

CHAPTER 12

LAND USE

12.000 Uses Permitted by Zone

12.005 Site Standards by Zone

12.010 General Exceptions

12.015 Manufactured Home Placement Standards

12.020 Home Occupations

12.025 Bed & Breakfast Standards

12.030 Residential Business Standards

12.040 Shipping Container Structures

12.050 Accessory Dwelling Units

MOBILE HOME PARKS AND MANUFACTURED DWELLING PARKS

12.100 Purpose

12.105 Conditional Use Permit Required

12.110 Park Uses

12.115 Application – New Parks or Extensions

12.120 Preliminary Site Plans

12.125 Final Plans

12.130 Site Requirements for New Parks or Expansion or Major Modification of Existing Parks

12.135 Mobile Home Space and Manufactured Dwelling Space Requirements

12.140 Placement of Mobile Homes and Manufactured Dwellings in Parks

12.145 General Regulations

12.150 Conditions of Approval

MANUFACTURED HOME PARKS

12.100 Standards

RECREATIONAL VEHICLE PARKS

12.200 Standards

RIPARIAN PROTECTION OVERLAY ZONE

12.260 Purpose and Intent

[12.262 Applicability](#)
[12.264 Definitions](#)
[12.266 Riparian Protection Overlay Zone Locations](#)
[12.268 Exempt Activities](#)
[12.270 Allowed Activities](#)
[12.272 Standards for Activities](#)
[12.274 Prohibited Activities](#)
[12.276 Exception Variances](#)
[12.278 Hardship Variances](#)
[12.280 Compliance with State and Federal Regulations](#)
[12.282 Violations](#)

GATED COMMUNITIES

[12.300 Standards](#)

PLANNED UNIT DEVELOPMENT (PUD)

12.360 Purpose
12.365 Principal Uses Permitted
~~12.367 Conditional Uses Permitted~~
12.370 General Requirements
~~12.372 Criteria for Approval~~
[12.372 Conceptual PUD Plan Application Requirements](#)
~~12.375 Decision of Council Master Tentative PUD Plan Submittal Requirements~~
~~12.378 Criteria of Approval for Conceptual Tentative PUD Plan~~
12.380 ~~Development-Final PUD~~ Plan Submittal Requirements
~~12.383 Criteria of Approval for Final PUD Plan~~
~~12.381 Common Open Space~~
12.385 Amendments
12.390 [Improvements Design Review](#)
12.395 ~~Combined Hearings~~[Land Divisions](#)

SPECIAL RESERVE DEVELOPMENT STANDARD SOVERLAY ZONE

[12.410 Purpose](#)
12.415 Conditions of Allowing Uses
12.445 Development Standards

ADULT BUSINESS OVERLAY ZONE

12.490 Applicability
[12.491 Adult Business Overlay Zone Location](#)
12.492 [Adult Business Restrictions Design Review Required](#)
~~12.494 Additional Criteria for Design Review Approval~~
12.496 Nonconforming ~~Adult Uses and Structures~~

GEOHERMAL OVERLAY ZONE

- 12.500 Purpose
- 12.505 [Geothermal Overlay Zone Boundary](#)
- 12.510 Principal Uses Permitted
- [12.515 Conditional Uses Permitted](#)
- 12.520 Accessory Uses Permitted
- 12.525 [Criteria for Conditions of Allowing Conditional Uses](#)
- 12.530 Conditional Use Siting Requirements
- 12.535 Combined [Permit](#) Hearings
- 12.540 City Geothermal Heating Service Exempted

HAZARD OVERLAY ZONE

- 12.541 Purpose
- 12.542 Zone Boundaries
- 12.543 Compliance
- 12.544 Uses Permitted
- 12.545 [Use-Development](#) Standards

FLOOD HAZARD OVERLAY ZONE

- 12.550 Purpose
- [12.552 Definitions](#)
- 12.555 Flood Hazard Zone [Boundaries](#)
- 12.560 Compliance
- 12.565 [Principal](#) Uses Permitted
- 12.570 Recreational Vehicles
- 12.580 Decision - ~~Planning~~ Director
- 12.585 [Criteria for Approval Required Findings](#)
- [12.587 Appeals](#)
- 12.590 Alteration of Watercourses
- 12.595 ~~use~~ [Use](#) of ~~Other~~ [Base Flood](#) ~~Base Flood~~ Data
- 12.597 Information to be Obtained and Maintained

AIRPORT HAZARD ZONES AIRPORT SAFETY AND HAZARD PREVENTION OVERLAY ZONE (ASHPO)

- 12.600 ~~Hazard Zones Defined~~ [Purpose](#)
- 12.605 ~~Height Limitations~~ [Applicability](#)
- 12.610 ~~Use Restrictions~~ [Definitions](#)
- [12.615 Limitations and Restrictions on Allowed Uses](#)
- [12.620 Principal Uses Permitted in the Airport Noise Impact Boundary](#)
- [12.625 Principle Uses Permitted on the Airport Property](#)
- [12.630 Conditional Uses Permitted](#)

- [12.635 Non-permitted Uses](#)
- [12.640 Nonconforming Uses](#)
- [12.645 Procedures](#)
- [12.650 Klamath Falls Airport Needs](#)

MIXED USE ZONE STANDARDS

- [12.700 Purpose for Mixed Use Zone Standards](#)
- [12.705 General Mixed Use Standards](#)
- [12.710 Parking Standards](#)
- [12.715 Outside Display and Storage Standards](#)
- [12.720 Essential Requirements](#)
- [12.725 Mixed Use Zone Sign Standards](#)

DOWNTOWN BUSINESS ZONE DESIGN REVIEW STANDARDS

- 12.750 Standards for Downtown Design Review
- 12.754 Relationship of Buildings to Site
- 12.758 Relationship of Buildings and Site to Adjoining Area
- 12.760 Landscape and Site Treatment
- 12.764 Downtown Building Design
- 12.768 Historical Significance
- [12.772 Downtown Signs](#)
- 12.776 Downtown Awnings
- 12.780 Miscellaneous Structures and Street Hardware
- 12.784 Maintenance - Planning and Design Factors
- 12.788 Factors for Evaluation
- 12.796 Undeveloped Areas

NONCONFORMING USES AND STRUCTURES

- 12.860 Continuing Nonconforming Structure or Use
- 12.865 Nonconforming Structures
- 12.870 Extension of Nonconforming Use
- 12.875 ~~Nonconforming Development Termination of Certain Nonconforming Uses~~
- [12.876 Nonconforming Development Guidelines](#)
- 12.880 Discontinuance or Change of Nonconforming Use in a Structure
- 12.885 Destruction of a Structure Containing a Nonconforming Use
- [12.890 Nonconforming Use Exceptions](#)
- [12.895 Criteria for Approval of Nonconforming Use Required Findings](#)
- [12.898 Appeal.](#)

GENERAL EXCEPTIONS

- [12.900 Prohibiting the Reduction of the Size of Yard or other Open Space](#)
- [12.905 General Exception to Lot Size Requirements](#)

~~12.910 General Yard Exceptions~~

~~12.915 General Exception to the Rear Yard Requirements~~

~~12.920 Structure Height Exceptions~~

DENSITY BONUS

12.960 General

12.965 Criteria

LAND USE

CHAPTER 12

Note: Different standards than noted in Chapter 12 may apply in designated overlays, such as within established Planned Unit Developments (PUDs).

USES PERMITTED BY ZONE

12.000 Uses with a "P" designation are permitted outright (subject to provisions of Chapters 10-14); those with a "C" designation are subject to the Conditional Use provisions of Sections 11.000 to 11.200. If the use, the zone or site standards have a footnote, additional restrictions apply to the use or site standards. One principal use or structure is permitted per lot. Different standards than noted in Chapter 12 may apply in designated overlays, such as Riparian Protection Overlay Zone, Downtown Business Zone, Adult Business Overlay Zone, Hazard Overlay Zone, Flood Hazard Zone or the Geothermal Overlay Zone. Different standards may also apply within approved Planned Unit Developments (PUDs). The zoning designation extends to the centerline of any adjacent street or right of way. One principal use or structure is permitted per lot. Zoning designations and their related uses are defined in Chapter 10 and are listed below as follows:

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

USE	SF	MD	A	NC ¹	GC ²	DB ³	MU	LI ⁴	I ⁵	PF	SR ⁴⁶
Residential											
Single Family Dwelling	P	P	P	P	p ⁶	p ⁶					C
Duplex	P ⁵	P	P	P	p ⁶	p ^{6 7}	P				C
Tri Plex		C	P	P	p ⁶	p ^{6 7}	P				C
Four Plex		C	P	P	p ⁶	p ^{6 7}	P				C
Apartment			P	P	p ⁶	p ^{6 7}	P				C
<u>Above Ground Floor Apartment</u>				<u>p⁶</u>	<u>p⁶</u>	<u>p⁶</u>	<u>p⁶</u>				<u>C</u>
Townhouse ⁷		P	P	<u>p</u>			C				C
Manufactured Home ⁸	P	P	P	P							C
Manufactured Home Park		C	C	€	€						C
Home Occupation ⁹	P	P	P	P			P				C
Residential Home	P	P	P	P		p ^{6 7}	P				C

USE	SF	MD	A	NC ¹⁸	GC ²⁹	DB ³¹⁰	MU	LI ¹⁴	I ¹²	PF	SR ⁴¹³
Accessory¹⁰⁻¹⁴											
Boat Facilities ¹⁰⁺¹⁵	P E	P E	P E	P E	P E		P			P	C
Day Care	C	C	C	P	C	P	P	C	C	C	C
Dwelling Unit (ADU) ¹²	C	C	C	C							
Fence ¹⁰	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	<u>P</u>	<u>P</u>	P
Greenhouse (not including retail or wholesale) ¹⁰	P	P	P	P			P				P
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
Parking Lot	-	-	P	P	P	E	P	-	-	-	E
Playhouse ¹⁰	P	P	P	P			P				P
Satellite Dishes¹⁶	P	P	P	P	-	-	P	-	-	-	P
Signs ¹⁵⁻¹⁷	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
Solar Energy Farm ¹⁶					<u>P</u>			P	P	<u>P</u>	
Storage Shed ¹⁰	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	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

USE Trade	SF	MD	A	NC ¹	GC ²	DB ³	MU	LI	I	PF	SR ⁴
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 ²⁰⁻¹⁸	P ²⁰⁻¹⁸	P				C

Resale/Thrift Store				P	P	C	P				
Vehicle Sales, Service and Rental (automobile, boat, motorcycle, rv)					P	C	<u>C</u> €	P	P ¹⁹		
Wholesale				P	P	CP	P	P	P		C

USE	SF	MD	A	NC ¹⁹	GC ²² ₀	DB ³²⁺	MU	LI ²²	I ²³	PF	SR ^{4 24}
Commercial Services											
Adult Business ^{21 25}				P	P	P	P	<u>C</u> <u>P</u>	<u>P</u>		C
<u>Adult Day Care</u>	-	-	<u>C</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-	<u>C</u>	<u>C</u>
Athletic Club				P	P	P	P	P	P ²²		C
Auto Repair/Maintenance				P	P	C <u>P</u>	€	P	<u>P</u>		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 Facility	C	C	C	C	C	P	P				C
Child Treatment Center	C	C	C	C	C	C ^{6 26}	C				C
<u>Day Care</u>	-	-	<u>€</u>	<u>P</u>	<u>€</u>	<u>P</u>	<u>P</u>	-	-	<u>€</u>	<u>€</u>
Gun Firing Range- <u>I</u> ndoor					C			C	C		
Hotel/Motel				P	P	P	P	<u>P</u>	<u>P</u>		C
Indoor Recreation				P	P	P	C	C	C	C	C
Parking Lot				P	P	C	C	P	P	P	C
Personal Services				P	P	P	P				C
<u>Printers/Publishers</u>	-	-	-	<u>P</u>	<u>P</u>	<u>€</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-
<u>Private School</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>P</u>	-	-	<u>€</u>	-
<u>Professional Office</u>	-	-	<u>€</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>€</u>
Residential Facility	C	<u>PC</u>	<u>PC</u>	P	P	P ^{6 7}	P				C
Restaurant	C ¹⁸	C ¹⁸	C ¹⁸	P	P	P	P	C ^{22P}	C ^{22P}		C
RV Park					C					C	
Telecomm. Facility ¹⁴			C	C	C	C	C	C		C	C
<u>Telecomm. Facility Collocation</u> ¹⁴	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>

Veterinary Clinic				P	P	P	P	€	P	P	C
-------------------	--	--	--	---	---	---	---	---	---	--------------	---

USE	SF	MD	A	NC ¹²⁷	GC ²² ₈	DB ³²⁹	MU	LI ³⁰	I ³¹	PF	SR ⁴⁻³²
Public											
Cemetery	C	C	C	C	C		€	C		P	C
Church	C	C	C	C	C	C ^{6 33}	C	C	C	P	C
Crematory ²⁴	€	€	€	€	€		€	C	C	P	C
Government Office	C	C	C	C	C	C	C	C		P	C
Hospital	C	C	C	C	C		C	C		P	C
Fraternal Lodge	C	C	C	C	C	C	C	C	<u>C</u>	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 33}	C	C		C P	C
<u>Social Service</u>			<u>C</u>		<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>	

USE Industrial	SF	MD	A	NC ¹	GC ²	DB ³	MU	LI	I	PF	SR ⁴
Industrial											
Cleanroom Manufacturing					C		C	P	P		C
Call Center					C	C ⁶	C	P	P		C
Repair/Maintenance							C P	P	P		C
Storage/Warehousing							C P	P	P		C
Manufacturing/Assembly							C P	P	P		C
Light Industrial							C P	P	P		C

SITE STANDARDS BY ZONE

12.01053

DESIGN FEATURE	SF	MD	A	NC ²⁶³⁴	GC	DB	MU	LI	I	PF	SR
Setbacks (in feet)²⁷⁻⁵											
Front Yard <u>General</u> ²⁸	10; 15 ^{28;} 20	10; 15 ^{28;} 20	10 ²⁸ 0	10 ²⁸	0	0	0	0	0	0	20
Front Yard Garage	20 ²⁸	20 ²⁸	10 ²⁸	10 ²⁸	0	0	0	0	0	0	
Rear Yard	5	5	5	5	0	0	0	0	10	10	20 0
Front Yard Unenclosed Porch <u>Interior Side Yard</u>	10 ⁵	10 ⁵ ²⁹	10 ⁵ ²⁹	10 ⁰	0 ⁰	0 ⁰	0 ⁰	0 ⁰	0 ¹⁰	0 ¹⁰	20 ¹⁰ 0 ²⁹
<u>Interior Side Yard</u>	5	5	5	0	0	0	0	0	10	10	20
Exterior Side Yard	10	10	10	0	0	0	0	0	10	10	10
Yard Abuts Res. Zone ^{30 36}	n/a	n/a	n/a	15 ^{31 36}	15 ^{31 36}	n/a	15 ^{31 36}	25	25	15 ^{31 36}	n/a
Yard Abuts Arterial St.	n/a	n/a	n/a	10 30	0	0	0	30	30	0	n/a
Max. Building Height³²³⁷	28	35 ²⁸	45	45	55 ⁴⁵	55 ⁴⁵	55 ⁴⁵	70 ⁴⁵	70 ⁴⁵	70	30
Vision Clearance (feet)³³											
Street Leg	15 ²⁵	15 ²⁵	15 ²⁵	15	15	0	0	15	15	15	15
Alley Leg	10	10	10	10	10	0	0	10	10	10	10
Lot Coverage (%)³⁵	35 ⁴⁰	45 ⁵⁰ 40	60	75	100 ³⁴³⁸	100 ³⁴³⁸	100 ³⁴³⁸	100 ³⁴	100 ³⁴	100 ³⁴	20
Non-structure Impervious Lot Coverage (%)³⁵	25	35	50	75	90	90	90	90	90	90	20
Minimum Lot Size ³⁶³⁹ (thousand square feet)	7	5 ⁴⁰	5 ³⁷⁴⁰	5 ³⁴	5 ³⁴	5 ³⁴	5 ³⁴	5 ³⁴	5	5	20
Fence Height ^{38 41}(feet)											
Front Yard	3½	3½	3½	3½	3½	3½	3½	7	7	3½ ³⁹	3½
Rear Yard	7	7	7	7	7	3½ ⁷⁴⁰	3½ ⁷⁴⁰	7	7	7	7
Interior Side Yard	7	7	7	7	7	3½ ⁷⁴⁰	3½ ⁷⁴⁰	7	7	7	7
Exterior Side Yard ⁴¹	3½	3½	3½	3½	3½	3½	3½	7	7	3½	3½

~~1 Neighborhood Commercial~~A business in the Neighborhood Commercial Zone ~~service or enterprise~~ 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 ~~1,800-18,000~~ 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~~Principal uses and parking lots, including four plexes and apartments except multifamily dwellings with four or less dwelling units, shall be subject to the provisions of Sections 11.050 to 11.094, Design Review.

~~3~~ Downtown Business Zone is ~~s~~Subject to the provisions of Sections 12.750 to 12.796, Downtown Business Zone Design Review Standards.

~~4~~Commercial uses shall be accessory to a Light Industrial use located not more than 150 feet from the external boundary of the lot containing such Light Industrial use.

~~5~~Commercial uses shall be secondary to an Industrial or Light Industrial use which is located not more than 1500 feet from the external boundary of the lot which will contain the proposed Commercial use.

~~4~~ Special Reserve Zone is subject to the provisions of Sections 12.415 to 12.445, Special Reserve Development Standards.

~~5~~ Duplex is permitted in Single Family Zone, ~~p~~Provided that the duplex is on a corner lot and the units face opposite streets.

~~6~~ The use is allowed in designated zones, ~~p~~Provided the use is not located on the first or ground floor. ~~of Main Street.~~

~~7~~ Garages, an accessory use, shall be located ~~in~~ at the rear of building.

~~8~~Commercial service or enterprise shall occupy 3,000 square feet or less and in no case shall the total floor area within one structure or group of structures treated as a common whole exceed 18,000 square feet.

~~9~~Principal uses and parking lots, except multifamily dwellings with four or less dwelling units, shall be subject to the provisions of Sections 11.050 to 11.094, Design Review.

~~10~~ Subject to the provisions of Sections 12.750 to 12.796, Downtown Business Zone Design Review Standards.

~~11~~Commercial uses shall be accessory to a Light Industrial use located not more than 150 feet from the external boundary of the lot containing such Light Industrial use.

~~12~~Commercial uses shall be secondary to an Industrial or Light Industrial use which is located not more than 1500 feet from the external boundary of the lot which will contain the proposed Commercial use.

~~13~~ Subject to the provisions of Sections 12.415 to 12.445, Special Reserve Development Standards.

~~8~~ Manufactured Home SStructures shall conform to the manufactured home placement standards found in Section 12.015.

~~9~~ Home Occupations shall conform to the home occupations standards found in Section 12.020.

~~14~~~~10~~ For non-commercial, private use only.

~~15~~~~11~~ Dock, wharf, boathouse, moorage or houseboat.

~~12~~ AAccessory Dwelling Unit's shall conform to the accessory dwelling unit standards found in Section 12.050.

~~13~~ Covered parking (A garage or carport) is required for every dwelling unit in a single family dwelling, Dduplex, Ttri-plex, and Ffourplex. For apartments, one ~~1~~in every four~~4~~ required parking spaces shall be covered. Accessory dwelling~~Dwelling units~~ Units and Ddormitories are excluded from covered parking requirements.

~~14~~ Minor Antennae are ~~s~~Subject to the provisions of Sections 14.950 through 14.996, Telecommunications.

~~16~~ Subject to Design Review, Sections 11.050 to 11.094.

~~17~~~~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), box-cars, ~~or~~ 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~~~~18~~ Antique Stores are ~~s~~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~~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.

~~19~~Commercial service or enterprise shall occupy 3,000 square feet or less and in no case shall the total floor area within one structure or group of structures treated as a common whole exceed 18,000 square feet.

~~20~~Principal uses and parking lots, except multifamily dwellings with four or less dwelling units, shall be subject to the provisions of Sections 11.050 to 11.094, Design Review.

~~21~~ Subject to the provisions of Sections 12.750 to 12.796, Downtown Business Zone Design Review Standards.

