

## Exhibit A - Middle Housing Code Update

Added language is presented in green.

Removed language is presented in ~~red with strike thru~~.

Staff comments are in blue.

### § 11.008 Criteria for approval.

The approval criteria for a residential review shall be equivalent to those set forth in § 11.068. **Only clear and objective standards apply.**

### § 11.723 Review criteria.

A partition request may only be approved if it meets all applicable review criteria listed as follows:

- A. The proposed partition is in conformance with the City Comprehensive Plan;
- B. The proposed partition is in conformance with all applicable provisions of Chapters 10 to 14 and other Federal, State and County ordinances and regulations;
- C. The subject property is physically suitable for the type and proposed density of development and conforms to zoning standards;
- D. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets or other existing or planned facilities;
- E. The existing sewer and water facilities and fire protection services are adequate to serve the proposed development;
- F. Parcels created through the proposed partition shall abut an improved street for the full length of the lot frontage.
- G. The proposed partition will not conflict with legally established easements or access within or adjacent to the proposed partition. **Internal tracts or easements for access may satisfy the frontage requirement for Commercial and state-required Middle Housing Land Divisions.**
- H. The proposed partition does not prohibit the extension of dedicated streets or roads; and
- I. Emergency vehicle access is adequately addressed and complies with the Uniform Fire Code, as stated in Section 8.600 of the City Code.

**§ 12.000 Uses permitted by zone.**

Use	SF	MD	A	NC <sup>1</sup>	GC	DB <sup>3</sup>	MU	LI	I	PF	SR <sup>4</sup>
<b>Residential</b>											
Single-Family Dwelling <sup>13-26, 27</sup>	P	P	P	P	P <sup>11</sup>		P <sup>11</sup>				C
Duplex <sup>13-26, 27</sup>	P	P	P	P			P				C
Triplex <sup>13</sup>		CP	P	P	p <sup>6</sup>	p <sup>6</sup>	P				C
Fourplex <sup>13</sup>		CP	P	P	p <sup>6</sup>	p <sup>6</sup>	P				C
Apartment <sup>13</sup>			P	P	P	p <sup>6</sup>	P				C
Above Ground Floor Apartment				P	P	P	P				C
Townhouse <sup>7</sup>		P	P	P	P		CP				C
Manufactured Home <sup>8-13</sup>	P	P	P	P							C
Manufactured Home Park		C	C								C
Family Child Care Home	P	P	P	P	p <sup>5</sup>	p <sup>5</sup>	p <sup>5</sup>				C
Residential Care Home	P	P	P	P		p <sup>6</sup>					C
Transitional Housing	C	C	P	P	P						
Short-Term Rental (STR) <sup>29, 30</sup>	P	P	P	P	p <sup>31</sup>	p <sup>31</sup>	p <sup>31</sup>				
<b>Accessory</b>											
Accessory Dwelling Unit (ADU) <sup>2, 12</sup>	P	P	P	P							
Boat Facilities <sup>10</sup>	P	P	P	P	P		P			P	C
Caretaker Residence <sup>2</sup>								C	C	C	
Day Care									C	C	
Fence	P	P	P	P	P	P	P	P	P	P	P
Garage, Carport <sup>10</sup>	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	P	P		P <sup>7</sup>	P	P	P	P
Greenhouse (not including retail or wholesale) <sup>10</sup>	P	P	P	P			P				P

Use	SF	MD	A	NC <sup>1</sup>	GC	DB <sup>3</sup>	MU	LI	I	PF	SR <sup>4</sup>
Home Occupation <sup>9</sup>	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 <sup>14</sup>	P <sup>10</sup>	P <sup>10</sup>	P	P	P	C	P	P	P	P	P
Playhouse <sup>10</sup>	P	P	P	P			P				P
Signs <sup>15</sup>	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 <sup>10</sup>	P <sup>17</sup>		P <sup>17</sup>	P	P	P <sup>17</sup>	P <sup>17</sup>				
Swimming Pool <sup>10</sup>	P	P	P	P	P		P			P	P
Tennis Court <sup>10</sup>	P	P	P	P	P		P			P	P

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 <a href="#">12.750</a> to <a href="#">12.796</a> , Downtown Business Zone Design Review Standards.
4	Special Reserve Zone is subject to the provisions of Sections <a href="#">12.415</a> to <a href="#">12.445</a> , 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 <a href="#">12.015</a> .

