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LAND USE

CHAPTER 12

USES PERMITTED BY ZONE

12.05 Uses with a "P" designation are permitted outright; those with a "C" designation are subject to the Conditional Use provisions of Sections 11.00 to 11.200. One principal use or structure is permitted per lot. Zoning designations are 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 ⁶
Residential											
Single Family Dwelling	P	P	P	P							C
Duplex		P	P	P	P	P ⁷	P				C
Tri Plex		C	P	P	P	P ⁷	P				C
Four Plex		C	P	P	P	P ⁷	P				C
Apartment			P	P	P	P ⁷	P				C
Manufactured Home	P	P	P	P							C
Manufactured Home Park		C	C	C	C						C
Home Occupation	P	P	P	P			P				C
Residential Home	P	P	P	P		P ⁷	P				C

USE	SF	MD	A	NC ⁸	GC ⁹	DB ¹⁰	MU	LI ¹¹	I ¹²	PF	SR ¹³
Accessory¹⁴											
Boat Facilities ¹⁵	C	C	C	C	C		P			P	C
Fence	P	P	P	P	P		P	P	P	P	P
Garage, Carport	P	P	P	P	P		P	P			P
Greenhouse (not including retail or wholesale)	P	P	P	P			P				P
Minor Antenna	P	P	P	P			P				P
Parking Lot			P	P	P	C	P				C
Playhouse	P	P	P	P			P				P
Satellite Dishes ¹⁶	P	P	P	P			P				P
Signs ¹⁷	P	P	P	P	P	P	P	P	P	P	C
Storage Shed	P	P	P	P	P		P	P	P	P	P
Swimming Pool	P	P	P	P			P			P	P
Tennis Court	P	P	P	P			P			P	P
Trade											
Antique Store				P	P	P	P				
Retail Indoor				P	P	P	P				C
Retail Outdoor					P ¹⁸	P ¹⁸	P				C
Resale/Thrift Store				P	P	C	P				
Vehicle Sales, Service and Rental (automobile, boat, motorcycle, rv)					P	C	C	P	P		
Wholesale				P	P	P	P	P	P		C

USE	SF	MD	A	NC ¹⁹	GC ²⁰	DB ²¹	MU	LI ²²	I ²³	PF	SR ²⁴
Services											
Adult Business ²⁵				P	P	P	P	P	P		C
Athletic Club				P	P	P	P	P	P		C
Auto Repair/Maintenance				P	P	P	C	P	P		C
Auto Service Station				P	P	C	P	P	P		C
Bed & Breakfast	C	C	C	P	P	P	P				C
Business Office			C	P	P	P	P	P	P		C
Child Care Facility	C	C	C	C	C	P	P				C
Child Treatment Center	C	C	C	C	C	C ²⁶	C				C
Day Care			C	P	C	P	P				C
Gun Firing Range-indoor					C			C	C		
Hotel/Motel				P	P	P	P	P	P		C
Personal Services				P	P	P	P				C
Printers/Publishers				P	P	C	P	P	P		
Private School	C	C	C	C	C	C	P			C	
Professional Office			C	P	P	P	P	P	P		C
Residential Facility	C	P	P	P	P	P ⁷	P				C
Restaurant				P	P	P	P	P	P		C
RV Park					C					C	
Telecomm. Facility			C	C	C		C	C		C	C
Veterinary Clinic				P	P	P	C	P	P		C

USE	SF	MD	A	NC ²⁷	GC ²⁸	DB ²⁹	MU	LI ³⁰	I ³¹	PF	SR ³²
Public											
Cemetery	C	C	C	C	C		C	C		P	C
Church	C	C	C	C	C	C ³³	C	C	C	P	C
Crematory	C	C	C	C	C		C	C		P	C
Government Office	C	C	C	C	C	C	C	C		P	
Hospital	C	C	C	C	C		C	C		P	C
Fraternal Lodge	C	C	C	C	C	C	C	C		P	C
Mortuary	C	C	C	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 ³³	C	C		P	C
Industrial											
Repair/Maintenance							P	P	P		C
Storage/Warehousing							P	P	P		C
Manufacturing/Assembly							P	P	P		C
Light Industrial							P	P	P		C

SITE STANDARDS BY ZONE

12.010

DESIGN FEATURE	SF	MD	A	NC ³⁴	GC	DB	MU	LI	I	PF	SR
Setbacks (in feet) ³⁵											
Front Yard	20	20	20	10	0	0	0	0	10	10	20
Rear Yard	5	5	5	5	0	0	0	0	10	10	20
Interior Side Yard	5	5	5	0	0	0	0	0	10	10	10
Exterior Side Yard	10	10	10	0	0	0	0	0	10	10	10
Yard Abuts Res. Zone ³⁶	n/a	n/a	n/a	15 ³⁶	15 ³⁶	n/a	15 ³⁶	25	25	15 ³⁶	n/a
Yard Abuts Arterial St.	n/a	n/a	n/a	30	0	0	0	30	30	0	n/a
Max. Building Hgt. ³⁷	28	28	45	45	45	45	45	45	45	70	30
Vision Clearance (feet)											
Street Leg	25	25	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	40	60	75	100 ³⁸	100 ³⁸	100 ³⁸	100	100	100	20
Minimum Lot Size ³⁹ (thousand square feet)	7	5 ⁴⁰	5 ⁴⁰	5 ³⁴	5 ³⁴	5 ³⁴	5 ³⁴	5 ³⁴	5	5	20
Fence Height ⁴¹ (feet)											
Front Yard	3 ½	3½	3½	3½	3½	3½	3½	7	7	3½	3½
Rear Yard	7	7	7	7	7	7	7	7	7	7	7
Interior Side Yard	7	7	7	7	7	7	7	7	7	7	7
Exterior Side Yard	3 ½	3½	3½	3½	3½	3½	3½	7	7	3½	3½