~~22 Commercial uses shall be accessory to a Light Industrial use located not more than 150 feet from the external boundary of the lot containing such Light Industrial use.~~

~~23 Commercial uses shall be secondary to an Industrial or Light Industrial use which is located not more than 1500 feet from the external boundary of the lot which will contain the proposed Commercial use.~~

~~24 Subject to the provisions of Sections 12.415 to 12.445, Special Reserve Development Standards.~~

~~25-21 Adult Business uses are sSubject 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, which is the commercial use shall be located not more than 1500 feet from the external boundary of the lot which will contain the proposed Commercial use containing such Industrial or Light Industrial use.~~

~~23 Bed and Breakfasts shall conform to the bed and breakfast 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 all zones in which cemeteries are permitted. 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 are allowed in conjunction with cemeteries in all zones in which cemeteries are permitted.~~

~~26 Provided the use is not located on the first or ground floor of Main Street.~~

~~26 Dwelling shall conform to the setbacks of the Apartment Residential zone.~~

~~27 Commercial service or enterprise shall occupy 3,000 square feet or less and in no case shall the total floor area within one structure or group of structures treated as a common whole exceed 18,000 square feet.~~

~~28 Principal uses and parking lots, except multifamily dwellings with four or less dwelling units, shall be subject to the provisions of Sections 11.050 to 11.094, Design Review.~~

~~29 Subject to the provisions of Sections 12.750 to 12.796, Downtown Business Zone Design Review Standards.~~

~~30 Commercial uses shall be accessory to a Light Industrial use located not more than 150 feet from the external boundary of the lot containing such Light Industrial use.~~

~~31 Commercial uses shall be secondary to an Industrial or Light Industrial use which is located not more than 1500 feet from the external boundary of the lot which will contain the proposed Commercial use.~~

~~32 Subject to the provisions of Sections 12.415 to 12.445, Special Reserve Development Standards.~~

~~33 Provided the use is not located on the first or ground floor of Main Street.~~

~~34 Dwelling shall conform to the setbacks of the Apartment Residential zone.~~

~~27. Structures shall conform to the riparian protection overlay setback requirements found in Sections 12.260 through 12.282.~~

~~35-28 Front yard setbacks for all subdivisions platted after January 1, 1998, shall be 15', except garages shall be set back a minimum of 20' from the front property line. Unenclosed porches shall be allowed with a 10' setback. Duplexes, Tri-plexes, Four-plexes, and Townhouses may have a 10' front setback when the primary entrance faces the highest classified street, when the parking is in the rear of the structure, and if 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.~~

~~29 Townhouses are allowed an interior side yard setback of 0' when the side yard is shared by two townhouses.~~

~~30 Zoning goes to the centerline of the adjacent street(s) right-of-way. In commercial and industrial zones, nNo setback requirement from residential zones is necessary when a street right-of-way is between the commercial/industrial zone and the residential zone.~~

~~36-31 In the Neighborhood Commercial, General Commercial, Mixed Use, and Public Facility zones, Plus one foot for every foot the proposed nonresidential structure exceeds the maximum building28' in height in the applicable residential zone it abuts, one additional foot of setback is required. -~~

~~37-32 Where permitted, PPublic Facilities are allowed a height of 70' in all zones where Public Facilities are permitted.~~

~~33 Vertical clearance is required between 2'6" and 10'0". Under no circumstance shall any structure block a street sign.~~

~~38-34 For zones that allow 100% coverage, sStructures may occupy the entire lot, except that amount necessary to comply with applicable parking and landscaping requirements.~~

~~35 Pavers and decks less than 30" in height shall not count towards lot coverage or non-structure impervious lot coverage. Decks 30" and above in height are included in lot coverage calculations.~~

~~39-36 Pertains Applies to newly created lots.~~

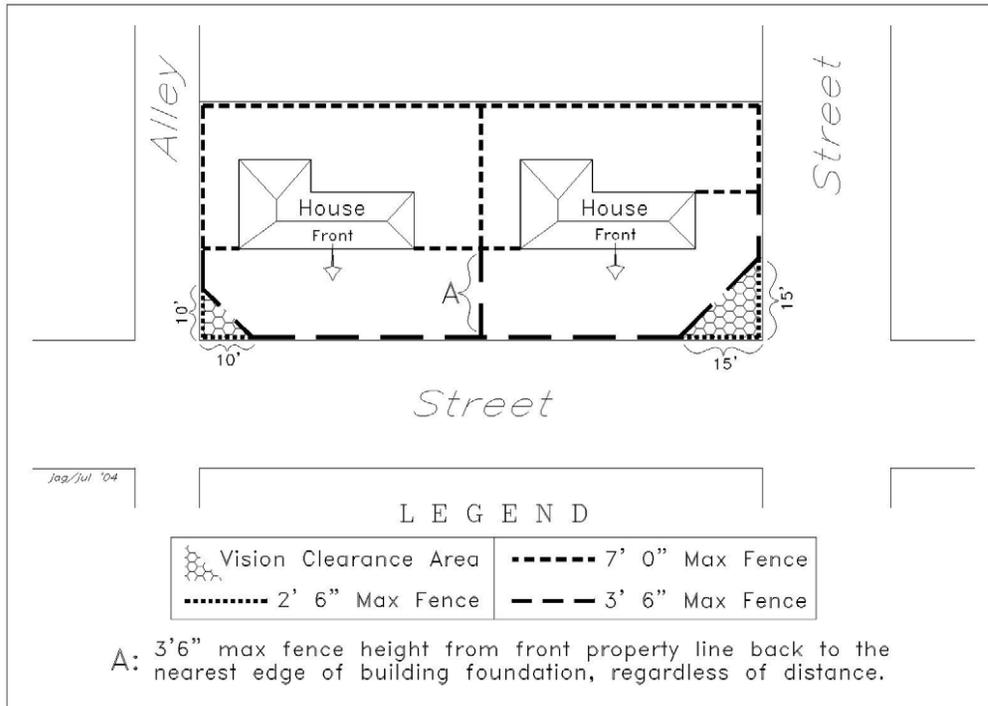
~~40-37 Multifamily units with more than four units shall require-have an additional 1,000 square feet for each unit over four.~~

⁴¹⁻³⁸ ~~Fence stringers shall be located to the interior of the lot.~~ Fence type, color and composition shall be compatible with the neighborhood within which it is placed. Fence height shall not exceed 3'6" 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 6' in height, contact the Klamath County Building Department about building permit information.

³⁹ When fences are erected for public utilities, they are allowed a height of 7'.

⁴⁰ When screening trash and recycling receptacles, fences are allowed a height of 7'. Trash and recycling receptacles shall be screened to a minimum height of 6' by a sight obscuring fence and conform to the other screening standards found in Section 14.150.

⁴¹ For a rear yard, fence height for an exterior side yard abutting a street right-of-way can increase to a height of 7' 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 ~~7'~~ of 7' at the front edge of the building foundation. See below diagram.



GENERAL EXCEPTIONS

12.010 General Yard Exceptions. Exceptions to yard requirements are as follows:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Sidewalks, driveways and designated off street parking areas may be constructed within the required setbacks.

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.

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 12.600 through 12.650 Airport Hazard Zones. 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.

MANUFACTURED HOME PLACEMENT STANDARDS

12.015 Manufactured Homes are allowed in all residential zones, except in a ~~historie~~Historic district~~District~~ or immediately adjacent to a ~~historie~~Historic landmark~~Landmark~~, provided the following standards are met:

~~[Amended by Ordinance 95-3, enacted February 21, 1995]~~

- (1) The home shall be a double wide or larger multisection unit;

~~[Amended by Ordinance 97-28, enacted December 15, 1997]~~

- (2) 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 ~~twelve~~12 inches (~~12"~~) 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;
- (3) The home shall have a pitched roof with a nominal slope of at least ~~three~~3 feet (~~3'~~) in height for each ~~twelve~~12 feet (~~12'~~) in width;
- (4) 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 **Planning** Director and shall not have reflective metal siding or roofing;

~~[Amended by Ordinance 97-28, enacted December 15, 1997]~~

- (5) The home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce 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;
- (6) Evidence demonstrating that the manufactured home meets "Super Good Cents" (ceiling R-38, Walls R-19, Floors R-33 (Requires 2 X 6 walls)) energy efficiency standards which ~~is~~are deemed to satisfy the exterior thermal envelope certification requirement;

~~[Added by Ordinance 97-28, enacted December 15, 1997]~~

- (7) The home shall have a garage or carport at least 180 square feet in size, constructed before occupancy, of like materials; and

~~[Amended by Ordinance 93-20, enacted November 15, 1993]~~

~~[Amended by Ordinance 95-9, enacted September 5, 1995]~~

- (8) 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.

~~{Added by Ordinance 96-21, enacted July 1, 1996}~~

~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

HOME OCCUPATIONS

12.020 Home occupations are allowed in residential zones, with a valid business license as required in Klamath Falls City Code Section 7.005 to 7.100~~obtained from the Director and~~ based on the following criteria:

~~[Amended by Ordinance 28-97, enacted December 15, 1997]~~

- (1) 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-;

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

- (2) There shall be no on-premise, external~~outside~~ storage of materials, supplies or finished products associated with the occupation-;
- (3) The occupation shall occupy no more than twenty five percent (25%) of the ground floor area of the main building, including an attached garage, up to a maximum of two hundred fifty (250) square feet or an equivalent amount of area within an accessory structure-;
- (4) No occupation shall be allowed to infringe in any manner upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes-;
- ~~(5) No occupation shall be allowed to operate in violation of the policies of the Comprehensive Plan-;~~
- ~~(6)~~ There shall be no more than eight (8) client's or customer's automobiles vehicles per day at the home occupation. Clients or customers are permitted at the home occupation from 7:00 AM to 7:00 PM only-;
- (7) ~~[Added by Ordinance 28-97, enacted December 15, 1997]~~
- (7) ~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~
- (7) 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
- (8) No signs relating to the home occupation may be displayed. Signs not to exceed 4 sq ft are allowed at locations with licensed Home Occupations as allowed under Section 14.348.

~~[Added by Ordinance 28-97, enacted December 15, 1997]~~

~~[Added by Ordinance 00-09, enacted May 1, 2000]~~

BED & BREAKFAST STANDARDS

12.025 Bed and Breakfast Facilities, ~~when allowed, are allowed when must be~~ accessory to a ~~single family dwelling residential use~~ and ~~provided it must~~ complies ~~comply~~ with the following:

- (1) The residence is ~~applicant~~ occupied by the owner (e.g. not a manager);
- (2) 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. ~~Parking for guests shall not be allowed in the front yard unless the parking area is screened and found to be compatible with the neighborhood.~~;
- (3) Except in commercial zones and the Downtown Business Zone Overlay, ~~Only one~~ groundfreestanding or wall mounted, non-illuminated sign of 6 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 14.300 to 14.368;;
- (4) Room rentals to families or individuals shall not exceed twenty (20) individuals at any one time;
- (5) 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 ten (10);
- ~~(6) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located. The architectural integrity and arrangement of existing interior spaces must be maintained and the number of rooms shall not be increased except as may be required to meet health, safety and sanitation requirements.~~;
- (76) 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
- (87) The only meal to be provided to guests shall be breakfast and it shall only be served to guests lodging in the facility.

~~[Added by Ordinance 6543, enacted November 2, 1987]~~

RESIDENTIAL BUSINESS STANDARDS

12.030 Standards. All Residential Businesses shall comply with the provisions of Sections 11.100 to 11.120 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:

- (1) All Residential Business uses shall be located on a Ceorner Lot.
- (2) Each of the following uses 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:
 - a. Boutique rRetail
 - b. Convenience Sstore
 - c. Restaurant
- (3) None of the Residential Business uses in 12.030(2) shall be closer than 3000 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 US Bureau of Reclamation right-of-way, are between like Residential Business uses.
- (4) No Residential Business use shall be within 500 feet of a Neighborhood Commercial, General Commercial, and/or Mixed-Use zonesd property.
- (5) Notwithstanding the parking requirements in Sections 14.005 to 14.047 and 12.030(3) shall not apply when major physical barriers, such as State Highway right of way, railroad right of way, or USBR right of way is between like Residential Business uses.
- (5) iIn addition to the required residential off-street parking spaces, each Residential Business shall have the following minimum number of off-street parking spaces:
 - a. Boutique Rretail shall have a minimum of 2 off-street parking spaces
 - b. Convenience Sstores shall have a minimum of 4 off-street parking spaces
 - c. Restaurants shall have a minimum of 5 off-street parking spaces
- (6) Each Residential Business shall have no more than a maximum of 50 percent of the front yard paved with asphalt or concrete.
- (7) No Residential Business shall be allowed a drive-thru window.
- (8) Each Residential Business shall have a minimum of 15 percent of the

property landscaped.

- (9) No Residential Business shall be allowed a freestanding sign.
- (10) No sign shall have ~~lighting or backlighting.~~
- (11) Wall mounted signs shall not exceed 12 square feet in size.
- (12) If new construction or remodeled, building architecture shall be similar to the neighborhood and compatible with adjacent residences.

~~If new construction or remodeled, bBuilding architecture shall be similar to the neighborhood adjacent residences orand be determined compatible towith adjacent residences the neighborhood.~~

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 sections 10.705 – 10.710 (Rules of Procedure for the Conduct of Hearing).~~The Commission shall conduct a public hearing on the requested Conditional Use Permit for a Residential Business use according to the procedures in Sections 11.100 through 11.120, except the Commission shall make all determinations in place of the Director.~~ **Approval of the Conditional Use Permit is subject to Planning Commission review.**

SHIPPING CONTAINER STRUCTURES

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

- (1) Not allowed
- (2) Allowed as Accessory Unit.
- (3) An ADU shall have a design that relates to the design of the primary dwelling unit by use of similar exterior wall materials, window types, door and window trim, roofing materials and roof pitch. If the shipping container structure is intended to be occupied as a residence, it shall comply with the manufactured home placement standards in Section 12.015(2)-(4),(6)-(8). If the shipping container structure will not be occupied as a residence, it shall comply with the manufactured home placement standards in Section 12.015(3),(4).
- (3) If the shipping containers 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 of the container is located not more than twelve inches (12") above grade (ground level). Where the building site has a sloped grade, the height of the bottom of the container shall be measured on the uphill side of the container.
- (3) Containers shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve feet (12') in width.
- (3) Containers shall have exterior siding and roofing which in color, material and appearance is comparable or complementary to the predominant materials used on surrounding structures as determined by the Director and shall not have reflective metal siding or roofing.
- (3) eContainer structure is intended to be occupied as a residence, its shall have interior restroom facilities. Outside restrooms, such as outhouses are not allowed.
- (3) If the shipping container structure is intended to be occupied as a residence, Containers that are designed for residential housing it shall have at least one (1) window in each bedroom.
- (3) Except for window air conditioners, Containers shall be situated 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.
- (3) mMechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials that are harmonious or complementary with to the building or or they shall be so located as not to be visible from any public ways.

- (3) Proof that shipping container structure containers have been was adequately tested to insure toxic and hazardous materials and insecticides have been adequately and appropriately removed, shall be provided to the Planning Division.
- (3) All shipping container structures shall be in compliance with the state and local plumbing, structural, mechanical, and electrical building codes and regulations.

ACCESSORY DWELLING UNITS (ADU²s)

12.050 Accessory Dwelling Units (ADU²s) are allowed when accessory to a primary Single-Family Dwelling Structure ~~the primary dwelling unit and~~ provided it complies with the following:

- (1) An ADU shall be permitted as a second dwelling unit that may be located either within, attached to, or detached from the primary ~~Single-Ffamily Dwelling Sstructure.~~
- (2) An ADU²s shall have a design that relates to the design of the primary dwelling unit by use of similar exterior wall materials, window types, door and window trim, roofing materials and roof pitch.
- (3) An ADU²s shall comply with maximum lot coverage and minimum setback requirements applicable to the parcel containing the primary dwelling unit as set forth in Section 12.010. Lot coverage calculations are determined by adding the lot coverage of the ADU, the ~~primary dwelling unit~~Single-Family Dwelling Structure, and any other structures together.
- (4) An ADU shall not exceed 50% of the gross floor area of the primary ~~Single-Family Dwelling Structuresingle family structure,~~ not including the garage and/or detached accessory buildings.
- (5) An ADU shall not be established on any parcel smaller than 5,000 square feet.
- (6) Only one ADU shall be allowed per primary dwelling unit ~~and/or lot.~~
- (7) An ADU shall have a separate entrance than the primary dwelling unit.
- (8) ~~All~~An ADU²s shall have a separate street address from the Single-Family Dwelling Structures ~~es that are is~~ visible from the street and ~~that clearly identifies~~ the location of the ADU. For example, if the primary dwelling unit is 4420 Example Street, once the ADU is approved the primary dwelling unit would become 4420A Example Street and the ADU could become 4420B Example Street.
- (9) For ADUs at or less than 500 square feet, ~~o~~One off-street parking space shall be provided for any ADU at or below 500 square feet. For ADUs larger than 500 square feet, ~~two~~Two off-street parking spaces shall be provided for any ADU larger than 500 square feet. In no case, shall more than ~~shall an ADU provide for more than two~~ new off-street parking spaces be provided. Parking for the accessory unitADU is in addition to the required parking for the Single-Family Dwelling Structureprimary dwelling unit.
- (10) An ADU shall share the same sewage disposal and water supply systems as the Single-Family Dwelling Structureprimary dwelling unit.

- (11) ~~The property owner shall occupy either the Single Family Dwelling Structure principal dwelling unit or the ADU. Owner residency shall be proven, to the satisfaction of the Director, by voter registration, car registration, or utility bills and the like.~~
- (11) An ADU shall not be occupied by more than two (2) people.

MANUFACTURED HOME PARKS

MOBILE HOME PARKS AND MANUFACTURED DWELLING PARKS

12.100 Purpose. The purpose of this ~~codesection~~ is to encourage the most appropriate use of land for ~~mobile home park and Mmanufactured Dwelling Park~~ purposes; to 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; to provide sufficient open space for light, air and recreation purposes; to provide adequate access and parking for ~~mobile home and manufactured dwelling sites~~; to provide adequate utility service, including sanitary sewer, storm drainage, and water; to assure that acceptable traffic circulation is maintained; and, to promote the public health, safety and general welfare of the city. ~~Existing mobile home parks and new manufactured dwelling parks will, hereafter in Sections 12.100 – 12.190, be referred to as “park(s)”.~~

12.105 Conditional Use Permit Required. No ~~Manufactured Dwelling Park park~~ shall be developed, enlarged or otherwise modified without first obtaining a conditional use permit as required herein.

12.110 Manufactured Dwelling Park Park-Uses. For uses other than ~~mobile home spaces and manufactured dwellings spaces~~, the specific land use proposed within the ~~Manufactured Dwelling Park park~~ must be approved as part of the conditional use permit process as provided in Sections 11.100 to 11.120, and be accessory to the primary use. This includes uses typically allowed in a residential zone.

12.115 Application – New Parks or Extensions. ~~Application for a new park or modification of an existing park shall be filed with the Planning Division on forms provided by the City and accompanied by the documents required by Section 11.100, Conditional Use Permits. No Development Permit shall be approved for a park unless the area for which the park is proposed is zoned to permit a mobile home or manufactured dwelling park and the conditional use permit required by this Chapter has been granted.~~

12.120 Preliminary Site Plans. In addition to the standard application requirements of a conditional use permit, the application for a ~~Manufactured Dwelling Park park~~ shall be ~~accompanied~~ submitted with by the following information:

- (1) A legal description of the area to be occupied by the Manufactured Dwelling Park park;
- (2) A plot plan drawn to a scale of not less than 1" = 50' for new construction or extensions, and 1" = 100' for existing parks;

- (2) Name of the person who prepared the plan;
- (2) Name of property owners and developers;
- (2) Scale and north arrow;
- (2) Vicinity map showing relationship of the park to adjacent properties;
- (2) Boundaries and dimensions of the Manufactured Dwelling Park park and all existing property lines within the boundary of the Manufactured Dwelling Parkpark;
- (3) Location of existing and proposed buildings;
- (3) Location and dimension of mobile home or manufactured dwelling spaces;
- (4) 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;
- (5) Location and width of private walkways and public sidewalks;
- (6) Location of recreational areas and buildings including details of recreational area development;
- (7) Location and concealment of garbage and recycling receptacles;
- (7) Location of bicycle parking;
- (7) Location and type of fencing and/or walls;
- (7) Location of utility connections for the Manufactured Dwelling Parkpark;
- (8) A space detail plan of a typical mobile home or 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;
- (9) 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 and/or screening and model number and location of an approved backflow prevention device;
- (10) Location of any intended future expansion; and
- (11) An indication as to whether the site is located adjacent to or includes a flood plain.

12.125 Final Plans. Prior to issuance of a Development Permit for a Manufactured Dwelling Parkpark, 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:

- (1) All access points including emergency access;
- (2) Utility and storm drainage plans;
- (3) Street and sidewalk construction;
- (4) Recreational area improvements; and
- (5) 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 plans shall be submitted to the Planning Division. The Division shall determine whether the final plans and construction drawings, as submitted, conform with the approved preliminary plans, and the conditions of approval, and with the requirements of law. If they do, the Division shall approve the plans and shall issue a Development Permit for the park. 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. a reapplication of the permit will be necessary.~~

12.130 Site Requirements for New Manufactured Dwelling Parks, Parks or Expansion or Major Modification of Existing Manufacture Dwelling or Mobile Home Parks. The following shall be the minimum site requirements for new Manufactured Dwelling Park, parks or for the area of an expansion of a Manufactured Dwelling Park or a major 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. park:

- (1) The Manufactured Dwelling Park park shall have a minimum frontage of two hundred feet (200'), a minimum depth of three hundred feet (300') and an area of not less than one (1) acre.
- (2) Each manufactured dwelling sitespace 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 standards of the City of Klamath Falls Public Works Engineering StandardsEngineering Standards. Each manufactured homedwelling space shall be provided with a water, sewer and electrical connection. The electrical connection shall provide for 110 to 220 volt service. All utilities shall run underground.
- (3) The Manufactured Dwelling Park project density shall be within the density range permitted within the underlying zoneing district.
- (4) Each manufactured dwelling space mobile home space or manufactured dwelling space shall front along a private street. The private street shall havinghave 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 6-inch curb or an inverted crown per City of Klamath Falls Public Works Engineering Standards Engineering Standards City of Klamath Falls standard details or an inverted crown. All street corners shall have a minimum radius of 20 feet.

- (5) 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.
- (6) A minimum ~~four (4)~~ ^{four (4)} foot wide paved pedestrian path shall be constructed on at least one side of all streets within the Manufactured Dwelling Park ~~park~~ and connected to any adjoining sidewalk outside of the Manufactured Dwelling Park ~~park~~.
- (7) In Manufactured Dwelling Parks ~~parks~~ with ~~forty (40)~~ ^{forty (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 ~~park~~; or an ~~space~~ area outside of the travel lanes ~~must be made available on the adjacent public street~~ must be made available to allow school bus loading and unloading ~~outside of the travel lanes~~.
- (8) In Manufactured Dwelling Parks ~~parks~~ with ~~forty (40)~~ ^{forty (40)} or more spaces, each access way within the Manufactured Dwelling Park ~~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. ~~provided in conformance with the provisions of Section 11.805.~~ A map of the named vehicular ways shall be provided to the City.
- (9) A minimum of two off-street parking spaces shall be provided for each manufactured dwelling as follows: One off-street parking space shall be provided on each mobile home space or manufactured dwelling space within a covered carport or garage. The additional parking space may be provided either within the mobile home or manufacture dwelling space or on the street. Visitor parking shall be provided in the park at a ratio of ~~1 parking space per 5 mobile home or manufactured dwelling spaces~~. Visitor parking may be provided within the mobile home or

manufactured dwelling spaces, on the street, or within a “visitor” parking lot provided within the park. Such spaces shall be paved with asphalt, concrete or similar material.

- (9) Each manufactured dwelling space shall be connected to the private street on which it fronts by a paved pedestrian path not less than 4 feet wide.
- (10) A six feet tall sight-obscuring fence or wall six feet high, with no openings other than required entrances, shall be constructed surrounding the Manufactured Dwelling Parkpark, unless an alternative plan is approved by the Director. The fence or wall shall be setback at least ~~five~~ (5) feet from the property line of any adjoining exterior street(s). The 5 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 Parkpark.
- (11) When the ~~mobile home spaces or~~ manufactured dwelling spaces back up to an adjoining public street, the minimum setback along the property line abutting the street shall be at least ~~ten~~ (10) feet.
- (12) When the ~~mobile home spaces or~~ manufactured dwelling spaces front onto a private street within the Manufactured Dwelling Parkpark, the minimum front yard setback shall be ~~ten~~ (10) feet.
- (13) All landscaping shall be consistent with Sections 14.400 to 14.430.
- (14) All storage in a ~~mobile home space or~~ manufactured dwelling space shall be in an enclosed building or structure with flooring, except for automobiles, campers, travel trailers, trailered items, or motor homes.
- (15) Common storage areas for recreational vehicles, including boats, campers, and other wheeled vehicles, and trailered items, shall not be ~~located adjacent to~~ visible from any public street adjoining the Manufactured Dwelling Parkpark.
- (16) Common outdoor recreational areas(s) shall be provided, in the amount of ~~totaling 2,500 square feet per park or~~ 150 square feet per manufactured dwelling space, whichever is greater, shall be provided. The recreational ~~space(s)~~ areas shall be conveniently located and easily accessible from all parts of the Manufactured Dwelling Parkpark. The recreational area(s) 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 area(s) may be used as storm water detention areas.

