

# The City of Klamath Falls, Oregon



## City of Klamath Falls – Community Development Ordinance

The Community Development Ordinance (CDO) consists of Chapters 10 through 14 of the City's Code. The CDO is the law that regulates all land development within the City Limits. Each chapter of the CDO is available on the web to download. Because the City Planning Department will be updating the CDO at times, you should contact the City Planning Department to determine whether the version of the CDO you have is up to date or not.

CDO Chapter	General Description
<a href="#">Chapter 10 (140 kb)</a>	Glossary of Planning Terms
<a href="#">Chapter 11 (140 kb)</a>	Permitting Processes
<a href="#">Chapter 12 (140 kb)</a>	Land Use Regulations
<a href="#">Chapter 13 (140 kb)</a>	Legal Boundary Changes

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**GENERAL PROVISIONS  
CHAPTER 10**

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**GENERAL**

- 10.000 Purpose and Scope
- 10.005 Conformance to the Comprehensive Plan
- 10.010 Definitions
- 10.015 Severability
- 10.020 Terminology, Construction & Interpretations
- 10.025 Repealer

**TEXT AMENDMENT PROCEDURES**

- 10.105 Initiation
- 10.110 Hearing Date
- 10.115 Hearing - Notice Procedures
- 10.120 Hearing - Commission
- 10.125 Hearing - Council

**COMPLIANCE AND ENFORCEMENT PROCEDURES**

- 10.205 Compliance
- 10.207 Enforcement Fees
  - 10.208 Notice of Violation
  - 10.209 Exceptions of Enforcement Fees
  - 10.211 Hardships
  - 10.212 Discontinuance of Water Service
  - 10.213 Appeals
- 10.215 Equity

**ORDINANCE EXHIBITS**

- 10.305 Zoning Maps
- 10.310 Miscellaneous Exhibits
- 10.315 Exhibits Retention

## **APPEALS**

- 10.405 Decisions Appealable
- 10.410 Notice of Appeal
- 10.415 Public Hearing Date
- 10.420 Notice of Hearing
- 10.425 Written Appeal Statement(s)
- 10.430 Public Hearing by Planning Commission/City Council
  - 10.435 Review on the Record
- 10.440 Appealed Decision
- 10.445 Stay on Appeal
- 10.450 Effect of Judicial or Administrative Review

## **APPLICATION PROCEDURES AND FEES**

- 10.505 Application for Variance, Conditional Use, Zone Change, Design Review & Nonconforming Use Exception, Flood Permit & Urban Growth Boundary Amendment
- 10.510 Applications for Subdivisions or Partitions
- 10.515 Application for Vacation
- 10.520 Application for Annexation
- 10.525 General Application Requirements
- 10.530 Application Fees
- 10.535 Concurrent Applications
- 10.540 Final Action
- 10.545 Rehearing

## **NOTIFICATION REQUIREMENTS**

- 10.605 Public Hearings
- 10.610 Notice of Hearing
- 10.615 Posting Notices
- 10.620 Notice of Administrative Action
- 10.625 Notice of Hearing on Vacation Petition

10.630 Notice of Annexation Hearing

10.635 Notice of Annexation Election

## **RULES OF PROCEDURE FOR THE CONDUCT OF HEARINGS**

10.705 Scope

10.710 General Conduct of Hearing

## **ADMINISTRATIVE REVIEW**

10.805 Administrative Review - Staff Review Procedures

10.810 Citizen Involvement

10.815 Agency Involvement

## **GENERAL**

### **10.000 Purpose and Scope**

(1) In accordance with the provisions of Oregon Revised Statutes Chapters 92, 197, 227, and 696, Chapters 10 to 14 set forth the standards and procedures governing the development and use of land. Furthermore, the purpose of these Chapters shall also be to protect the environment of the City and promote the general health, safety and welfare of the public, by providing for:

- a. A precise guide for the physical development of the City;
- b. Adequate opportunity for citizen involvement in the community development process;
- c. Preservation of agricultural lands and conservation of forest lands;
- d. Protection of life and property from natural disasters and hazards when and where possible;
- e. Orderly and efficient provision of public facilities and services;
- f. Satisfaction of recreational needs of the City and its visitors;