- 1 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 1,800 square feet.
- 2 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.
- 3 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.
- 6 Subject to the provisions of Sections 12.415 to 12.445, Special Reserve Development Standards.
- 7 Provided the use is not located on the first or ground floor of Main Street.
- 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 Reviews.
- 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 no 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.
- 14 For private use only.
- 15 Dock, wharf, boathouse, moorage or houseboat.
- 16 Subject to Design Review, Sections 11.050 to 11.094.
- 17 Subject to the provisions of Sections 14.300 to 14.368, Signs.
- 18 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 Reviews.
- 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 Subject to Sections 12.490 to 12.496, Adult Business Overlay Zone.
- 26 Provided the use is not located on the first or ground floor of Main Street.
- 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 Principle 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 Reviews.
- 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.
- 35 Front yard setback 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.

- ³⁶ Plus one foot for every foot the proposed nonresidential structure exceeds 28' in height.
- ³⁷ Public Facilities are allowed a height of 70' in all zones where Public Facilities are permitted.
- ³⁸ Structures may occupy the entire lot, except that amount necessary to comply with applicable parking and landscaping requirements.
- ³⁹ Pertains to newly created lots.
- ⁴⁰ Multifamily units with more than four units shall require an additional 1,000 square feet for each unit over four.
- ⁴¹ 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.

MANUFACTURED HOME PLACEMENT STANDARDS

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

[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 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 feet (3') in height for each twelve 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 455;

(6) Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards which is 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.

[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 obtained from the Director 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 employee at any given time engaged in the occupation. If there is an outside 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 external 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 per day at the home occupation. Clients or customers are permitted at the home occupation from 7:00 AM to 7:00 PM only.

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

[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.
- (8) No signs relating to the home occupation may be displayed.

[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 accessory to a single family dwelling and provided it complies with the following:

- (1) The residence is applicant occupied (e.g. not a manager).
- (2) Each rental unit must have one off street parking space and the owner's unit two parking spaces. 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) Only one ground or wall nonilluminated sign of 6 square feet maximum size, is allowed. Signs other than wall mounted types shall be located no closer than 10 feet to the front or side lot line.
- (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.
- (7) 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.
- (8) 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]

MANUFACTURED HOME PARKS

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]

- (1) Where manufactured home parks involve a subdivision of land, the provisions of Chapter 11 shall be complied with.
- (2) 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.
- (3) 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.
- (4) 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]

- (5) 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]

- (6) 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]

- (7) 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]

- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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 recreational vehicle parks shall comply with the provisions of Sections 11.050 to 11.090 and all other applicable provisions of Chapters 10 to 14, all minimum state standards and the following minimum standards:

- (1) The space provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common area, such as access ways, general use structures, walkways, parking spaces for vehicles and landscaped areas.
- (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 in accordance with the applicable provisions of Section 10.310 and Chapter 14 and designed to provide for all maneuvering and parking of recreational vehicles without encroaching on a public street.
- (3) A space provided for a recreational vehicle shall be paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved; provided the area is landscaped or otherwise treated to prevent dust or mud.
- (4) A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- (5) A recreational 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 shall be provided in convenient locations for the use of guests of the park. Such receptacles shall provide a total of three cubic yards of disposal space for every five recreational vehicle spaces.
- (7) No recreational vehicle shall remain in the park 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.

- (9) The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park and the recreational vehicle spaces itself, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- (10) The park shall provide toilets, lavatories and showers for each sex in the following ratios: one toilet, one urinal, one lavatory and one shower for men for each five recreational vehicle spaces or fraction thereof; and two toilets, one lavatory 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.
- (12) Building 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.
- (14) Except for vehicles, there shall be no outside storage of materials or equipment belonging to the occupants, guests or management of the park.
- (15) Evidence shall be provided that the park has obtained a certificate of sanitation as required by the Oregon Revised Statutes.

PLANNED UNIT DEVELOPMENT (PUD)

12.360 Purpose. For purpose, see Section 10.000 (5), Purpose and Scope.

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.
- (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 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 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 planned unit development is filed, must be within one ownership or the application for such action on behalf of all property owners concerned.
- (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.
- (4) 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.
- (5) 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:

- (1) Development of remaining contiguous property under the same ownership can be accomplished as provided in Chapters 10 to 14.
- (2) 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.
- (3) The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
- (4) The master plan complies with applicable portions of the Comprehensive Plan, Chapters 10 to 14 and State and Federal laws.
- (5) 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.
- (6) 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 attached development conditions.
- (8) 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.

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

12.375 Master Plan Submittal Requirements. All development within the Planned Unit Development shall comply with the Master Plan as approved and adopted by the Council. 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. The Master Plan shall 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 general land use map setting forth the proposed uses of all sectors within the subject property and the approximate acreage of each.
- (2) A topographic map of the property.
- (3) The type and character of structures and the number of dwelling units per net acre proposed for each residential area.
- (4) A statement of the standards of population density for the various proposed residential land uses.
- (5) The general location of all proposed public facility sites and the approximate area of each.
- (6) The general location of major thoroughfares.
- (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.

- (8) A written statement of development standards as they relate to the allocation of land within the development plan to all proposed types of land use.
- (9) Delineation of subareas if development is to be in phases and a schedule of the order of 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.
- (10) The Master Plan shall be submitted in a form approved by the Director. The Council shall review the Master Plan and approve, conditionally approve, disapprove or refer the same 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.