12.135 Mobile Home Space and Manufactured Dwelling Space

Requirements. In addition to the requirements in Section 12.130, the following shall be the minimum manufacture dwelling space requirements for new

Manufactured Dwelling Park or for the area of an expansion 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 or major modification of an existing Manufactured Dwelling Park:

- (1) The minimum mobile home or manufactured dwelling space width shall be forty (40) feet.
- (2) The minimum separation between a mobile home or manufactured dwellings and other mobile homes or manufactured dwellings shall be ten (10) feet.
- (3) When a double carport is used to serve two adjacent mobile homes or manufactured dwellings, a minimum of a three (3) foot separation shall be provided between the carport and any adjacent structure, mobile home or manufactured dwelling, or accessory structure. In lieu of the three (3) foot separation, a one (1) hour fire separation may be provided through the center of the carport serving adjacent mobile home or manufactured dwellings.
- (4) When a double garage is used to serve two adjacent mobile homes or manufactured dwellings, a minimum six (6) foot separation shall be provided between the carport and any adjacent structure, mobile home or manufactured dwelling, or accessory structure. If a one (1) 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 (3) feet.
- (5) No mobile home or manufactured dwelling shall be permitted to extend into any required setback area or otherwise overhang or obstruct any required street, access way, or walkway.
- (5) Mobile homes or Manufactured dwellings shall not be located closer than five (5) feet from a perimeter fence or wall and/or property line.

12.140 Placement of Mobile Homes and Manufactured Dwellings in Manufactured Dwelling Park Parks. A Residential Review application shall be submitted and reviewed in accordance with Sections 11.000 – 11.010 prior to the placement of any mobile home or manufactured dwelling; the construction of additions to any mobile home or manufactured dwelling; and the construction of storage sheds, gGarages, gGreenhouses, and carports within an approved Manufactured Dwelling Park park. Only units meeting the definition for either mobile homes or manufactured dwellings set forth in ORS 446.003 shall be permitted within a mobile home or Manufactured Dwelling Park manufactured dwelling park.

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:

- (1) Skirting;
- (2) Cabanas, patios, awnings, carports, garages, or porches; and
- (3) Enclosure for storage purposes, not to exceed 10 percent of the square foot area of the dwelling.

12.150 Conditions of Approval. ~~The Director may include conditions of approval as listed for conditional use permits in Sections 11.100 to 11.120. The Director may also require more than a single access point onto public streets.~~

~~12.100 Standards.~~ ~~All manufactured home parks shall comply with the provisions of all applicable provisions of Chapters 10 to 14, state standards and the following minimum standards:~~

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

~~Where manufactured home parks involve a subdivision of land, the provisions of Chapter 11 shall be complied with.~~

~~Each site shall be served by public facilities such as water supply, surface water drainage, sewers, sidewalks and improved access ways in conformance with the standards of the Public Works Department. Each manufactured home shall be provided with a water, sewer and electrical connection. The electrical connection shall provide for 110 to 220 volt service. All utilities shall run underground.~~

~~There shall be a minimum of two off street parking spaces for every manufactured home, exclusive of parking provided for the exclusive use of the manager or employees of the park. Such spaces shall be paved with asphalt, concrete or similar material.~~

~~A Manufactured home park shall have a minimum frontage of two hundred feet (200'), a minimum depth of three hundred feet (300') and an area of not less than one (1) acre.~~

~~[Amended by Ordinance 97-28, enacted December 15, 1997]~~

~~No manufactured home or other building or structure shall be within twenty five feet (25') of a public right of way, or ten feet (10') of the park's property boundary.~~

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

~~No structure permitted in the park shall exceed twenty eight feet (28') in height.~~

~~[Amended by Ordinance 93-20, enacted November 15, 1993]~~

~~[Amended by Ordinance 95-9, enacted September 5, 1995]~~

~~If the park provides spaces for fifty (50) or more manufactured home units,~~

~~each access way within the park shall have signs provided in conformance with the provisions of Section 11.805. A map of the named vehicular ways shall be provided to the City.~~

~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

~~If a manufactured home space or permanent structure in the park is more than five hundred feet (500') from a public fire hydrant, the park shall have water supply mains designed to serve hydrants and hydrants shall be approved to the specifications of the Fire Chief. Each hydrant within the park shall be located on an access way and shall conform in design and capacity to the public hydrants in the City.~~

~~Primary access shall be from arterial or collector streets. Where the Public Works Department determines it necessary, additional right of way shall be dedicated to maintain adequate traffic circulation.~~

~~A sight obscuring planting, fence or wall not less than six feet (6') nor more than seven feet (7') in height shall surround a manufactured home park; except that within the required front yard the fence shall be not less than two and one half feet (2½') nor more than three feet (3') in height.~~

~~The enlargement of the size or use of a manufactured home park shall be in compliance with the requirements of this Ordinance.~~

~~{Amended by Ordinance 96-15, enacted May 20, 1996}~~

RECREATIONAL VEHICLE PARKS

12.200 Standards. All ~~R~~recreational ~~V~~vehicle ~~P~~arks 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:

- (1) The space provided for each ~~R~~recreational ~~V~~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.
- (2) 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~~Impervious Surface in accordance with the applicable provisions of ~~Section 10.310 and~~ Chapters 10-14 and designed to provide for all maneuvering and parking of ~~R~~recreational ~~V~~vehicles without encroaching on a public street.
- (3) A space provided for a ~~R~~recreational ~~V~~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 ~~R~~recreational ~~V~~vehicle and not intended as an access way to the ~~R~~recreational ~~V~~vehicle or part of an outdoor patio, need not be paved,; provided the area is landscaped or otherwise treated to prevent dust or mud.
- (4) A ~~recreational-Recreational vehicle-Vehicle~~ space shall be provided with piped potable water and sewage disposal service. A ~~recreational-Recreational vehicle-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.
- (5) A ~~recreational-Recreational vehicle-Vehicle~~ space shall be provided with 110 and 220 volt electrical service. All utilities shall run underground.
- (6) 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 onethree cubic yards of disposal space for every five ~~R~~recreational ~~V~~vehicle spaces.
- ~~(7) Unless the recreational vehicle is connected to water, sewer, and electrical services, n~~No recreational vehicle shall remain in the ~~P~~ark for more than 30 days in any 60 day period.

~~(8) An outdoor storage shed having a minimum floor area of 45 square feet,~~

~~shall be provided on each space.~~

(98) The total number of parking spaces in the Ppark, ~~exclusive of~~excluding the parking provided for the exclusive use of the manager or employees of the Ppark and the Rrecreational Vvehicle spaces itself, shall be equal to one space -per Rrecreational Vvehicle space. Parking spaces shall be ~~covered with crushed gravel or~~paved with asphalt, concrete or similar material.

(109) The park shall provide toilets, lavatories and showers for each sex in the following ratios: one toilet, one urinal, one ~~lavatory sink~~ and one shower for men for each five recreational vehicle spaces ~~or fraction thereof~~; and two toilets, one ~~lavatory sink~~ and one shower for women for each five recreational vehicle spaces ~~or fraction thereof~~. 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.

~~(11) The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for every six recreational vehicle spaces or fraction thereof.~~

(1210) Buildings ~~spaces~~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.

~~(13) Except for the access way into the park, the park shall be screened on all sides by a sight obscuring planting screen, fence or wall not less than six feet nor more than seven feet in height.~~

(1411) Exterior pedestrian paths shall be adequately lighted at night.

(12)

Except for vehicles, there shall be no outside storage of materials or equipment belonging to the occupants, guests or management of the Ppark.

(15132) Evidence shall be provided that the Ppark has obtained a certificate of sanitation as required by the Oregon Revised Statutes and other applicable local and state laws.

RIPARIAN PROTECTION OVERLAY ZONE

12.260 Purpose and Intent

The purposes and intent of the Riparian Protection Overlay Zone are:

To protect and restore Klamath Falls water areas, streams and riparian areaRiparian Areas, thereby protecting and restoring the hydrologic, ecologic and land conservation functions these areas provide;

To accommodate the historical lateral migration of stream channels due to natural processes;

To protect water areas, fish habitat, adjacent riparian areaRiparian Areas and to control erosion, limit sedimentation, and reduce the effects of flooding;

To establish clear and objective standards that allow reasonable economic use of property while protecting Ffish –Bbearing water areas, Sstreams and their riparian areaRiparian Areas; and

The Riparian Protection Overlay Zone is intended to meet the requirements of Statewide Planning Goal 5 (Natural Resources) and the provisions of the Goal 5 administrative rules (OAR 660, Division 23) for riparian corridorRiparian Corridors. The requirements in this Section are based on the “safe harbor ordinance” approach as defined in Oregon Administrative RulesOAR 660-23-0090(5) and (8).

12.262 Applicability

This Section applies to all Sstreams and bodies of water. Non-conforming structures or uses Structures or uses that do not conform to the standards of this Ordinance which have been in continuous existence from prior to the date of adoption of this Ordinance up to the present are not considered violations and are generally allowed to continue. Expansion of non-conforming structures or uses in Riparian Protection Overlay Zones isare subject to the requirements of this Section. The Riparian Protection Overlay Zone requirements are in addition to the requirements of the base zone and other City of Klamath Falls ordinances. In cases of conflicting or overlapping requirements, the more restrictive requirements shall apply.

12.264 Definitions

The following definitions are applicable to this Section:

Agricultural Activities and Farming Practices: Agricultural and farming practices The raising or production of livestock or livestock products, poultry or poultry products, milk or milk products, fur-bearing animals; or for the production of crops such as, but not limited to, grains, small grains, fruit, vegetables, forage grains, nursery stock, Christmas trees; or any other agricultural or horticultural use or animal husbandry or any combination thereof whether for profit or not regulated by the Oregon Department of Agriculture to protect water quality on lands zoned for farm or forest use under ORS 561.191, ORS 568.900 through 568.933, and OAR 603 Division 95.. These practices are regulated to protect water quality under ORS 561.191, ORS 568.900 through 568.933, and OAR 603 Division 95.

Bankfull Stage: The elevation at which water overflows the natural banks of rivers, streams or lakes and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from upland vegetation to bare soil or substrate, a change in vegetation from upland to aquatic (e.g. willows, rushes), a textural change of depositional sediment or changes in the character of the soil (e.g. from upland soils to sand, sand and cobble, cobble and gravel), absence of fine debris (needles, leaves, cones, seeds), or the presence of water-borne litter and debris, water-stained leaves or water lines on tree trunks. In the absence of physical evidence, the two-year recurrence interval flood elevation as determined by a licensed engineer may be used to approximate the bankfull stage.

Fish Bearing: Waterways A Stream or Body of Water upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

Forest Practice: Any commercial operation conducted on or pertaining to forestland that is regulated by the Oregon Forest Practices Act (ORS Chapter 527)., including but not limited to:

- Reforestation of forestland;
- Road construction and maintenance;
- Harvesting of forest tree species;
- Application of chemicals; and
- Disposal of slash.

Impervious Surface: Any surface where material is applied which prevents absorption of water into the ground.

Lawn: Grass or similar materials generally maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation Native Vegetation regardless of the species used.

Maintenance: Periodic repair or upkeep of a structure in order to maintain its function. Maintenance does not include any modification that changes the footprint of the structure, or increases the adverse impact to the riparian corridor.

Native Vegetation: Plant species indigenous to the Klamath Falls Basin.

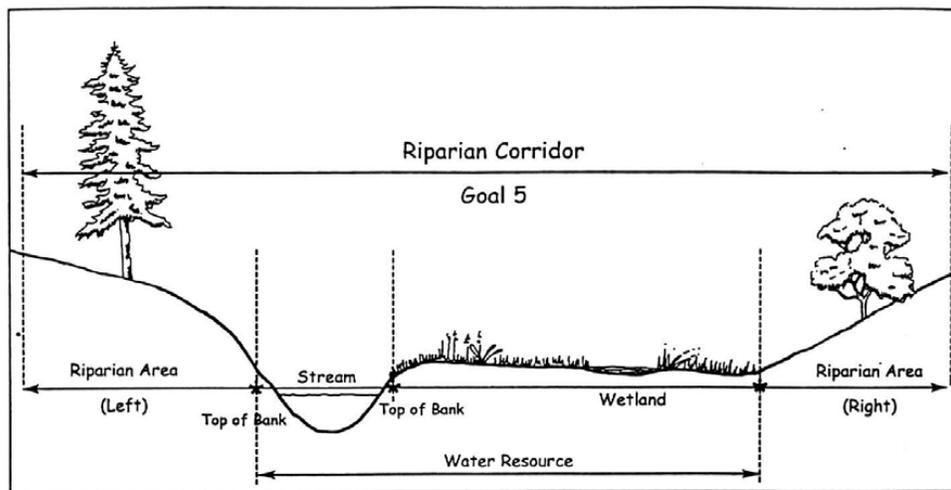
Non-conforming Structure or Use: A lawfully existing structure or use or one which has received final approval from the City at the time of passage or adoption of this Section of Chapters 10 to 14, or any time thereafter upon amendment of these Chapters, which does not conform to the setback, coverage, height, use, or other similar requirements of the zone in which it is located. A Non-Conforming Use may include areas such as lawns, ornamental plantings, gardens, orchards, crop land and improved pastures or hayfields that are no longer dominated by Native Vegetation.

Overlay Zone: A zoning designation that includes allowances and/or requirements for activities in addition to those of the underlying base zone.

Riparian Area: The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem, beginning at the bankfull stage of the river, lake, or stream or Body of Water and extending upland to the terrestrial ecosystem.

Riparian Corridor: A Goal 5 resource that includes the water areas, fish habitat, adjacent Riparian Areas, and Wetlands within the Riparian Area boundary.

Illustration 12-1



Riparian Protection Overlay Zone: Riparian Corridors protected under Sections 12.264 to 12.282 that are identified by the City to be protected as required by Oregon Statewide Planning Goal 5.

Streams and Bodies of Water: A channel that carries flowing surface water and that was created naturally by geological and hydrological processes, including channels that would be natural but for human-caused disturbances (e.g., channelized, rerouted or culverted streams, or

impounded waters), including perennial streams and intermittent streams with defined channels, and excluding irrigation, storm water, and drainage channels that are human-created. Streams and Bodies of Water include Upper Klamath Lake, Lake Ewauna, Link River and Klamath River.

Riparian Protection Overlay Zone: Riparian corridors that have been identified by the City of Klamath Falls that should be protected as required by Oregon Statewide Planning Goal 5.

Structure: Anything constructed, installed or portable which requires a location on or within land. Structure does not include sidewalks, underground utilities, franchised utilities within rights-of-way, parking areas, areas of ingress and egress to parking or vegetation.

Underlying Base Zone: One of the categories of land use into which the land area of the city is divided, such as residential, commercial, or industrial.

Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

12.266 Riparian Protection Overlay Zone Locations

The Oregon Department of Fish and Wildlife has information on fish presence. Riparian Protection Overlay Zones are established as follows and as depicted in Figure 1:

Along all sStreams and bBodies of wWater with average annual stream flow of 1,000 cubic feet per second (cfs) or greater, the Riparian Protection Overlay Zone shall extend 75 feet upland from the Bbankfull Sstage, measured horizontally, except as specified in bullet pointSubsection (3) of this section.

Along all Ffish Bbearing sStreams and bBodies of wWater with an average annual stream flow less than 1,000 cubic feet per second (cfs), the Riparian Protection Overlay Zone shall extend 50 feet upland from the bankfull stageBankfull Stage, measured horizontally, except as specified in Subsection (3)bullet point 3 of this section.

If the Riparian Protection Overlay Zone identified in Subsection (bullet point 1) or (2) of this section includes all or portions of a significant wetlandwetland identified in the Comprehensive Plan or delineated by the Oregon Division of State Lands, the Riparian Protection Overlay Zone shall include the significant wetlandwetland and extend upland the distance specified in Subsection (1) or (2)bullet points 1 or 2 of this section, measured horizontally from the edge of the significant wetlandwetland.

(4) General locations of identified Riparian Protection Overlay Zones are shown on the City of Klamath Falls Riparian Protection Overlay Map. Property owners who believe that errors in mapping have resulted in the location of a Riparian Protection Overlay Zone on their property may request a map correction. Requests shall be in writing and shall include

sealed maps showing the locations of streams, their Bankfull Stage locations, the boundaries of Riparian Protection Overlay Zone and property boundaries and other information necessary to support findings that the mapping is in error. The City may require that information be submitted by qualified professionals such as a hydrologist or professional land surveyor.

Land use applications for properties in Riparian Protection Overlay Zones shall include sealed maps showing the locations of streams and other bodies of water, their bankfull stage locations and the boundaries of the Riparian Protection Overlay Zone(s). The City may require that supporting information be submitted by qualified professionals such as a hydrologist or professional land surveyor. Property owners who believe that errors in mapping have resulted in the location of a Riparian Protection Overlay Zone on their property may request a map correction. Requests shall be in writing and shall include sealed maps showing the locations of streams, their bankfull stage locations, the boundaries of Riparian Protection Overlay Zone and property boundaries and other information necessary to support findings that the mapping is in error. The City may require that information be submitted by qualified professionals such as a hydrologist or professional land surveyor.

12.268 Exempt Activities

The following activities within Riparian Protection Overlay Zones are not required to meet the standards of this section:

Forest Practices regulated by the Oregon Forest Practices Act.
Agricultural Activities and Farming Practices, not including the construction of buildings, structures or impervious surface impervious surfaces that are regulated by the Oregon Department of Agriculture to protect water quality and are on lands zoned for farm or forest use.

12.270 Allowed Activities

The following activities in Riparian Protection Overlay Zones are allowed provided they are conducted in accordance with the standards in Section 12.272:

Continued maintenance and use of areas developed at the date of adoption of this Section or its amendments, although such use does not conform to these provisions Non-Conforming Uses. However, if such a Non-Conforming Use is discontinued for a period of one year, any such future use of such areas shall comply with the provisions of this Section. "Developed" means areas such as lawns, ornamental plantings, gardens, orchards, crop land and improved pastures or hayfields that are no longer dominated by native vegetation. Expansion of existing developed areas Non-Conforming Uses is not permitted within the Riparian Protection Overlay Zone. New development activities shall not justify replacement of native vegetation Native Vegetation with lawn or other non-native vegetation in Riparian Protection Overlay Zones.

Maintenance and use of buildings, roads, fences, shoreline stabilization and flood control structures, and other structures and uses that conform with Sections 12.260 to 12.280 that existed prior to the date of adoption of this Ordinance or that were previously approved under this Section.

Replacement or improvement of existing structures with structures in the same location that do not disturb additional Riparian Protection Overlay Zone surface area.

Structures or other alterations existing fully or partially within the Riparian Protection Overlay Zone may be expanded provided the expansion can occur outside the Riparian Protection Overlay Zone.

Planting of native vegetation or removal of non-native vegetation and replacement with native plant species.

Removal of noxious weeds and plants consistent with as defined in City, County or State regulations.

Vegetation mowing or management consistent with City, County or State regulations for the prevention of fire hazards.

Cutting of individual trees in danger of falling and posing a hazard to life or property. Landowners and operators are encouraged to leave trees, once felled, in the riparian area to improve fish and wildlife habitat, if no hazard will be created.

Incidental removal of understory vegetation associated with temporary activities including recreation, education, scientific research, environmental restoration and land survey.

Construction and use of paths. The use of permeable surfaces is encouraged.

Fence construction that does not include mechanized land clearing.

Installation, operation and maintenance of irrigation pumps regulated by the Oregon Water Resources Department.

Drainage facilities and utilities.

Water related and water dependent uses.

Streets, roads, driveways and bridges where no other feasible locations for such streets, roads, driveways, or bridges outside the Riparian Protection Overlay Zone exist and that are designed to minimize intrusion into the Riparian Protection Overlay Zone.

12.272 Applications for Land Use in Riparian Protection Overlay Zones and Standards for Activities

Land use applications for properties in Riparian Protection Overlay Zones shall include scaled maps showing the locations of streams and other bodies of water, their Bankfull Stage locations and the boundaries of the Riparian Protection Overlay Zone(s). The City may require that supporting information be submitted by qualified professionals such as a hydrologist or professional land surveyor. The following standards apply to proposed land uses and activities in Riparian Protection Overlay Zones:

The proposed activity is allowed under the requirements/restrictions of the base zone.

No other practicable practical options or locations outside the Riparian Protection Overlay Zone are feasible for the proposed activity on the subject parcel.

The proposed activity shall be designed, located and constructed to minimize excavation, grading, structure Structures, impervious surface Impervious Surfaces, loss of native vegetation Native Vegetation, erosion, and adverse hydrological impacts on water resources. All activities shall be located as far from rivers, lakes, and streams, and use as little of the surface area of the Riparian Protection Overlay Zone, as practical practicable.

Excavation, grading and vegetation removal shall be avoided within the Riparian Protection Overlay Zone on stream beds or banks within the bankfull stage Bankfull Stage, in wetland wetlands, and on slopes of 25 percent or greater, except where no practical practicable alternative exists, or where necessary to construct Ppublic Ffacilities or to ensure slope stability.

The removal of vegetation in the Riparian Protection Overlay Zone is limited to the minimum amount necessary to accommodate an allowed the activity.

The following standards shall apply Wwhen an allowed construction activity or allowed soil disturbance is proposed in areas where vegetation is to be preserved within the Riparian Protection Overlay Zone.:

Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation.

Temporary construction fencing should be placed at the drip line of trees bordering the work area. No equipment maneuvering, staging or stockpiling shall occur outside of designated work areas.:

Trees shall not be used as anchors for stabilizing equipment; and.

Stockpiling of soil, or soil mixed with vegetation, shall not be permitted on a permanent basis. Temporary storage shall employ erosion control measures to ensure sediments isare not transported to adjacent surface waters.

Water, drainage and sewer systems shall be designed, located and constructed to avoid the infiltration of floodwaters into the systems, and to avoid accidental discharges to streams, lakes and wetland wetlands.

