactured dwelling spaces;
- D. Location and width of access streets, any proposed emergency access, and overall neighborhood circulation plan with an explanation of how traffic circulation through the area will be maintained;
- E. Location and width of private walkways and public sidewalks;
- F. Location of recreational areas and buildings including details of recreational area development;
- G. Location of utility connections for the manufactured dwelling park;

H. A space detail plan of a manufactured dwelling space, at a scale of 1" = 10', showing location of dwelling, patio, enclosed storage space, parking, sidewalk, typical landscape plan, and utility connections. A typical detail plan shall be provided for each shape of space proposed;

I. A landscape plan for all common areas including the location, type, and size of landscape plant materials and indication of the type of irrigation system. The irrigation system shall specify the model number and location of an approved backflow prevention device;

J. Location of any intended future expansion; and

K. An indication as to whether the site is located adjacent to or includes a floodplain. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.125 Final plans.

Prior to issuance of a development permit for a manufactured dwelling park, the applicant shall submit to the Planning Division detailed plans and construction drawings in compliance with the approval of the preliminary plans. The final plans shall show the following:

A. All access points including emergency access;

B. Utility and storm drainage plans;

C. Street and sidewalk construction;

D. Recreational area improvements; and

E. A landscape plan with location, type, and size of plant materials, indication of type of irrigation system, and location and model number of an approved backflow prevention device.

The Division shall issue a development permit for the manufactured dwelling park if the final plans and construction drawings, as submitted, conform to the approved preliminary plans and the conditions of approval. If the final plans and construction drawings do not conform to the approved preliminary plans and the conditions of approval, or substantial revisions are proposed, the applicant must submit a new application. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.130 Site requirements for new manufactured dwelling parks, expansion or major modification of existing manufactured dwelling or mobile home park.

The following shall be the minimum site requirements for new manufactured dwelling park, for the expansion of a manufactured dwelling park or a modification of an existing manufactured dwelling park or mobile home park that affects 10% or more of the number of spaces or linear feet internal street system.

A. The manufactured dwelling park shall have a minimum frontage of 200 feet, a minimum depth of 300 feet.

- B. Each manufactured dwelling space shall be served by public facilities including, but not necessarily limited to, water supply, surface water drainage, sewers, sidewalks and improved access ways in conformance with the City of Klamath Falls Engineering Standards. Each manufactured dwelling space shall be provided with a water, sewer and electrical connection. All utilities shall run underground.
- C. The manufactured dwelling park density shall be within the density range permitted within the underlying zone.
- D. Each manufactured dwelling space shall front along a private street. The private street shall have one of the following minimum paved widths: 20 feet without on-street parking; 30 feet with on-street parking on one side of the street; or 34 feet with on-street parking on both sides of the street. All private streets within the project shall have a standard six-inch curb or an inverted crown per Engineering Standards. All street corners shall have a minimum radius of 20 feet.
- E. A minimum of two off-street parking spaces shall be provided for each manufactured dwelling space, as follows: (1) one off-street parking space shall be provided on each manufactured dwelling space within a covered carport or garage; and (2) one parking space may be provided either within the manufactured dwelling space or on the street. Additional visitor parking shall be provided in the manufactured dwelling park at a ratio of one parking space per five manufactured dwelling spaces. Additional visitor parking may be provided within the manufactured dwelling spaces, on the street, or within a "visitor" parking lot provided within the manufactured dwelling park. All parking spaces shall be paved with asphalt, concrete or similar material.
- F. A minimum four-foot-wide paved pedestrian path shall be constructed on at least one side of all streets within the manufactured dwelling park and connected to any adjoining sidewalk outside of the manufactured dwelling park.
- G. In manufactured dwelling parks with 40 or more manufactured dwelling spaces, the internal private streets shall be designed to accommodate a school bus for loading and unloading within the manufactured dwelling park; or an area outside of the travel lanes on the adjacent public street must be made available to allow school bus loading and unloading.
- H. In manufactured dwelling parks with 40 or more spaces, each access way within the manufactured dwelling park shall have signs showing a clear outlay of the park with numbering of the spaces, location of the office, location of any fire hydrants, and the names of the vehicular ways. A map of the named vehicular ways shall be provided to the City.
- I. Each manufactured dwelling space shall be connected to the private street on which it fronts by a paved pedestrian path not less than four feet wide.
- J. A six-foot-tall sight-obscuring fence or wall, with no openings other than required entrances, shall be constructed surrounding the manufactured dwelling park. The fence or wall shall be set back at least five feet from the property line of any adjoining exterior street(s). The five-foot setback area shall be landscaped to screen the property. Fences and walls shall be maintained in good, safe and attractive condition by the operator of the manufactured dwelling park.

- K. When the manufactured dwelling spaces back up to an adjoining public street, the minimum setback along the property line abutting the street shall be at least 10 feet.
- L. When the manufactured dwelling spaces front onto a private street within the manufactured dwelling park, the minimum front yard setback shall be 10 feet.
- M. All landscaping shall be consistent with Chapter 14, Article 13 (Landscaping).
- N. All storage in a manufactured dwelling space shall be in an enclosed building or structure with flooring, except for automobiles, campers, travel trailers, trailered items, or motor homes.
- O. Common storage areas for recreational vehicles, including boats, campers, and other wheeled vehicles, and trailered items, shall not be visible from any public street adjoining the manufactured dwelling park.
- P. Common outdoor recreational areas shall be provided, in the amount of 2,500 square feet or 150 square feet per manufactured dwelling space, whichever is greater. The recreational areas shall be conveniently located and easily accessible from all parts of the manufactured dwelling park. The recreational areas shall include improvements to satisfy the recreational needs of the various age groups and shall be subject to approval by the Director. No portion of the required recreational areas may be used as storm water detention areas. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.135 Manufactured dwelling space requirements.

In addition to the requirements in Section 12.130, the following shall be the minimum manufactured dwelling space requirements for new manufactured dwelling parks or for the area of an expansion of a manufactured dwelling park or a modification of an existing manufactured dwelling park or mobile home park that affects 10% or more of the number of spaces or linear feet internal street system:

- A. The minimum manufactured dwelling space width shall be 40 feet.
- B. The minimum separation between manufactured dwellings shall be 10 feet.
- C. When a double carport is used to serve two adjacent manufactured dwellings, a minimum of a three-foot separation shall be provided between the carport and manufactured dwelling. In lieu of the three-foot separation, a one-hour fire separation may be provided through the center of the carport serving adjacent mobile home or manufactured dwellings.
- D. When a double garage is used to serve two adjacent mobile homes or manufactured dwellings, a minimum six-foot separation shall be provided between the carport and any adjacent structure, mobile home or manufactured dwelling, or accessory structure. If a one-hour fire separation is provided through the center of the garage serving adjacent mobile home or manufactured dwellings the minimum separation distance may be reduced to three feet.
- E. Manufactured dwellings shall not be located closer than five feet from a perimeter fence or wall. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.140 Placement of manufactured dwellings in manufactured dwelling park.

A residential review application shall be submitted and reviewed in accordance with Chapter 11, Article 1 (Residential Review) prior to the placement of any manufactured dwelling; the construction of additions to any manufactured dwelling; and the construction of storage sheds, garages, greenhouses, and carports within an approved manufactured dwelling park. Only units meeting the definition for either mobile homes or manufactured dwellings set forth in ORS 446.003 shall be permitted within a manufactured dwelling park. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.145 General regulations.

Permanent accessory additions built onto or becoming a part of any manufactured dwelling in any manufactured dwelling park shall be limited to the following:

- A. Skirting;
- B. Cabanas, patios, awnings, carports, garages, or porches; and
- C. Enclosure for storage purposes, not to exceed 10% of the square foot area of the dwelling. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 10. Recreational Vehicle Parks

12.200 Standards.

All recreational vehicle parks shall comply with the provisions of Sections 11.050 to 11.090 and all other applicable provisions of Chapters 10 to 14, all minimum State standards, including ORS 197.492 and 197.493, and the following minimum standards:

- A. The space provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common area, such as access ways, general use structures, walkways, parking spaces for vehicles and landscaped areas.
- B. Access ways shall be not less than 30 feet in width if parking is permitted on the margin of the access way or less than 20 feet in width if parking is not permitted on the edge of the access way. Such access ways shall be paved with asphalt, concrete or similar impervious surface in accordance with the applicable provisions of Chapters 10 to 14 and designed to provide for all maneuvering and parking of recreational vehicles without encroaching on a public street.

- C. A space provided for a recreational vehicle shall be paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved, provided the area is landscaped or otherwise treated to prevent dust or mud.
- D. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- E. A recreational vehicle space shall be provided with 110 and 220 Volt electrical service. All utilities shall run underground.
- F. Trash receptacles for the disposal of solid waste materials and recycle receptacles shall be provided in convenient locations for the use of guests of the park. Such receptacles shall provide a total of one cubic yards of disposal space for every five recreational vehicle spaces.
- G. Unless the recreational vehicle is connected to water, sewer, and electrical services, no recreational vehicle shall remain in the park for more than 30 days in any 60-day period.
- H. The total number of parking spaces in the park, excluding the parking provided for the exclusive use of the manager or employees of the park and the recreational vehicle spaces itself, shall be equal to one space per recreational vehicle space. Parking spaces shall be paved with asphalt, concrete or similar material.
- I. The park shall provide toilets, lavatories and showers for each sex in the following ratios: one toilet, one urinal, one sink and one shower for men for each five recreational vehicle spaces; and two toilets, one sink and one shower for women for each five recreational vehicle spaces. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings or if in the same building, shall be separated by a soundproof wall.
- J. Buildings required by this section shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drainage to permit easy cleaning.
- K. Exterior pedestrian paths shall be adequately lighted at night.
- L. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the occupants, guests or management of the park.
- M. Evidence shall be provided that the park has obtained a certificate of sanitation as required by the Oregon Revised Statutes and other applicable local and State laws. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 11. Gated Communities

12.300 Standards.

All gated communities shall comply with all applicable provisions of Chapters 10 to 14, and the following minimum standards:

- A. To preserve connectivity and continuity all gated communities shall conform to the Transportation System Plan.
- B. All streets within a gated community shall be privately owned and maintained by a private property owner, a group of owners or a property owners association. The City will not be responsible for street construction or maintenance within the boundaries of a gated community.
- C. Services for water, wastewater, and stormwater shall be privately owned and maintained within the boundaries of a gated community. The City will not be responsible for installing or maintaining any of these utilities.
- D. Meet fire code for access and streets.
- E. All fences placed along public roadway frontage of a gated community shall be set back a minimum of 10 feet from adjacent property lines. The area between the fence and the property line shall be landscaped in accordance with Chapter 14, Article 13 (Landscaping). Gated communities shall comply with all other fence and screening provisions of Chapter 14, Article 5 (Fences and Screening).
- F. To provide space for vehicle queuing and stacking, gates located at the vehicular access points shall be placed at least 50 feet from any public street or right-of-way.
- G. A minimum of 1,000 square feet of open space which meets or exceeds the landscaping requirements of Chapter 14, Article 13 (Landscaping) shall be provided between the gates of the vehicular access points and any public street or right-of-way. This area shall not be fenced and shall be accessible to the public. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 12. Planned Unit Development (PUD)

12.360 Purpose.

The purpose of the Planned Unit Development Zone is to provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large-scale, community planning. The Planned Unit Development Zone serves to encourage developing as one project tracts of land that are sufficiently large enough to allow a site design for a group of structures and uses. Furthermore, the planned unit development provides the flexibility necessary to facilitate the desired mixing of residential, commercial and industrial uses in accordance with appropriate development and use standards. It should either promote a harmonious variety or grouping of uses, or utilize the economy of shared services, to take into account the following:

- A. Advances in technology and design;
- B. Recognition and resolution of problems created by increasing population density;
- C. Creation of a comprehensive development, superior to that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, transportation facilities, offstreet parking areas and other facilities;
- D. Maximizing the development potential of sites characterized by special features of geography, topography and shape; and
- E. Compatibility with the surrounding environment. The height and bulk characteristics of buildings may vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located. This zone is designed to combine various types of land uses, such as single-family residential developments, multiple housing developments, professional and administrative areas, commercial centers, industrial parks, public facilities, through the adoption of a development plan and text materials which set forth land use relationships and development standards. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.365 Principal uses permitted.