12.380 Development 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 development 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) Schematic drawing showing the type, prospective location and general bulk of all intended structures.
- (2) Schematic drawing showing type, location and expected gross land areas of all intended uses.
- (3) Gross floor area or residential unit size and number 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.
- (8) Stipulations for improvement and continuing maintenance and management of any private streets or ways or common open space not offered or accepted for dedication for general public use.
- (9) Certification blocks for Commission, Council, owner(s) and developer(s) signatures.
- (10) 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.
- (11) The development plan shall be submitted on one or more sheets on reproducible mylar measuring 18" x 24" in size and to a scale of one inch equals 50 feet. The scale may be decreased but shall be done so in multiples of 10. The plan shall contain a date, a directional indicator and a written and graphic scale. Written materials may be incorporated within the mylar 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.

12.381 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 Master Plan as originally approved and adopted by the Council shall be accomplished by following the procedures and requirements of Sections 11.400 to 11.440 and Section 12.375. 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. Prior to any improvements as shown within the Development Plan as approved, a design review shall be conducted in accordance with Sections 11.050 to 11.090.

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

12.415 Conditions of Allowing Uses. A conditional use may be approved subject to 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.

- (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) No part of any sewage disposal system other than a connection to the City system, shall be located closer than 100 feet from the mean yearly high water mark of a water body or watercourse or installed without the approval of the Public Works Director.
- (3) 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 soil limitations, high frost action or other similar conditions.
- (4) 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 litter are preserved and in no event shall 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.

- (5) 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.
- (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.
- (7) Development shall leave in their existing state the 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.
- (8) 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.
- (9) 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.
- (10) Notwithstanding (4) 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 use 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 apply to any "adult Business" and "adult use" and establishes an overlay area where adult businesses are not permitted, notwithstanding any other provision of Chapters 10 to 14 to the contrary.

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

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 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 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 which at the 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 12.860-12.895.
- (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]

GEOHERMAL OVERLAY ZONE

12.500 Purpose. For purpose, see Section 10.000, Purpose and Scope.

12.505 Zone Boundary. The provisions of Sections 12.500 to 12.540, shall apply to all land within the city limits. All land annexed to the city shall concurrently be included under the provisions of Sections 12.500 to 12.540.

12.510 Principal Uses Permitted. All principle use permitted outright in the underlying zone are permitted outright.

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

12.515 Conditional Uses Permitted. All uses not otherwise conditionally permitted in the underlying zone, including but not limited to residential, commercial, industrial and public facility uses, 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 in accordance with Sections 11.100 to 11.120, except that the City Council shall act in place of the Planning Director and only after receiving a recommendation from the Commission. The Commission shall conduct a public hearing in accordance with Sections 10.605 to 10.635 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 zone and such others 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 of Allowing Conditional Uses. Conditional uses shall be allowed only after the City Council finds the following conditions satisfied:

- (1) The proposed use is consistent with the City's District Heating and Reservoir Management Ordinance;
- (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. The 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, 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 permit hearing 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 or destruction to property due to areas of severe slope, soil erosion, slumping or sliding.

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

12.542 Zone Boundaries. The provisions of Sections 12.541 to 12.545, shall apply to all areas of special hazard as identified by Exhibit G, of Chapters 10 to 14.

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

12.543 Compliance. 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 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.

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

12.545 Use Standards. 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 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 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 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.
- (6) 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 ZONE

12.550 Purpose. For purpose, see Section 10.000 Purpose and Scope.

12.555 Flood Hazard Zone. The provisions of Sections 12.550 to 12.595 shall apply to all areas of special flood hazard 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, 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.

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

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

12.565 Principal Uses Permitted. All activities or uses of land set forth in specific zones located within the Floodplain 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 on sites within Zones A1-30, AH, AE, V1-30, V, and VE on the community's FIRM either:

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

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

- (a) 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
- (b) 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 - Planning Director. The Director shall grant or deny Flood Hazard Permit applications in accordance with the provisions of Sections 10.805, 12.550 to 12.597, Sections 14.200 to 14.245 and other applicable provisions of Chapters 10 to 14.

12.585 Required Findings. Prior to making a decision on the proposed Flood Hazard Permit, the Director shall analyze the following criteria and incorporate such analysis in his decision:

- (1) That all applicable permit requirements of Chapters 10 to 14 have been satisfied.

- (2) That all necessary permits have been obtained from those federal, state or local government agencies from 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 more than one foot above the established 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.

12.590 Alteration of Watercourses. When a proposed development includes an alteration or relocation of a watercourse, the application shall describe a program of watercourse maintenance in addition to describing the nature of the alteration or relocation. Upon issuing a Flood Hazard Permit involving watercourse alteration or relocation, the Director shall notify the officials of Klamath County and the Department of Land Conservation and Development that 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 other Base Flood Data. When base flood elevation data has not been prescribed by the federal agency with regulatory jurisdiction in the form of official flood maps, the Planning Director shall obtain, review and reasonably utilize any base flood elevation data and floodway data available providing the information is not in conflict with data provided by the federal agency with such regulatory jurisdiction over flood prevention and control.
[Amended by Ordinance 00-09, enacted May 1, 2000]

12.597 Information to be Obtained and Maintained. Where base flood elevation data is provided through the Flood Insurance Study or as required in Section 12.595, the 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 substantial improved flood proof structures, the applicant 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.