Erosion control measures shall be employed to ensure sediments isare not transported to adjacent surface waters. Erosion control measures shall be installed in an appropriate location prior to and during site preparation, or ground-disturbing activities, and construction, where applicable as provided in the Klamath Falls Public Works Engineering Standards.:

Access roads, staging areas, storage areas and other areas of temporary disturbance necessary to complete the proposed activity shall be restored as soon as possible. Erosion control measures shall be in place concurrently with construction or establishment of the proposed activity. Temporary measures used for initial erosion control shall not be left in

place permanently. Guidance on appropriate erosion control measures is contained in the Department of Environmental Publication Best Management Practices for Storm Water Discharges Associated With Construction Activities (DEQ Northwest Region). A copy of this document is available for review at the City of Klamath Falls Community Development Department.

Revegetation activities should follow these guidelines:

Revegetation shall include ground cover, understory and tree canopy layers unless the site soils or substrate do not typically support the growth of one or more vegetation layers.

Native plant species indigenous to the Klamath Basin Falls shall be used.

Planting densities and species composition shall be consistent with similar, native riparian area Riparian Area plant communities in the immediate vicinity. Use of a reference site (a nearby site with an intact native riparian plant community) as guidance for developing a revegetation plan is recommended.

AR large revegetation projects greater than _____ square feet, shall include a planting plan map and description of the proposed plant species, size of plant materials, number of plants, spacing and installation methods.

For the first two years after planting, nNative plant species that do not survive the first two years after planting shall be replaced.

12.274 Prohibited Activities

Except for those activities listed in this Section 12.268 and 12.270 as exempt or allowed, the following activities are prohibited within Riparian Protection Overlay Zones:

Cutting, clearing or removal of live native vegetation Native Vegetation. Ground alteration, grading, excavation, or the placement of fill material in riparian areas.

Construction, installation or placement of new structure Structures or impervious surface Impervious Surfaces in riparian areas.

Dumping, disposal or storage of materials, including but not limited to, garbage, yard debris, construction debris, vehicles or hazardous materials.

Construction activity or creation of temporary roads in riparian areas.

Creation of a parcel that would be wholly within the Riparian Protection Overlay Zone and would result in an unbuildable parcel due to the stream protection overlay zone setback requirements of this Section 12.266, unless the parcel is included in a conservation easement that prohibits development on the site.

Creation of a parcel that would be partially within the Riparian Protection Overlay Zone and would result in an unbuildable parcel due to the combination of the stream protection overlay zone setback requirements of this Section 12.266, other requirements of Sectionsth 12.260 to

12.280, is Ordinance and natural constraints of the site, unless the parcel is included in a conservation easement that prohibits development on the site.

12.276 Exception Variances for Undeveloped Property

In cases where a property owner believes the application of this Section renders an existing lot or parcel unbuildable, a property owner may apply for a n Exception Variance for Undeveloped Property. Applications for Variance for Undeveloped Property Exceptions shall be reviewed under the procedures in Sections 10.805- through 10.815, Administrative Reviews. Granting of an Variance for Undeveloped Property Exception requires that findings the application that satisfy the following criteria:

The proposed development requires deviation from the Riparian Protection Overlay Zone requirements and can not reasonably be located on the property entirely outside the Riparian Protection Overlay Zone; The application of the requirements of this Sections 12.260 to 12.280 without an Variance for Undeveloped Property Exception, would prevent reasonable, economic use of the property consistent with the Bbase Zzone requirement allowed uses;

The Variance for Undeveloped Property Exception shall allow only the minimum deviation from the Riparian Protection Overlay Zone requirements necessary to render the existing lot or parcel buildable, as allowed in the Bbase Zzone; and

The Variance for Undeveloped Property Exception shall be conditioned to meet the standards in Section 12.272, to the extent possible.

12.278 Hardship Expansion Variances

In cases where a property owner believes the application of this Sections 12.260 to 12.280 Section imposes a hardship by precluding the expansion of a lawfully established building or structure Structure, a property owner may apply for an Hardship Variance Expansion Variance. Applications for an Hardship Variance Expansion Variance shall be reviewed under the procedures in Sections 10.805 through 10.815, Administrative Reviews. Granting of an Hardship Variance Expansion Variance requires that the application findings that satisfy the following criteria:

The existing building or structure Structure is located partially or entirely within the Riparian Protection Overlay Zone;

The proposed expansion requires deviation from the Riparian Protection Overlay Zone requirements and can not reasonably be located on the property entirely outside the Riparian Protection Overlay Zone; and

The expansion may occur only on the side of the structure Structure away from the Sstream and Body of Water unless impracticable.

12.280 Compliance with State and Federal Regulations

Activities wholly or partially within Riparian Protection Overlay Zones are subject to all applicable federal, and state, and county regulations, including, but not limited to, Division of State Lands permit requirements under the Removal-Fill Law, U.S. Army Corps of Engineers permit requirements under Section 404

of the Clean Water Act, and Department of Environmental Quality permit requirements for stormwater under the Clean Water Act, and state water quality regulations, and County building requirements. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

12.282 Violations

Activities within Riparian Protection Overlay Zones not authorized under Sections 12.260 to 12.280 this Section are a violation. The City shall seek compliance with the requirements of Sections 12.260 to 12.280 this Section and the resolution of violations through the following procedures:

Voluntary cooperation to resolve violations is the preferred enforcement procedure when appropriate to the circumstances. Violations causing ongoing degradation of natural resources, or repeated violations by the same individual, firm or corporation are generally not appropriate for voluntary cooperative enforcement procedures.

RNatural resource restoration shall be required for violations that result in unauthorized construction, grading, excavation, placement of fill material, or removal of native vegetationNative Vegetation in a Riparian Protection Overlay ZoneArea. The purpose of the restoration requirements shall be to mitigate impacts to vegetation, soils and hydrology and may include vegetation planting, fill removal, backfilling of excavated areas, restoration of ground surface contours, restoration of hydrological processes or other actions. Restoration recommendations shall be solicited from the Oregon Department of Fish and Wildlife and the Klamath Soil and Water Conservation District.

Violations involving placement of fill material, excavation, grading or alteration of material within the bankfull stageBankfull Stage of a stream or in a wetlandwetland shall be reported to the Oregon Division of State Lands.

Failure of an individual, firm, or corporation to remedy a documented violation shall be processed in accordance with the provisions of Sections 10.205 through 10.214, Compliance and Enforcement Procedures.

GATED COMMUNITIES

12.300 Standards. All gated communities shall comply with the provisions of Sections 11.050 to 11.094 when Design Review is appropriate, Sections 11.100 to 11.120 when Conditional Use Permit is appropriate, Sections 11.800 to 11.880 when Subdivision is appropriate, all other applicable provisions of Chapters 10 to 14, all minimum state standards and the following minimum standards:

- (1) To preserve connectivity and continuity in the center of the urban area, aAt least one full side of every gated communityGated Community shall be contiguous withabut the City of Klamath Falls Urban Growth Boundary (UGB)line of the City of Klamath Falls to preserve connectivity and continuity in the center of the urban area.
- (1) In order Tto preserve connectivity and continuity conform to TSP in the center of the urban area, gated communities shall not be located adjacent to any area identified as an urban reserve.
- (2) Gated communities shall be at least 20 acres in total area.
- (2) All streets within a gated communityGated 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 communityGated Community.
- (3) Services for water, wastewater, and stormwater shall be privately owned and maintained within the boundaries of a gated communityGated Community. The City will not be responsible for installing or maintaining any of these above-utilities.
- (4) Gated communities shall have a minimum of two vehicular access points, for both ingress and egress, open to all property owners in the community at all times. These vehicular access points shall not be limited to emergency vehicle access only.
- (4) Emergency vehicle access shall be provided fromthrough all vehicular access points at all times.Meet fire code for access and streets
- (5) All fences placed along public roadway frontage the external boundaries of a gated communityGated Community shall be setback a minimum of 10' from adjacent property lines. The area between the fence and the property line shall be landscaped in accordance with Sections 14.400 to 14.430. Gated communities shall comply with all other fence and screening provisions of Sections 14.150 to 14.160. Fence height shall be measured from adjacent sidewalks.
- (6) To provide space for vehicle queuing and stacking, Ggates located at the primary-vehicular access points shall be placed at least 50 feet from any

public street or right-of-way to provide space for vehicle queuing and stacking.

- (7) A minimum of 1,000 square feet of open space which meets or exceeds the landscaping requirements of Sections 14.400 to 14.430 shall be provided between the gates of the ~~primary~~ vehicular access points and any public street or right-of-way. This area shall not be fenced and shall be accessible to the public.

PLANNED UNIT DEVELOPMENT (PUD)

12.360 Purpose. ~~For purpose, see Section 10.000 (5), Purpose and Scope. 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 authorization 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 structure 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. The planned approach is appropriate if it maintains compatibility with the surrounding environment. It should either promote a harmonious variety or grouping of uses, or utilize the economy of shared services, and Unit Developments to take into account the following:~~

- (1) Advances in technology and design;
- (2) Recognition and resolution of problems created by increasing population density;
- (3) 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, off-street parking areas and other facilities;
- (4) Maximizing the development potential of sites characterized by special features of geography, topography and shape; and
- (5) 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. The regulations of this zone are intended in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent and provisions of these Chapters. This zone is designed to include combine various types of land uses, such as single family residential Single Family Residential developments, multiple housing developments, professional and administrative areas, commercial centers, industrial parks, public facilities, or any combination of said uses, through the adoption of a development plan and text materials which set forth land use relationships and development standards.

12.365 Principal Uses Permitted. The following uses shall be permitted in a Planned Unit Development zone:

- (1) Those uses designated on the development plan for the particular Planned Unit Development zone as approved by the Council; and
- (2) ~~The continuation of land uses including agricultural and forestry which existed in the district at the time of adoption of the development plan, except as otherwise provided herein.~~ 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 ~~development~~ plan or shall terminate in accordance with a specific abatement schedule ~~submitted and~~ approved as part of the ~~development~~ plan. Existing land uses which are prohibited by any provisions of Chapters 10 to 14, ~~shall be terminated prior to final approval of the final Planned Unit Development plan.~~development plan.

~~12.367 Conditional Uses Permitted.~~

~~(1) Any public facility.
[Added by Ordinance 95-3, enacted February 21, 1995]
[Amended by Ordinance 97-1, enacted January 6, 1997]~~

~~(2) Telecommunication facilities subject to Chapter 14.
[Added by Ordinance 97-1, enacted January 6, 1997]~~

12.370 General Requirements. The following provisions shall apply to all Planned Unit Development ~~zones~~:

- ~~(1) The entire parcel for which an application for classification of land to a Conceptual or Final Planned Unit Development planned unit development is filed, must shall be within one ownership or the application shall be filed the application for such action on behalf of all property owners concerned affected.~~
- ~~(2) To meet the objectives set forth in Section 11.950 (Lands for Public Purposes within Land Development), aAn application for a Planned Unit Development shall contain a minimum of five (5) acres of land area.~~
- ~~(3) 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. TheAn application for a change of zone to permit the establishment of a Planned Unit Development shall be made in accordance with the provisions of Sections 11.400 to 11.440 (Change of Zone) and shall be accompanied by a proposed Tentative PUD Plan and Final PUD Plan for the entire property pursuant to the provisions of Section 12.375 and 12.380, respectively.~~
- ~~(24) Within two (2) years after approval of a Tentative Conceptual PUD PPlan, n, ththe Final PUD Plan shall be approved in accordance with~~

12.380 and 12.383.

(3) If desired by the developer, the following uses shall be considered a conditional use in any district in which they are allowed:

a. Public Facility

b. Telecommunication Facility Section 14.950 -14.996

[Added by Ordinance 00-09, enacted May 1, 2000]

(5) Conditional Uses Permitted:

Any public facility.

Telecommunication facilities subject to Chapter 14.

~~(2) Planned Unit Development zones shall be established, amended or removed from the zoning map of the City of Klamath Falls in the manner prescribed in Sections 11.400 to 11.440 and in accordance with the requirements of Section 12.375.~~

~~(3) An application for a change of zone to permit the establishment of a Planned Unit Development zone shall be made in accordance with the provisions of Sections 11.400 to 11.440 and shall be accompanied by a Master Plan for the entire property pursuant to the provisions of Section 12.375. Development of phases within the Planned Unit Development shall be permitted subject to the approval of a Conditional Use Permit by the Commission pursuant to the provisions of Section 12.375.~~

~~—If ambiguity exists as to the specific dimension or extent of any designated area on the development plan, the specific boundaries shall be set by the filing of a legal description map of the parcel proposed for development in conjunction with the filing for conditional use permits.~~

~~In order to meet the objectives set forth in Section 11.950, an application for a Planned Unit Development shall contain a minimum of five (5) acres of land area.~~

~~[Added by Ordinance 00-09, enacted May 1, 2000]~~

~~**12.372 Criteria for Approval.** The review body shall approve, approve with conditions or deny the request, based upon the following criteria:~~

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

~~Adjoining land under separate ownership can either be developed or be provided access that will allow its development in accordance with the Comprehensive Plan and Chapters 10 to 14.~~

~~The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing~~

circumstances:

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

~~The project results in an equal or superior product than would have resulted from following the base development standards of the applicable zoning district, as provided in Chapter 12.~~

~~The proposal results in a balanced exchange; 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. For both, a greater opportunity for housing at all income levels.~~

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

~~All utilities, access ways, open space and recreation areas not dedicated to the public are 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.~~

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

~~[Added by Ordinance 97-28, enacted December 15, 1997]~~

12.3725 ~~Master Conceptual Tentative PUD Plan Application Submittal Requirements.~~ ~~All development within the Planned Unit Development shall comply with the Master Tentative PUD Plan as approved and adopted by the Council. An application for a Conceptual conditional use permit PUD Plan to permit the Tentative PUD Plan shall be made and processed in accordance with the procedural provisions of Sections 11.400 to 11.425 (Change of Zone) 11.100 to 11.120 (Conditional Use Permit). The approval criteria for the Conceptual PUD Plan are set forth in Section 12.378. In addition to the requirements of Sections 11.400 to 11.425 (Change of Zone), If ambiguity exists as to the specific dimension or extent of any designated area, the specific boundaries shall be set by the filing of a legal description map of the parcel proposed for development. Any application for a change in zone to establish a Planned Unit Development shall contain as a part of that application a Master Plan indicating the nature of the proposed development relative to the intent and purpose of Sections 12.360 to 12.395. t The Master Tentative Conceptual PUD Plan application, in formats approved by the Director, and shall include consist of drawings, plans, reports, schedules, development standards and such other documents as deemed necessary by the Director in accordance with the requirements herein set forth:~~

- ~~(1) 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.

- (2) 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.
- (3) ~~_____~~ A general land use map ~~setting forth~~ demonstrating: the locations of the proposed land use designations ~~uses of all sectors~~ ~~districts~~ within the subject property and the approximate acreage of each; and the existing uses of the surrounding properties.-
- (2) 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.-
- (3) The type and character of ~~structure~~ Structures and the number of dwelling units per ~~net~~ acre proposed for residential development in each residential ~~area~~ district ~~district~~.
- (4) ~~A statement of the standards of population density for the various proposed residential land uses.~~
- (45) A map showing t ~~The~~ general location of all proposed public facility sites and the approximate area of each.
- (56) A preliminary report, and overall plan and map describing the proposed access and circulation patterns, including vehicle, bicycle, pedestrian and transit, if applicable. This preliminary report shall include the The general location of state highways, major thoroughfares arterials, major collectors, and minor collectors and shall address all applicable sections of the Transportation Planning Rule (OAR 660-012-0000).
- (76) ~~_____~~ A preliminary report, and 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 ~~meeting the planning level review requirements of the Public Works Engineering Standards~~ as the Public Works.
- (8) ~~A written statement of development standards as they relate to the allocation of land within the development plan~~ Tentative PUD Plan to all proposed types of land use. This shall include standards such as permitted uses, lot coverage, lot sizes, structure setbacks, structure heights, and structure sizes.
- (987) ~~Delineation of~~ A map showing the subareas ~~phases~~, if development is to

be in phases, and a schedule of the proposed order of the development of each phase.

~~If only one phase is anticipated, the developer may elect to combine the Master Plan requirements with those of the Development Plan under the Conditional Use Permit procedure.~~

12.375 Decision of Council.

~~(10) The Master Tentative PUD Plan shall be submitted in a form approved by the Director. The Council shall review the Master Tentative Conceptual PUD Plan and approve, conditionally approve, disapprove or refer the same it back to the Commission for further study and recommendation. Any such plan is subject to the final approval of the Council. Any conditions placed upon such approval shall be clear and objective.~~

12.378 Criteria of Approval for Tentative Conceptual PUD Plan. Prior to making a decision on the proposed Tentative PUD Plan, the Council shall analyze the following criteria and incorporate such analysis in their decisions shall be considered and incorporated into the findings and decision for the Conceptual PUD Plan:

- (1) The land proposed for a PUD shall contain a minimum of ~~five (5)~~ acres of land area unless the City Council find 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.
- (2) Development of remaining contiguous property under the same ownership can be accomplished as provided in Chapters 10 to 14.
- (3) For connectivity with ~~a~~ adjoining land under separate ownership, Council may require ~~can either be developed or be provided~~ access through the proposed PUD that will allow the development of the adjoining land ~~its development~~ in accordance with the Comprehensive Plan and Chapters 10 to 14.
- (4) The ~~Tentative Conceptual~~ PUD Plan complies with applicable portions of the Comprehensive Plan, Chapters 10 to 14, ~~and~~ State and Federal laws.
- (5) The ~~project~~ Conceptual PUD Plan results in a superior ~~product~~ development than what would have resulted from following the base development standards of the applicable zoning district, as provided in Chapter 12.
- (5) The proposal ~~results in a~~ should balanced ~~exchangethe~~ 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. ~~For both,~~

and a greater opportunity for housing at all income levels.

- (6) Potential impacts to adjoining properties have been adequately mitigated through site design and ~~attached~~ proposed development conditions.
- (7) All ~~privately-owned~~ utilities, access ways, open space and recreation areas ~~not dedicated to the public~~ 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.
- (8) The applicant has demonstrated the ability to finance the project through final completion.

[Added by Ordinance 97-28, enacted December 15, 1997]

12.380 Development Final PUD Plan Submittal Requirements. ~~No portion of a Planned Unit Development shall be constructed, altered, enlarged or substantially changed in use without the approval of a conditional use permit by the Commission, pursuant to the provisions of Sections 11.100 to 11.120 and without complying with Section 12.385. An application for a conditional use permit pursuant to this section shall contain as a part of that application, a Development Plan pertaining to the specific phase or phases to be developed. The Final PUD Plan shall be submitted approved within two (2) years of the adoption of the Conceptual PUD Plan and approved within 4 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 Sections 11.400 to 11.425 (Change of Zone). The approval criteria for the Final PUD Plan are set forth in Section 12.383. In addition to the requirements of Sections 11.400 to 11.425 (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:

~~All development proposed within the Final Planned Unit Development shall comply with the Final Conceptual PUD Plan as approved and adopted by the Council. An application for a change of zone to permit the Final PUD Plan shall be made in accordance with the provisions of Sections 11.400 to 11.440 (Change of Zone). The Final PUD Plan shall be approved within two (2) years of the adoption of the Tentative PUD Plan. The development Final PUD Plan shall consist of drawings, plans, reports, schedules and development standards outlining the following information:~~

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

- (1) 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.

- (2) 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.
- (3) 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.
- (4) A topographic map of the property and conceptual grading and erosion control plans meeting the requirements of the Public Works Engineering Standards.
- (5) 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.
- (6) 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).

The general land use map setting forth the proposed uses of all districts within the subject property and the approximate acreage of each.

- ~~(172)~~ Schematic drawing showing the type, prospective location and general bulk of all intended structures.
- ~~(238)~~ Schematic drawing showing type, location and expected gross land areas of all ~~intended uses~~ districts.
- ~~(349)~~ For all residential units, ~~Gross floor area or residential unit size and number for of units for all buildings or structures, including a statement pertaining to the appropriateness of the density and intensity of the~~

suggested uses relative to policies and standards contained within the Comprehensive Plan of the City ~~of Klamath Falls.~~

- ~~(4) Access and circulation patterns, including vehicle, bicycle, pedestrian and transit, if applicable.~~
- ~~(5) Statements of all appropriate design standards. Said standards shall contain definitions of and information concerning requirements for building site coverage, building heights, building line designations, off street parking, vehicular access, signing, lighting, storage, screening and landscaping and any other standard pertinent to the development.~~
- ~~(6) Topographic map and conceptual grading plan~~
- ~~(7) A preliminary report and overall plan describing proposed provisions for storm and other drainage, sewage disposal, water supply and such other public improvements and utilities as the Public Works Director may require.~~
- (8106) Stipulations for improvement, ~~and~~ continuing maintenance and management of any private streets, ~~private~~ ways or common open space not ~~intended to be offered or accepted for dedicated~~ for general public use.
- (9117) Certification blocks for ~~Commission, Council, the Director,~~ owner(s) and developer(s) signatures.
- ~~(10128)~~ 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.
- ~~(11913)~~ The ~~development~~ Final PUD ~~p~~Plan shall be submitted ~~electronically and~~ on one or more sheets ~~of paper on reproducible mylar~~ measuring 18" x 24" in size ~~or a two--inch multiple thereof, but in no case shall the Plan exceed 42 inches in width at a scale and to a scale~~ of one inch equals ~~50~~ 100 feet. The scale may be decreased but shall be done so in multiples of ~~ten~~ (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 mylar Pplan~~ or may be submitted in bound volumes measuring 8 ½" x 11" in size. ~~If the developer intends to subdivide the affected land at the time of application, the provisions of Chapter 11 shall also be compiled with and the hearings may be combined.~~

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: ~~Prior to making a decision on the proposed Final PUD Plan, the Council shall analyze the following criteria and incorporate such analysis in their decision:~~

- (1) The land proposed for a PUD shall contain a minimum of ~~five~~ (5) acres

of land area unless the City Council find 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.;

- (2) Development of remaining contiguous property under the same ownership can be accomplished as provided in Chapters 10 to 14.
- (3) 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.
- (4) Development of remaining contiguous property under the same ownership can be accomplished as provided in Chapters 10 to 14.
- (4) Adjoining land under separate ownership can either be developed or be provided access that will allow its development in accordance with the Comprehensive Plan and Chapters 10 to 14.
- (4) The proposed street plan provides for street connectivity and affords the safest, most efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
- (4) Multi-Use Paths are incorporated into the Planned Unit Development plans.
- (5) The Final PUD Plan complies with applicable portions of the Comprehensive Plan, Chapters 10 to 14 and State and Federal laws.