The following uses are permitted in a Planned Unit Development Zone:

- A. Those uses designated on the development plan for the particular Planned Unit Development Zone as approved by the Council; and
- B. Existing land uses, which existed on the property prior to the adoption of the final planned unit development plan, shall either be incorporated as part of the plan or shall terminate in accordance with a specific abatement schedule approved as part of the plan. Existing land uses which are prohibited by any provisions of Chapters 10 to 14 shall be terminated prior to approval of the final planned unit development plan. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.370 General requirements.

The following provisions shall apply to all planned unit developments:

- A. To develop a planned unit development, an applicant must obtain the following approvals: conceptual PUD plan pursuant to Sections 12.372 to 12.378; final PUD plan pursuant to Sections 12.380 to 12.383; design review pursuant to Section 12.390; and land divisions pursuant to Section 12.395.
- B. Within two years after approval of a conceptual PUD plan, the final PUD plan shall be approved in accordance with Sections 12.380 and 12.383.
- C. If desired by the developer, the following uses shall be considered a conditional use in any district in which they are allowed:
 - 1. Public facility.
 - 2. Telecommunication facility, Chapter 14, Article 18 (Telecommunications). (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.372 Conceptual PUD plan application requirements.

An application for a conceptual PUD plan shall be made and processed in accordance with the procedural provisions of Chapter 11, Article 7 (Change of Zone). The approval criteria for the conceptual PUD plan are set forth in Section 12.378. In addition to the requirements of Chapter 11, Article 7 (Change of Zone), the conceptual PUD plan application, in formats approved by the Director, shall include drawings, plans, reports, schedules, development standards and such other documents deemed necessary by the Director:

- A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all persons whose consent is necessary and their interest in the premises issued not more than 30 days prior to submission of the application.
- B. A written statement of development standards within the conceptual PUD plan for all proposed land use designations. Standards shall include permitted uses, lot coverage, lot sizes, structure setbacks, structure heights, and structure sizes.
- C. A general land use map demonstrating: the locations of the proposed land use designations within the subject property and the approximate acreage of each; and the existing uses of the surrounding properties.
- D. A topographic map of the property and conceptual grading and erosion control plans meeting the planning level review requirements of the Public Works Engineering Standards.
- E. The type and character of structures and the number of dwelling units per acre proposed for residential development in each residential district.
- F. A map showing the general location of all proposed public facility sites and the approximate area of each.

G. A preliminary report, overall plan and map describing the proposed access and circulation patterns, including vehicle, bicycle, pedestrian and transit, if applicable. The preliminary report shall include the general location of State highways, major arterials, major collectors, and minor collectors and shall address all applicable sections of the Transportation Planning Rule (OAR 660-012-0000).

H. A preliminary report, overall plan and map meeting the planning level review requirements of the Public Works Engineering Standards and describing the proposed provisions for storm and other drainage, sewage disposal, water supply and such other public improvements and utilities.

I. A map showing the phases, if development is to be in phases, and a schedule of the proposed order of the development of each phase. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.375 Decision of Council.

Council shall review the conceptual PUD plan and approve, conditionally approve, disapprove or refer it back to the Commission for further study and recommendation. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.378 Criteria of approval for conceptual PUD plan.

The following criteria shall be considered and incorporated into the findings and decision for the conceptual PUD plan:

A. The land proposed for a PUD shall contain a minimum of five acres of land area unless the City Council finds that the property is otherwise suitable due to its unique location, character, topography or other natural features, and is of sufficient size to be planned and developed in a manner consistent with the intent of this section.

B. Development of remaining contiguous property under the same ownership can be accomplished as provided in Chapters 10 to 14.

C. For connectivity with adjoining land under separate ownership, Council may require access through the proposed PUD that will allow the development of the adjoining land in accordance with the Comprehensive Plan and Chapters 10 to 14.

D. The conceptual PUD plan complies with applicable portions of the Comprehensive Plan, Chapters 10 to 14, State and Federal laws.

E. The conceptual PUD plan results in a superior development than what would have resulted from following the base development standards of the applicable zoning district, as provided in Chapter 12. The proposal should balance the following interests: for the developer, flexible development standards, maximum land utilization and alternate ownership options; for the community, greater preservation of natural features and natural resources, greater proportions of useable open space and recreation facilities.

F. Potential impacts to adjoining properties have been adequately mitigated through site design and proposed development conditions.

G. All privately-owned utilities, access ways, open space and recreation areas shall be owned and maintained by a homeowner's association or other acceptable private legal entity with the responsibility for and capability of adequate maintenance and care of such facilities, to the satisfaction of the City Attorney and City Engineer.

H. The applicant has demonstrated the ability to finance the project through final completion. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.380 Final PUD plan submittal requirements.

The final PUD plan shall be submitted within three years of the adoption of the conceptual PUD plan and approved within four years of the adoption of the conceptual PUD plan. All development proposed in the final planned unit development shall comply with the conceptual PUD plan as approved and adopted by the Council. An application for a final PUD plan shall be made and processed in accordance with the procedural provisions of Chapter 11, Article 7 (Change of Zone). The approval criteria for the final PUD plan are set forth in Section 12.383. In addition to the requirements of Chapter 11, Article 7 (Change of Zone), the final PUD plan application, in formats approved by the Director, shall include drawings, plans, reports, schedules, development standards and such other documents deemed necessary by the Director. The final PUD plan shall consist of drawings, plans, reports, schedules and development standards outlining the following information:

- A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all persons whose consent is necessary and their interest in the premises issued not more than 30 days prior to submission of the application.
- B. A written statement of development and design standards within the final PUD plan for all proposed land use designations. The standards shall define the permitted uses and shall contain information concerning requirements for building site coverage, setbacks, building and structure heights, building line designations, off-street parking, vehicular access, signing, lighting, storage, screening and landscaping and any other standard pertinent to the development.
- C. A general land use map demonstrating: the locations of the proposed land use designations within the subject property and the approximate acreage of each; and the existing uses of the surrounding properties. The map shall show the phases, if development is to be in phases, and a schedule of the proposed order of the development of each phase shall be included.
- D. A topographic map of the property and conceptual grading and erosion control plans meeting the requirements of the Public Works Engineering Standards.
- E. A map showing the general location of all proposed public facility sites and the approximate area of each. A report, overall plan and map meeting the requirements of the Public Works Engineering Standards and describing the proposed provisions for storm and other drainage, sewage disposal, water supply and such other public improvements and utilities.

- F. A final report, overall plan and map describing the proposed access and circulation patterns, including vehicle, bicycle, pedestrian and transit, if applicable. The report shall include the general location of State highways, major arterials, major collectors, and minor collectors and shall address all applicable sections of the Transportation Planning Rule (OAR 660-012-0000).
- G. Schematic drawing showing the type, prospective location and general bulk of all intended structures.
- H. Schematic drawing showing type, location and expected gross land areas of all districts.
- I. For all residential units, residential unit size and number of units for all buildings.
- J. Stipulations for improvement, continuing maintenance and management of any private streets, private ways or common open space not intended to be dedicated for public use.
- K. Certification blocks for the Director, owner(s) and developer(s) signatures.
- L. A legal description of the property prepared and signed by a registered land surveyor with seal affixed. If the property is part of a recorded plat, a reference to the plat may be used.
- M. The final PUD plan shall be submitted electronically and on one or more sheets of paper measuring 18 inches by 24 inches in size or a two-inch multiple, but in no case shall the plan exceed 42 inches in width at a scale of one inch equals 100 feet. The scale may be decreased but shall be done so in multiples of 10. The plan shall contain a date, a directional indicator and a written and graphic scale. Written materials may be incorporated within the final PUD plan or may be submitted in bound volumes measuring eight and one-half inches by 11 inches in size. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.383 Criteria of approval for final PUD plan.

The following criteria shall be considered and incorporated into the findings and decision for the final PUD plan:

- A. The land proposed for a PUD shall contain a minimum of five acres of land area unless the City Council finds that the property is otherwise suitable due to its unique location, character, topography or other natural features, and is of sufficient size to be planned and developed in a manner consistent with the intent of this section.
- B. Development of remaining contiguous property under the same ownership can be accomplished as provided in Chapters 10 to 14.
- C. For connectivity with adjoining land under separate ownership, Council may require access through the proposed PUD that will allow the development of the adjoining land in accordance with the Comprehensive Plan and Chapters 10 to 14.
- D. Multi-use paths are incorporated into the planned unit development plans.
- E. The final PUD plan complies with applicable portions of the Comprehensive Plan, Chapters 10 to 14 and State and Federal laws.

F. The final PUD plan results in a superior development than what would have resulted from following the base development standards of the applicable zoning district, as provided in Chapter 12. The proposal should balance the following interests: for the developer, flexible development standards, maximum land utilization and alternate ownership options; for the community, greater preservation of natural features and natural resources, greater proportions of useable open space and recreation facilities.

G. Potential impacts to adjoining properties have been adequately mitigated through site design and proposed development conditions.

H. All privately-owned utilities, access ways, open space and recreation areas shall be owned and maintained by a homeowner's association or other acceptable private legal entity with the responsibility for and capability of adequate maintenance and care of such facilities, to the satisfaction of the City Attorney and City Engineer.

I. The applicant has demonstrated the ability to finance the project through final completion.

J. The final PUD plan shall include designation of common open space. Common open space, either dedicated to the public or privately maintained, within a PUD must meet the following requirements:

1. The location, shape, size and character of the common open space are suitable for public use;
2. The common open space is intended for recreational purposes or provides an amenity such as wildlife and scenic viewing opportunities, and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings provided;
3. Common open space will be suitably improved for its intended use, except that common open space containing natural features, deemed suitable by Council for preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space must be appropriate to the uses, which are authorized for the common space;
4. The development schedule, which is part of the development plan, coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the PUD; and
5. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the improvements will be completed. The City shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

K. The final PUD plan shall state how the common open space shall be maintained using one of the following options:

1. Conveyance to a public agency which agrees to maintain the common open space and buildings, structures or other improvements.

2. Conveyance to a nonprofit corporation of owners, created as under the laws of Oregon, which shall be formed and continued for the purpose of maintaining the common open space. The corporation shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to Council to provide for the continuing care of the space. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.385 Amendments.

Any proposed amendment to an adopted final PUD plan shall be accomplished by following the procedures and meeting the criteria of Chapter 11, Article 7 (Change of Zone), Section 12.380 (Final PUD plan submittal requirements), and Section 12.383 (Criteria of approval for final PUD plan). (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.390 Improvements.

Prior to any improvements as shown within the final PUD plan as approved, a design review shall be conducted in accordance with Chapter 11, Article 3 (Design Review). (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.395 Land divisions.

Prior to any land divisions within an approved PUD, a partition or subdivision shall be conducted in accordance with Chapter 11, Article 10 (Land Partitioning) or Chapter 11, Articles 12 and 13 (Tentative Subdivision Plan and Final Subdivision Plats). (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 13. Special Reserve Development Standards

12.410 Purpose.

It is the purpose of the Special Reserve Zone to: (1) maintain the integrity of the natural resources of the City; (2) preclude incurring extraordinary public expense for the protection of persons and property resulting from inappropriate or poorly-sited development; (3) permit compatible land uses in such areas; (4) require specific review and approval of those uses appropriately planned and sited; and (5) prohibit those uses which are incompatible with the purposes of the Special Reserve Zone. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.415 Conditions of allowing uses.

A conditional use may be approved by the Director subject to the procedures and criteria in Chapter 11, Article 4 (Conditional Use Permit), and in conformance with any reasonable, clear and objective conditions imposed to ensure compliance with the requirements contained in Section 12.445. Such conditions may require among other matters, limiting the size, kind or character of the proposed work; constructing additional structures; replacing vegetation; establishing required monitoring procedures; conducting the work over a period of time; altering the site design to ensure buffering or conveying to the City or other public entity certain lands or interests therein. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.445 Development standards.