Records pertaining to the provisions of the Flood Plain Hazard Zone shall be available for public

inspection at the City Planning Department.

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.

[Section Amended by Ordinance 09-01, enacted February 17, 2009]

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.

[Section Amended by Ordinance 09-01, enacted February 17, 2009]

12.610 Definitions. The following words and phrases, unless the context otherwise requires, shall mean:

- (1) **Airport** (also referred to as the Klamath Falls Airport or Kingsley Field): Those properties lying generally south of South Side 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.
- (2) **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.
- (3) **Airport Elevation:** The highest point of an airport's usable runway, measured in feet above mean sea level.
- (4) **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.
- (5) **Airport Noise Impact Boundary:** Areas located within established noise contour boundaries equal to or exceeding 65-dB DNL.

1. **Zone I:** 65 db DNL through 69.99 db DNL

2. **Zone II:** 70 db DNL through 74.99 db DNL

3. **Zone III:** 75 db DNL and above

- (6) **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.
- (7) **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.
- (8) **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.
- (9) **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:
[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. [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. [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 section for the most precise approach existing or planned for either end of the runway. The width for the primary surface is:
 - 1. 250 feet for utility runways having only visual approaches.
 - 2. 500 feet for utility runways having non-precision approaches.
 - 3. 500 feet for visual runways having only visual approaches.
 - 4. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.
 - 5. 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

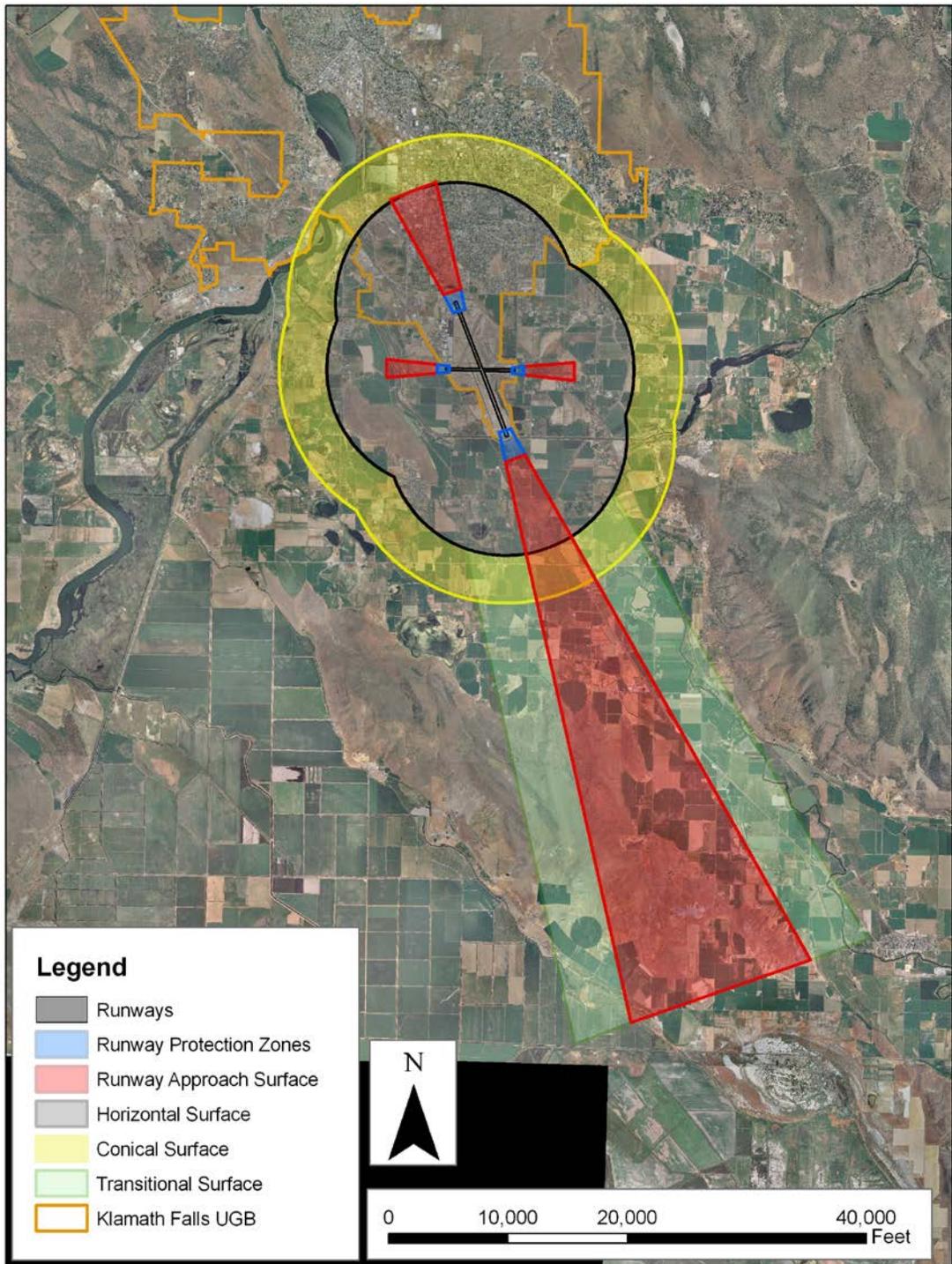
reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

- (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.