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., and a greater opportunity for housing at all income levels.

- (7) The project results in a superior product than would have resulted from following the base development standards of the applicable zoning district, as provided in Chapter 12.
- (7) The proposal results in a balanced exchange; 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. For both, a greater opportunity for housing at all income levels.

- (7) Potential impacts to adjoining properties have been adequately mitigated through site design and proposed ~~attached~~ development conditions.

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.

- (9) All utilities, access ways, open space and recreation areas not dedicated to the public are 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.

- (9) The applicant has demonstrated the ability to finance the project through final completion.

- (10) The Final PUD Plan shall include designation of common open space. No open area may be accepted as ~~C~~common open space, either dedicated to the public or privately maintained, ~~—within a planned unit development~~PUD unless it must meets the following requirements:

- a. The location, shape, size and character of the common open space are suitable for ~~the planned unit development~~public use; -
- b. The common open space is intended for ~~amenity or 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;-
- c. Common open space will be suitably improved for its intended use, except that common open space containing natural features, deemed ~~—suitable by Council for worthy of preservation~~ may be left unimproved. The buildings, structures and improvements to be permitted in the common open space ~~are~~ must be appropriate to the uses, which are authorized for the common space;-
- d. 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 ~~planned unit development~~PUD; and-
- e. 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.

- (11) The Final PUD Plan shall state how Land shown on the Final PUD Plan as the common open space shall be maintained using one of the following options:
- a. To Conveyance to a public agency which agrees to maintain the common open space and buildings, structures or other improvements, which have been placed on it.
 - b. Conveyance to a nonprofit corporation association of owners, or tenants created as a nonprofit corporation under the laws of the state Oregon, which shall be formed and continued for the purpose of maintaining the common open space. The corporation shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Council as providing to provide for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

No common open space may be put to a use not specified in the Final PUD Plan unless the plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants against any use permitted are expressly reserved.

12.381 — Common Open Space.

- (1) No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:
- a. The location, shape, size and character of the common open space is suitable for the planned unit development.
 - b. The common open space is for amenity or recreational purposes 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.
 - c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses, which are authorized for the common space.
 - d. 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 planned unit development.~~

~~e. 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.~~

~~(2) Land shown on the final development plan as common open space shall be conveyed under one of the following options:~~

~~a. To a public agency, which agrees to maintain the common open space and buildings, structures or other improvements, which have been placed on it.~~

~~b. To an association of owners or tenants created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Council as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.~~

~~(3) No common open space may be put to a use not specified in the development plan unless the plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants against any use permitted are expressly reserved.~~

12.385 Amendments. Any proposed amendment to ~~the an adopted Master Plan~~Final PUD Plan as originally approved and adopted by the Council shall be accomplished by following the procedures and meeting the criteria and requirements of Sections 11.400 to 11.440 (Change of Zone) ~~and, Section 12.375~~and Section 12.380 (Final PUD Plan Submittal Requirements), and Section 12.383 (Criteria of Approval for Final PUD Plan). Any proposed amendment to a ~~Development Plan~~ as originally approved and adopted by the Commission shall be accomplished by following the procedures and requirements of Sections 11.100 to 11.120 and Section 12.380.

12.390 Design Review Improvements. Prior to any improvements as shown within the ~~Development~~Final PUD Plan as approved, a design review shall be conducted in accordance with Sections 11.050-055 to 11.0940 (Design Review).

12.395 Land Divisions. Prior to any land divisions within an approved PUD, a partition or subdivision shall be conducted in accordance with Sections 11.705 to

11.725 (Land Partitioning) or Sections 11.800 to 11.880 (Tentative Subdivision Plan and Final Subdivision Plats), respectively.

~~**12.395 Combined Hearings.** Public hearing proceedings pursuant to this section relative to stages of an application may be combined, insofar as testimony and evidence are concerned. Official decisions shall be referred separately and distinctly on each individual action. Should a Development Plan be combined with a Master Plan, then the procedures provided for under Section 12.380 shall be followed.~~

SPECIAL RESERVE DEVELOPMENT STANDARDS

~~12.410 Purpose. Unsuitable development in natural resource areas is detrimental to the public health, safety and general welfare, contributes to pollution, creates nuisances and impairs educational, recreational, scientific, aesthetic, and conservation resources of the area. Furthermore, extraordinary public expenditures are often required for the protection of persons and property after inappropriate development has occurred. Therefore, it is the purpose of the Special Reserve Zone: to maintain the integrity of the natural resources and environmental quality of the City; of Klamath Falls and to preclude incurring the need for extraordinary public expense for the protection of Persons and property resulting from inappropriate or poorly-sited development; . Furthermore, it is the intent of this zone to permit compatible land uses in such areas; to require specific review and approval of those uses appropriately planned and sited; and to prohibit those uses which are incompatible with the purposes of the Special Reserve Zone. the maintenance of appropriate uses.~~

12.415 Conditions of Allowing Uses. A Conditional Use may be approved by the Director subject to the procedures and criteria in Sections 11.100 through 11.124 (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.

12.445 Development Standards. ~~No conditional use permit shall be approved by the Planning Director unless following review and written findings, it is determined that the proposed use satisfies the provisions and requirements of this Section and Sections 11.100 to 11.120~~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:-

- ~~(1) Dredging or filling of a water body may be permitted only when the ecologic and hydrologic characteristics of the water body are substantially the same after the dredging or filling as before.~~
- (2) Without the approval of the Public Works Director, ~~n~~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 ~~waterecourse~~ Watercourse ~~or installed.~~

without the approval of the Public Works Director.

- (32) 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 ~~high frost action~~ or other similar conditions.
- (3) 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 dufflitter (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 ~~erown-Crown cover-Cover~~ more than 50 percent (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.
- (4) Development, including grading and contouring, shall take place in such a manner that the aeration of the tree root zonezone and the stability of existing trees shall remain substantially the same. Development after development as before and shall also provide existing trees with a natural watering area equal to the dripline of one half of the mature crown ~~cover~~.
- ~~(6) Development shall be accomplished only in such a manner that on-site soil erosion levels shall not exceed five tons per acre per year during construction (but only two tons per acre, per year when site is adjacent to a water body or watercourse) and 0.5 tons per acre per year after construction activities are completed. Development activities shall be conducted and staged to minimize soil erosion. The smallest practical increment of land shall be developed at any one time and that increment shall be subject to erosion for the shortest practical period of time, not to exceed 12 months. Wetlands and other water bodies shall not be used as sediment traps during development.~~
- (75) To the best of its ability, Development shall leave ~~to the best of its ability in their existing state~~ 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.
- (86) Development shall meet the requirements of the Public Works Engineering Design Standards for design of a storm water drainage system that will minimize the impact of development on downstream areas. Site

~~development shall not cause the off site surface water runoff rate to exceed the natural quantifiable rate of off site surface runoff. Any increase in runoff must be detained for on site infiltration through the soil or subsequent release not to exceed the natural rate of surface runoff. The quality of storm water runoff and water infiltrated to a water table or aquifer shall not be contaminated by the development of the site. Any such storm runoff which is likely to contaminate ground water or any water body or watercourse shall receive treatment adequate to eliminate the contamination prior to release into the drainage.~~

~~(97) The types and density of land use proposed for the site shall be suited to the site and bedrock conditions and shall present neither a potential increase in maintenance of the utilities, parking areas or streets, nor fail to adequately correct problems due to soil limitations including but not limited to bearing strength, shrink-swell potential and slope stability.~~

~~(1078) Notwithstanding Subsection (43) above, 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~~ Conditional use ~~Use permit~~ Permit by the **Planning** Director.~~

~~{Added by Ordinance 95-9, enacted September 5, 1995}~~

ADULT BUSINESS OVERLAY ZONE

12.490 Applicability. ~~Sections 12.490-12.496~~The Adult Overlay Zone applies to any A"adult BusinessBusiness (a business restricting access to an activity restricted by age, including restricting those under 21 years old)," and "adult use" and establishes an overlay area where adult-Adult businesses-Businesses are not permitted, notwithstanding any other provision of CDO Chapters 10 to 14 to the contrary.

~~[Added by Ordinance 96-7, enacted March 4, 1996]~~

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

- ~~(1)~~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
- ~~(2)~~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):
 - a. A public or private school with an average weekday attendance (during any continuous 3 month period during the preceding 12 months) of more than 50 children who are under 18 years of age.
 - b. 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.

12.492 Adult Business Restrictions.

- ~~(1)~~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 (2).
- ~~(2)~~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 Overlay Zone, subject to the design review procedures and standards of Sections 11.050 to 11.094 (Design Review) and all applicable requirements of Chapters 10 to 14.

12.492 Design Review Required.

- ~~(1) An adult business shall be subject to the design review standards of 11.050 et. seq. as supplemented by 12.494.~~
- ~~(2) Subject to the restrictions of 12.490 to 12.496 and 11.050 et. seq. an adult business is a permitted use in any zone where the activity would be a permitted use if access to the activity was not restricted by age, including those under twenty one (21).~~
- ~~(3) In addition to the adult business restrictions of Sections 12.490 to 12.496, an adult business must comply with all requirements of Chapters 10 to 14 which would be applicable to the activity as if access were not restricted by age, including those under twenty one (21).~~

[Added by Ordinance 96-7, enacted March 4, 1996]

~~**12.494 Additional Criteria for Design Review Approval.** A design review for an adult business shall also require compliance with all of the following criteria:~~

- ~~(1) The adult business contains restaurant accommodations that are not restricted at any time by age and which 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; or~~
- ~~(2) a. The adult business is located more than 400~~200~~ feet from any residential zones (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); and~~
- ~~b. The adult business is located more than 1,000~~500~~ feet from all 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):~~
 - ~~i. A public or private school with an average weekday attendance (during any continuous 3 month period during the preceding 12 months) of not less than 50 children who are under 18 years of age.~~
 - ~~ii. A public library.~~
 - ~~iii. A public park which covers an area of not less 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.~~

[Added by Ordinance 96-7, enacted March 4, 1996]

~~**12.496 Nonconforming Adult Uses and Structures.**~~

- ~~(1) An adult business Adult Business, existing on March 4, 1996, which at the located within an Adult Business Overlay Zone is a nonconforming use and time of adoption of 12.490 to 12.496 does not conform to the criteria contained~~

~~therein~~ shall be governed by the provisions of Sections 12.860- to 12.895
(Nonconforming Use).

~~(2) Any modification to a structure or surrounding properties utilized by an
adult business shall be governed by the provisions of Sections 12.860 to
12.895.~~

~~{Added by Ordinance 96-7, enacted March 4, 1996}~~

GEOTHERMAL OVERLAY ZONE

12.500 Purpose. The purpose of the Geothermal Overlay Zone is to support 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. ~~For purpose, see Section 10.000, Purpose and Scope.~~

12.505 Geothermal Overlay Zone Boundary. The provisions of Sections 12.500 to 12.540 (Geothermal Overlay Zone), shall apply to all land within the ~~City~~ City limits. All land annexed to the ~~city~~ City shall concurrently be included ~~under the provisions of Sections 12.500 to 12.540~~ in the Geothermal Overlay Zone.

12.510 Principal Uses Permitted. All ~~principle uses~~ permitted outright in the underlying base zone are permitted ~~outright~~ without further restriction by the Geothermal Overlay Zone.

~~[Amended by Ordinance 6413, enacted January 3, 1983]~~

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 All the use s notis not otherwise conditionally permitted in the underlying base zone, including but not limited to residential, commercial, industrial and public facility uses, then such use may be conditionally permitted. ~~when such use is directly and primarily related to a specific utilization of geothermal resources or thermal ground water. Such conditional uses shall be permitted-processed in accordance with Sections 11.100 to 11.120 (Conditional Use Permit), except that the City Council shall act in place of the Planning 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 10.605-605 to 10.615 to 10.635 (Notification Requirements) prior to making its recommendation to the City Council. Notice for such required hearing shall be given pursuant to Sections 10.610 and 10.615.~~

12.520 Accessory Uses Permitted. All accessory uses permitted in the underlying base zone, and such other uses as may be determined by the ~~City~~ Council to be directly accessory to geothermal resource or thermal ground water utilization, are permitted.

~~[Amended by Ordinance 6413, enacted January 3, 1983]~~

12.525 Conditions-Criteria for of Allowing Conditional Uses. In addition to the criteria in Section 11.105 (Criteria for Approval), cConditional uses under Section 12.515 shall be allowed only after the City-Council finds the following econditions-criteria are metsatisfied:

- (1) The proposed use is consistent with the City's ~~District Heating and Reservoir Management Ordinance~~ Code Sections 8.250 to 8.298 (Geothermal Wells);
- (2) The proposed use will not be materially injurious to surrounding properties; and
- ~~(3) An affirmative finding is made for each requirement of Section 11.105.~~

12.530 Conditional Use Siting Requirements. Under a conditional use permitted under Section 12.515, tThe City Council shall establish minimum lot size, minimum setbacks, lot coverage limitations and structure height limitations for each proposed use during proceedings under Sections 11.100 to ~~11.120~~ 11.120 (Conditional Use Permit), based upon requirements for similar uses in Chapters 10 to 14. All conditional uses permitted under Sections 12.500 to 12.540 shall conform to the provisions of Chapter 14.

12.535 Combined ~~Permit~~ Hearings. Any other hearing required by Chapters 10 to 14, may be combined with permit the hearings required under Sections 12.500 to 12.540, ~~may be combined with any other hearing required by Chapters 10 to 14.~~

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 Sections 12.500 to 12.540.

HAZARD OVERLAY ZONE

12.541 Purpose. ~~For purpose, see Section 10.000, Purpose and Scope.~~ The purpose of the Hazard Overlay Zone is to minimize the potential for loss of life and damage to or destruction ~~to of~~ property due to in ~~areas of severe~~ sloped areas where severe, soil erosion, slumping or sliding may occur.
[Added by Ordinance 6413, enacted January 3, 1983]

12.542 Zone Boundaries. The provisions of Sections 12.541 to 12.545 (Hazard Overlay Zone), shall apply to all areas of special hazards, as identified by the nonbuildable lands inventory map in the Comprehensive Plan, Exhibit G, of Chapters 10 to 14.
[Added by Ordinance 6413, enacted January 3, 1983]

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 Sections 12.541 to 12.545 and all applicable provisions of Chapters 10 to 14 and all other applicable laws and ordinances.
~~No structure or land shall hereafter be constructed, located, extended, altered or developed within a Hazard Overlay Zone without full compliance with all applicable provisions of Chapters 10 to 14 and all other applicable laws and ordinances.~~
[Added by Ordinance 6413, enacted January 3, 1983]

12.544 Uses Permitted. All uses permitted in the base zone are permitted without further restriction by the ~~All activities of uses or land set forth in specific zones located within the Hazard Overlay Zone, whether permitted or conditional, shall be permitted except that all such activities or uses of land must be approved by the~~ **Planning** Director pursuant to provisions set forth in Sections 11.100 to 11.120 (Conditional Use Permit).
[Added by Ordinance 6413, enacted January 3, 1983]

12.545 Use 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 Use standards required within the Hazard Overlay Zone shall be the same as the standards for the specific zones located within the Hazard Overlay Zone except as follows:

- (1) All development shall be serviced by the City's wastewater collection system.
- (2) 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.

~~(2) No development shall be allowed which may result in unusual maintenance costs of streets and parking areas or the breaking and leaking of utility or sewage lines due to soils limitations, high frost action or other similar conditions.~~

(3) 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 percent (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.

~~Development shall be permitted only in such a manner that the optimum 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 litter are preserved and in no event, shall development reduce the existing crown cover more than 50 percent. 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 City as suitable for the purpose, but in no case shall the developer be compelled to raise the density above 50 trees per acre.~~

(4) 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 one-half of the mature crown cover.

~~Development, including grading and contouring, shall take place in such a manner that the aeration of the root zone and the stability of existing trees shall remain substantially the same after development as before and shall provide existing trees with a watering area equal to one half of the mature crown cover.~~

(5) ~~Development shall be accomplished only in such a manner that on site soil erosion levels shall not exceed five tons per acre, per year during~~

~~construction and the life of the development (but only two tons per acre per year when site is adjacent to a water body or watercourse). Development activities shall be conducted and staged to minimize soil erosion. The smallest practical increment shall be subject to erosion for the shortest practical period of time, not to exceed 12 months. Wetlands and other water bodies shall not be used as sediment traps during 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 dDeveloper -to submit evidence that applicable permits have been obtained.

- (6) Development shall meet the requirements of the Public Works Engineering Design Standards for design of a storm water drainage system.

~~Development shall meet the requirements of the Public Works Engineering Design Standards for design of a storm water drainage system that will minimize the impact of development on downstream areas. Site development shall not cause the off site surface water runoff rate to exceed the natural quantifiable rate of off site surface runoff. Any increase in runoff must be detained for on site infiltration through the soil or subsequent release not to exceed the natural rate of surface runoff. The quality of storm water runoff and water infiltrated to a water table or aquifer shall not be contaminated by the development of the site. Any such storm runoff which is likely to contaminate groundwater or any water body or watercourse shall receive treatment adequate to eliminate the contamination prior to release into the drainage.~~

~~(7) The types and density of land use proposed for the site shall be suited to the site and bedrock conditions and shall present neither a potential increase in maintenance of utilities, parking areas or streets, nor fail to adequately correct problems due to soil limitations including but not limited to bearing strength, shrink-swell potential and slope stability.~~

~~[Added by Ordinance 6413, enacted January 3, 1983]~~

FLOOD HAZARD OVERLAY ZONE

12.550 Purpose. It is the purpose of the Floodplain 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 this Ordinance, the specific intent of this zone is:

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;

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;

To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage; and

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 floodplain.

For purpose, see Section 10.000 Purpose and Scope.

12.552 Definitions.

(1) 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.

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

(3) 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.

(4) Flood Insurance Rate Map. The official map on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazards and the risk premium zones applicable to the community.

(5) 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.

(69)  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.

12.555 Flood Hazard Zone Boundaries. The provisions of Sections 12.550 to 12.595 (Flood Hazard Zone) shall apply to all ~~areas of special flood hazard~~Areas of Special Flood Hazard. The Areas of Special Flood Hazard ~~are as~~ 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 ordinance. The Flood Insurance Study is on file at the City of Klamath Falls Planning ~~Department~~Division.
~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

12.560 Compliance. No recreational vehicles shall be located, no structure shall, ~~recreational vehicle, or land shall hereafter~~ be constructed, located, extended or altered and no land shall be developed within a Floodplain Hazard ~~Overlay~~-Zone without full compliance with Sections 12.550 to 12.597 and all applicable provisions of Chapters 10 to 14 and all other applicable laws and ordinances.

12.565 ~~Principal~~ Uses Permitted. All uses permitted in the base zone are permitted without further restriction by the Flood Overlay Zone, except that all such uses must be approved by the Director pursuant to provisions set forth in All activities or uses of land set forth in specific zones located within the Floodplain Hazard Overlay Zone shall be permitted, except that structures used in carrying out those permitted activities must be approved by the Planning Director pursuant to provisions set forth in Sections 12.550 to 12.595.

12.570 Recreational Vehicles. Recreational vehicles placed in either Manufactured Home Parks or Recreational Vehicle Parks on sites within Zones A, A1-30, AH, AE, AO, AR, and A99 V1-30, V, and VE on the community’s FIRM ~~either;~~ shall meet the following standards

- (1) Manufactured Home Park. Recreation Vehicle shall be placed in such a manner ~~must~~ that meets the elevation and anchoring requirements; of Sections 14.200 to-14.245 (Flood Plain Management), ~~for manufactured homes, unless:~~
- (2) Recreational Vehicle Park Requirements.
 - a. Recreational vehicles are on site for fewer than 180 consecutive days; or
 - b. Recreation Vehicles are fully licensed and ready for highway use, on their wheels or jacking systems, area attached to the site only

by a quick disconnect type utilities and security devices and have no permanently-attached additions.

~~{Added by Ordinance 00-09, enacted May 1, 2000}~~

~~TheyRecreational vehicles are on site for fewer than 180 consecutive days; or
Recreational vehicles They 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.~~

~~Be on the site for fewer than 180 consecutive days, and~~

~~Be fully licensed and ready for highway use, on its wheels or jacking system,
is attached to the site only by quick disconnect type utilities and security
devices, and has no permanently attached additions; or~~

~~Meet the requirements of Section 4.013 and the elevation and anchoring
requirements for manufactured homes as found in Section S3.654 or
Section S3.658.~~

12.580 Decision –by Planning 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 Sections 10.805 (Administrative Review), 12.550 to 12.597 (Flood Hazard Zone), Sections 14.200 to 14.245 (Flood Plain Management) and other applicable provisions of Chapters 10 to 14.

12.585 Required FindingsCriteria for Approval. ~~Prior to making a decision on the proposed Flood Hazard Permit, the Director shall analyze the~~ The following criteria shall be used to approve or deny an application following criteria and incorporate such analysis in his/her decision:

- (1) ~~That~~ All applicable ~~permit~~ requirements of Chapters 10 to 14 ~~have been~~ are or will be satisfied.
- (2) ~~That a~~ All necessary permits have been obtained from those federal, state or local government agencies from ~~which~~ which ~~prior~~ approval is required.
- (3) ~~That~~ the proposed development, when combined with other existing uses and potentially allowed development, will not increase the water surface elevation of the ~~base flood~~ Base Flood more than one foot above the established ~~base flood~~ Base Flood elevation at any point in the flood hazard area.
- (4) ~~That~~ 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 Sections 12.550 to 12.595, "adversely affect" shall mean quantifiable damage to adjacent properties due to rises in flood stages attributed to physical changes on the channel and adjacent overbank areas.

12.587 Appeal. The decision of the Director is final and may be appealed pursuant to the provisions of Sections 10.405 to 10.440.

12.590 Alteration of Watercourses. Alteration of wWatercourse must be approved by the CityDirector and shall be in accordance with state and federal regulations. The CityDirector will require the dDeveloper 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 ~~waterecourse~~ Watercourse alteration or relocation, the Director shall notify the officials of Klamath County and the Department of Land Conservation and Development ~~that of the issuance. the Flood Hazard Permit has been issued.~~ Evidence of such notification shall also be submitted to the federal agency with regulatory jurisdiction over flood prevention and control.