In addition to the approval criteria in Section 11.105 and conditions of approval in Section 11.110, the following development standards apply in the Special Reserve Zone:

- A. Without the approval of the Public Works Director, no part of any sewage disposal system, other than a connection to the City system, shall be located or installed closer than 100 feet from the mean yearly high-water mark of a water body or watercourse.
- B. No development shall be allowed which may result in unusually high maintenance costs of streets and parking areas, or the breaking and leaking of utility or sewage lines, due to soil limitations, slope stability, shrink-swell potential or other similar conditions.
- C. Development shall be permitted only in such a manner that the maximum number of trees shall be preserved. No trees may be cut except those occupying the actual physical space in which a structure is to be placed or erected. Development shall be conducted in such a manner that the understory and duff (the surface layer of a forest floor, consisting of partly decomposed leaves and twigs) are preserved and in no event shall the development reduce the existing crown cover more than 50%. Prior to the granting of site approval, it shall be the duty of the developer to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site. If trees are cut, the developer shall restore the density of trees to that which existed before development, utilizing nursery stock of a size and type acceptable to the Director as suitable for the purpose, but in no case shall the developer be compelled to raise the density above 50 trees per acre.
- D. Development, including grading and contouring, shall take place in such a manner that the aeration of the tree root zone and the stability of existing trees shall remain substantially the same. Development shall also provide existing trees with a natural watering area equal to the dripline of the mature crown.
- E. To the best of its ability, development shall leave the existing state of historical, educational, recreational, scientific or aesthetic value of natural areas and unique plant and animal species and shall leave the supporting environments necessary for food supply and the reproductive cycle of the species.
- F. Development shall meet the requirements of the Public Works Engineering Design Standards for design of a storm water drainage system.
- G. Notwithstanding subsection C, accepted silviculture practices may be employed in order to maintain trees in a healthy manner and free of fire hazard. Any program to log or thin trees or brush shall be subject to a conditional use permit by the Director. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 14. Adult Business Overlay Zone

12.490 Applicability.

The Adult Overlay Zone applies to any adult business (a business restricting access to an activity restricted by age, including restricting those under 21 years old), and establishes an overlay area where adult businesses are not permitted, notwithstanding any other provision of CDO Chapters 10 to 14. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.491 Adult Business Overlay Zone location.

A property is subject to the Adult Business Overlay Zone when the following conditions exist:

A. The adult business is located within 200 feet from any residential zone (measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of property in the residential zone); or

B. The adult business is located within 500 feet from any of the following facilities (measured in a straight line from the closest property line on which the adult business is located to the closest edge of the property line on which the facility is located):

1. A public or private school with an average weekday attendance (during any continuous three-month period during the preceding 12 months) of more than 50 children who are under 18 years of age.
2. A public park which covers an area of more than 20,000 square feet and has recreational facilities such as a playground, baseball field, football field, soccer field, tennis court, basketball court or volleyball court. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.492 Adult business restrictions.

A. Adult businesses may be conducted in any zone when the proposed uses are allowed under the restrictions of the base zone. However, no adult business is allowed in the Adult Business Overlay Zone, except as provided in subsection B.

B. Restaurant Exception to Adult Overlay Zone. Where an adult business contains restaurant accommodations that are not restricted at any time by age and the restaurant accommodations have floor area equal to or greater in size than the portion of the premises where any persons are prohibited by their age, the adult business may be permitted within the Adult Business Overlay Zone, subject to the design review procedures and standards of Chapter 11, Article 3 (Design Review) and all applicable requirements of Chapters 10 to 14. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.496 Nonconforming uses.

An adult business, existing on March 4, 1996, located within an Adult Business Overlay Zone is a nonconforming use and shall be governed by the provisions of Article 20 (Nonconforming Uses and Structures) of this chapter. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 15. Geothermal Overlay Zone

12.500 Purpose.

The purpose of the Geothermal Overlay Zone is to supply the prudent conservation and management of the City's geothermal resources, in such a manner as to be environmentally sound and economically beneficial for the community. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.505 Geothermal Overlay Zone boundary.

The provisions of this article (Geothermal Overlay Zone), shall apply to all land within the City limits. All land annexed to the City shall concurrently be included in the Geothermal Overlay Zone. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.510 Principal uses permitted.

All uses permitted outright in the base zone are permitted without further restriction by the Geothermal Overlay Zone. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.515 Conditional uses permitted.

When a proposed use is directly and primarily related to and dependent on a specific utilization of geothermal resources or thermal ground water, and the use is not otherwise conditionally permitted in the base zone, then such use may be conditionally permitted. Such conditional uses shall be processed in accordance with Chapter 11, Article 4 (Conditional Use Permit), except that the Council shall act in place of the Director and only after receiving a recommendation from the Commission. The Commission and the Council shall each conduct and provide notice for a public hearing in accordance with Sections 10.605 to 10.615 (Notification Requirements). (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.520 Accessory uses permitted.

All accessory uses permitted in the base zone, and such other uses as may be determined by the Council to be directly accessory to geothermal resource or thermal ground water utilization, are permitted. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.525 Criteria for allowing conditional uses.

In addition to the criteria in Section 11.105 (Required findings), conditional uses under Section 12.515 shall be allowed only after the Council finds the following criteria are met:

A. The proposed use is consistent with the City Code Chapter 8, Articles 4 through 6 (Geothermal Wells); and

B. The proposed use will not be materially injurious to surrounding properties. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.530 Conditional use siting requirements.

Under a conditional use permitted under Section 12.515, the Council shall establish minimum lot size, minimum setbacks, lot coverage limitations and structure height limitations for each proposed use during proceedings under Chapter 11, Article 4 (Conditional Use Permit), based upon requirements for similar uses in Chapters 10 to 14. All conditional uses permitted under this article shall conform to the provisions of Chapter 14. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.535 Combined hearings.

Any other hearing required by Chapters 10 to 14 may be combined with the hearings required under this article. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.540 City geothermal heating service exempted.

The City geothermal heating service or an equivalent thermal ground water heating service and all land uses conducted by it, shall be exempt from the provisions of this article. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 16. Hazard Overlay Zone

12.541 Purpose.

The purpose of the Hazard Overlay Zone is to minimize the potential for loss of life and damage to or destruction of property in sloped areas where severe soil erosion, slumping or sliding may occur. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.542 Zone boundaries.

The provisions of this article (Hazard Overlay Zone), shall apply to all areas of special hazards, as identified by the nonbuildable lands inventory map in the Comprehensive Plan. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.543 Compliance.

No structure shall be constructed, located, extended, or altered and no land shall be developed within a Hazard Overlay Zone without full compliance with this article and all applicable provisions of Chapters 10 to 14 and all other applicable laws and ordinances. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.544 Uses permitted.

All uses permitted in the base zone are permitted without further restriction by the Hazard Overlay Zone, except that all such uses must be approved by the Director pursuant to provisions set forth in Chapter 11, Article 4 (Conditional Use Permit). (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.545 Development standards.

In addition to the approval criteria in Section 11.105 and conditions of approval in Section 11.110, the following development standards apply in the Hazard Overlay Zone:

- A. All development shall be serviced by the City's wastewater collection system.
- B. No development shall be allowed which may result in unusually high maintenance costs of streets and parking areas, or the breaking and leaking of utility or sewage lines, due to soil limitations, slope stability, shrink-swell potential or other similar conditions.
- C. Development shall be permitted only in such a manner that the maximum number of trees shall be preserved. No trees may be cut except those occupying the actual physical space in which a structure is to be placed or erected. Development shall be conducted in such a manner that the understory and duff (the surface layer of a forest floor, consisting of partly decomposed leaves and twigs) are preserved and in no event shall the development reduce the existing crown cover more than 50%. Prior to the granting of site approval, it shall be the duty of the developer to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site. If trees are cut, the developer shall restore the density of trees to that which existed before development, utilizing nursery stock of a size and type acceptable to the Director as suitable for the purpose, but in no case shall the developer be compelled to raise the density above 50 trees per acre.
- D. Development, including grading and contouring, shall take place in such a manner that the aeration of the tree root zone and the stability of existing trees shall remain substantially the same. Development shall also provide existing trees with a natural watering area equal to the dripline of mature crown.
- E. Development of the site shall meet the grading and erosion control standards established in the Public Works Engineering Design Standards. Development shall also meet applicable State and Federal regulations related to erosion control and protection of water quality. The City may require the Developer to submit evidence that applicable permits have been obtained.
- F. Development shall meet the requirements of the Public Works Engineering Design Standards for design of a storm water drainage system. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 17. Flood Hazard Overlay Zone

12.550 Purpose.

It is the purpose of the Flood Hazard Overlay Zone to regulate the use of those areas subject to periodic flooding and to permit and encourage the retention of open land uses that are compatible and harmonious in nature. In advancing these principles and the general purpose of Chapters 10 to 14, the specific intent of this zone is:

- A. To combine with present zoning requirements certain restrictions made necessary for the known floodplains to promote the general health, welfare and safety of the citizens of Klamath Falls;
- B. To prevent the establishment of certain structures and land uses in areas unfit for human habitation because of the danger of flooding, unsanitary conditions, or other hazards;
- C. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage; and
- D. To permit certain uses which can be strategically located in the floodplain and which will not impede the flow of floodwaters, or otherwise endanger life and property at, above, or below the location of such uses within floodplains. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.552 Definitions.

Areas of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Flood or Flooding. A general and temporary condition of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodplain. The area adjoining a stream, river, or lake that is subject to regional flooding. A regional flood is a standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or stream flows, high winds, rapid snow melt, natural stream blockages, or combinations thereof.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.555 Flood Hazard Overlay Zone boundaries.

The provisions of this article (Flood Hazard Overlay Zone) shall apply to all areas of special flood hazard. The areas of special flood hazard are identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Klamath Falls," dated December 5, 1984, as amended, with accompanying Flood Insurance Rate Maps (FIRM), as amended. The Study and Maps are hereby adopted by reference and declared to be a part of this article. The Flood Insurance Study is on file at the City of Klamath Falls Planning Division. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.560 Compliance.

No recreational vehicles shall be located, no structure shall be constructed, located, extended or altered and no land shall be developed within a Flood Hazard Overlay Zone without full compliance with this article and all applicable provisions of Chapters 10 to 14 and all other applicable laws and ordinances. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.565 Uses permitted.

All uses permitted in the base zone are permitted without further restriction by the Flood Hazard Overlay Zone, except that all such uses must be approved by the Director pursuant to provisions set forth in this article. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.570 Recreational vehicles.

Recreational vehicles placed in either manufactured home parks or recreational vehicle parks within Zones A, A1-30, AH, AE, AO, AR, and A99 on the community's FIRM shall meet the following standards.

A. Manufactured Home Park. Recreation vehicles shall be placed in such a manner that meets the elevation and anchoring requirements of Chapter 14, Article 7 (Floodplain Management).

B. Recreational Vehicle Park Requirements.

1. Recreational vehicles are on site for fewer than 180 consecutive days; or
2. Recreation vehicles are fully licensed and ready for highway use, on their wheels or jacking systems, are attached to the site only by quick disconnect type utilities and security devices and have no permanently attached additions. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.580 Decision by Director.

The Director, without public hearing and without publishing or mailing of notices, shall grant or deny flood hazard permit applications in accordance with the provisions of Section 10.805 (Administrative review—Staff review procedures), this article (Flood Hazard Overlay Zone), Chapter 14, Article 7 (Floodplain Management) and other applicable provisions of Chapters 10 to 14. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.585 Criteria for approval.

The following criteria shall be used to approve or deny an application:

A. All applicable requirements of Chapters 10 to 14 are or will be satisfied.

B. All necessary permits have been obtained from those Federal, State or local government agencies from which approval is required.

C. The proposed development, when combined with other existing uses and potentially allowed development, will not increase the water surface elevation of the base flood more than one foot above the established base flood elevation at any point in the flood hazard area.

D. The proposed development does not adversely affect the flood carrying capacity of the area of special flood hazard or that flood damage mitigation measures required as a condition of the flood hazard permit. For purposes of this article, "adversely affect" means quantifiable damage to adjacent properties due to rises in flood stages attributed to physical changes on the channel and adjacent overbank areas. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.587 Appeal.

The decision of the Director is final and may not be appealed to City officials. (Ord. 22-13, 2022; Ord. 22-02, 2022; Ord. 17-10, 2017)

12.590 Alteration of watercourses.

Alteration of watercourse must be approved by the Director and shall be in accordance with State and Federal regulations. The Director will require the developer to submit evidence that applicable permits have been obtained. When a proposed development includes an alteration or relocation of a watercourse, the application shall describe a program of watercourse maintenance in addition to describing the nature of the alteration or relocation. Upon issuing a flood hazard permit involving watercourse alteration or relocation, the Director shall notify the officials of Klamath County and the Department of Land Conservation and Development of the issuance. Evidence of such notification shall also be submitted to the Federal agency with regulatory jurisdiction over flood prevention and control. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.595 Use of other base flood data.

When base flood elevation data has not been prescribed by the Federal agency with regulatory jurisdiction in the form of official flood maps, the Director shall obtain, review and reasonably utilize any base flood elevation data and floodway data available providing the information is not in conflict with data provided by the Federal agency with such regulatory jurisdiction over flood prevention and control. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.597 Information to be obtained and maintained.