- g. Provision of adequate numbers of housing units at price ranges and rent levels commensurate with broad range of financial capabilities;
- h. Flexibility of housing location, type and density;
- i. Conservation of energy;
- j. A safe, convenient and economic transportation system;
- k. An orderly and efficient transition from rural to urban land use;
- l. An efficient system of administering the procedures of these Chapters;
- m. An understandable and usable document with a complete set of definitions;
- n. Appropriate development of sites compatible with the neighborhood;
- p. Reduction of adverse impacts on public facilities and services;
- q. A healthful, stable, efficient and pleasant environment.

(2) **FORMAT.** It is the purpose of these Chapters to accomplish the objectives set out above, in as simplified a manner as possible and to provide standards and procedures which will be as convenient as possible for the citizens of the City. To this end, this document has been drawn as a one step document for land use matters for the City of Klamath Falls. The format is such that a citizen will be able to find the procedure for whatever land use action is contemplated through the use of this one document. Another example of this policy is found in the departure from the standard Euclidian format of listing uses allowable in a given zone. In the commercial zones, for example, the definition "commercial use" is employed to allow a property owner to utilize his property for whatever use desired subject only to minimum standards required for public protection. The owner does not have to worry whether or not the use contemplated is "on the list" for the particular zone covering his property. If the owner complies with the standards set forth in this document, he may utilize his property accordingly.

(3) **STANDARDS AND DEFINITIONS.** The standards employed in these chapters are the means by which the public interests are protected in such a format.

They also allow the intermixing of uses formerly thought incompatible under standard zoning ordinances. This approach helps to obtain the objectives of maximum flexibility in land interests.

The expanded definitional section is utilized to provide as much guidance as possible to anyone using this document. It also acknowledges the Oregon Supreme Court's comment in *Anderson V. Peden*, 284 Or 313, 569 P2d 633 (1978) where they noted it is more helpful to provide definitions than to assume the definition is known. Many of these definitions have been taken from state statutes or court decisions of the state. The purpose of doing this was to use definitions which have already been construed, or which in the future may be construed, thereby providing even more guidance in the use of this document.

(4) **ADMINISTRATIVE REVIEW.** In an attempt to cut down the amount of time involved in making land use decisions, this document has given certain ministerial authorities to the Director. The purpose here is to provide more responsiveness to citizens and to quicken the resolution of land use matters for the benefit of all parties concerned. Time delay is one of the major problems in land use matters and the procedures contained herein will minimize that delay.

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

- a. Advances in technology and design
- b. Recognition and resolution of problems created by increasing population density.
- c. A comprehensive development superior to that resulting from traditional

lot by lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, transportation facilities, off street parking areas and other facilities.

d. The potential of sites characterized by special features of geography, topography and shape.

e. The height and bulk characteristics of buildings may vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located. The regulations of this zone are intended in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent and provisions of these Chapters. This zone is designed to include various types of land uses, such as single family residential developments, multiple housing developments, professional and administrative areas, commercial centers, industrial parks, public facilities, or any combination of said uses, through the adoption of a development plan and text materials which set forth land use relationships and development standards.

(6) **SENSITIVE AREAS.** The Council finds that within the City of Klamath Falls, there are environmentally sensitive areas, which if developed without careful planning and regulation, are subject to environmental problems, including the despoliation or elimination of these resources. Unsuitable development in natural resource areas is detrimental to the public health, safety and general welfare, contributes to pollution, creates nuisances and impairs educational, recreational, scientific, aesthetic, and conservation resources of the area. Furthermore, extraordinary public expenditures are often required for the protection of persons and property after inappropriate development has occurred. Therefore, it is the purpose of the Special Reserve zone to maintain the integrity of the natural resources and environmental quality of the City of Klamath Falls and to preclude the need for extraordinary public expense resulting from inappropriate or poorly sited development. Furthermore, it is the intent of this zone to permit compatible land uses in such areas, to require specific review and approval of those uses appropriately planned and sited and to prohibit those uses which are incompatible with the maintenance of appropriate uses.