[Section Amended by Ordinance 09-01, enacted February 17, 2009]

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

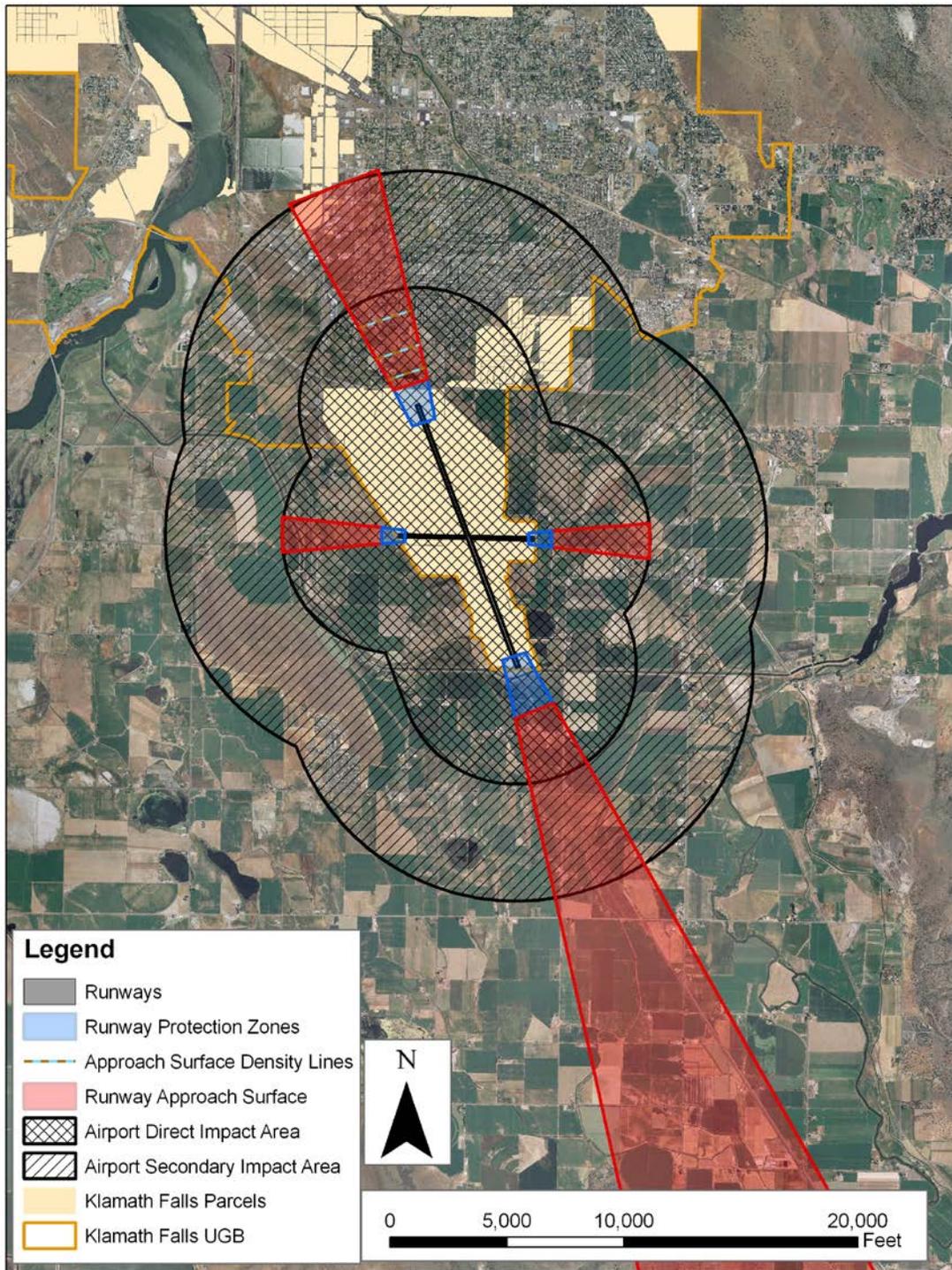
limited use means a use that is allowed subject to special standards specific to that use.

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 uses.



[Section Added by Ordinance 09-01, enacted February 17, 2009]

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 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 Zone I or Zone II, the community should conduct an analysis to determine that a greater community need is being met by permitting residential uses within the Airport Noise Impact Boundary. 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 achieve a reduction of 20, thus the reduction requirements normally assume mechanical ventilation and closed windows year round). An aviation easement fee 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 possible 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 or will be in 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 or will be in 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 difficulties and additional evaluation is warranted.
Y*	Land use and related structures generally compatible; see notes 2 and 3.