Where base flood elevation data is provided through the Flood Insurance Study or as required in Section 12.595, the Director shall obtain from the applicant and record the actual elevation (in relation to mean sea level) of the lowest floor or all new or substantially improved structures and whether or not the structure contains a basement.

For all new or substantially improved flood-proof structures, the developer shall:

- A. Verify and record the actual elevation (in relation to mean sea level); and
- B. Maintain the floodproofing certifications required in Chapter 14, Article 7 (Floodplain Management).

Records pertaining to the Flood Hazard Overlay Zone shall be available for public inspection at the City Planning Division. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 18. Airport Safety and Hazard Prevention Overlay Zone

12.600 Purpose.

The Airport Safety and Hazard Prevention Overlay (ASHPO) Zone is an overlay zone supplementing the provisions of the underlying zone. The ASHPO Zone includes the Airport Noise Impact Boundary, the Hazard Overlay Zones, the Airport Imaginary Surfaces, and the Airport. The purpose of the ASHPO is to establish safety standards to promote air navigational safety and reduce potential safety hazards for persons living, working or recreating near the Crater Lake—Klamath Regional Airport, thereby encouraging and supporting its continued operation and vitality. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.605 Applicability.

The location and dimensions of the runways, imaginary surfaces, airport noise contour boundaries as defined and described in this article, are delineated in the Klamath Falls Airport Master Plan. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.610 Definitions.

The following words and phrases for this article (Airport Safety and Hazard Prevention Overlay Zone), unless the context otherwise requires, shall mean:

Air National Guard (ANG). The Air National Guard is a reserve component of the United States Air Force, organized by each of the several states and territories of the United States. The 173d Fighter Wing is an ANG unit located at the Crater Lake—Klamath Regional Airport. The 173d Fighter Wing provides training for new pilots and basic flight instruction on the F-15C.

Airport (also referred to as the Crater Lake—Klamath Regional Airport). Those properties lying generally south of the South Side Expressway, north of Lost River Diversion Channel, east of Spring Lake Road, and west of Homedale Road, which are owned and administered by the City of Klamath Falls for commercial, general, and military aviation purposes including taking off and landing aircraft. Refer to the Klamath Falls Airport Master Plan, Plan Drawings, for more information.

Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.

Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relation to the airport and its runways as defined by the FAR Part 77. Imaginary surfaces are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface, and transitional surface.

Airport Noise Impact Boundary. Areas located within established noise contour boundaries equal to or exceeding 65 dB DNL.

1. Zone I: 65 dB DNL through 69.99 dB DNL.
2. Zone II: 70 dB DNL through 74.99 dB DNL.
3. Zone III: 75 dB DNL and above.

A-Weighted. A system utilizing a filter to de-emphasize the very low and very high frequency components of sound in a manner similar to the frequency response of the human ear.

Day-Night Average Sound Level (Ldn or DNL). A noise metric that averages A-weighted sound levels over a 24-hour period, with an additional 10 dB penalty added to noise events occurring between 10:00 p.m. and 7:00 a.m.

dB (Decibels). A unit of measure based on a logarithmic scale. A 10 dB increase in noise level corresponds to a 100% increase (doubling) in perceived loudness.

F-15C. An all-weather tactical fighter aircraft designed to gain and maintain air superiority in aerial combat. This aircraft is used by the 173d Fighter Wing for training at the Crater Lake—Klamath Regional Airport.

FAA. The Federal Aviation Administration.

Federal Aviation Regulation (FAR) Part 77. This regulation, titled “Objects Affecting Navigable Airspace,” establishes standards for determining obstructions and their potential effects on aircraft operations. Objects are considered to be obstructions to air navigation according to FAR Part 77 if they exceed certain heights or penetrate certain imaginary surfaces established in relation to airport operations. Objects classified as obstructions are subject to an FAA aeronautical analysis to determine their potential effects on aircraft operations.

Hazard Zones. Land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the Crater Lake—Klamath Regional Airport. Such zones are shown in this section of the Community Development Ordinance and in the Klamath Falls Airport Master Plan adopted by the City of Klamath Falls, which is made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Protection Zone (RPZ). An area off the runway end to enhance the protection of people and property on the ground. See the most current Klamath Falls Airport Master Plan for specific runway classifications.

2. Precision Instrument Runway. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward, uniformly to a width of 10,000 feet at a horizontal distance of 50,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway. This approach surface slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline. See the Klamath Falls Airport Master Plan for specific runway classifications.

3. Nonprecision Instrument Runway. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface; its centerline being the continuation of the centerline of the runway. This approach surface slopes upward 34 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. See the Klamath Falls Airport Master Plan for specific runway classifications.

4. Utility Runway with Visual Approach. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway. This approach surface slopes upward 20 feet horizontally for each foot vertically. See the most current Klamath Falls Airport Master Plan for specific runway classifications.

5. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond the end of that runway, but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at the end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface of a runway will be that width prescribed in this article for the most precise approach existing or planned for either end of the runway. The width for the primary surface is:

- a. 250 feet for utility runways having only visual approaches.
- b. 500 feet for utility runways having non-precision approaches.
- c. 500 feet for visual runways having only visual approaches.
- d. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths of a statute mile.
- e. 1,000 feet for non-precision instrument runway having a non-precision instrument approach with visibility minimum as low as three-fourths of a statute mile, and for precision instrument runways.

6. Transitional Surface. Those surfaces that extend outward and upward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

7. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. For a precision runway the horizontal surface is established by a 10,000-foot arc. For any other runway classification the horizontal surface is established by a 5,000-foot arc.

8. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Height. The highest point of a structure or tree, plant or other object of natural growth or ground, measured from mean sea level.

Noise Level Reduction (NLR). Building location and design measures that reduce noise at a site to help mitigate noise exposure.

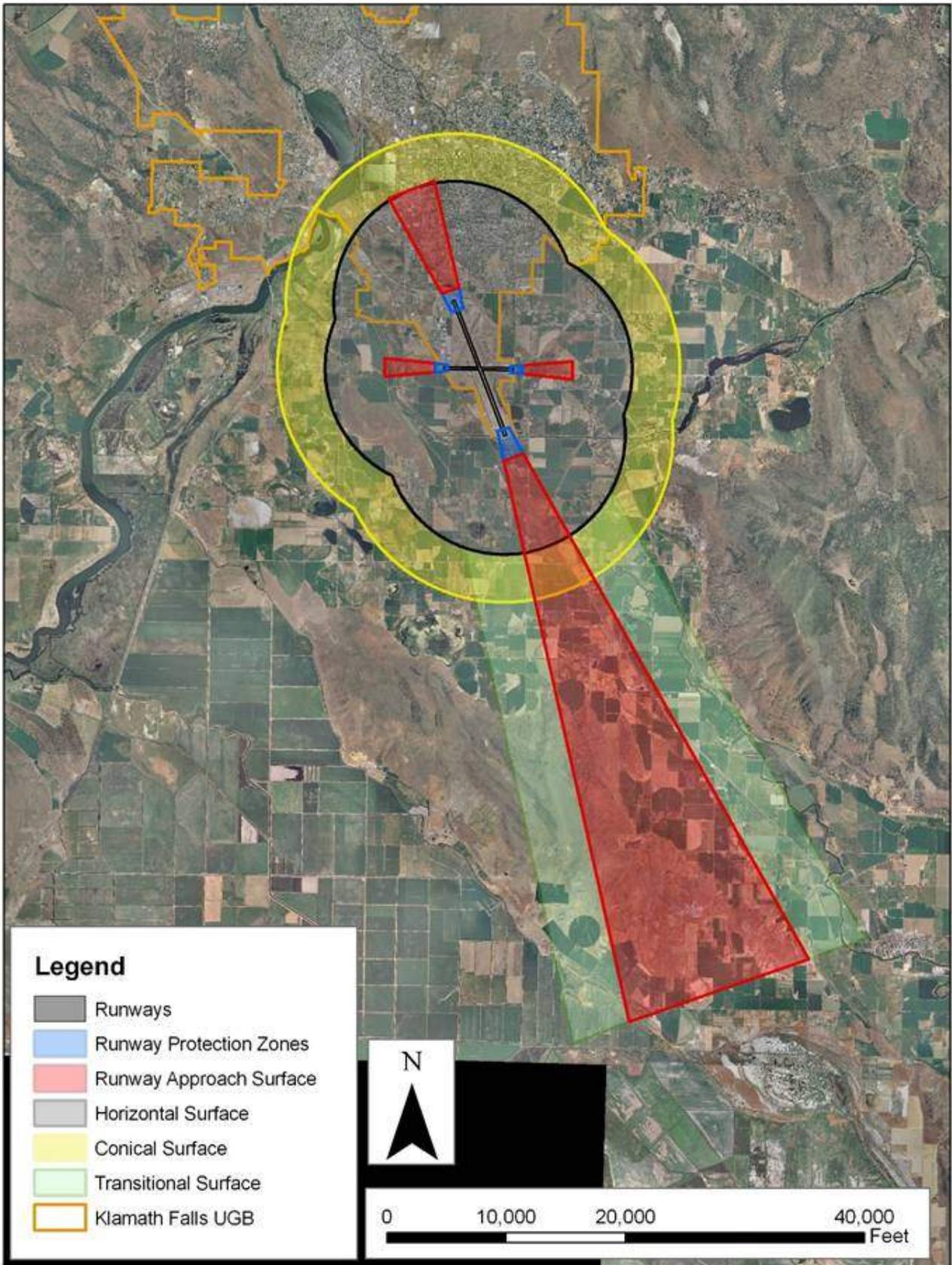
Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface. An obstruction can also mean anything that is determined to interfere with the established traffic pattern, even if that object or device does not penetrate an imaginary surface.

Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of the ordinance codified in this article.

The following airport hazard zone map identifies the five different imaginary surfaces as established in the definitions section.



(Ord. 22-13, 2022; Ord. 17-10, 2017)

12.615 Limitations and restrictions on allowed uses.

A. Notwithstanding the provisions of Section 12.620, no structures or trees shall be erected, altered, allowed to grow or be maintained in any Airport Hazard Overlay Zone (Imaginary Surface) to a height in excess of the applicable height limit for such zone or surface established in Section 12.610 and/or in the Klamath Falls Airport Master Plan. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

B. The notes following the Limitations and Restrictions on Allowed Uses table provide requirements for determining land use restrictions.

C. The land uses identified in the following table, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this section, a limited use means a use that is allowed subject to special standards specific to that use.

Limitations and Restrictions on Allowable Uses

(From: 2003 Model Public Use Airport Safety and Compatibility Overlay Zone (Visual and Instrument Approach Airports), Oregon Department of Aviation: Table 7-1)

Key: P = Use is Permitted

C = Use is Conditional

N = Use is Not Allowed

Use	RPZ ¹	Approach Surface ⁸	Direct Impact Area	Secondary Impact Area
Airport	C ²	C ⁹	P	P
Residential	N	C ¹⁰	C	P
Commercial	N	C ⁹	C	P
Industrial	N	C ⁹	P	P
Institutional	N	C ⁹	C	P
Farm Use	P ³	P ³	P ³	P ³
Roads/Parking	C ⁴	P ³	P	P
Utilities	C ⁵	C ⁵	C ⁵	C ⁵
Parks/Open Space	C ⁶	P	P	P
Golf Courses	C ⁷	C ^{7, 9}	C ⁷	C ⁷

Athletic Fields	N	C ⁹	C	P
Sanitary Landfills	N	N	N	N
Water Treatment Plants	N	N	N	N
Mining	N	C ¹¹	C ¹¹	C ¹¹
Water Impoundments	N	N	N	N
Wetland Mitigation	N	C ¹²	C ¹²	C ¹²

Notes:

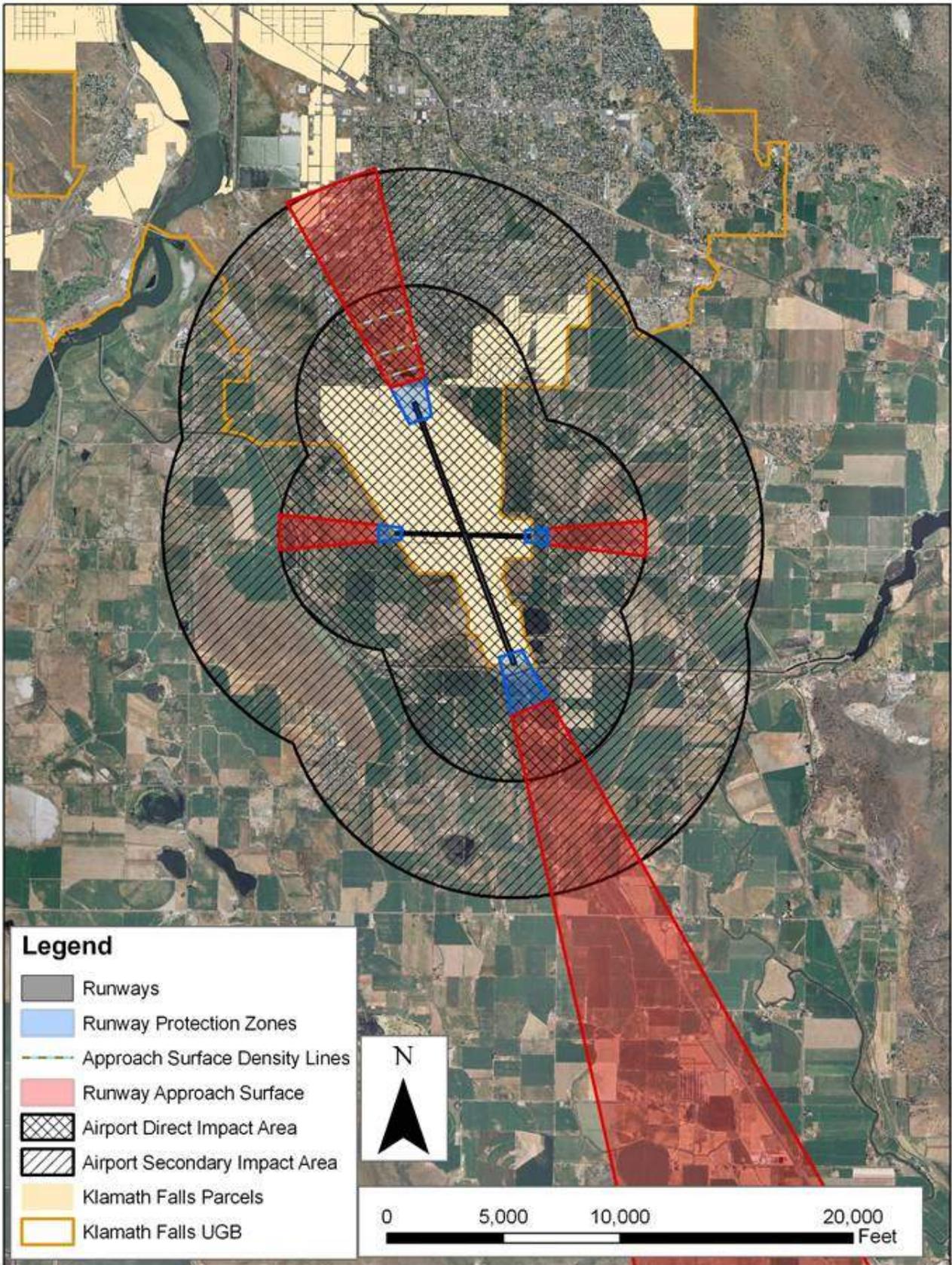
- 1 No structures shall be allowed within the Runway Protection Zone (RPZ). Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.
- 2 In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
- 3 Farming practices that minimize wildlife attractants are encouraged.
- 4 Roads and parking areas are permitted in the RPZ only upon demonstration that there are not practicable alternatives. Light, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
- 5 In the RPZ, utilities, power lines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and Department of Aviation (ODA).
- 6 Public assembly facilities are prohibited in the RPZ.
- 7 Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the recreation of new wildlife attractant. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of this document, tee markers, tee signs, pin cups and pins are not considered to be structures.
- 8 Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
- 9 Public assembly facilities within approach surfaces are permitted when more than 3,000 feet from the outer edge of the RPZ. Public assembly facilities within approach surfaces may be allowed within 3,000 feet of the outer edge of the RPZ only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high density uses should be located outside approach surfaces unless no practicable alternatives exist.

10 Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, one unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, two units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, four units per acre.

11 Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this document regarding water impoundments.

12 Wetland mitigation required for projects located within an approach surface, the airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and the wetland-permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runway and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runway and approach surfaces.

D. The following airport impact area map identifies the zones, surfaces, and areas that determine restrictions and limitations on allowed uses.



(Ord. 22-13, 2022; Ord. 17-10, 2017)

12.620 Principal uses permitted in the Airport Noise Impact Boundary.

- A. Airport noise is a primary concern when considering the compatibility of land uses surrounding an airport. Encroachment of noise sensitive development (residences, schools, churches, auditoriums, etc.) into areas experiencing or likely to experience noise levels of 65 dB DNL or greater shall be avoided.
- B. The basic approach to enhancing noise compatibility is to minimize the extent to which noise disrupts human activities or generates annoyance. The best land use planning programs typically allow as few people to occupy highly noise impacted areas as possible. Specific requirements for land use planning around airports involve many levels of government and the public.
- C. The notes following the Land Use Compatibility Guidelines for Airport Noise table (a condensed version of Table 6A from the 2005 Klamath Falls Airport Master Plan) provide requirements for determining land use restrictions. Conditions listed in the notes help mitigate noise exposure by using building retrofit strategies such as roof upgrading, window glazing improvement, fireplace baffling, caulking construction seams and other measures.
- D. The following uses and activities are permitted outright, with conditions, or prohibited in the Airport Noise Impact Boundary. The table is divided into six categories: residential, manufacturing, transportation/communications/utilities, trade, services, and cultural/entertainment/recreational.

Key to Table of Land Use Compatibility Standards

- Y (Yes) = Land use and related structures compatible without restrictions.
- N (No) = Land use and related structures are not compatible and should be prohibited.
- NLR = Noise level reduction (NLR) measured as the difference between outdoor and indoor noise levels.
- 25 or 30 = Land use and related structures generally compatible; measures to achieve NLR of 25 or 30 dB should be incorporated into design and construction of structure.
- 25* or 30* = Land use generally compatible with NLR; however, measures to achieve an overall noise reduction do not necessarily solve noise difficulties and additional evaluation is warranted.
- Y* = Land use and related structures generally compatible; see notes 2 and 3.

Source: Federal Interagency Committee on Urban Noise, Guidelines for Considering Noise in Land Use Planning and Control Washington, D.C., 1980.

Land Use Compatibility Guidelines for Airport Noise

(Condensed from: Klamath Falls Airport Master Plan 2005 Table 6A)

Land Use Name	Noise Zone I (65-70)	Noise Zone II (70-75)	Noise Zone III (75+)
Residential			
Single-Family Dwelling (attached & detached)	25 ¹	30 ¹	N
Manufactured Home	25 ¹	30 ¹	N
Duplex, Tri-Plex, Four-Plex	25 ¹	30 ¹	N
Apartment	25 ¹	30 ¹	N
Manufactured Home Park	N	N	N
Home Occupation	25 ¹	30 ¹	N
Residential Home, Group Quarters	25 ¹	30 ¹	N
Transient Lodgings, Hotels, Motels	Y ²	Y ³	N
Other Residential	25 ¹	30 ¹	N

Manufacturing			
Manufacturing/Assembly	Y	Y ²	Y ³
Storage/Warehousing	Y	Y ²	Y ³
Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches/Clocks	Y	25	30
Transportation, Communications, and Utilities			
Motor Vehicle, Rail, Aircraft, Marine Transportation	Y	Y ²	Y ³
Automobile Parking	Y	Y ²	Y ³
Communication and Utilities	Y	Y ²	Y ³
Trade			
Wholesale Trade	Y	Y ²	Y ³
Retail Building Materials, Hardware and Farm Equipment	Y	Y ²	Y ³
Retail Indoor	Y	25	30
Antique Store	Y	25	30
Retail Thrift Store	Y	25	30
Vehicle Sales	Y	25	30
Restaurant	Y	25	30

Land Use Name	Noise Zone I (65-70)	Noise Zone II (70-75)	Noise Zone III (75+)
Other Retail Trade	Y	25	30
Services			
Cemeteries	Y	Y ²	N
Personal Services	Y	25	N
Business and Professional Services	Y	25	30
Auto Repair/Maintenance	Y	Y ²	Y ³
Hospitals, Nursing Homes	25*	30*	N
Other Medical Facilities	Y	25	30
Governmental Services	Y*	25*	30*
Education Services	25*	30*	N
Other Services	Y	25	30
Cultural, Entertainment, and Recreational			
Cultural Activities (including churches)	25*	30*	N
Natural Exhibits	Y*	N	N
Public Assembly	Y	N	N
Auditoriums, Concert Halls	25	30	N
Outdoor Music Shells, Amphitheaters	N	N	N
Outdoor Sports Arenas, Spectator Sports	Y ⁴	Y ⁴	N
Amusements	Y	Y	N
Recreational Activities (including golf courses, riding stables, water recreation)	Y*	25*	30*
Parks	Y*	Y*	N
Other Cultural, Entertainment, and Recreation	Y*	Y*	N

Notes:

1 All residences in Zone I are discouraged, and all residences in Zone II are strongly discouraged. Prior to approving residential uses in Zones I and II, the community should conduct an analysis to determine that a greater community need is being met by permitting residential uses within either zone. Where it is determined that residential uses must be allowed, measures to achieve a 25-dB reduction from outdoor noise levels (i.e., Noise Level Reduction or NLR) in Zone I and a 30-dB reduction in Zone II should be a condition of approval. (Normal construction can be expected to provide a NLR of 20, thus the reduction requirements normally assume mechanical ventilation and closed windows year round.) An avigation easement for noise should be provided to (the airport authority).

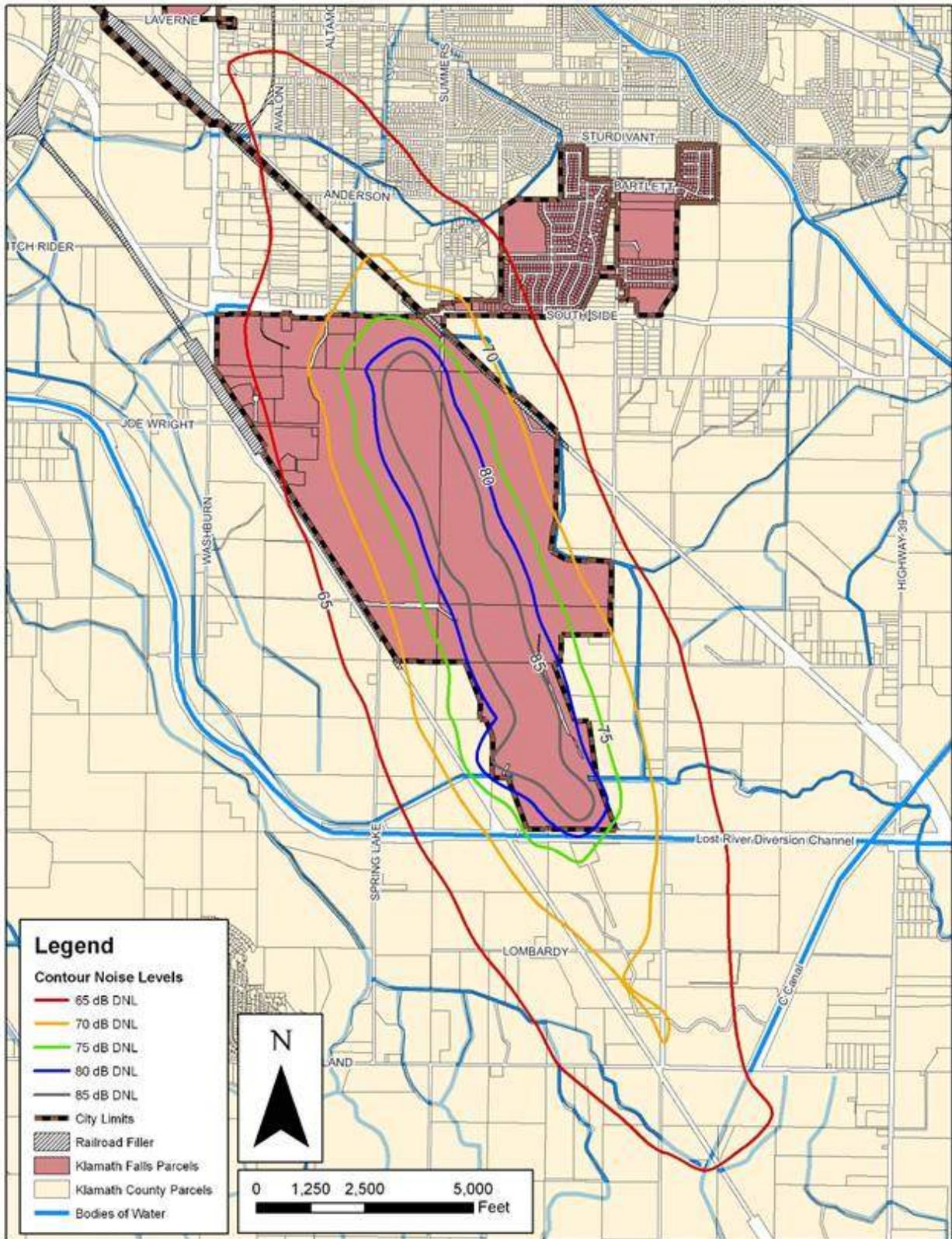
NLR criteria will not eliminate outdoor noise problems. However, building location, site planning and the design and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground-level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that protect only interior space.