12.595 Use of ~~e~~Other Base FloodBase Flood Data. When ~~base flood~~ Base Flood elevation data has not been prescribed by the federal agency with regulatory jurisdiction in the form of official flood maps, the ~~Planning~~ Director shall obtain, review and reasonably utilize any ~~base flood~~ Base Flood elevation data and ~~floodway~~ 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.

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

12.597 Information to be Obtained and Maintained. Where ~~base flood~~ Base Flood elevation data is provided through the Flood Insurance Study or as required in Section 12.595, the ~~Planning~~ 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.

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

For all new or substantially improved flood-proof structures, the ~~applicant~~ Developer shall:

- (1) Verify and record the actual elevation (in relation to mean sea level); and
- (2) Maintain the floodproofing certifications required in Section 14.200 to 14.245 (Floodplain Management).

Records pertaining to ~~the provisions of~~ the Flood Plain Hazard Zone shall be available for public inspection at the City Planning ~~Department~~Division.

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 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 Klamath Falls Airport, thereby encouraging and supporting its continued operation and vitality.

12.605 Applicability. The location and dimensions of the runways, imaginary surfaces, airport noise contour boundaries as defined and described in this Section, are delineated in the Klamath Falls Airport Master Plan.

12.610 Definitions. The following words and phrases [for the Sections of 12.600 to 12.650 \(Airport Safety and Hazard Prevention Overlay Zone\)](#), unless the context otherwise requires, shall mean:

Airport (also referred to as the Klamath Falls Airport or Kingsley Field): Those properties lying generally south of [the South Side Expressway Bypass](#), 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.

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 Klamath Falls Airport/Kingsley Field. The 173d Fighter Wing provides training for new pilots and basic flight instruction on the F-15C.

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.

- a. **Zone I:** 65 ~~dB~~-dB DNL through 69.99 ~~dB~~-dB DNL
- b. **Zone II:** 70 ~~dB~~-dB DNL through 74.99 ~~dB~~-dB DNL

Zone III: 75 ~~db~~-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 PM and 7:00 AM.

dB (Decibels): A unit of measure based on a logarithmic scale. A 10 dB increase in noise level corresponds to a 100 percent 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 Klamath Falls Airport/Kingsley Field.

(10) **FAA:** The Federal Aviation Administration.

(11) **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.

(12) **Hazard Zones:** Land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the City of Klamath Falls Airport/Kingsley Field. Such zones are shown in this section of the Community Development Ordinance and in the ~~most recent~~ Klamath Falls Airport (Kingsley Field) Master Plan adopted by the City ~~Council~~ 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:

(12) ~~—[Amended by Ordinance 00-09, enacted May 1, 2000]~~

a. **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.

b. **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 ~~most-current~~ Klamath Falls Airport Master Plan for specific runway classifications.

- c. **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 ~~most-current~~ Klamath Falls Airport Master Plan for specific runway classifications.
- c. ~~— [Amended by Ordinance 00-09, enacted May 1, 2000]~~
- d. **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.
- d. ~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~
- e. **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 sSection for the most precise approach existing or planned for either end of the runway. The width for the primary surface is:

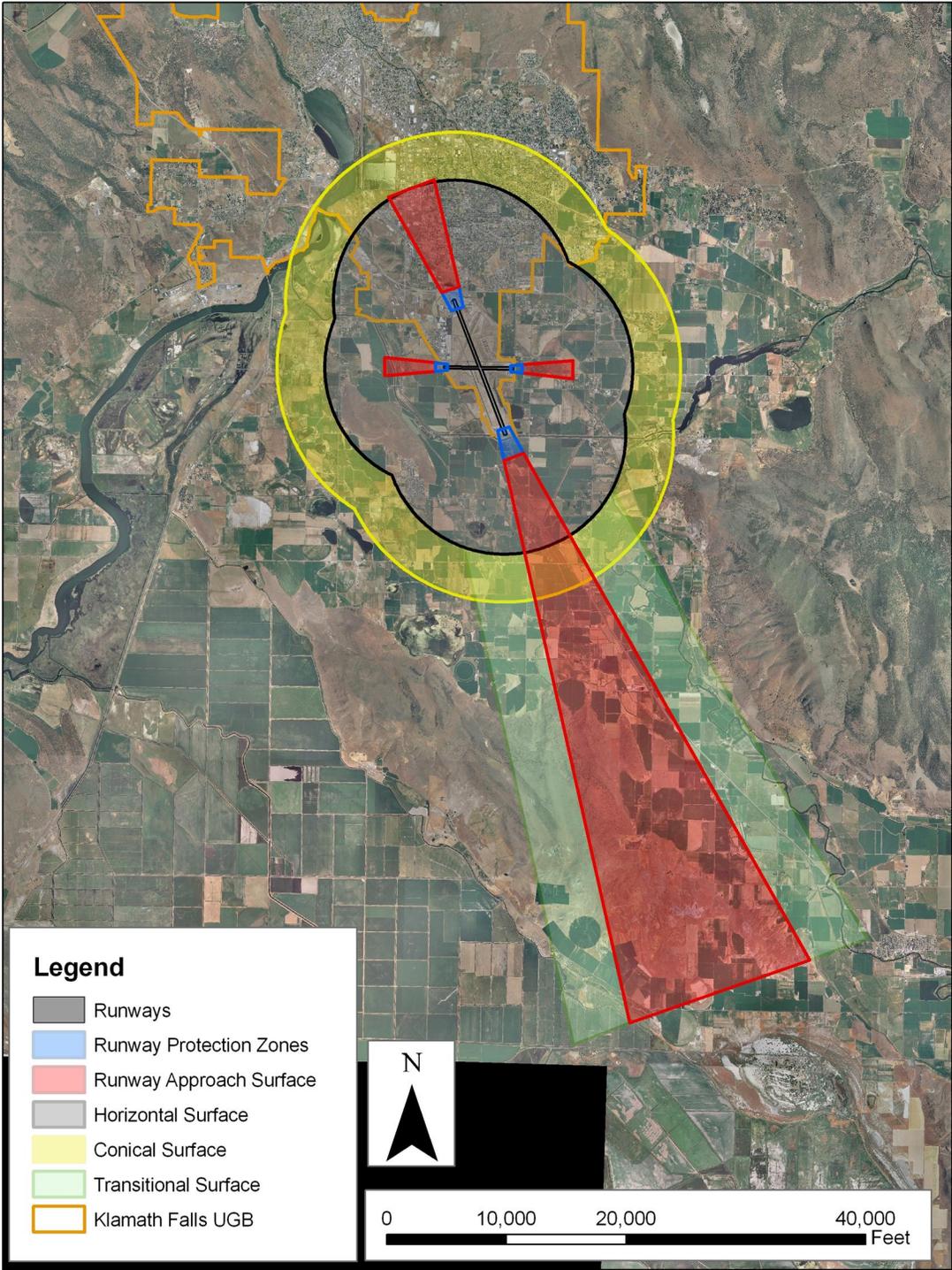
- (i) 250 feet for utility runways having only visual approaches.
- (ii) 500 feet for utility runways having non-precision approaches.
- (iii) 500 feet for visual runways having only visual approaches.
- (iv) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.
- (v) 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.

- f. **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.
- g. **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.
- h. **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.

- (13) **Height:** The highest point of a structure or tree, plant or other object of natural growth or ground, measured from mean sea level.

- (14) **Noise Level Reduction (NLR):** Building location and design measures that reduce noise at a site to help mitigate noise exposure.
- (15) **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.
- (16) **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.
- (17) **Runway:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (18) **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 this ordinance.

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



12.615 Limitations and Restrictions on Allowed Uses. Notwithstanding the provisions of Section 12.920, no structures or trees shall be erected, altered, allowed to grow or be maintained in any Airport Hazard 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 ~~most-current~~ Klamath Falls Airport Master Plan. Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

The following notes provide requirements for determining land use restrictions in the limitations and restrictions table on the following page.

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, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 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.

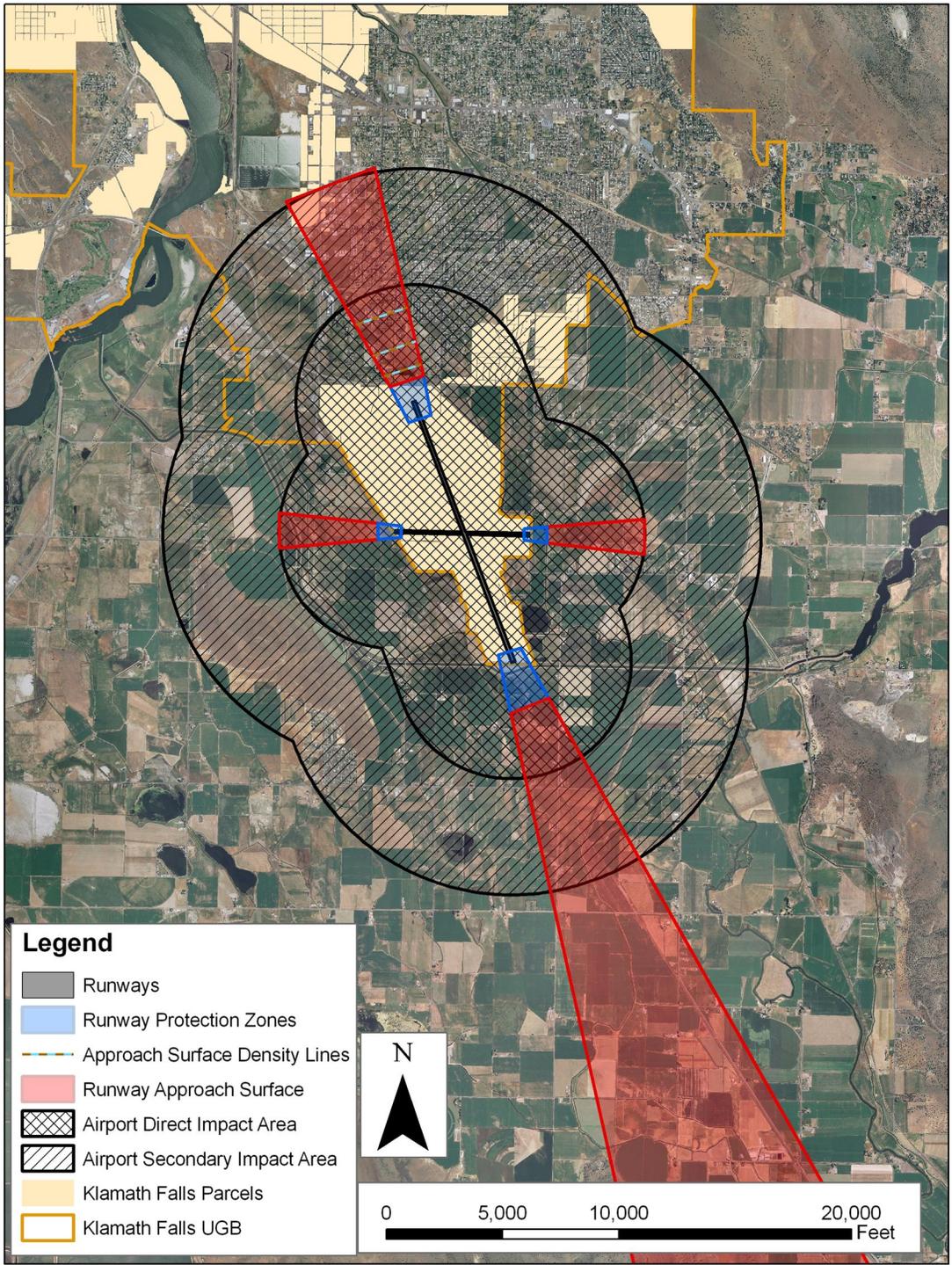
The land uses identified in the following table, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this section, a 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

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



12.620 Principal Uses Permitted in the Airport Noise Impact Boundary.

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.

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.

The following notes provide requirements for determining land use restrictions in the condensed version of Table 6A from the 2005 Klamath Falls Airport Master Plan. 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.

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 aviation 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.

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.

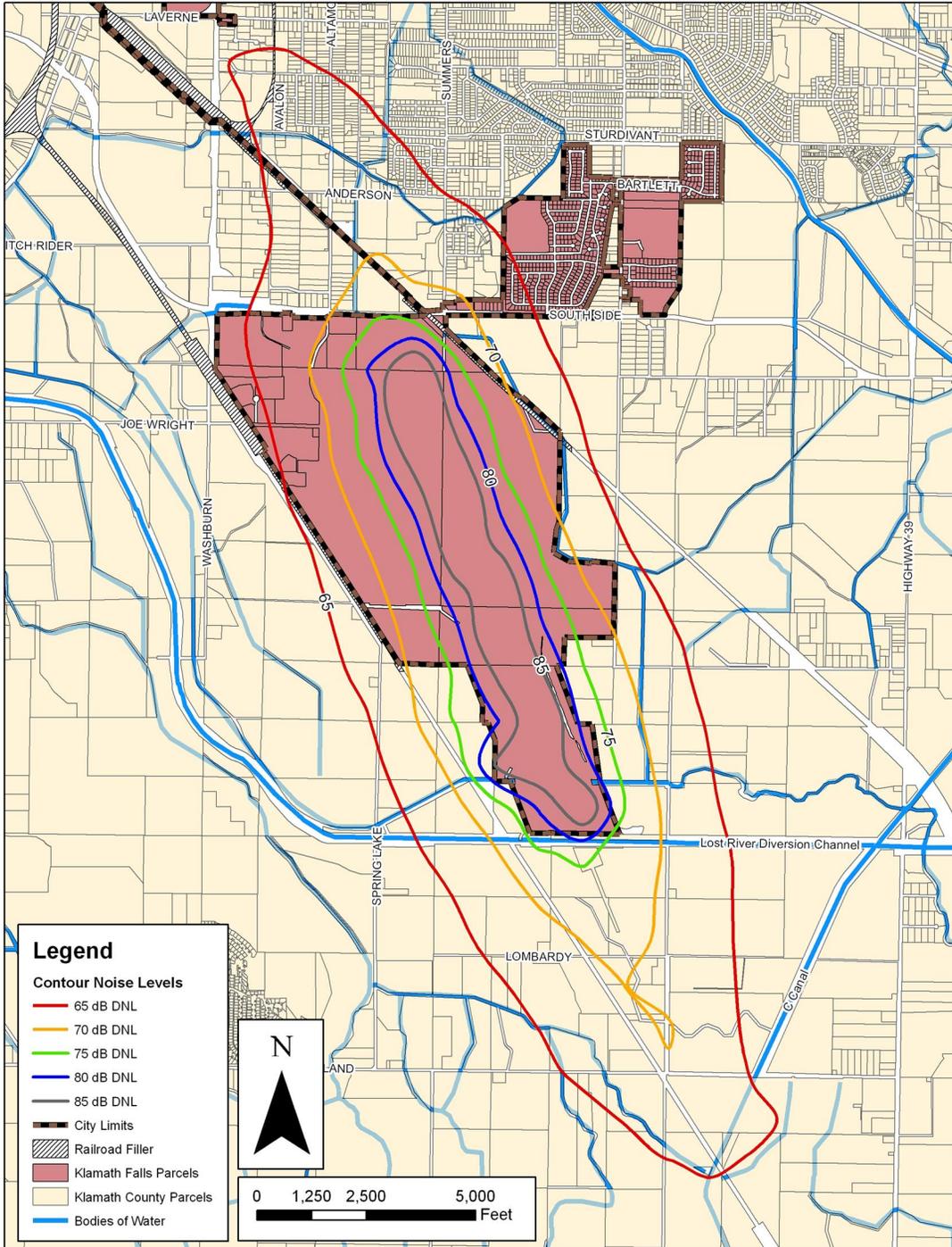
Source: Federal Interagency Committee on Urban Noise, Guidelines for Considering Noise in Land Use Planning and Control, Washington, D.C., 1980.

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.

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 Dw elling (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; w atches/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, hardw are 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
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, w ater recreation)	Y*	25*	30*
Parks	Y*	Y*	N
Other cultural, entertainment, and recreation	Y*	Y*	N

The following airport noise exposure contour map identifies the **dB-dB** DNL for all civilian and military (local and transient) flying operations at Klamath Falls Airport/Kingsley Field, including 24 F-15C tactical fighter



aircraft at 7,100 yearly flight hours.

12.625 Principle Uses Permitted on the ~~Klamath Falls~~ Airport

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

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.

- (7) Aircraft rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.
- (8) 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.
- (9) 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.
- (10) 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.

12.630 Conditional Uses Permitted. The following uses and activities are conditionally permitted on the Klamath Falls Airport property:

- (1) 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 ~~Community Development Department~~Planning Division review process.
- (1) ~~—[Added by Ordinance 00-09, enacted May 1, 2000]~~

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.

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 ~~of Klamath Falls~~. Existing non-conforming structures or vegetation may be subject to removal or alteration by the City ~~of Klamath Falls~~ at the request of the FAA if found to be an obstruction to airport approach and departure surfaces.

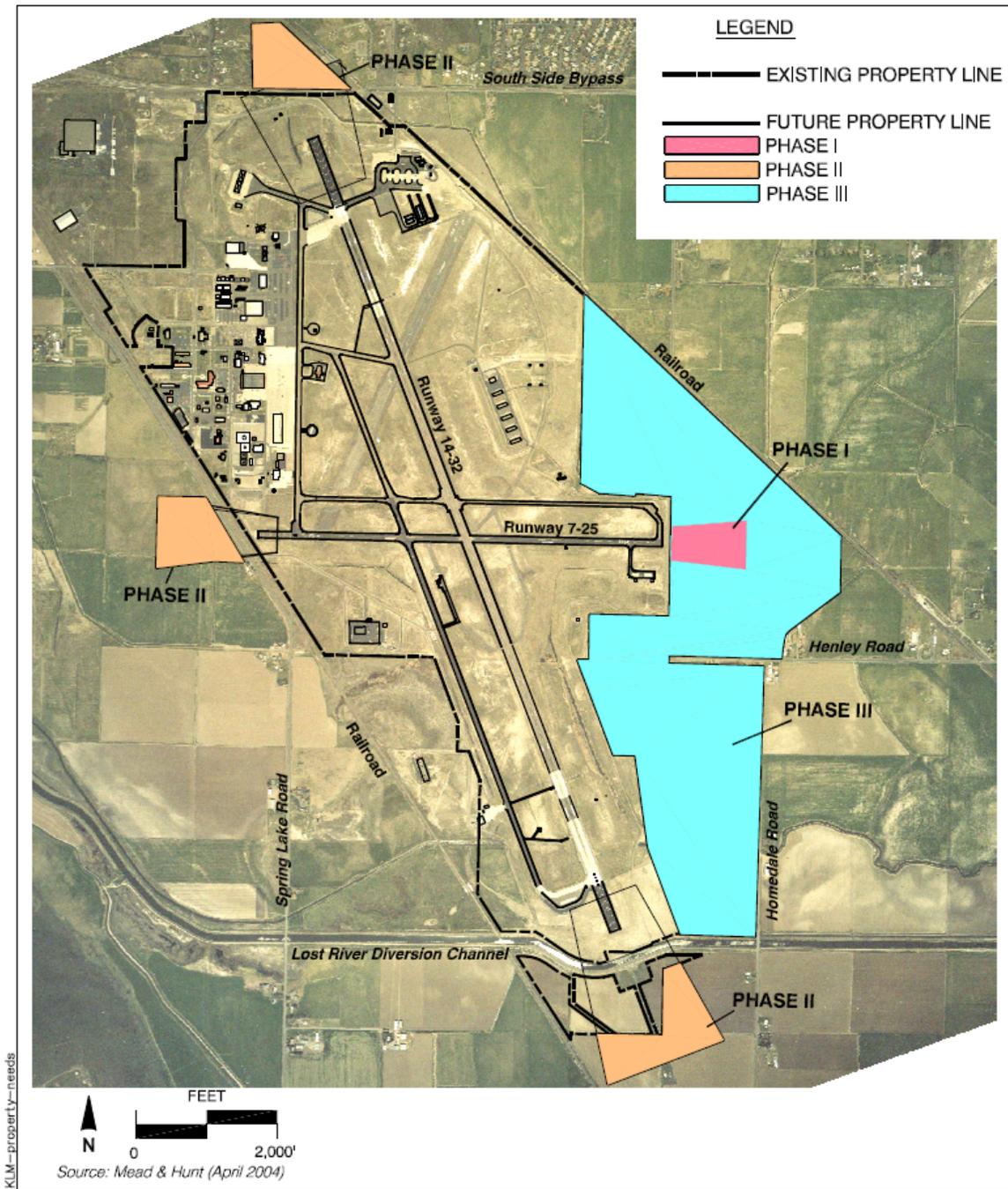
[Amended by Ordinance 00-09, enacted May 1, 2000]

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 ordinance shall provide the following information in addition to any other information required in the permit application:

- (1) Property boundary lines as they relate to the Airport Noise Impact Boundary, Hazard Zones, and the end of the runway.
- (2) Location and height of all existing and proposed buildings, structures, utility lines and roads.
- (3) 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.
- (4) If a ~~zone change~~ change of zone is requested, the applicant must prove the proposed zoning is permitted within a higher Noise Impact Boundary Zone.

12.650 Klamath Falls Airport Needs. To ensure the continued and logical pattern of aviation growth at Klamath Falls 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.

The following airport needs map identifies property and the corresponding phase for acquisition to continue aviation growth at the Klamath Falls Airport.



MIXED USE ZONE STANDARDS

12.700 Purpose for Mixed Use Zone Standards.

(1) — These standards are intended to provide assurance that areas zoned for Mixed Use are developed with a vertical mix of commercial and residential uses within the same building or set of buildings on a lot. These zoning standards are intended to accommodate a physical pattern of development often found along village main streets that create pedestrian friendly environments, often less reliant on vehicular use in a compact urban form. ?????.