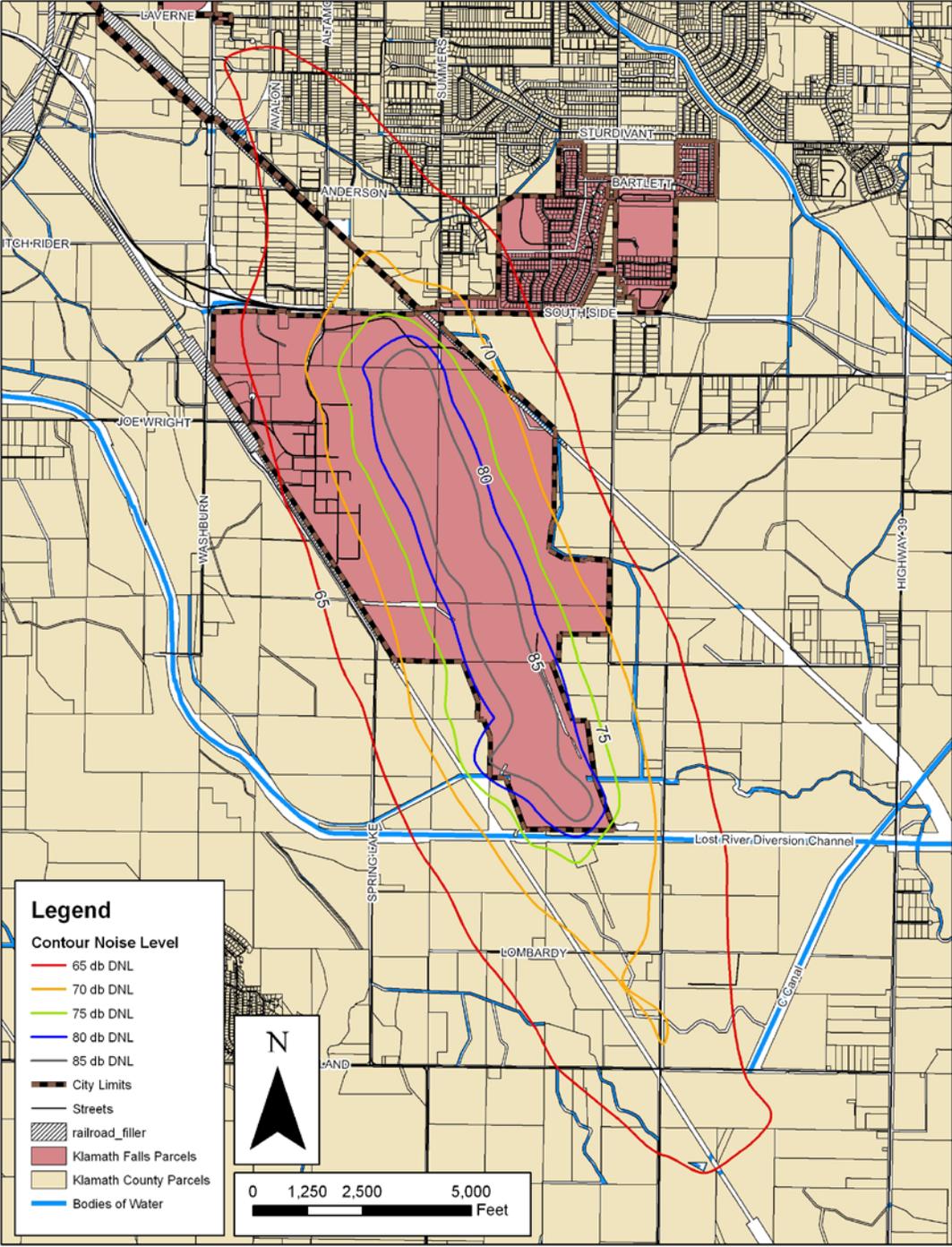
Source: Federal Interagency Committee on Urban Noise, Guidelines for Considering Noise in Land Use Planning and Control, Washington, D.C., 1972.

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 Dwelling (attached & detached)	25 ¹	30 ¹	N
Manufactured Home	25 ¹	30 ¹	N
Duplex, Tri-plex, Four-plex	25 ¹	30 ¹	N
Apartment	25 ¹	30 ¹	N
Manufactured Home Park	N	N	N
Home Occupation	25 ¹	30 ¹	N
Residential Home, Group Quarters	25 ¹	30 ¹	N
Transient Lodgings, Hotels, Motels	Y ²	Y ³	N
Other Residential	25 ¹	30 ¹	N
Manufacturing			
Manufacturing/Assembly	Y	Y ²	Y ³
Storage/Warehousing	Y	Y ²	Y ³
Professional, scientific and controlling instruments; photographic and optical goods; watches/clocks	Y	25	30
Transportation, Communications, and Utilities			
Motor vehicle, rail, aircraft, marine transportation	Y	Y ²	Y ³
Automobile parking	Y	Y ²	Y ³
Communication and Utilities	Y	Y ²	Y ³
Trade			
Wholesale trade	Y	Y ²	Y ³
Retail building materials, hardware and farm equipment	Y	Y ²	Y ³
Retail Indoor	Y	25	30
Antique Store	Y	25	30
Retail/Thrift Store	Y	25	30
Vehicle Sales	Y	25	30
Restaurant	Y	25	30
Other retail trade	Y	25	30
Services			
Cemeteries	Y	Y ²	N
Personal services	Y	25	N
Business and Professional services	Y	25	30
Auto Repair/Maintenance	Y	Y ²	Y ³
Hospitals, nursing homes	25*	30*	N
Other medical facilities	Y	25	30
Governmental services	Y*	25*	30*
Education services	25*	30*	N
Other services	Y	25	30
Cultural, Entertainment, and Recreational			
Cultural activities (including churches)	25*	30*	N
Natural exhibits	Y*	N	N
Public assembly	Y	N	N
Auditoriums, concert halls	25	30	N
Outdoor music shells, amphitheaters	N	N	N
Outdoor sports arenas, spectator sports	Y ⁴	Y ⁴	N
Amusements	Y	Y	N
Recreational activities (including golf courses, riding stables, water recreation)	Y*	25*	30*
Parks	Y*	Y*	N
Other cultural, entertainment, and recreation	Y*	Y*	N

The following airport noise exposure contour map identifies the 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.



flight hours.

[Section Added by Ordinance 09-01, enacted February 17, 2009]

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.

[Section Added by Ordinance 09-01, enacted February 17, 2009]

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 review process.

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

[Section Added by Ordinance 09-01, enacted February 17, 2009]

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.