2 Measures to achieve NLR of 25 shall be incorporated into the design and construction of portions of these buildings; where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

3 Measures to achieve NLR of 30 shall be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

4 Land-use compatible, provided that special sound reinforcement systems are installed.

E. The following airport noise exposure contour map identifies the dB DNL for all civilian and military (local and transient) flying operations at Crater Lake—Klamath Regional Airport, including 24 F-15C tactical fighter aircraft at 7,100 yearly flight hours.



(Ord. 22-13, 2022; Ord. 17-10, 2017)

12.625 Principal uses permitted on the Airport property.

The following uses and activities are permitted on the Klamath Falls Airport property as per ORS 836.600:

- A. Customary and usual aviation-related activities, including, but not limited to, takeoffs and landings, aircraft hangars and tie-downs, construction and maintenance of airport facilities, fixed base operator facilities, a residence for an airport manager, caretaker or security officer, hangars and other activities incidental to the normal operation of an airport. Except as provided in this zone, “customary and usual aviation-related activities” do not include non-aviation related residential, commercial, industrial, manufacturing and other uses.
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- C. Emergency medical flight services, including activities, and aircraft. Accessory structures and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement and firefighting activities, including aircraft and ground based activities, facilities and accessory structures necessary to support Federal, State or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant, and supplies. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- E. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents, or similar personnel.
- F. Aircraft service, maintenance and training, including activities, facilities, and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel, or repair aircraft or aircraft components. “Aircraft service, maintenance and training” includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures, or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- G. Aircraft rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.
- H. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

I. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant, and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.

J. Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as “farm use” as defined in ORS 215.203 or “farming practices” as defined in ORS 30.930. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.630 Conditional uses permitted.

The following uses and activities are conditionally permitted on the Klamath Falls Airport property:

All private development and public improvements on Airport property, including Air National Guard projects, shall be subject to the review and approval of the City of Klamath Falls Airport. All land uses and activities permitted within airport boundaries, other than the permitted uses and activities established in Section 12.625, are subject to the City of Klamath Falls Planning Division review process. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.635 Non-permitted uses.

Notwithstanding any of the provisions of Chapters 10 to 14, no use may be made of land within any part of any Airport Safety and Hazard Prevention Overlay Zone in any manner which creates electrical interference with navigational signals or radio communication between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and others, results in glare in the eyes of pilots using the Airport, impairs visibility in the vicinity of the Airport, creates wildlife attractants or tall structures, or otherwise in any way creates a hazard or endangers the landing, takeoff or maneuvering of aircraft intending to use the Airport. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.640 Nonconforming uses.

The owner of any existing nonconforming structure is hereby required to permit the installation, operation and maintenance thereon of markers and lights as deemed necessary by the City of Klamath Falls, with the approval of the FAA to indicate to the operators of aircraft in the vicinity of the Airport the presence of hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City. Existing nonconforming structures or vegetation may be subject to removal or alteration by the City at the request of the FAA if found to be an obstruction to airport approach and departure surfaces. (Ord. 22-13, 2022; Ord. 17-10, 2017)

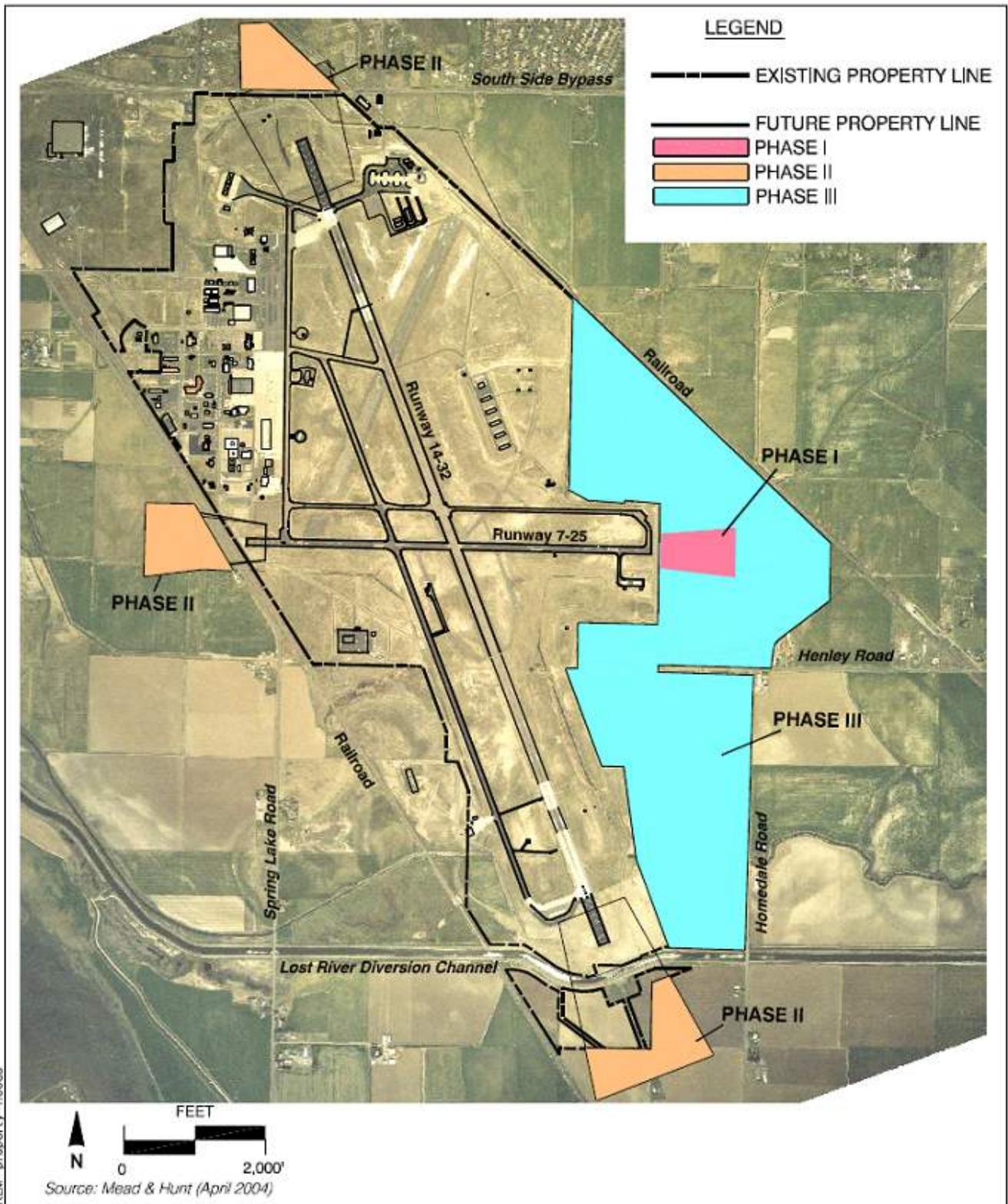
12.645 Procedures.

An applicant seeking a land use or limited land use approval or a building permit in an area within the ASHPO Zone enacted by this article shall provide the following information in addition to any other information required in the permit application:

- A. Property boundary lines as they relate to the Airport Noise Impact Boundary, Hazard Overlay Zones, and the end of the runway.
- B. Location and height of all existing and proposed buildings, structures, utility lines and roads.
- C. If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation, and the FAA shall be submitted with the application.
- D. If a change of zone is requested, the applicant must prove the proposed zoning is permitted within a higher Noise Impact Boundary Zone. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.650 Klamath Falls Airport needs.

- A. To ensure the continued and logical pattern of aviation growth at Crater Lake—Klamath Regional Airport over the long term and to avoid future growth incompatibilities, the Airport or City of Klamath Falls should begin to acquire additional land east of the current airport property boundary. Other reasons why additional property is recommended include: wildlife management, proximity of Homedale Road to the end of Runway 25, protection of the Very High Frequency Omnidirectional Range/Tactical Navigation (VORTAC) critical area, preservation for a potential runway extension, roadway realignments, and new roadway construction. The land is not needed for immediate use, so the program to increase land holdings should include rights of first refusal and a purchase program for when land becomes available for sale by the owner. The Klamath Falls Airport Master Plan depicts the property to be acquired over time and indicates the priority level.
- B. The following airport needs map identifies property and the corresponding phase for acquisition to continue aviation growth at the Crater Lake—Klamath Regional Airport.



KLM—property—needs

(Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 19. Downtown Business Zone

12.750 Purpose.

- A. The purpose of the Downtown Zone is to establish additional standards to Section 12.005 and Chapter 14 for those items that affect the physical and aesthetic aspect of the downtown environment. Pertinent to appearance is the design of the site, building and structures, paved areas, planting, signs, street hardware and miscellaneous other objects, which are observed by the public.
- B. These standards are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the downtown, preserve taxable values and promote public health, safety and welfare.
- C. These standards represent a special commitment to preserving and improving the visual qualities of the Downtown area. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.754 Relationship of buildings to site.

- A. The site shall be planned to accomplish a desirable transition with the streetscape and to provide adequate planting, safe pedestrian movement and parking areas.
- B. Parking areas shall be treated with decorative elements (amenities such as landscaping, seating areas, artwork etc.), building wall extensions, plantings, or other innovative means so as to largely screen parking areas from view from public ways. Parking areas shall also have lighting directed downward and shielded so that all of the luminous flux falls upon the surface of the structure to be illuminated or on the ground.
- C. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings, if the adjoining building meets the design standards.
- D. Newly-installed utility service and service revisions necessitated by exterior alterations, shall be underground.
- E. The line of storefronts along the sidewalk edge should be maintained. Where the storefront line must be recessed, the line shall be maintained with other elements such as columns, paving materials, planters or railings.
- F. The traditional division between upper and lower floors shall be maintained. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.758 Relationship of buildings and site to adjoining area.

- A. A landscape transition to adjoining properties shall be provided.

B. The horizontal and vertical lines of façades should be reinforced along a block. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.760 Landscape and site treatment.

Landscape elements included in these standards consist of all forms of planting and vegetation, rock groupings, water patterns and all visible construction except buildings and utilitarian structures.

A. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed.

B. Grades of walks, parking spaces, terraces and other paved areas meet ADA standards.

C. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and provide shade.

D. Plant material shall be selected for visual interest in its structure, texture and color and for its ultimate growth and hardiness.

E. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices (that meet ADA requirements).

F. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.

G. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting or combinations of these. Screening shall be equally effective in winter and summer.

H. In areas where plantings will not prosper, other materials such as fences, walls and pavings of wood, brick, stone and cobbles shall be used. Plants shall be combined with such materials where possible.

I. Exterior lighting shall enhance the building design and adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Exterior lighting shall be directed downward and shielded so that all of the luminous flux falls upon the surface of the structure to be illuminated or on the ground. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.764 Downtown building design.

Buildings shall be designed to provide human scale, interest, and variety while maintaining an overall sense of relationship with adjoining or nearby buildings, as follows:

A. Architectural style is not restricted, except for historically significant structures, which are provided in Section 12.768. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.

B. Buildings shall be compatible in character with structures in the immediate vicinity, considering mass, bulk, architecture, materials and color.

C. Primary building façades shall include some elements that provide a change in plane that create interest through the interplay of light and shadow. Such as:

1. Recessed windows;
2. Recessed entry;
3. Projecting sills;
4. Projecting pilasters, columns and bays; and
5. Projecting cornices and roofs.