(7) **GEOHERMAL OVERLAY ZONE.** The purpose of the Geothermal Overlay Zone is to support the prudent conservation and management of the City's geothermal resources, in such a manner as to be environmentally sound and



economically beneficial for the community.

(8) **FLOODPLAIN HAZARD OVERLAY ZONE.** It is the purpose of the Floodplain Hazard Overlay zone to regulate the use of those areas subject to periodic flooding and to permit and encourage the retention of open land uses that are compatible and harmonious in nature. In advancing these principles and the general purpose of this Ordinance, the specific intent of this zone is:

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

**10.005 Conformance to the Comprehensive Plan.** All actions initiated under the provisions of Chapters 10 to 14, shall conform to the Comprehensive Plan duly adopted by the City of Klamath Falls and all applicable State and Federal laws and regulations. All provisions of said Chapters shall be construed in conformity with said Comprehensive Plan.

**10.010 Definitions.** As used in Chapters 10 to 14, the following words and phrases, unless the context otherwise requires, shall mean:

**ACCESS.** The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.

**ACCESSORY STRUCTURE OR USE.** An accessory is one which is supplementary or subordinate to the principal use of a building and which is not contained within the main building. Accessory uses of buildings must be one which:

- (1) Is subordinate in area, extent, or purpose to the main buildings or principal use served; and
- (2) Contributes to the comfort, convenience, or necessity of occupants of the main building or principal use served;
- (3) Is located external to the main building but on the same lot as the main building or principal use served.

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

**ACTIVE RESTORATION.** See **RESTORE**.

**ADMINISTRATIVE/PROFESSIONAL SERVICES OFFICE.** The administrative/professional service office refers to offices of firms or organizations which are primarily used for professional, executive, management or administrative services. Typical uses include but are not limited to physician or practitioner of the healing arts, dentists, engineers or surveyors, investment or management counselor, insurance and/or tax services.

**ADULT BUSINESS.** Any person, group, firm, business or organization which discriminates by prohibiting admission to all or a portion of the premises to any persons on the basis of their age including those under twenty one (21).

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

**ADULT USE.** A use of whatever character, conducted on the premises of an adult business, which use is conducted in the area in which any persons are prohibited on the basis of their age, including those under twenty one (21).

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

**ADVERTISING.** The publication or causing to be published or broadcast of any material relating to disposition of interests in a land development or other land use matter which has been prepared for public distribution by any means of communication.

**AGENT.** Any person with authority who represents, or acts for or on behalf of another person.

**AGRICULTURAL LANDS.** See **LAND**.

**AIR CONTAMINANT.** Dust, fumes, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, particulate matter, or any combination thereof.

**AIRPORT.** An area of land set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes and commonly known as the City of Klamath Falls International Airport/Kingsley Field.

**AIRPORT ELEVATION.** The highest point of an airport's usable landing area measured in feet above mean sea level.

**AIRPORT HAZARD.** Any structure or object of natural growth located on or in the vicinity of a public airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

**ALLEY.** See **Street**.

**ANTENNA.** Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction and directional beamtype arrays having elements carried by the disposed from a generally horizontal boom that may be mounted upon and rotated through vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

[Added by Ordinance 97-1, enacted January 6, 1997]

**APARTMENT.** See **DWELLING, MULTIFAMILY**.

**APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES.** These apply to the area under the approach, transitional, horizontal and conical surfaces defined in Part 77, Objects Affecting Navigable Air Space, Federal Aviation Regulations, as now or hereafter published by the Federal Aviation Administration (FAA) of the Department of Transportation.

**AREAS OF SPECIAL FLOOD HAZARD.** See **FLOOD**.

**ARCHAEOLOGICAL OR HISTORICAL RESOURCES.** Those districts, sites, buildings, structures and artifacts which possess material evidence of human life and culture of the prehistoric and historic past.