[Section Added by Ordinance 09-01, enacted February 17, 2009]

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]

[Section Added by Ordinance 09-01, enacted February 17, 2009]

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:

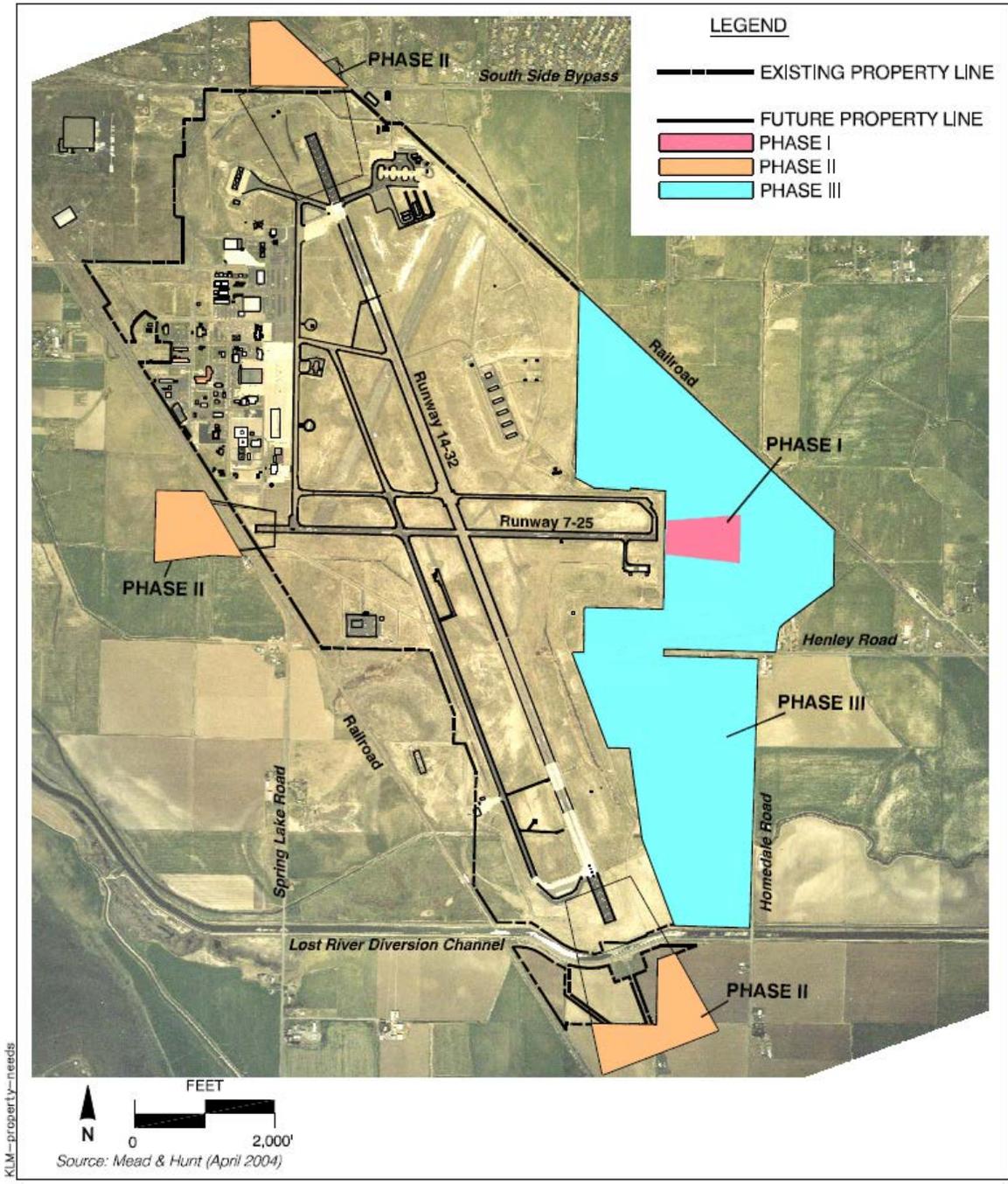
- (1) Property boundary lines as they relate to the Airport Noise Impact Boundary, Hazard Zones, and the end of the runway.
- (2) Location and height of all existing and proposed buildings, structures, utility lines and roads.
- (3) If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation, and the FAA shall be submitted with the application.
- (4) If a zone change is requested, the applicant must prove the proposed zoning is permitted within a higher Noise Impact Boundary Zone.

[Section Added by Ordinance 09-01, enacted February 17, 2009]

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.

[Section Added by Ordinance 09-01, enacted February 17, 2009]

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



DOWNTOWN BUSINESS ZONE DESIGN REVIEW STANDARDS

12.750 Standards for Downtown Design Review.

- (1) The purpose of these standards is to establish a checklist of those items that affect the physical 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 and to provide adequate planting, safe pedestrian movement and parking areas.
- (2) Parking areas shall be treated with decorative elements, 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.

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

- (3) 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.

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

- (4) 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 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.

[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.

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

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

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

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

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

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

[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).

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

- (6) Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.

- (7) 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) 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) 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.

- (1) Architectural style is not restricted, except historically significant structures. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
- (2) Buildings shall be compatible in character with structures in the immediate vicinity, considering mass, bulk, architecture, materials and color.