12.705 General Mixed Use Standards. A Mixed Use development must comply with all of the following development standards:

- (1) Proposed development shall incorporate at least a 1:0.25 commercial to residential square footage ratio. (For every one square foot of commercial, a minimum of one-quarter square foot of residential is required.) Hotels are exempt from this standard.
- (2) At least one Retail and/or service Commercial Trade, Commercial Services (excluding Parking Lot and Residential Facility) or Industrial uses, as listed in Section 12.005 for the Mixed Use Zone, are required for the on-street level of any development. Residential and office or additional commercial development All permitted and conditional uses may can be considered for below-grade development or for stories above the street level.
- (3) Building siting and parking design should maximize opportunities for pedestrian and vehicular circulation between adjacent lots, such as joint access easements and common driveways.
- (4) All primary ground floor common residential entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior of the lot or to a parking lot. Projecting features such as porches, balconies, bay and dormer windows, and roof pediments are encouraged for structures facing a street. Secondary residential entrances are allowed to face an interior parking lot.
- (5) Residential development shall, whenever possible, incorporate sharing of facilities for vehicle parking, vehicle and pedestrian circulation and bike parking, opportunities whenever possible. A planting strip shall separate the curb and the sidewalk for a distance no less than 4 feet.
- (6) Loading and service entrances on buildings shall not intrude upon the public view from public rights-of-way or interfere with pedestrian and vehicular flows.
- (7) Mechanical equipment or other utility hardware on the roof, the ground

~~or on buildings shall be screened from public view with materials harmonious or complementary to the building or they shall be so located as not to be visible from any public ways.~~

12.710 Parking Standards.

- (1) ~~Parking for commercial and residential uses shall be located to the rear or side of a proposed development. Where parking is to be located at the side of a structure, an eight-foot-wide landscape strip shall separate the parking area from the sidewalks within the street right-of-way.~~
- (2) ~~Shared vehicle parking with other properties shall be provided where feasible. Shared bicycle parking shall be permitted when the proposed shared bicycle parking area is located not more than one hundred feet from the primary pedestrian entrances are located not more than one hundred feet from the shared bicycle parking area. The sShared bicycle parking must be located in an area of high visibility adjacent to a pedestrian walkway or sidewalk.~~
- (3) ~~Where a parking structured parking is proposed, it shall be placed in the middle of a block, with at least 50% of the street level shall be commercial and retail uses the Commercial Trade, Commercial Services (excluding Parking Lot and Residential Facility) or Industrial uses, as listed in Section 12.005 for the Mixed Use Zone shall be at the street level. The parking structure shall be architecturally compatible with other structures in the same block. Innovative decorative designs are required to mask any portion of the upper structure which is visible from the street. Parking space dimensions shall not include support posts of the underground or above-ground parking structure comply with the dimensional requirements set forth in Chapter 14.~~
- (4) ~~Parking which is provided without a parking structure shall comply with the dimensional and landscaping requirements found in Chapters 10-14 of the CDO.~~

12.715 Outside Display and Storage Standards.

- (1) ~~Outdoor displays of goods and cafe areas within City rights-of way shall may be permitted subject to Ceity right-of-way permit requirements and related standards. If an outdoor display is located on private property adjacent to the right-of-way, the display shall not impede pedestrian traffic on the public sidewalk, and the displays and daily display signs shall be removed each evening. Cafe seating area uses shall be permitted on private property adjacent to the public sidewalk with approval under the design review/ or conditional use permit process. Outdoor cafe seating on private property need not be removed each evening.~~

- (2) No outside storage is allowed, with the exception of trash/recycle containers and bike lockers, that are screened in accordance with Chapter 14 of the CDO.

12.720 Essential Requirements. All new development shall comply with at least six of the following “essential” requirements:

- (1) SpecialCreative awning treatment;
- (2) Special-pPedestrian-scale lighting between sidewalk and entrance of the building;
- (3) SpecialCreative grate and paving treatment;
- (4) Special landscaping and planter boxes or pots;
- (5) Provision for public art or historical reference in the form of a plaque or public display;
- (6) Development of pedestrian paths with durable, all-weather surfaces located on medians and other landscaped areas to provide convenient pedestrian routes and reduce wear on landscaped areas;
- (7) Development of public space, including, but not limited to, plazas, gathering areas, or special landscaped areas;
- (8) Enhanced transit amenities such as covered bus shelters or bike lockers;
- (9) Upgraded noise buffering onfor attached-residential units;
- (10) Provision of protected play areas in residential development;
- (11) Provision of enhanced pedestrian accessways from rear parking areas to the frontage streets; or
- (12) Provision of decorative drinking fountains or other custom-designed street furniture.

12.725 Mixed-Use Zone Sign Standards.

General Sign Provisions.

Signs painted directly upon the facade of the building are prohibited, unless compelling reasons are documented by the owner of the subject building.

Backlit signs composed of a singular geographic shape shall be prohibited. Illumination external to the sign surface with lighting directed at the sign is preferred. If backlit signs are used,

they shall be individually illuminated letters or formed cabinets shaped to conform with the radius of lettering.

Every sign shall comply with Sections 14.300 to 14.350 (Signs) and shall have compatible scale and proportion in its design and in its visual relationship to the buildings and surroundings

Window and Door Signs. Window and door signs are those which are painted, displayed or placed on the interior side of a translucent or transparent surface. Window graphics are usually most **effective when they are simple and clearly displayed using light colors or dark colors with gold or equal colorvalent color highlights.** Window and door signs should be kept to a minimum.

- a. Number. Each use fronting a street shall have no more than a total of two (2) window/door signs.
- b. Area. The total of all window or door signs shall not exceed twenty (20) percent of the total window and/or door area for each building.
- c. Placement. In all cases, window graphics shall be limited to the on-street level windows.

(4) Portable Signs in Right-of-Way. Portable signs are allowed with the following standards:

- aThe sidewalk shall have a minimum forty eight (48) inch wide pedestrian way unobstructed by the portable sign;
- bThe portable sign shall be freestanding and not attached to any structure or vegetation, including trees;
- eThe portable sign shall only be displayed during applicable hours of operation;
- dThe portable sign shall have a maximum display area of six (6) square feet per side;
- eThe portable sign structure shall not exceed four (4) feet in height and two (2) feet in width;
- fThe portable sign shall be weighted so it can not be easily blown over or moved; and
- gThe portable sign shall only be displayed in front of the permitted business.

Sidewalk Signs. A portable sign which is displayed on the sidewalk.

A 48-inch pedestrian way shall be maintained;

~~The sign shall be freestanding and not attached to any structure or plants;~~

~~The sign shall only be displayed during applicable hours of operation;~~

~~The sign shall have a maximum display area of 6 square feet per side;~~

~~The sign shall not exceed 4 feet in height and 2 feet in width;~~

~~The sign shall be made of weather-resistant material such as plywood, plastic, or Masonite;~~

~~The sign shall be weighted so it cannot be easily blown over or moved;~~

~~A portable sign permit is required, only one permit per business license holder is allowed; and~~

~~The portable sign shall be displayed in front the business.~~

DOWNTOWN BUSINESS ZONE DESIGN REVIEW STANDARDS

12.750 ~~Standards Purpose for Downtown Design Review.~~

- (1) The purpose of ~~these standards~~the Downtown Zone is to establish a ~~checklist~~additional standards to Section 12.005 and Chapter 14 for ~~of~~ 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.
- (2) 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.
- (3) These standards ~~do~~ represent a special commitment to preserving and improving the visual qualities of the downtown area.

~~[Added by Ordinance 96-20, enacted July 1, 1996]~~

12.754 Relationship of Buildings to Site.

- (1) The site shall be planned to accomplish a desirable transition with the ~~streetscape~~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, art work 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.
 - b. ~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~
- (2) ~~Without restricting the permissible limits of the zoning district,~~ 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.
 - (2) ~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~
- (4) ~~Newly~~Newly-installed utility service and service revisions necessitated by exterior alterations, shall be underground.
- (5) 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.

- (6) The traditional division between upper and lower floors ~~should~~ shall be maintained.

~~{Added by Ordinance 96-20, enacted July 1, 1996}~~

12.758 Relationship of Buildings and Site to Adjoining Area.

- (1) A landscape transition to adjoining properties shall be provided.

(1) ~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

- (2) The horizontal and vertical lines of facades should be reinforced along a block.

~~{Added by Ordinance 96-20, enacted July 1, 1996}~~

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.

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

(2) ~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

(2)

- (2) Grades of walks, parking spaces, terraces and other paved areas meet ADA standards.

(3) ~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

(3)

- (3) Landscape treatment shall be provided to enhance architectural features, strengthen vistas ~~and important axes~~ and provide shade.

(4) ~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

(4)

- (4) Plant material shall be selected for visual interest in its structure, texture and color and for its ultimate growth and hardiness.

(5) ~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

- (5) 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).

(6) ~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

(6)

- (6) Parking areas and traffic ways shall be enhanced with landscaped spaces

containing trees or tree groupings.

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.

(8)

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

(9)

(9)

(9) 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.

~~[Added by Ordinance 96-20, enacted July 1, 1996]~~

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

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:-

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.

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

(3) ~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

(3)

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

a. Recessed windows;

b. Recessed entry;

c. Projecting sills;

- d. Projecting pilasters, columns and bays; and
- e. Projecting cornices and roofs.

(4) Materials.

Materials shall be chosen that age with dignity and represent a long-term commitment to the architectural quality of downtown.

- b.
- b. Well finished, carefully crafted, building materials shall be used in a manner sympathetic to the scale and architectural character of downtown.
- b.
- c. The following materials are appropriate:
 - (i) Brick, using traditional coursing treatments and laying techniques;
 - (ii) Natural stone or veneer using traditional coursing treatments and laying techniques;
 - (iii) Milled and shaped lumber and siding; and steel and iron finely-scaled, carefully finished, that is historically appropriate;
 - (iv) Glass, architectural art glass and glass block; ~~molded and extruded plastics;~~ and
Synthetic stucco with a troweled appearance.

~~[Added by Ordinance 97-28, enacted December 15, 1997]
[Amended by Ordinance 00-09, enacted May 1, 2000]~~

- d. The following materials are inappropriate:
 - (i) ~~Imitation metal "rock work";~~
 - (i) ~~Imitation masonry of any kind;~~
 - (i) Plastic molded imitations of any conventional building material;
 - (ii) Corrugated metal;
 - (iii) Corrugated fiberglass;
 - (iv) Mirror metalized reflective glass;
 - (v) Expanded metal;
 - (vi) Silver or color anodized aluminum sheets;

- (vii) ~~Silver or color aluminum extrusions for doors or windows;~~
- (viii) ~~Imitation wood siding;~~
- (viii) Flat or molded plastic sheeting;
- (ix) Astro turf;
- (x) Indoor - outdoor carpeting;
- (xi) T1 11 siding (plywood with outside veneer); and

Metal chain link.

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

- e. The appropriateness of materials not listed in (d) ~~or (e)~~ above, shall be determined on review by the ~~Planning~~ Commission or ~~Planning~~ Director, based on (a) - (c) above.
- f. Stucco or synthetic stucco shall not be permitted on more than 2580% of the total building facade ~~area in any one block in the for any building in the~~ Downtown Business excluding windows and doors Zone.

~~[Added by Ordinance 97-28, enacted December 15, 1997]~~

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

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

- (6)
- (6) Appropriate color will be used for the base color, major trim, and minor trim. The following is a guide ~~for color~~ used to define groups of architectural elements:-
 - a. Base color: wall surfaces; and storefront piers.
 - b. Major trim: cornices, window caps, frames and sills, storefront cornices and columns, and kickplates.
 - c. Minor trim: window sashes, doors, storefront frames and small details.

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

~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

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

~~{Amended by Ordinance 00-09, enacted May 1, 2000}~~

Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways, using materials as stated in ~~standards for equipment screening, subsection 7.~~

~~Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.~~

~~{Added by Ordinance 96-20, enacted July 1, 1996}~~

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

The original traditional storefront line along the sidewalk shall be maintained or restored (see Illustration 12-3).

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

The transom window shall be preserved, restored or created.

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.

(15)

(15) Openings, such as storefront windows and doors shall comprise at least 75% of a building's street level façade.

(15)

(16) All doors and windows on all building facades shall have clear glass to increase transparency.

Illustration 12-2

Anatomy of a Downtown Building

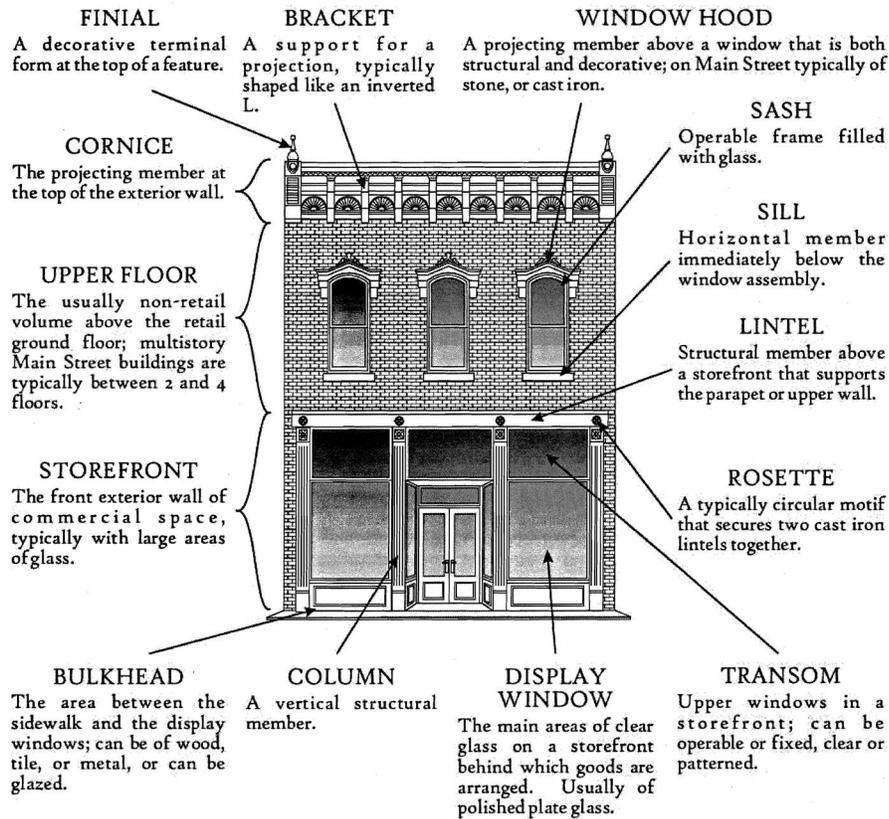


Illustration 12-3



12.768 Historical Significance. Buildings with ~~historical~~ Historical significance Significance to the Downtown Business Zone, as identified in the 1985/1986 Klamath Falls Inventory of Historic Properties ~~and the 1976 Klamath County Inventory of Historic Sites and Buildings~~ held on file in the City of Klamath Falls Planning Department Division, shall be subject to the following review standards: ~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

- (1) The original facade, materials and ornamentation, shall be maintained and/or restored. Missing facade elements shall be replaced with new materials that match the original as closely as possible.
- (2) The ~~traditional~~ original configuration of the storefront opening shall be maintained or restored.
- (3) Theme design or coverings that obliterate or disguise the original character of a historically significant building shall not be allowed.
- (4) The original storefront line along the sidewalk shall be maintained or restored.
- (5) Coverings that obliterate the size and shape of upper story windows shall be removed.
- (6) If an interior dropped ceiling is used, it shall be held back no less than ~~one~~ three (3) feet horizontally from the windows.

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

- (7) 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.

- (8) The applied covering material or awning, shall not extend vertically beyond the original ground floor cornice molding.
- (9) The original transom window, ~~if it exists,~~ shall be preserved or restored.
- (10) The original piers or columns dividing the bays shall be maintained. Applied covering material shall not extend horizontally beyond the original opening or bay.
- (11) The horizontal alignments or architectural components such as store front windows, kickplates, first story cornices, parapet cornices and window sills should be recreated or restored.
- (12) Historical signs painted on buildings should be preserved using only appropriate restoration techniques.
- (13) 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.
- (14) 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.
- (15) New additions to historical buildings shall:
 - a. Preserve significant historical materials and features;
 - b. Protect the Historical Significance of the building by making a visual distinction between the original elements and the new elements;
 - c. Preserve the size, scale, color, material, and character of the original building; and
 - d. Protect the historical building profile by staggering additional stories away from the original front façade roof edge.

~~[Added by Ordinance 96-20, enacted July 1, 1996]
[Added by Ordinance 00-09, enacted May 1, 2000]~~

~~**12.772 Downtown Signs.** Signs shall be designed as integral parts of the site and incorporated into the overall architectural style of the project. Attractive, artistic, well-proportioned, and effectively located signs shall enhance the~~

image of Downtown Klamath Falls.

(1) ~~General Sign Provisions.~~

a. ~~Signs painted directly upon the facade of the building are prohibited, unless compelling reasons are documented by the owner of the subject building.~~

Hand painted signs shall not be allowed unless painted by a sign contractor specializing in hand painting or hand-crafted signs.

Signs shall be constructed of high-quality durable materials.

Materials for signs shall complement the color, material and overall character of the surrounding building architecture.

Every sign shall be designed as an integral architectural element of the building and site, to which it principally relates.

Backlit signs composed of a singular geometric shape shall be prohibited. are discouraged. Illumination external to the sign surface with lighting directed at the sign is preferred. If backlit signs are used, they should be individually illuminated letters or formed cabinets shaped to conform with the radius of lettering.

Backlit signs shall have a dark colored background. White background backlit signs shall be prohibited.

Locating signs on the valance of awnings is encouraged.

Every sign shall comply with Sections 14.300 to 14.350 (Signs), and shall have compatible scale and proportion in its design and in its visual relationship to the buildings and surroundings.

(2) ~~Projecting Signs.~~ Projecting signs may be either attached to the wall surface or hung from the underside of a marquee or balcony. Projecting signs are designed for viewing by pedestrians walking under such signs.

Number. ~~There shall be no more than one (1) sign allowed per usebusiness.~~ projecting sign for every seventeen (17) feet of street frontage.

b. Area. The square footage of all projecting signs on a single building frontage shall not exceed twelve (12) four (4) square feet per sign face, in area. A single projecting sign identifying four (4) or more businesses may be a maximum of six (6) square feet.

c. Placement. Projecting signs shall be below the sill of the second story windows or below the roof line, eaves or parapet of a one story building. No sign projecting over the public right-of-way shall be less than eight (8) feet from the ground level. No sign

shall project more than ten (10) feet above ground level.

- (3) ~~**Wall Signs.** Wall signs are those signs attached and parallel to the building facade~~façade, and which extend no more than six (6) inches from the surface of the wall (parapet signs are a type of wall sign, but they are treated below):

~~Number. Only~~ There shall be no more than one (1) wall sign allowed per use/business. is permitted for every seventeen (17) feet of building street frontage.

~~Area. A wall sign shall not exceed five (5) percent of the total square footage of the building facade~~façade.

~~Placement. A wall sign shall be placed no higher than the top of the ground floor window or door openings~~sixteen (16) feet above grade, measured from the grade of the sidewalk to the top of the sign; however, no portion of the sign shall exceed the roof line. Wall signs shall not obscure or cover any architectural details of the building, and may not extend beyond the wall on which they are mounted.

Wall signs may have a depth of up to eighteen (18) inches before it is considered as a projecting sign.

- (4) ~~**Parapet Signs.** Parapet signs are a distinctive type of wall sign which are generally located between the lintels of the upper story windows and the top edge of the parapet (or false front). They are designed to be legible~~ readable to pedestrians across the street and persons traveling on the street.

a. ~~Number. There shall be~~ Nno more than one (1) parapet sign is permitted per building.

b. ~~Area. A parapet sign shall not exceed six (6) percent of the total square footage of the building facade to which it is attached. A parapet sign shall be no more than two (2) feet in vertical dimension.~~

c. ~~Placement. p~~Parapet signs shall not extend above the upper edge of the parapet wall. A parapet sign shall not extend any nearerbe closer than one (1) foot from either edge of the building. parapets should be used when possible.

- (5) ~~**Window and Door Signs.** Window and door signs are those which are painted, displayed or placed on the interior side of a translucent or transparent surface. Window graphics are usually most effective when they are simple and clearly displayed using light colors or dark colors with gold or equal color highlights. Window and door signs should be~~

kept to a minimum.

~~Number. Each building frontage shall have no more than a total of two (2) window/door signs.~~

~~b. Area. The total of all window or door signs shall not exceed twenty (20) percent of the total window and/or door area for each building.~~

~~c. Placement. In all cases, window graphics shall be limited to the first and second story windows.~~

~~(6) **Balcony or Marquee Signs.** Balcony or Marquee signs are those signs that are attached to the fascia of the balcony or marquee and parallel the street and building facade. They are intended for viewing by travelers on the street or pedestrians on the opposite side of the street.~~

~~a. Number. Only one (1) attached balcony or marquee sign shall be permitted per building.~~

~~b. Area. No more than eighty (80) percent of a balcony or marquee fascia shall be covered with signage.~~

~~c. Placement. The attached balcony or marquee sign shall be centered in the middle of the balcony or marquee fascia. The signs shall not project above the marquee roof line or balcony floor line or below the bottom edge of the balcony or marquee fascia.~~

~~(7) **Awning Signs.** Awning signs are those signs that are on the awning.~~

~~Area. No more than fifteen (15) percent of the awning area shall be covered with signage.~~

~~Placement. Awning signs shall not be allowed above the ground floor. Awnings without signs shall be allowed above the ground floor.~~

~~If awning side panels are integrated used, no more than twelve (12) square feet of the awning side panel shall be covered with signage.~~

~~Awnings shall comply with Section 12.776 (Downtown Awnings).~~

~~(8) **Freestanding Signs.** Freestanding signs are those which are provided with their own support and are not attached to a building. Typically they are attached or are suspended from a post or a pole or stanchion. Freestanding signs are not permitted on a parcel property where the primary building has a setback of less than ten (10) feet.~~

~~Number. No more than one (1) freestanding sign is permitted for each parcel property containing one or more business activities within~~

~~a building structure.~~

~~b. Area. A freestanding sign shall not exceed forty (40) square feet in area.~~

~~c. Placement. A freestanding sign shall be within the parcel property boundaries and shall be at least eight (8) feet from any structure on the property.~~

~~d. Height. A freestanding sign shall not exceed eight (8) feet in height from the top edge of such sign to the grade below.~~

[Added by Ordinance 96-20, enacted July 1, 1996]

~~(9) **Portable Signs in Right-of-Way.** Portable signs are allowed with the following standards:~~

~~The sidewalk shall have a minimum forty eight (48) inch wide pedestrian way unobstructed by the portable sign that is permanently maintained;~~

~~The portable sign shall be freestanding and not attached to any structure or vegetation, including trees;~~

~~The portable sign shall only be displayed during applicable hours of operation;~~

~~The portable sign shall have a maximum display area of six (6) square feet per side;~~

~~The portable sign structure shall not exceed four (4) feet in height and two (2) feet in width;~~

~~The portable sign shall be weighted so it can not be easily blown over or moved; and~~

~~The portable sign shall only be displayed in front of the permitted business.~~

12.776 Downtown Awnings.

- (1) 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 ~~is~~are more appropriate than a single long awning.
- (2) Second floor window awnings are appropriate exterior shading devices.
- (3) Awnings should be aligned with others on the block where possible. It is particularly important to align the bottom line of the awning.
- (4) 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.