Notes:	
9	Home occupations shall conform to the standards found in Section <a href="#">12.020</a> .
10	For non-commercial, private use only.
11	<del>Intentionally omitted.</del> Single-Family Dwellings are permitted in the GC and MU zones only through a Land Partition as described in <b>Article 10 Land Partitioning</b> and <b>§ 12.009 Commercial Middle Housing Land Divisions</b> , or in the GC zone when meeting the standards and requirements of <b>§ 12.010 Residential Exceptions in Non-Residential Zones</b> .
12	Accessory dwelling units shall conform to the standards found in Section <a href="#">12.020</a> .
13	<del>A garage or carport meeting the parking space requirements of Section <a href="#">14.040</a> 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.</del> Intentionally omitted.
14	Minor antennae are subject to the provisions of Sections <a href="#">14.950</a> through <a href="#">14.996</a> , Telecommunications.
15	Signs are subject to the provisions of Sections <a href="#">14.300</a> to <a href="#">14.368</a> , Signs.
16	Solar energy farms are subject to the provisions of Sections <a href="#">14.700</a> to <a href="#">14.715</a> , 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 <a href="#">12.030</a> , 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 <a href="#">12.490</a> to <a href="#">12.496</a> , 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 <a href="#">12.025</a> .
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.

Notes:	
26	Single-family and duplex residences are allowed in the <del>General Commercial</del> GC and LI zones when meeting the standards and requirements of § 12.010 Residential Exceptions in Non-Residential Zones. <del>only on properties with frontage on Plum Avenue between S 8th Street and S 9th Street.</del>
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.
29	See CDO Article 18.5 for special standards for STRs.
30	STRs are to be sited within existing structures. New structures are permitted as their underlying use (single-family dwelling, duplex, etc.) and may later be converted to STR use subject to the standards of CDO Article 18.5.
31	A maximum of 50% or four of a property's dwelling units may be utilized for STRs, whichever is fewer.

### § 12.005 Site standards by zone.

Design Feature	SF	MD	A	NC <sup>1, 16</sup>	GC	DB	MU	LI	I	PF	SR
<b>Setbacks (feet)</b>											
Front Yard General	15 <sup>2</sup>	15 <sup>2</sup>	10 <sup>2</sup>	10 <sup>2</sup>	0	0	0	0	0	0	20
Front Yard Garage	20 <sup>2</sup>	20 <sup>2</sup>	10 <sup>2</sup>	10 <sup>2</sup>	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 <sup>4</sup>	n/a	n/a	n/a	15 <sup>5</sup>	15 <sup>5</sup>	n/a	15 <sup>5</sup>	25	25	15 <sup>5</sup>	n/a
Yard Abuts Arterial St.	n/a	n/a	n/a	10	0	0	0	30	30	0	n/a
<b>Max. Building Height<sup>6</sup></b>	28	35	45	45	55	55	55	70	70	70	30
<b>Vision Clearance (feet)<sup>7</sup></b>											

<b>Design Feature</b>	<b>SF</b>	<b>MD</b>	<b>A</b>	<b>NC<sup>1, 16</sup></b>	<b>GC</b>	<b>DB</b>	<b>MU</b>	<b>LI</b>	<b>I</b>	<b>PF</b>	<b>SR</b>
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 (%) <sup>9</sup>	40	50	60	75	100 <sup>8</sup>	20					
<b>Non-Structure Impervious Lot Coverage (%)<sup>9</sup></b>	25	35	50	75	90	90	90	90	90	90	20
<b>Minimum Lot Size (thousand square feet)<sup>10</sup></b>	<del>7</del> 5.5	<del>5</del> 3.5	<del>5</del> 3.5 <sup>++</sup>	5	5	5	5	5	5	5	20
<b>Fence Height (feet)<sup>12</sup></b>											
Front Yard	4	4	4	4	4	4	4	7	7	4 <sup>13</sup>	4
Rear Yard	7	7	7	7	7	4 <sup>14</sup>	4 <sup>14</sup>	7	7	7	7
Interior Side Yard	7	7	7	7	7	4 <sup>14</sup>	4 <sup>14</sup>	7	7	7	7
Exterior Side Yard <sup>15</sup>	4	4	4	4	4	4	4	7	7	4	4

<b>Notes:</b>	
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 zero 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.

Notes:	
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	See § 12.007 Minimum Lot Area Standards for additional standards.
<del>11</del>	<del>Multifamily units with more than four units shall have an additional 1,000 square feet for each unit over four.</del> Intentionally omitted.
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 <a href="#">5.638</a> of the Klamath Falls City Code and properties in the Downtown Business Zone must comply with the Section <a href="#">12.796</a> . 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 <a href="#">14.150</a> .
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 <a href="#">12.000</a> is zero.

## § 12.007 Minimum Lot Area Standards

### A. Applicability

1. The minimum lot area requirements set forth in § 12.005 shall apply to the creation of all new lots. No lot shall be created or reconfigured that does not meet these standards, except as provided in Subsection C (Townhouse Lot Exception) and § 12.008 Commercial Middle Housing Land Divisions.

### B. Legacy (Pre-existing) Lots:

1. A lot or parcel of land that was legally created prior to December 31, 2025, which contains less than the minimum lot area required for the applicable zone may be developed for any use permitted in that zone, provided that:
  - a. All other development standards (setbacks, height, lot coverage, etc.) are met.