**ARTERIAL.** See **STREET**.

**ARTIFACT.** A simple object showing human workmanship or modification.

**AWNING.** An Awning is a temporary shelter supported entirely from the exterior wall of a building, composed of nonrigid materials which are either stationary or can be retracted, folded or collapsed against the face of the supporting building.  
[Added by Ordinance 96-19, enacted July 1, 1996]

**AXES.** An axes is a straight line around which all surrounding activities and structures focus.  
[Added by Ordinance 96-19, enacted July 1, 1996]

**BABYSITTER.** A person who provides day care services for children if the compensation therefore is paid directly by the parent or legal guardian or if the service is provided without any compensation in either of the following:

- (1) The home of the parent or guardian; or
- (2) The home of the babysitter;
  - a. if the service is provided for not more than five children for eight or more hours in a 24 hour period; and
  - b. if the service is provided for not more than four other children for not more than three consecutive hours and not more than six total hours in a 24 hour period but for not more than a total of nine children including the babysitter's children at any one time.

**BALCONY.** A balcony is a platform projecting from the exterior wall, enclosed by a railing, supported by brackets or columns or cantilevered.  
[Added by Ordinance 96-19, enacted July 1, 1996]

**BANNER.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges.  
[Added by Ordinance 97-13, enacted May 5, 1997]

**BASE FLOOD.** See **FLOOD.**

**BASEMENT.** That portion of the building between the floor and ceiling which is partly below and partly above grade.

**BEACON.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light sources; also, any light with one or more beams that rotate or move.

[Added by Ordinance 97-13, enacted May 5, 1997]

**BED AND BREAKFAST FACILITIES.** Facility which provides temporary travelers accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing structure designed for and occupied as a single family residence.

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

**BERM.** Berm means an earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

[Added by Ordinance 96-19, enacted July 1, 1996]

**BIKEWAY.** See **STREET.**

**BILLBOARD.** A sign which has a flat surface sign space upon which advertising may be posted, painted, or affixed and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

**BLOCK.** An area of land within a land development which area is entirely bounded on all sides by streets or highways (except alleys) or railroad rights of way, unsubdivided land, or water courses.

**BOARDING HOUSE.** A building or portion thereof without separate housekeeping facilities to be occupied or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be provided.

**BUILDABLE AREA.** That area of a lot on which a structure can be built, excluding area reserved for yard set backs and parking and taking into consideration the maximum lot coverage.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING LINE.** A line on a plat or map indicating the limit within which buildings or structures may be erected.

**BUILDING MARKER.** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

[Added by Ordinance 97-13, enacted May 5, 1997]

**BUILDING MOUNTED ANTENNA.** Any antenna, other than an antenna with its supports

resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than ten feet (10') tall and six inches (6") in diameter or structure other than a telecommunication tower.

[Added by Ordinance 97-1, enacted January 6, 1997]

**BUILDING SIGN.** Any sign attached to any part of a building, as contrasted to a freestanding sign.

[Added by Ordinance 97-13, enacted may 5, 1997]

**CANOPY SIGN.** Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy. In those instances where a canopy is composed of a translucent material and is backlit, the entire canopy surface shall be considered sign area.

[Added by Ordinance 97-13, enacted May 5, 1997]

**CHANGEABLE COPY SIGN.** A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered a moving sign and not a changeable copy sign for purposes of this act. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

[Added by Ordinance 97-13, enacted May 5, 1997]

**CHILD.** Any person under 15 years of age.

**CHILD CARING FACILITY.** A residence or building used to provide substitute residential care for children as provided for under ORS 418.950.

**CHILD TREATMENT CENTER.** A residence or building used to provide counseling, training or other educational services during a part of the twenty four hours of the day to children who are emotionally or developmentally disabled.

**CITIZEN.** Any person within the planning area.

**CITY.** The City of Klamath Falls, Oregon.

**CITY COUNCIL.** The City Council of Klamath Falls, Oregon.

**COLLOCATED TELECOMMUNICATION FACILITY.** A telecommunications facility

comprised of a single telecommunication tower or building supporting one or more antennas, dishes or similar devices owned or used by more than one public or private entity.