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

- (3) Materials.
 - a. Materials shall be chosen that age with dignity and represent a long-term commitment to the architectural quality of downtown.
 - b. Well finished, carefully crafted, building materials shall be used in a manner sympathetic to the scale and architectural character of downtown.
 - c. The following materials are appropriate:
 - Brick, using traditional coursing treatments and laying techniques;
 - Natural stone or veneer using traditional coursing treatments and laying techniques;

Milled and shaped lumber and siding; and steel and iron finely-scaled, carefully finished, that is historically appropriate;

Glass, architectural art glass and glass block; molded and extruded plastics;

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:

Imitation metal "rock work";

Imitation masonry of any kind;

Plastic molded imitations of any conventional building material;

Corrugated metal;

Corrugated fiberglass;

Mirror metalized reflective glass;

Expanded metal;

Silver or color anodized aluminum sheets;

Silver or color aluminum extrusions for doors or windows;

Imitation wood siding;

Flat or molded plastic sheeting;

Astro turf;

Indoor - outdoor carpeting;

T1 11 siding (plywood with outside veneer).

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 25% of the total building facade area in any one block in the Downtown Business Zone.

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

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

- (4) Building components such as windows, doors, eaves and parapets shall have good proportions and relationship to one another.
- (5) The following is a guide for color used to define groups of architectural elements.
 - a. Base color: wall surfaces, storefront piers.
 - b. Major trim: cornice, window caps, frames and sills, storefront cornice and columns, kickplate.
 - c. Minor trim: window sash, doors, storefront frame, small details.
- (6) Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with matching or complementary to the building or they shall be so located as not to be visible from any public ways.

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

- (7) 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]

- (7) 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.
- (9) 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]

12.768 Historical Significance. Buildings with historical significance to the Downtown Business Zone, as identified in the 1985/1986 Klamath Falls Inventory of Historic Properties and the 1976

Klamath County Inventory of Historic Sites and Buildings held on file in the City of Klamath Falls Planning Department, 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 configuration of the storefront opening shall be maintained.
- (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 foot 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.
- (8) 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.

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

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

12.772 Downtown Signs.

(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.
- b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- c. Backlit signs 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.
- d. Locating signs on the valance of awnings is encouraged.
- e. Every sign shall comply with Sections 14.300-14.350 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.

- a. Number. There shall be no more than one (1) 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 four (4) square feet 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 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).
- a. Number. Only one (1) wall sign is permitted for every seventeen (17) feet of building street frontage.
 - b. Area. A wall sign shall not exceed five (5) percent of the total square footage of the building facade.
 - c. Placement. A wall sign shall be placed no higher than the top of the ground floor window or door openings.
- (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 to pedestrians across the street and persons traveling on the street.
- a. Number. No 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. parapet signs shall not extend above the upper edge of the parapet wall. A parapet sign shall not extend any nearer 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.
- a. 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) **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, pole or stanchion. Freestanding signs are not permitted on a parcel where the primary building has setback of less than ten (10) feet.

- a. Number. No more than one (1) freestanding sign is permitted for each parcel 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 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]

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 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 24" 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) 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.
- (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:

- (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 20% of the lot is planted with trees and shrubs. Fencing of vacant lots is 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

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.

- (1) Except as otherwise provided in this section, a structure conforming as to use but nonconforming as to certain other requirements of the zone it occupies, may be altered, repaired or expanded, provided that the alteration, repair or expansion does not increase an existing nonconformity or create a new one.
- (2) Except as otherwise provided in Chapters 10 to 14, a structure containing a nonconforming use shall not be substantially altered or expanded.

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

12.870 Extension of Nonconforming Use. No nonconforming use shall be extended or expanded.

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 occupied by the nonconforming use shall conform to the requirements of the zone in which the property is located. In all zones, subject to Section 12.890, a nonconforming use of a structure 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, shall be determined from current assessment records of the Klamath County Assessor.

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 13.120.

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 set back. 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 yard.

12.915 General Exception to the Rear Yard Requirements. Except as otherwise provided, 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. The exceptions to structure height limitations as provided by Chapters 10 to 14 are as follows:

The following type of structures or structural parts are not subject to the structure height limitations of Chapters 10 to 14: tanks, bunkers, church spires, domes, monuments, fire and hose towers, observation towers, transmission towers, chimneys, smokestacks, flagpoles, radio and television towers, masts, aerials, monitors, scenery lofts, cooling towers, gas holders, solar collection or storage facilities and other similar projections.

DENSITY BONUS

12.960 General. A density bonus of up to thirty (30) percent shall be granted subject to the meeting of specific criteria beyond the basic requirements of Chapters 10 to 14. 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.

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

- (1) **Residential/Commercial Mix.** Where the developer provides a residential use in conjunction with a commercial use within a Neighborhood Commercial Zone and such residential use represents not less than 30 percent of the total buildable area of the lot or parcel, the maximum floor area allowed within the commercial use shall be 7,500 square feet.
- (2) **Low or Moderate Income 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, representing 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 be increased by 25 percent. The developer shall provide written legal assurance 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 Housing.** When the developer provides housing to be used exclusively for elderly and handicapped persons, a density increase of up to 30 percent 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 facilities and other community facilities. The developer shall provide written legal assurance that the use of the structure shall remain for elderly and handicapped persons. The site shall be at least 20,000 square feet.
- (4) **Special Features.** A density bonus of up to 30 percent may be granted for any combination of the following features: 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 above five features may be awarded according to the following rating system:

- a. One percentage point may be given for each 5 percent beyond that resulting from setback and lot coverage requirements of the zone.
- b. 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 with some excavation for road cuts, retaining walls, foundations and some grading for placement of structures. 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 may be given for a major facility such as tennis courts or swimming pools; three points 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 all dwelling units of the development.
- 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.

(5) **Off Street Parking.**

- a. Within an area as defined in paragraph b below, the provision by a developer of 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 or handicapped persons as defined by such programs, which

represents not less than 50 percent of the total buildable area of the lot or parcel, 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 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 Eleventh Street to the point of beginning.
- c. 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.