D. Materials.

1. Materials shall be chosen that age with dignity and represent a long-term commitment to the architectural quality of Downtown.
2. Well finished, carefully crafted building materials shall be used in a manner sympathetic to the scale and architectural character of Downtown.
3. The following materials are appropriate:
 - a. Brick, using traditional coursing treatments and laying techniques;
 - b. Natural stone or veneer using traditional coursing treatments and laying techniques;
 - c. Milled and shaped lumber and siding; and steel and iron finely-scaled, carefully finished, that is historically appropriate;
 - d. Glass, architectural art glass and glass block; and
 - e. Synthetic stucco with a troweled appearance.
4. The following materials are inappropriate:
 - a. Plastic molded imitations of any conventional building material;
 - b. Corrugated metal;
 - c. Corrugated fiberglass;
 - d. Mirror metalized reflective glass;
 - e. Expanded metal;
 - f. Silver or color anodized aluminum sheets;

- g. Flat or molded plastic sheeting;
- h. Astro turf;
- i. Indoor—outdoor carpeting;
- j. T1 11 siding (plywood with outside veneer); and
- k. Metal chain link.

5. The appropriateness of materials not listed in subsection D, shall be determined on review by the Commission or Director, based on subsections A through C.

6. Stucco or synthetic stucco shall not be permitted on more than 80% of the total building façade for any building in the Downtown Business Zone excluding windows and doors.

E. Building components such as windows, doors, eaves and parapets shall have good proportions and relationship to one another.

F. Appropriate color will be used for the base color, major trim, and minor trim. The following is a guide used to define groups of architectural elements:

- 1. Base Color. Wall surfaces and storefront piers.
- 2. Major Trim. Cornices, window caps, frames and sills, storefront cornices and columns, and kickplates.
- 3. Minor Trim. Window sashes, doors, storefront frames and small details.

G. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with harmonious, matching, or complementary materials to the building; or the mechanical equipment or other utility hardware shall be so located as not to be visible from any public ways.

H. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall match or be complementary to the building design.

I. Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways, using materials stated in subsection G.

J. The traditional configuration of the storefront opening shall be maintained or created.

K. The traditional storefront line along the sidewalk shall be maintained or created (see Figure 12-2).

L. If an interior dropped ceiling is used, it shall be held no less than three feet horizontally from the windows.

M. The transom window shall be preserved, restored or created.

N. The horizontal alignments or architectural components such as store front windows, bulkheads or kickplates, first story lintels, parapet cornices and window sills shall be preserved, restored or created.

- O. Openings, such as storefront windows and doors shall comprise at least 75% of a building's street level façade.
- P. All doors and windows on all building façades shall have clear glass to increase transparency.

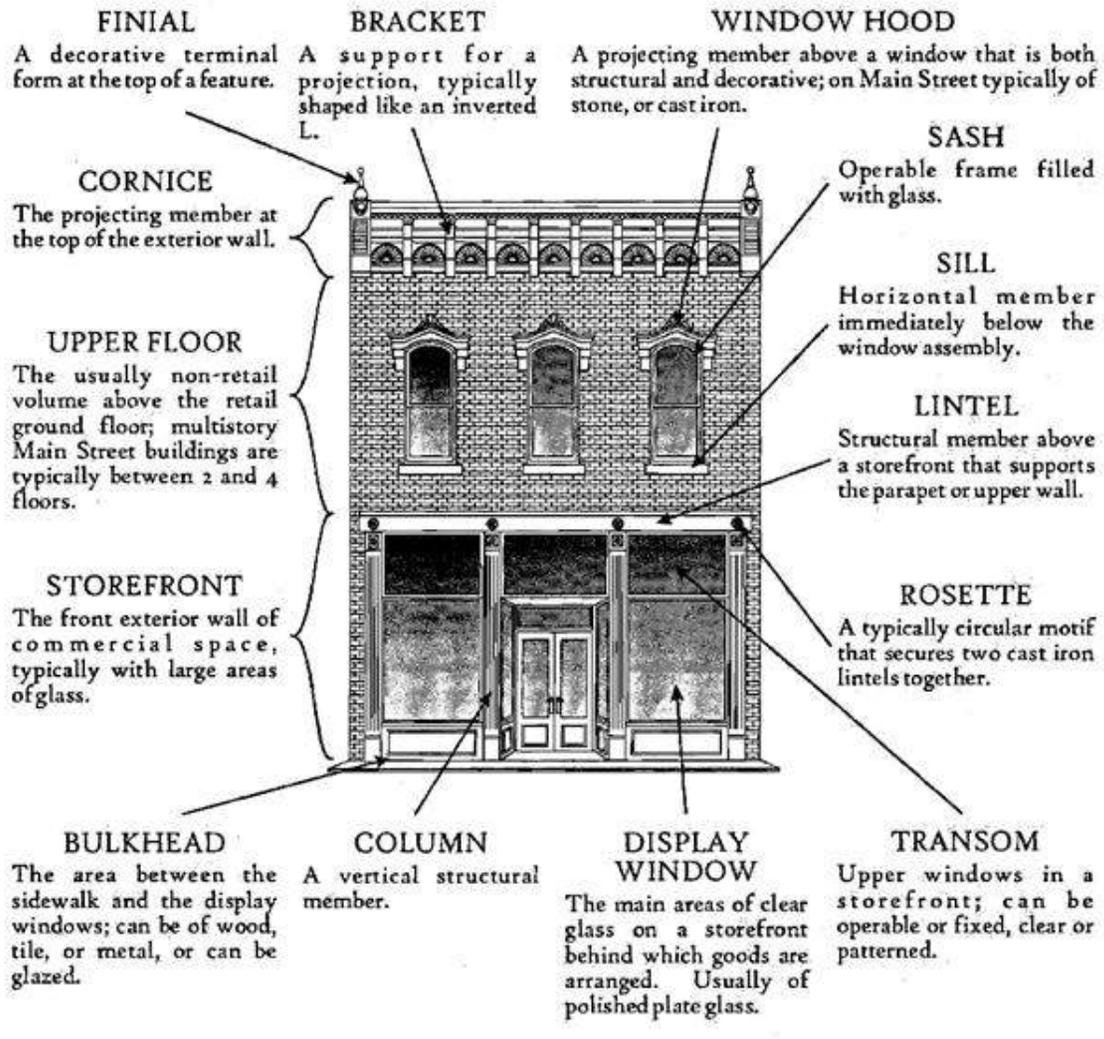


Figure 12-1. Anatomy of a Downtown Building



Figure 12-2

(Ord. 22-13, 2022; Ord. 17-10, 2017)

12.768 Historical significance.

Buildings with historical significance to the Downtown Business Zone, as identified in the 1985/1986 Klamath Falls Inventory of Historic Properties on file in the Planning Division, shall be subject to the following review standards:

- A. The original façade, materials and ornamentation, shall be maintained and/or restored. Missing façade elements shall be replaced with new materials that match the original as closely as possible.
- B. The original configuration of the storefront opening shall be maintained or restored.
- C. Theme design or coverings that obliterate or disguise the original character of a historically significant building shall not be allowed.
- D. The original storefront line along the sidewalk shall be maintained or restored.
- E. Coverings that obliterate the size and shape of upper story windows shall be removed.
- F. If an interior dropped ceiling is used, it shall be held back no less than three feet horizontally from the windows.

- G. Replacement windows shall be used that fit exactly into the original window opening. Storm windows should be placed on the interior of the window, whenever possible.
- H. The applied covering material or awning shall not extend vertically beyond the original ground floor cornice molding.
- I. The original transom window shall be preserved or restored.
- J. The original piers or columns dividing the bays shall be maintained. Applied covering material shall not extend horizontally beyond the original opening or bay.
- K. The horizontal alignments or architectural components such as storefront windows, kickplates, first story cornices, parapet cornices and window sills should be recreated or restored.
- L. Historic signs painted on buildings should be preserved using only appropriate restoration techniques.
- M. Fences installed on lots containing historic buildings shall be constructed in the style and materials found in the period in which the building was constructed.
- N. Where the original storefront is missing and no evidence of its character exists, a new design that uses traditional elements may be considered; however, the new design shall continue to convey the character of typical storefronts, including transparency of display windows.
- O. New additions to historical buildings shall:
 - 1. Preserve significant historical materials and features;
 - 2. Protect the historical significance of the building by making a visual distinction between the original elements and the new elements;
 - 3. Preserve the size, scale, color, material, and character of the original building; and
 - 4. Protect the historical building profile by staggering additional stories away from the original front façade roof edge. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.776 Downtown awnings.

- A. Awnings shall be fit to the dimension of the storefront opening within the bay to emphasize its proportions. Multiple awnings in a building with multiple bays are more appropriate than a single long awning.
- B. Second floor window awnings are appropriate exterior shading devices.
- C. Awnings should be aligned with others on the block where possible. It is particularly important to align the bottom line of the awning.
- D. The top edge of the awning should be mounted to align with the top of the transom or the framing that separates the transom from the storefront window.

- E. Appropriate awning materials: canvas, vinyl coated canvas and synthetic canvas materials.
- F. Awnings over the rear entrance should match or be compatible with those on the front of the same building.
- G. Awning valance shall not exceed 24 inches in height.
- H. Awning colors should complement the colors of the building to provide a unified image. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.780 Miscellaneous structures and street hardware.

A. Miscellaneous structures and street hardware shall be designed to be harmonious with the architectural concept of design and landscape within the Downtown area. Materials shall be compatible with buildings and surroundings and proportions shall be attractive. Miscellaneous structures are structures other than buildings visible from public ways. Examples are: antenna, water tanks, towers, sheds, shelters,

fences, walls, transformers, and drive-up facilities. Examples of street hardware are lampposts, utility posts, traffic lights, traffic signs, benches, litter containers, planting containers, and hydrants.

B. Lighting in connection with miscellaneous structures and street hardware shall meet the standards applicable to site, landscape, buildings and signs. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.784 Maintenance—Planning and design factors.

A. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.

B. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.

C. Provision for washing and cleaning of buildings and structures and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt and rubbish shall be avoided. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.788 Factors for evaluation.

The following factors and characteristics which affect the appearance of a development will govern the evaluation of a submitted land use application:

- A. Conformance to the Downtown Klamath Falls Design Guidelines;
- B. Logic of design;
- C. Exterior space utilization;

- D. Architectural character;
- E. Attractiveness;
- F. Material selection;
- G. Compatibility;
- H. Circulation—vehicular and pedestrian; and
- I. Maintenance aspects. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.796 Undeveloped areas.

- A. Fencing of vacant lots is permitted with an open type of fencing such as post and chain. Graveling of vacant lots is specifically prohibited.
- B. The nonconforming structure and use provisions of Article 20 (Nonconforming Uses and Structures) shall not apply to the requirements of this section. (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 20. Nonconforming Uses and Structures

12.860 Continuing nonconforming structure or use.

Subject to the provisions of this article, a nonconforming structure or use may be continued. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.865 Nonconforming structures.

Where a structure exists on a lot that does not conform to the provisions of the CDO by reason of setback or height, the structure may remain as lawful subject to all of the following conditions:

- A. Except as otherwise provided in this article, a structure conforming as to use but nonconforming as to certain other requirements of the zone it occupies, may be altered, repaired or expanded, provided that the alteration, repair or expansion does not increase an existing nonconformity or create a new one. This subsection shall not apply to a nonconforming structure destroyed to the extent described in Section 12.885.
- B. Except as otherwise provided in Chapters 10 to 14, a nonconforming structure containing a nonconforming use shall not be substantially altered or expanded.
- C. Regular maintenance, repair and replacement (roofing, siding, awnings, etc.) of materials related to the nonconforming structure shall be permitted. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.870 Extension of nonconforming use.

- A. Where a use of land involving a structure with an assessed value greater than \$10,000.00 was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful.
- B. Excepting subsection A above, no nonconforming use shall be extended.
- C. No nonconforming use shall be expanded, including those not involving a structure. (Ord. 22-13, 2022; Ord. 22-02, 2022; Ord. 17-10, 2017)

12.880 Discontinuance or change of nonconforming use in a structure.

If a nonconforming use involving a structure is discontinued for a period of one year or more, further use of the space in the structure occupied by the nonconforming use shall conform to the requirements of the zone in which the property is located. Subject to the exceptions set forth in Section 12.890, a nonconforming use of a structure in all zones may only be changed to a use permitted in the zone where the structure is located. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.885 Destruction of a structure containing a nonconforming use.