[Added by Ordinance 97-1, enacted January 6, 1997]

**COLLECTOR.** See **STREET.**

**COMMERCIAL ENTERPRISE.** Any use of land, structures, or natural resources for profit or nonprofit involving activities not residential, public facility, or industrial in character.

**COMMERCIAL MESSAGE.** Any sign wording , logo or other representation that, directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

[Added by Ordinance 97-13, enacted May 5, 1997]

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

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

**COMMERCIAL TELECOMMUNICATION FACILITY.** A telecommunication facility that is operated primarily for a business purpose or purposes.

[Added by Ordinance 97-1, enacted January 6, 1997]

**COMMISSION.** The Planning Commission of the City of Klamath Falls, Oregon.

**COMMON BOUNDARY or COMMON BOUNDARY LINE.** See **PROPERTY LINE**

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

**COMMON PROPERTY LINE.** See **PROPERTY LINE.**

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

**COMMON PROPERTY.** See **PLANNED UNIT DEVELOPMENT.**

**COMPREHENSIVE PLAN.** The Klamath Falls Comprehensive Plan, which interrelates all functional and natural systems and activities of a general nature relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the Plan.

**CONDITIONAL USE.** A use which is permitted within a given zone only when certain conditions have been or will be met as provided under that zone or as a part of the criteria and procedures established in Sections 12.720 to 12.750.

**CONSTRUCTION SIGN.** A temporary sign announcing subdivision, development, construction or other improvement of a property by a building contractor or other person furnishing services, materials or labor to the premises, but does not include a "real estate sign". [Added by Ordinance 97-13, enacted May 5, 1997]

**CONTIGUOUS LAND.** Lot or parcel touching, adjoining, and connected as distinguished from a lot or parcel separated by another lot or parcel.

**CONICAL ZONE.** See **APPROACH ZONE.**

**CORNER LOT.** See **LOT.**

**CORNICE.** A cornice is a horizontal projecting part that crowns the wall of a building. [Added by Ordinance 96-19, enacted July 1, 1996]

**COUNCIL.** The City Council of Klamath Falls, Oregon.

**CROSS SECTION.** A profile of the ground surface perpendicular to the center line of a street, stream, valley bottom, or similar physical feature.

**CROWN COVER.** The ratio between the amount of land shaded by the vertical projection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.

**CUL DE SAC.** See **STREET.**

**CURB LINES.** The line dividing the roadway from the planting strip or sidewalk.

**DAY CARE.** Care provided to a child during a part of the 24 hours of the day, with or without compensation. "Day care" does not include care provided:

- (1) In the home of the child;
- (2) By the child's parent, guardian, or person acting in loco parentis;



- (3) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;
- (4) On an occasional basis by a person not ordinarily engaged in providing day care;
- (5) By providers of medical services; or
- (6) By a babysitter.

**DAY CARE FACILITY.** Any facility that provides day care to three or more children, including a day nursery, nursery school group, family day care home or similar unit operating under any name but not including any:

- (1) Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day.
- (2) Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion.
- (3) Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- (4) Facility operated by a school district, political subdivision of this state or a governmental agency.
- (5) Residential facility licensed under ORS 443.400 to 443.445 and subsection (2) of 443.991.
- (6) Facility operated by a babysitter.

**DECORATIVE ELEMENTS.** The term decorative elements refers to amenities such as landscaping, seating areas, art work (sculptures), etc.  
[Added by Ordinance 96-19, enacted July 1, 1996]

**DENSITY BONUS.** An increase in density over that permitted in a zone that may be granted according to the provisions of Section 12.960.

**DEVELOP.** To bring about growth upon or availability of land; to construct or alter a structure; to conduct a mining, dredging, filling, or similar operation; to make a material or physical change in the use or appearance of land; to divide land into lots or parcels; or to create or terminate rights of access.

**DEVELOPMENT.** The act, process, or result of developing.

**DEVELOPER.** Any person who creates or proposes to create a development and includes any agent of a developer.

**DIRECTOR.** The Planning Director of the City or his or her designee.  
[Amended by Ordinance 97-13, enacted May 5, 1997]

**DIVERSITY.** The variety of natural, environmental, economic and social resources, values, benefits, and activities.

**DUPLEX.** See **DWELLING.**

**DWELLING.** Any one or combined number of dwelling units.

(1) Single family dwelling. A detached building containing one dwelling unit.