### C. Townhouse Lot Exception:

1. Notwithstanding the minimum lot sizes for the Zone, lots created specifically for the development of a Townhouse (as defined in § 10.010) are subject to the following:
  - a. **Minimum Area:** A townhouse lot may be reduced to a minimum of 1,250 square feet.
  - b. **Use Constraints:** This reduced lot size is contingent upon the use of the lot for a Townhouse.

## § 12.008 Commercial Middle Housing Land Divisions

- A. **Purpose.** The purpose of this section is to allow for the fee-simple division of land for residential units in the General Commercial and Mixed Use zones, mirroring the functionality of Middle Housing Land Divisions as described in ORS 92.031 and ORS 197A.420, notwithstanding the zone or use limitations found in those statutes.
- B. **Eligibility.**
  1. This process is available to any residential development in the General Commercial zone that is a permitted use.
  2. The development must consist of units that share common walls or are part of a coordinated site plan (e.g., townhouses, multiplexes, or cottage clusters).
- C. **Application and Procedure.** Applications for a Commercial Middle Housing Land Division shall be processed as a Partition pursuant to the procedures, requirements, and review criteria set forth in § 11.705 through § 11.725.
- D. **Special Standards for Commercial Middle Housing Divisions.** In lieu of the standard lot size and frontage requirements for the General Commercial zone, a partition under this section shall be approved if:
  1. **Existing Structures:** The division is for the purpose of placing each dwelling unit on its own parcel.
  2. **Utilities:** Each parcel is served by separate service lines or is subject to a recorded easement/maintenance agreement for shared utilities.
  3. **Common Area:** Any areas held in common (e.g., shared driveways, parking areas, open space) are governed by a maintenance agreement or CC&Rs as required by § 11.710.A.7.
  4. **Consistency:** The resulting parcels do not create a violation of the building code (e.g., fire-rated wall requirements) for the structures thereon.
  5. **Use Constraints:** Lots created in this way that don't meet the requirements of § 12.007.B must only contain residential uses.

## § 12.010 Residential exceptions in non-residential zones

- A. **Historical Residential Allowance.** Single-family residences and duplexes are permitted use types within General Commercial (GC) and Light Industrial (LI) zoning only within the areas shown in Appendix B Residential Use Exception Areas. These areas represent established historical residential development that predates current zoning standards.
- B. **Director's Extension.** The development or modification of single-family residences and duplexes in GC and LI zones outside of the areas shown in Appendix B Residential Use Exception Areas may be permitted at the discretion of the Director, provided the subject property is situated in an area of documented historical residential development with continuing residential use.
- C. **Zoning Acknowledgement Required.** As a condition of approval for any newly developed or modified residential use under this section, the property owner must sign and record an agreement acknowledging the location of the use within the GC or LI zone. This agreement shall serve as notice that surrounding permitted uses may produce noise, vibration, traffic, or other impacts consistent with commercial and industrial operations that may differ from expectations in strictly residential neighborhoods.

## ~~§ 12.010~~ § 12.011 General yard exceptions.

(Change is to section number only. No content in § 12.010/§ 12.011 is changing)

### Article 3 ~~Manufactured Home~~ Residential Structure Placement Standards

#### § 12.015 Standards.

- A. 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:~~
- ~~B. The home shall be a double wide or larger multisection unit;~~
- B. ~~The home~~ All single-family residences, ADUs, triplexes, and fourplexes shall be placed on an excavated and back-filled foundation. ~~and To be equivalent to that foundation standard, manufactured homes must be~~ 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;~~
- C. ~~The~~ Manufactured homes 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;
- D. For manufactured homes, 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;
- E. ~~The manufactured home shall be situated on the space with a door facing toward the primary street servicing the home.~~ For single-family residences, ADUs, duplexes, fourplexes, and manufactured homes, a paved pedestrian connection ~~shall~~ must be provided from the sidewalk or public right-of-way to ~~such door facing the street~~ the front door of each unit on the lot for access by emergency and delivery services. A driveway may constitute a portion of this connection.
- ~~F. 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.~~

**§ 14.005 Off-street parking requirements.**

Use	Minimum Number of Off-Street Parking Spaces	Coverage Restriction
<b>Residential</b>		
Single-Family Dwelling	2 spaces	Vehicular parking and maneuvering areas in front yards <del>are not to</del> cannot exceed <del>the lesser of either:</del> 75% of <del>the</del> front yard; <del>or the allowed driveway area,</del> plus 400 square feet.
Duplex	2 spaces	
Triplex	5 spaces	
Fourplex	6 spaces	
Apartments (except as below)	1.5 spaces per unit plus 1 space per 5 units for visitor parking	
Apartments =< 750 sq ft with 1 or fewer bedrooms and available on-street parking	1 space per unit	Vehicular parking and maneuvering areas in front yards cannot exceed 75% of the front yard. Off-street parking must be available along street frontages directly adjacent to the property.
Dormitories	5 spaces per building plus 1 space per 2 beds	
<del>Residential Home</del>	<del>1 space per 4 beds</del>	-
Manufactured Home Park	2 spaces per home	

[Located in Article 99] Appendix B – Residential Use Exception Areas