- 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 six 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 six 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 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. (Ord. 22-13, 2022; Ord. 22-02, 2022; Ord. 17-10, 2017)

12.890 Nonconforming use exceptions.

- A. Exceptions from any provisions of Sections 12.860 to 12.885 (Nonconforming Uses and Structures) may be granted by the Director. An applicant for such an exception shall submit an application on appropriate forms approved by the Director.
- B. The Director shall follow the procedures set forth in Section 10.805 (Administrative review—Staff review procedures).
- C. If the exception is allowed, it shall remain until such time as: the nonconforming structure or use is discontinued for a period of 12 months or more; the nonconforming structure is destroyed as provided in Section 12.885; the nonconforming structure or use is brought into compliance with the provisions of Chapters 10 to 14; or one or more of any conditions placed on the exception are violated. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.895 Criteria for approval of nonconforming use exception.

The following criteria shall be used to approve or deny an application for a proposed nonconforming use exception:

- A. The exception is compatible with adjacent land uses;
- B. The conditions imposed in connection with granting the exception will result in greater conformity of the property to the provisions of Chapter 14, including, but not limited to, parking, traffic circulation, drainage, pedestrian ways, screening, landscaping, and signs, to the maximum extent practicable; and
- C. The exception is necessary to maintain a substantial property right of the applicant and avoid undue hardship which can be relieved only by granting an exception to the provisions of Sections 12.860 to 12.885 (Nonconforming Uses and Structures). (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.898 Appeal.

The decision of the Director is final and may be appealed pursuant to the provisions of Chapter 10, Article 5 (Appeals). (Ord. 22-13, 2022; Ord. 17-10, 2017)

Article 21. Density Bonus

12.960 General.

At the request of a developer, a Density Bonus reducing the minimum lot size or increasing the total buildable area, or an off-street parking bonus reducing the off-street parking requirements, shall be granted subject to the requirements of Section 12.965. For purposes of this article, the total buildable area and the minimum lot size shall be determined by the provisions of Chapters 10 to 14. (Ord. 22-13, 2022; Ord. 17-10, 2017)

12.965 Criteria.

One or a combination of the following criteria must be met in order to receive a density bonus.

- A. Residential/Commercial Mix. Where the developer provides a residential use in conjunction with a commercial use within a Neighborhood Commercial Zone, and such residential use represents not less than 30% of the total buildable area of the lot or parcel, the maximum floor area allowed within a single commercial use area may be no more than 7,500 square feet.
- B. Low or Moderate Income Housing and Elderly Housing. When the developer provides housing subsidized under programs provided by the U.S. Department of Housing and Urban Development or the Oregon Department of Commerce for “low or moderate income families” or “elderly persons,” as defined by such programs, and the subsidized housing represents not less than 30% of the total buildable area of the lot or parcel, the total buildable area of such lot or parcel may be increased by up to 25%. The developer shall provide written legal assurance, approved by the City Attorney, that the use of the structure shall remain available for low or moderate income families and elderly persons.
- C. Elderly and Disabled Housing. When the developer provides housing to be used exclusively for “elderly persons” and persons with “disabilities,” as defined by Federal or State housing programs, an increase of up to 30% of the total buildable area of the site may be granted provided that each dwelling unit does not exceed 750 square feet and provided the development is located within 1,500 feet of a grocery facility or other community facilities. The developer shall provide written legal assurance, approved by the City Attorney, that the use of the structure shall remain for elderly persons and persons with disabilities. The site shall be at least 20,000 square feet.
- D. Special Features. A density bonus as described below may be granted for special features. The density bonus can be used to decrease the minimum lot size or to increase the lot coverage. As much as six percentage points for each of the five features below may be awarded according to the following rating system:
1. For common open space, a one-percentage point decrease in lot size may be given for the creation of open space within the development. To qualify for the density bonus, the open space shall be least five percent of the total development and in one continuous block. One percentage point decreased up to six percent can be awarded for each open space created.
 2. For preservation of natural features, percentage points may be given for lack of major alterations to sites with over 12% slopes according to the following standards: six points are awarded for minimal disturbance with no excavation other than for foundations, roads follow contours of land and no or very minor vegetation removal and grading. Three points are awarded for moderate disturbance. To qualify for moderate disturbance: road cuts shall be no deeper than four feet; retaining walls shall be no higher than four feet; and excavation for foundations and grading for placement of structures are allowed. No points are awarded for severe disturbance with extensive grading for roads and structures, extensive tree and ground cover removal over most of the site and placement of retaining walls for structures and roads.
 3. Percentage points may be given for provisions of major recreational facilities not required by Chapters 10 to 14 according to the following standards: six points shall be given for a major facility such as tennis courts or swimming pools; three points shall be given for a small playground, tot lot or similar facility.

4. As many as six percentage points may be given for energy conservation features such as solar space or water heating devices, heat pumps and similar devices. In order to qualify for the density bonus, all dwelling units within the development shall have energy conservation.

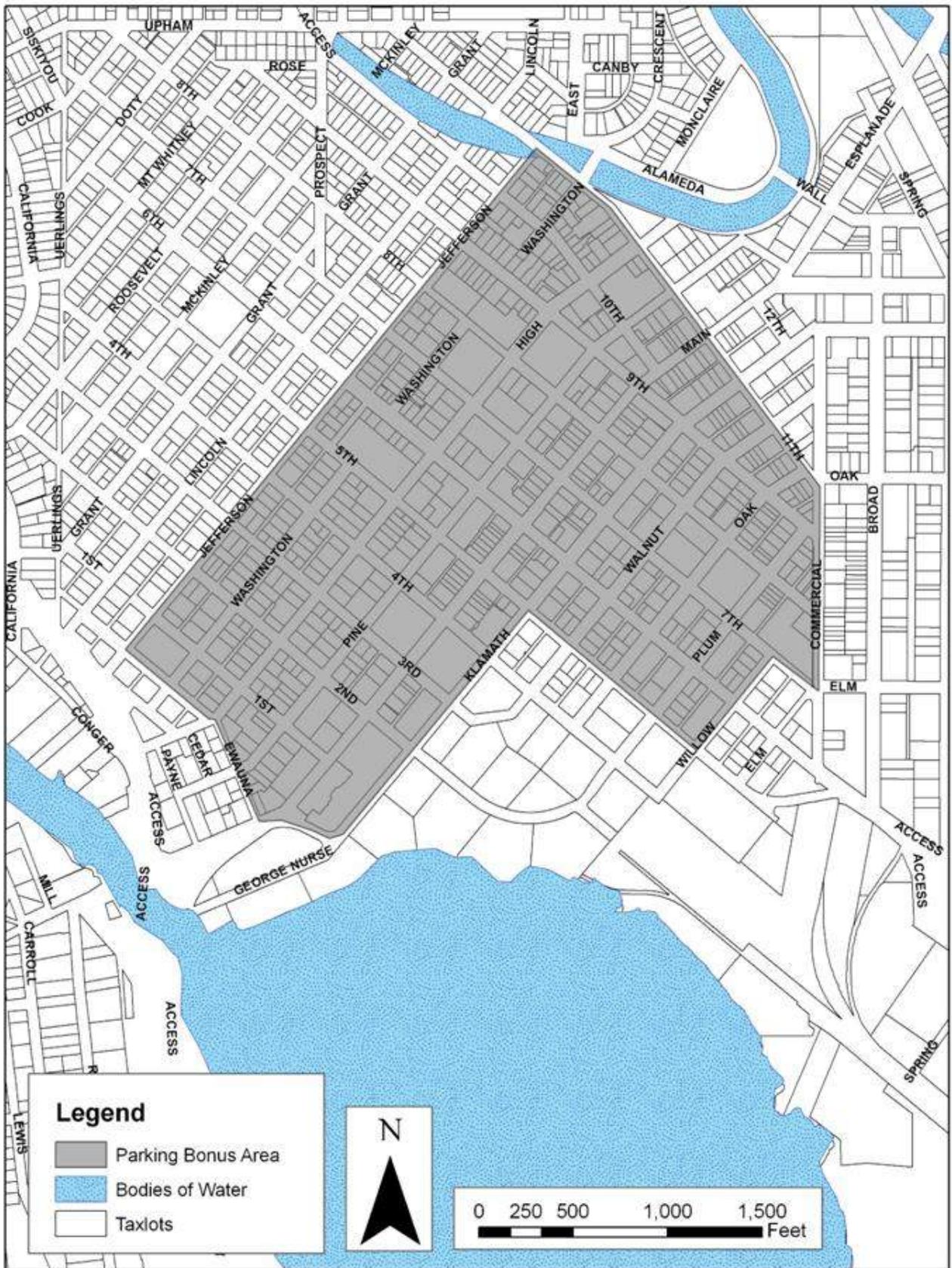
5. As many as six percentage points may be given for multifamily developments where structural and design amenities are provided such as individual decks, courtyards or balconies, exterior design (such as peak roofs and natural wood siding), blending of structures with existing trees and topography, planned landscaping, covered parking, landscaped walkways and arrangement of dwellings and windows for privacy.

Criteria	Requirements	Receive
Residential/Commercial Mix	1. Residential & commercial uses in Neighborhood Commercial (NC) zone; and 2. The residential use shall not be less than 30% of total buildable area of lot or parcel.	The maximum floor area allowed in Neighborhood Commercial shall increase to 7,500 square feet.
Low or Moderate Income and Elderly Housing	1. Low or moderate income families or elderly people; and 2. The residential use shall not be less than 30% of total buildable area or lot or parcel.	The property is allowed 25% more buildable area.
Elderly and Disabled Housing	1. Elderly or disabled people; 2. Property is at least 20,000 square feet; 3. Each dwelling unit does not exceed 750 square feet; and 4. Property is located within 1,000 feet of commercial shopping.	The property is allowed 30% more buildable area.
Special Features	Density bonus of up to 30% may be granted.	The property is only allowed a maximum of 30% more buildable area.
a. Common Open Space	Provide 5% to 30% of property for common open space.	The property is allowed 1% more buildable area, with a maximum of 6% more buildable area.
b. Preservation of Natural Features	Only minimal disturbances; or Only moderate disturbances	6% more buildable area 3% more buildable area
c. Provision of Recreation	Provide major recreation facility; or Provide small recreation facility	6% more buildable area 3% more buildable area
d. Conservation of Energy	Use energy conservation features	6% more buildable area
e. Design Merit	Provide multifamily dwelling with unique design features	6% more buildable area

E. Off-Street Parking.

1. Within the area defined in subsection B, if a developer provides housing subsidized under programs provided by the U.S. Department of Housing and Urban Development or the Oregon Department of Commerce for “low or moderate income families” or “elderly persons” or “persons with disabilities,” as defined by such programs, and the subsidized housing represents not less than 50% of the total buildable area of the lot or parcel, the developer need only provide 25% of the off-street parking requirement. Such bonus shall remain effective only upon continued compliance with the provisions of the applicable Federal or State program.

2. The off-street parking bonus may be granted within the boundaries depicted on the following map: Beginning at a point on the southwesterly line of Eleventh Street, said point being the northwesterly corner of Lot 8, Block 50, of Nichols Addition; thence southwesterly along first, the southeasterly line of Jefferson Street to this intersection with the northeasterly line of Ewauna Street also being the southwesterly corner of Lot 4, Block 11, of Ewauna Heights; thence southeasterly along the northeasterly line of Ewauna Street to this intersection with the southeasterly line of Main Street; thence easterly along the radii of the southerly line of Center Street to this intersection with the southeasterly line of Klamath Avenue; thence northeasterly along the southeasterly line of Klamath Avenue to its intersection with the northeasterly line of Fifth Street, also being the southwesterly corner of Lot 5, Block 75, Klamath Addition; thence southeasterly along the northeasterly line of Fifth Street, to its intersection with the northwesterly line of Willow Street, also being the southeasterly corner of Lot 6, Block 97, Klamath Addition; thence northeasterly along the northwesterly line of Willow Street, to its intersection with the southwesterly line of Seventh Street also being the northeasterly corner of Lot 10, Block 96, Klamath Addition; thence southeasterly along the northwesterly line of Seventh Street to its intersection with the westerly line of Commercial Street, also being Lot 10, Block 105, Klamath Addition; thence north along the westerly line of Commercial Street to intersection with the southwesterly line of Eleventh Street; thence northwesterly along the southwesterly line of Eleventh Street to the point of beginning.



(Ord. 22-13, 2022; Ord. 17-10, 2017)

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