(2) Duplex, or two family dwelling. A detached building containing two dwelling units.

(3) Multifamily dwelling. A building containing three or more dwelling units.

**DWELLING UNIT.** A building or any portion of a building, which is located upon a concrete or masonry foundation and which is designed for occupancy as complete independent living quarters for one or more persons having direct access from the outside of the building or through a common hall and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.

**EASEMENT.** A nonpossessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and protection from interference with this use.

**ELECTRONIC MEDIA.** The dissemination of radio, television, or similar communications intended to be received by the public, directly or by intermediary or relay stations.

**EMPLOYEES.** All persons normally working for the employer during the largest shift. The estimated number of employees of a new business shall be determined by the Director and the number of employees of an established business shall be determined from an examination of the payroll of the largest shift.

**ENCUMBRANCE.** A trust deed, mortgage, mechanic's lien, or any other lien of financial indebtedness, securing or evidencing money debt and affecting lands.

**EXEMPT VEGETATION.** The mature height and breadth of any existing vegetation greater than eight feet in height at the time a solar access permit is applied for.  
[Added by Ordinance 6536, enacted August 17, 1987]

**EXISTING.** In place or authorized by City permit at the time of application.  
[Added by Ordinance 6535, enacted August 17, 1987]

**FACADE.** A facade is the whole exterior of the building that can be seen at one view; strictly speaking, the principle front.  
[Added by Ordinance 96-19, enacted July 1, 1996]

**FAMILY.** An individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons not related by blood, marriage or adoption, living together in a dwelling unit.

**FARM USE.** The current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management, and sale of, or the produce of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or to the construction and use of dwellings customarily provided in conjunction with the farm use.

**FASCIA.** The fascia is the decorative trim or panel projecting from the face of a wall.

[Added by Ordinance 96-19, enacted July 1, 1996]

**FILL.** The placement by man, of sand, sediment, concrete, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Fill shall also include a properly engineered sanitary landfill.

**FLAG.** Any fabric, banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government, religious, civic or fraternal organization, education institution or corporation, except such a flag which a reasonable third person would perceive to be used in connection with a commercial promotion or advertising device.

[Added by Ordinance 97-13, enacted May 5, 1997]

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

- (1) **Areas of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- (2) **Base Flood.** The flood having a one percent chance of being equalled or exceeded in any given year.
- (3) **Flood Fringe.** The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.
- (4) **Flood Hazard Boundary Map.** An official map furnished by the federal agency responsible for flood prevention and control, and adopted in accordance with the provisions of Sections 10.305 to 10.315, labeled a Flood Hazard Boundary Map and delineating the boundaries of areas of special flood hazard.
- (5) **Flood Insurance Rate Map.** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (6) **Floodplain.** The area adjoining a stream, river, or lake that is subject to regional flooding. A regional flood is a standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or stream flows, high winds, rapid snow melt, natural stream blockages, or combinations thereof.

(7) **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**FLOOD AREA.** The area included within surrounding walls and upon each level of a building, or portion thereof, exclusive of vents, shafts, and courts. The floor area of a building, or a portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

**FREESTANDING SIGN.** Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.  
[Added by Ordinance 97-13, enacted May 15, 1997]

**FRONTAGE, BUILDING.** The horizontal linear dimension of that side of a building that abuts a street, a parking area, a mall or other circulation area open to the general public and that has either the primary window display of the enterprise or the primary public entrance to the building; in industrial districts, the building side with the primary entrance open to employees is considered the building frontage. Where more than one use occupies a building, each such use having a primary window display or a primary public entrance for its exclusive use is considered to have its own building frontage, which is the front width of the portion of the building frontage occupied by that use.  
[Added by Ordinance 97-13, enacted May 5, 1997]

**FOREST LANDS.** See **LAND.**

**FOREST USES.** The uses which pertain to the following:

- (1) the production of trees and the processing of forest products;
- (2) open space, buffers from noise and visual separation of conflicting uses;
- (3) watershed protection and wildlife and fisheries habitat;
- (4) soil protection from wind and water;
- (5) maintenance of clean air and water;
- (6) outdoor recreational activities and related support services; and

(7) grazing land for livestock.