- (5) Appropriate awning materials: canvas, vinyl coated canvas and synthetic canvas materials.

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

- (6) Awnings over the rear entrance should match or be compatible with those on the front of the same building.

- (7) Awning valance shall not exceed ~~twenty-four~~ (24) inches² in height.

- (8) Awning colors should compliment the colors of the building to provide a unified image.

~~[Added by Ordinance 96-20, enacted July 1, 1996]~~

12.780 Miscellaneous Structures and Street Hardware.

- (1) ~~(1)~~—Miscellaneous structures and street hardware shall be designed to be of the architectural concept of design and landscape. 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.

- (2) Lighting in connection with miscellaneous structures and street hardware shall meet the standards applicable to site, landscape, buildings and signs.

~~[Added by Ordinance 96-20, enacted July 1, 1996]~~

12.784 Maintenance - Planning and Design Factors.

- (1) 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.
- (2) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Property measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
- (3) 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.

~~[Added by Ordinance 96-20, enacted July 1, 1996]~~

12.788 Factors for Evaluation. The following factors and characteristics which affect the appearance of a development will govern the evaluation of a submitted ~~design review~~ land use application:

- (1) Conformance to the ~~Amended Klamath Falls Urban Redevelopment Plan and Report and~~ Downtown Klamath Falls Design Guidelines;
- (2) Logic of design;
- (3) Exterior space utilization;
- (4) Architectural character;
- (5) Attractiveness;
- (6) Material selection;
- (7) Compatibility;
- (8) Circulation - vehicular and pedestrian; and
- (9) Maintenance aspects.

~~[Added by Ordinance 96-20, enacted July 1, 1996]~~

12.796 Undeveloped Areas.

- (1) ~~All property areas within the Downtown Business Zone shall be either developed or landscaped. Undeveloped vacant lots and portions of lots shall be landscaped to a minimum of grass covering the entire area. Asphalt and concrete areas may be retained provided all other areas are grassed and at least twenty (20)% percent of the lot is planted with trees and shrubs. Fencing of vacant lots is permitted with an open type of fencing such as post and chain. prohibited, unless legally mandated due to public health and safety concerns. All chainlink fences made non-conforming by this ordinance, and located within the downtown area, shall be removed no later than January 1, 2005.~~ Graveling of vacant lots is specifically prohibited.

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

- (2) The nonconforming structure and use provisions of Sections 12.860 et-

seq. shall not apply to the requirements of this section.

~~[Added by Ordinance 96-20, enacted July 1, 1996]~~

NONCONFORMING USES AND STRUCTURES

12.860 Continuing Nonconforming Structure or Use. Subject to the provisions of Sections 12.860 to 12.895 ~~and Section 12.365~~, a nonconforming structure or use may be continued.

12.865 Nonconforming Structures. ~~Where a structure exists on a lot or property that does not conform to the provision terms of the CDO this code by reason of setback or height, the sStructure may remain on site as lawful subject to all of the following conditions provisions:~~

- (1) Except as otherwise provided in ~~this sSections~~ 12.860 to 12.895, a ~~structure-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.
- (2) Except as otherwise provided in Chapters 10 to 14, a nonconforming structure containing a nonconforming use shall not be substantially altered or expanded.
- (3) Regular maintenance, repair and replacement (roofing, siding, awnings, etc) of materials related to the nonconforming structure -shall be permitted.

~~[Amended by Ordinance 6413, enacted January 3, 1983]~~

12.870 Extension of Nonconforming Use. ~~Where at the time of adoption of this code, a use of land existed on —Date—May 1, 2000 which would not have been be permitted by the zoning imposed on that date by this code and the use was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful.~~ No nonconforming use shall be extended or expanded.

12.875 Nonconforming Development. ~~Where a structure exists on a lot or property that does not conform to the provisions terms of this code of the CDO by reason of lot coverage, landscaping, parking, building placement, or street infrastructure, it may remain on site as lawful subject to all of the following provisions:~~

- 1) Regular maintenance, repair and replacement (roofing, siding, awnings, etc.) of materials related to the nonconformance -shall be permitted.
- 2) If the structure is enlarged, any additional structure is added or the use of

the property is changed, then the site shall be reviewed in accordance with Section 12.876.

12.876 Nonconforming Development Guidelines.

The following matrices should be used in reviewing nonconforming developments that do not conform to the provisions of the CDO by reason of lot coverage, landscaping, parking, building placement, or street infrastructure.

<u>Zone</u>	<u>Degree of Change</u>	<u>Nonconforming Standards to address</u>
<u>Single Family</u>	<ol style="list-style-type: none"> <u>Addition of a detached outbuilding less than 120 square feet</u> <u>Addition of a deck less than 30 inches in height.</u> 	<ol style="list-style-type: none"> <u>No Nonconforming Standards shall be addressed</u>
<u>Single Family</u>	<ol style="list-style-type: none"> <u>Addition of a detached outbuilding more than than 120 square feet</u> <u>Addition of a deck 30 inches or more in height</u> 	<ol style="list-style-type: none"> <u>Driveway approach</u> <u>Sidewalk nonremonstration agreement</u>
<u>Single Family</u>	<ol style="list-style-type: none"> <u>Addition to the principal structure of less than 10%</u> 	<ol style="list-style-type: none"> <u>Driveway Surface</u> <u>Driveway approach</u> <u>Sidewalk nonremonstration agreement</u>
<u>Single Family</u>	<ol style="list-style-type: none"> <u>Addition to the principal structure of 10% or more</u> 	<ol style="list-style-type: none"> <u>Driveway Surface</u> <u>Driveway approach</u> <u>Sidewalk nonremonstration agreement</u>
<u>Single Family</u>	<u>Change in use as defined by the CDO</u>	<ol style="list-style-type: none"> <u>All development standards shall be addressed.</u>
<u>Medium Density</u>	<ol style="list-style-type: none"> <u>Addition of a detached outbuilding less than 120 square feet</u> <u>Addition of a deck less than 30 inches in heigh.</u> 	<ol style="list-style-type: none"> <u>No non-conforming standards shall be addressed</u>
<u>Medium Density</u>	<ol style="list-style-type: none"> <u>Addition of a detached outbuilding more than 120 square feet</u> 	<ol style="list-style-type: none"> <u>Driveway approach</u> <u>Sidewalk nonremonstration agreement</u>

	2. <u>Addition of a deck more than 30 inches in height</u>	
<u>Medium Density</u>	1. <u>Addition to the principal structure of less than 10%</u>	1. <u>Driveway Surface</u> 2. <u>Driveway approach</u> 3. <u>Sidewalk nonremonstration agreement</u>
<u>Medium Density</u>	1. <u>Addition to the principal structure of 10% or more</u>	1. <u>Driveway Surface</u> 2. <u>Driveway approach</u> 3. <u>Sidewalk nonremonstration agreement</u>
<u>Medium Density</u>	1. <u>Change of Use as defined by the CDO</u>	1. <u>All development standards shall be addressed</u>
<u>Apartment</u>	1. <u>Addition of a detached outbuilding less than 120 square feet</u> 2. <u>Addition of a deck less than 30 inches in height</u>	1. <u>No Nonconforming Standards shall be addressed</u>
<u>Apartment</u>	1. <u>Addition of a detached outbuilding more than 120 square feet</u> 2. <u>Addition of a deck more than 30 inches in height</u>	1. <u>Driveway approach</u> 2. <u>Sidewalk nonremonstration agreement</u>
<u>Apartment</u>	1. <u>Addition to the principal structure of less than 10% if the principal structure is a single family dwelling, duplex, triplex.</u>	1. <u>Driveway approach</u> 2. <u>Sidewalk nonremonstration agreement</u>
<u>Apartment</u>	1. <u>Addition to the principal structure of 10% or more if the principal structure is a 5 or</u>	1. <u>All development standards shall be addressed</u>

	<u>more units.</u>	
<u>Apartment</u>	1. <u>Addition to an apartment complex or 4 plex less than 10% of the total structure(s)</u>	1. <u>Driveway Surface</u> 2. <u>Driveway approach</u> 3. <u>Sidewalk nonremonstration agreement</u>
<u>Apartment</u>	1. <u>Addition to an apartment complex or 4 plex 10% or more of the total structure(s)</u>	1. <u>All development standards shall be addressed</u>
<u>Apartment</u>	<u>Change in Use</u>	1. <u>All development standards shall be addressed</u>



<u>Zone</u>	<u>Degree of Change</u>	<u>Items to Address</u>
<u>Neighborhood Commercial, General Commercial, and Mixed-Use</u>	<u>Change of Use</u>	<u>ADA Facilities: parking spaces and building access</u>
		<u>Driveways: Number of driveways shall be in compliance with City Code.</u>
		<u>Street Trees</u>
		<u>Trash Enclosures, Fences, Screening</u>
		<u>Vision Clearance, excluding principal structure(s)</u>
		<u>Parking</u>
<u>Neighborhood Commercial, General Commercial, and Mixed-Use</u>	<u>Additions less than 10% of the existing structure</u>	<u>Sidewalks</u>
		<u>Landscaping</u>
		<u>Signage</u>
<u>Neighborhood Commercial, General Commercial, and Mixed-Use</u>	<u>Additions 10% or greater of the existing structure</u>	<u>Full review of the site shall be conducted</u>
<u>Zone-</u>	<u>Degree of Change -</u>	<u>Items to Address-</u>
<u>Light Industrial and Industrial</u>	<u>Change of Use</u>	<u>ADA Facilities: parking spaces and building access</u>
		<u>Trash Enclosures, Fences, Screening</u>
		<u>Vision Clearance, excluding principal structure(s)</u>
		<u>Parking</u>
<u>Light Industrial and Industrial</u>	<u>Additions less than 10% of the existing structure</u>	<u>Sidewalks</u>
		<u>Landscaping within public parking</u>
		<u>Signage</u>
<u>Light Industrial and Industrial</u>	<u>Additions 10% or greater</u>	<u>Full review of the site shall be conducted</u>

Notes: The application shall address all of the items for the appropriate degree of change and all items from applicable above degrees of change. In addition, the City Engineering Division, County Building Division, applicable Fire District, and other impacted agencies may have additional requirements separate from those listed above.

~~12.875 Termination of Certain Nonconforming Uses.~~

- ~~(1) A nonconforming use not involving a structure or one involving a structure having an assessed value of less than \$400 may be continued for a period of not more than two years after April 20, 1981.~~
- ~~(2) If a nonconforming use not involving a structure is discontinued for a period of six months or more, further use of the property shall be of a conforming nature of use only.~~

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, in all zones, subject to 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.

12.885 Destruction of a Structure Containing a Nonconforming Use. If a structure containing a nonconforming residential use is destroyed by any cause, to an extent exceeding 80 percent of the assessed valuation of said structure, a future structure or use on this lot or parcel shall conform to the provisions of Chapters 10 to 14.

If a structure containing a nonconforming commercial, industrial or public facility use is destroyed by any cause to an extent exceeding 50 percent of the assessed valuation of said structure, a future structure or use on this lot or parcel shall conform to the provisions of Chapters 10 to 14. The assessed valuation of the structure for purpose of Sections 12.860 to 12.895, (Nonconforming Uses) shall be determined from current assessment records of the Klamath County Assessor.

12.890 Nonconforming Use Exceptions.

- ~~(1) Exceptions from any provisions of Sections 12.860 to 12.895 (Nonconforming Uses) may be granted by the Director (previously the Hearings Officer). An applicant for such an exception shall submit an application on appropriate forms provided approved by the Planning Division Director.~~
- ~~(2) Except as provided by Subsection (3) below, an application shall be processed by the Director without a need for a public hearing. If the Director determines that the development proposal appears to meet the required standards, the Director shall mail notice of the proposal for which approval is forthcoming to all property owners within a 250 foot~~

~~radius of the property. The notice shall summarize the standards and facts related to the proposal, invite persons to submit information relevant to the standards that are pertinent to the proposal within five (5) days of notification, giving reasons why the application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise the person of the right to request a hearing. The Director shall follow the procedures set forth in Section 10.805 (Administrative Review – Staff and Procedures).~~

- (3) ~~If the Exception is allowed, it shall remain until such time as: the nonconforming structure or use is discontinued for a period of twelve (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. If the Director contemplates that persons other than the applicant can be expected to question the application's compliance with the relevant requirements or if any property owner entitled to notice under Subsection (2) requests a public hearing in writing, the Director will initiate a public hearing on the application before the Commission. The Director shall set a date for the public hearing and mail notice to those same persons receiving the original notice. The Director at his/her discretion may choose to initiate a public hearing and provide notice as required herein without making a preliminary determination and mailing notice of such as provided in Subsection (2). At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposal including reasons why the application should be approved or denied or proposing modifications the person believes necessary for approval.~~

~~The Director shall review the application, written comments and testimony if any and make a finding for each point in dispute and make a decision on the application by approving, conditionally approving or denying the application within ten (10) business days of the closing of the period for comments. The decision of the Director shall be based upon the compliance of the site plan with the relevant requirements and shall be to approve, disapprove or conditionally approve the plan. The decision of the Director shall be reduced to writing and in the event of disapproval, shall set forth the specific requirements which are not in compliance. The written decision shall be mailed to the applicant and to any person who has appealed within five (5) business days of the date of the Director's decision.~~

~~Such excepted status shall remain until such time as the nonconforming~~

~~structure or use is discontinued for a period of twelve (12) months or more, or 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.~~

12.895 Criteria for Approval of Nonconforming Use Required FindingsException. ~~Prior to making a decision on the proposed exception, the Director shall analyze the following criteria and incorporate such analysis in his/her decision on~~ The following criteria shall be used to approve or deny an application for a ~~the proposed Nonconforming Use e~~Exception:

- ~~(1) The exception is compatible with adjacent land uses, and will not create adverse effects upon surrounding properties;~~
- ~~(2) The conditions imposed in connection with granting the exception will result in an upgradinggreater conformity of the property to the provisions of Chapter 14, to the extent that site considerations including, but not limited to parking, traffic circulation, drainage, pPedestrian wWays, screening, landscaping, and signs, are brought into conformance with the provisions of Chapter 14 to the maximum extent practicable; and~~
- ~~(3) The exception is necessary to maintain a substantial property right of the applicant and avoid undue hardship which can be relieved only by exceptinggranting an exception to the provisions of Sections 12.860 to 12.8985 (Nonconforming Uses).~~

12.898 Appeal. The decision of the Director is final and may be appealed pursuant to the provisions of Sections 10.405 to 10.450.

GENERAL EXCEPTIONS

~~12.900 Prohibiting the Reduction of the Size of Yard or Other Open Space.~~

~~All lot or parcel areas, yards or other open space or required off street parking or loading areas created on or after April 20, 1981, shall meet the minimum requirements of Chapters 10 to 14 and any lot or parcel area, yard or other open space or off street parking or loading area which is required by Chapters 10 to 14 to be used for one use, shall be used only for that use except as provided in Section 13.12014.025.~~

~~12.905 General Exception to Lot Size Requirements.~~ ~~If on April 20, 1981, a developed lot or parcel held in single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, such vacant property may be occupied by any use permitted in the zone subject to the other requirements of the zone.~~

~~If on April 20, 1981, a developed lot or parcel held in single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located and the building upon said lot is destroyed by any cause, such property may be reoccupied by any use permitted in the zone subject to the other requirements of the zone.~~

~~12.910 General Yard Exceptions.~~ ~~Exceptions to yard requirements are as follows:~~

~~(1) — 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.~~

~~(2) — 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.~~

~~(3) — 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.~~

~~[Amended by Ordinance 95-9, enacted September 5, 1995]~~

~~(4) — Sidewalks, driveways and designated off street parking areas may be constructed within the required yardsetbacks.~~

~~12.915 General Exception to the Rear Yard Requirements.~~ Except as otherwise provided, ~~a~~Accessory structures, which do not exceed a height of 15 feet, may be located not less than three feet from a rear lot line.

~~12.920 Structure Height Exceptions.~~ Notwithstanding the provisions of this Section, ~~A~~all of the structures or structure parts listed in this section are restricted to height limitations as set forth in 12.600 through 12.650 Airport Hazard Zones. The exceptions to structure height limitations as provided by Chapters 10 to 14 are as follows:

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, domes, monuments, fire and hose towers, observation towers, transmission towers, chimneys, smokestacks, flagpoles, radio and television towers, masts, aerials (~~roof antennas~~) and satellite dishes, monitors, scenery lofts/~~fly lofts (theater stage area used to raise and lower set pieces)~~, cooling towers, ~~and~~ gas holders, solar collection or storage facilities and other similar projections.

DENSITY BONUS

12.960 General. ~~At the request of a Developer, a dDensity bBonus of up to thirty (30) percent~~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 meeting of specific criteria beyond the basic requirements of Chapters 10 to 14~~Section 12.965. ~~All other standards and provisions of Chapters 10 to 14 must be met in order to receive the density bonus. No bonus shall take effect until a completed Site Plan Agreement outlining provisions for compliance with the applicable criteria has been recorded in the office of the Klamath County Clerk.~~ For purposes of Sections 12.960 and 12.965, the total buildable area and the minimum lot size shall be determined by the provisions of Chapters 10 to 14.

12.965 Criteria. One or a combination of the following criteria must be met in order to receive an ~~an attendant-dDensity bBonus.~~

- (1) **Residential/Commercial Mix.** Where the ~~dDeveloper~~ provides a residential use in conjunction with a commercial use within a Neighborhood Commercial Zone, and such residential use represents not less than 30 percent of the total buildable area of the lot or parcel, the maximum floor area allowed within ~~the a single~~ commercial use area shall~~may~~ be no more than 7,500 square feet.
- (2) **Low or Moderate Income Housing and Elderly Housing.** When the developer provides housing subsidized under programs provided by the US 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 ~~representings~~ not less than 30 percent of the total buildable area of the lot or parcel, the total buildable area of such lot or parcel ~~shall~~ may be increased by up to 25 percent. The ~~dDeveloper~~ 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. ~~For purposes of Sections 12.960 to 12.965, the total buildable area shall be determined by the provisions of Chapters 10 to 14.~~
- (3) **Elderly and Handicapped-Disabled Housing.** When the ~~dDeveloper~~ provides housing to be used exclusively for “elderly ~~people~~persons” and peoplepersons with “disabilities”~~handicapped persons,~~ as defined by federal or state housing programs, an ~~density~~ increase of up to 30 percent 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 ~~commercial shopping~~

grocery facilities and/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 peoplepersons and peoplepersons with disabilitieshandicapped persons. The site shall be at least 20,000 square feet.

- (4) **Special Features.** A ~~d~~Density ~~b~~Bonus ~~of up to 30 percent~~as described below may be granted for ~~any combination of the following~~special features.
The density bonus can be used to decrease the minimum lot size or to increase the lot coverage. ~~;~~ ~~common open space, preservation of natural features, provision of recreation facilities, conservation of energy and design merit.~~ As much as six percentage points for each of the five features below ~~for each of the above five features~~ may be awarded according to the following rating system:

- a. For common open space, a ~~One percentage~~ one-percentage point increase in the total buildable area of the lot or parcel or 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 5% of the total development and in one continuous block. One percentage point decrease up to 6% can be awarded for each open space created. ~~each 5 percent increase in area beyond that resulting from the required setback and lot coverage requirements of the zone.~~
- b. For preservation of natural features, Percentage points may be given for lack of major alterations to sites with over 12 percent 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: with some excavation for road cuts shall be no deeper than 4 feet; retaining walls shall be no higher than 4 feet; and excavation for , foundations and ~~some~~ 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.
- c. 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~~ may be given for a major facility such as tennis courts or swimming pools; three points ~~shall~~ may be given for a small playground, tot lot or similar facility. ~~No points are given when no facilities are provided.~~
- d. As many as six percentage points may be given for energy conservation features such as solar space or water heating devices, ~~additional insulation (R38 ceiling, R19 walls, R19 floors), wood heater or fire places with heat extractors,~~ heat pumps and similar devices. In order to qualify for the Density Bonus -in all dwelling units within of the development shall have energy -conservation.
- e. 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.

<u>Criteria</u>	<u>Requirements</u>	<u>Receive</u>
<u>(1) Residential/Commercial Mix</u>	<u>(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.</u>	<u>The maximum floor area allowed in Neighborhood Commercial shall increase to 7,500 square feet.</u>
<u>(2) Low or Moderate Income and Elderly Housing</u>	<u>(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.</u>	<u>The property is allowed 25% more buildable area.</u>
<u>(3) Elderly and Disabled Housing</u>	<u>(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.</u>	<u>The property is allowed 30% more buildable area.</u>
<u>(4) Special Features</u>	<u>Density bonus of up to 30% may be granted.</u>	<u>The property is only allowed a maximum of 30% more buildable area.</u>
<u>a. Common Open Space</u>	<u>Provide 5% to 30% of property for common open space.</u>	<u>The property is allowed 1% more buildable area, with a maximum of 6% more buildable area.</u>
<u>b. Preservation of Natural Features</u>	<u>Only minimal disturbances; or, Only moderate disturbances</u>	<u>6% more buildable area 3% more buildable area</u>
<u>c. Provision of Recreation Facilities</u>	<u>Provide major recreation facility; or, Provide small recreation facility</u>	<u>6% more buildable area 3% more buildable area</u>
<u>d. Conservation of Energy</u>	<u>Use energy conservation features</u>	<u>6% more buildable area</u>
<u>e. Design Merit</u>	<u>Provide multifamily dwelling with unique design features</u>	<u>6% more buildable area</u>

(5) **Off Street Parking.**

- a. Within ~~an~~the area ~~as~~ defined in paragraph b below, ~~the provision by~~if a developer ~~of~~provides housing subsidized under programs provided by the US Department of Housing and Urban Development or the Oregon Department of Commerce for “low or moderate income families” or “elderly ~~people~~persons” or “~~people~~persons with disabilities.” ~~handicapped persons~~—as defined by such programs, ~~which~~and the subsidized housing represents not less than 50 percent of the total buildable area of the lot or parcel, ~~the Developer~~ need only ~~to~~ provide 25 percent 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. ~~For purposes of Sections 12.960 to 12.965, the total buildable area shall be determined by the provisions of Chapters 10 to 14.~~

- b. The ~~boundaries within which the~~ off street parking bonus may be granted ~~are within the boundaries depicted on Figure ** and~~ as follows: 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

- b. Eleventh Street to the point of beginning.
- b. ~~The boundaries within which the off street parking bonus may be granted, shall be those described by Section 7.135, of the City's Parking District Tax Act.~~