**FRONT YARD.** See **YARD.**

**FRONTAGE.** All property fronting on one side of a street line, between intersecting and intercepting streets or between a street and right of way, waterway, end of a dead end street, or city boundary.

**GARAGE, PRIVATE.** An accessory structure or portion of a main building used for the parking, storage, care, or repair of vehicles owned or used by occupants of the main building.

**GARAGE, PUBLIC.** A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire, or sale.

**GOAL.** A statement of intention expressing community values and attitudes intended to provide a guide for action by the community.

**GROUND LEVEL.** The average elevation of the undisturbed natural ground, measured at the proposed location of the foundation for any structure. For purposes of determining the average elevation, the average elevation of each segment of the foundation or building footprint will be computed.

**GROUND MOUNTED ANTENNA.** Any antenna with its base placed directly on the ground or a mast less than ten feet (10') tall and six inches (6"0 in diameter.

[Added by Ordinance 97-1, enacted January 6, 1997]

**GUIDELINES.** The suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid cities, counties, state agencies, and special districts in the preparation, adoption and implementation of plans, programs, and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state agencies, cities, counties, and special districts to a single approach.

**H.** As used in the mathematical formulas contained in this Ordinance, this letter represents the height of the highest shade producing point.

[Added by Ordinance 6535, enacted August 17, 1987]

**HALF STREET.** See **STREET.**

**HEIGHT.** The vertical distance from the ground level to the highest point of the coping of a flat roof or to the maximum height of the highest gable of a pitched roof or hip roof. For the purpose

of determining the height limits in all airport hazard zones set forth in Chapters 10 to 14 and shown in the Airport Hazard Zoning Map, the datum shall be mean sea level (MSL) elevation, unless otherwise specified.

**HIGH INTENSITY RECREATION.** See **RECREATION**.

**HIGHEST SHADE PRODUCING POINT.** On a structure, the point that casts the longest shadow at noon on December 21, unless deemed exempt. Exempt structural elements are those which meet one of the following criteria:

- (1) They are radio or television aerials, chimneys or utility poles; or
- (2) They cast a shadow area of no greater than 15 square feet above the maximum allowed shadow height at the northern lot line (see diagram in Exhibit O).

[Added by Ordinance 6535, enacted August 17, 1987]

**HISTORIC DISTRICT.** Any one or more of the following:

- a. Those blocks containing one or more primary or secondary historical buildings or structures as identified in Klamath Falls Cultural Resource Survey, Ward Tonsfeldt Consulting, October 30, 1986.
- b. Those blocks containing one or more buildings or structures identified in Statewide Inventory of Historic Sites and Buildings, Oregon Department of Transportation, 1976.
- c. A geographical area within the City limits, adopted by resolution or ordinance as a historic district.

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

**HISTORIC LANDMARK.** A historical building or structure identified in the National Register of Historic Places.

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

**HISTORICAL RESOURCES.** Those districts, sites, buildings, structures and artifacts which have a relationship to events or conditions of the human past. See **ARCHEOLOGICAL RESOURCES** and **ARTIFACTS**.

**HISTORICAL SIGNIFICANCE.** Historical Significance means that the site or structure (1)

has character interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; (2) is the site of an historical event with an effect upon society; (3) is identified with a person or group of people who had some influence on society; or (4) exemplifies the cultural, political, economic, social or historic heritage of the community.

[Added by Ordinance 96-19, enacted July 1, 1996]

**HOME OCCUPATION.** An occupation carried on within a dwelling or accessory building by members of a family with no servant, employee, or other person being engaged within said dwelling or building. The residential character of the property is maintained and the home occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. It does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended.

**HORIZONTAL ZONE.** See **APPROACH ZONE.**

**HOSPITAL.** An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

**HOTEL.** A building for which lodging is provided for guests for compensation and in which no provision is made for cooking in the rooms.

**HYDRAULIC.** Related to the movement of pressure or water. Surface hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or stream bed.

**HYDRODYNAMIC.** Of or relating to the motion of fluids and the forces acting on solid bodies immersed in fluids.

**HYDROLOGIC.** Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movements of water.

**HYDROSTATIC.** Of or relating to liquids at rest or to the pressures they exert or transmit.

**ILLUSION.** A sign with optical illusion of movement by means of a design giving the illusion of motion or changing a copy, including without limitation a sign that presents a pattern capable of reversible perspective.

[Added by Ordinance 97-13, enacted May 5, 1997]



**IMPROVEMENTS.** Those structures providing services to man which shall include but are not limited to curbs, gutters, sidewalks, street lights, street signs, roadbed, road surface, storm drains and appurtenances, fire hydrants, sanitary sewer and appurtenances, domestic water systems and underground utilities.

**INCIDENTAL SIGN.** A sign, generally information, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone" and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

[Added by Ordinance 97-13, enacted May 5, 1997]

**INDUSTRIAL.** Any use of land, structure or natural resources involving the manufacturing, warehousing, transportation, processing, assembly or disassembly of semifinished or finished products from raw materials or the reverse thereof, or similar treatment of packaging of previously prepared materials.

[Amended by Ordinance 97-8, enacted April 7, 1997]

**INTEREST IN LAND.** Ownership of a lot, parcel, share, unit, undivided interest, membership or similar interest in a land development or a lessee's interest for more than one year in same.

**INTERIOR LOT.** See **LOT**.

**KICKPLATE.** A kickplate area between the ground and the bottom of the display window, protects the window by raising the glass area to a safer and more easily viewed height.

[Added by Ordinance 96-19, enacted July 1, 1996]

**LAND.** The solid part of the surface of the earth and water, both surface and subsurface, and the air.

(1) **Agricultural Lands.** Land of predominantly Class I, II, III, IV, V, and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, of other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural lands in any event.

(2) **Forest Lands.** Lands pertaining to the following:

- a. Lands composed of existing and potential timber stands which are suitable for commercial forest uses;
- b. Other timber stands needed for watershed protection, wildlife and fisheries habitat and recreation;
- c. Lands where extreme conditions of climate, soil, and topography require the maintenance of vegetation cover irrespective of use; and
- d. Other timber stands in urban and agricultural areas which provide urban buffers, windbreaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use. See also **FOREST USES**.

**LAND DEVELOPMENT.** The subdividing or partitioning of land for any purpose, into lots or parcels or the creation of lots, units or parcels for the purposes of sale or lease for a term of more than one year and including the creation of a planned unit development. The term also includes the intent to dispose of any land whether contiguous or not, including any land divided into lots, parcels, or units, which are offered as a part of a common promotional plan of advertising and disposition of land where the land development is offered for disposition by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by any individual offering, to be offered for disposition as part of a common promotional plan. The term also means an area or tract of land developed in a manner as defined by Chapters 10 to 14.

**LCDC.** Land Conservation and Development Commission of the State of Oregon.

**LIGHT INDUSTRIAL.** Any industrial enterprise where activities and operations in no manner affect in a detrimental way any of the surrounding properties and where any adverse impacts are restricted to the subject property. Such uses shall not be adverse due to odor, particulate matter, smoke, noise, vibration, appearance, or similar impacts. Vehicular access to and use of streets shall be no greater than that generated by a commercial enterprise.

**LOT.** A portion of a parcel of land, including without limitation, a portion of a platted subdivision, occupied or intended to be occupied by a building or use and its accessories, together with yards required under the provisions of this code, that is an integral unit of land held under unified ownership or fee or cotenance or under legal control tantamount to such ownership. When a lot is used together with contiguous lots for a single use or unified development, all of the lots so used shall be considered a single lot.

[Amended by Ordinance 97-13, enacted May 5, 1997]

- (1) **Corner Lot.** A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
- (2) **Interior Lot.** A lot other than a corner lot.
- (3) **Lot Area.** The total horizontal net area within the lot lines of a lot. Net area means that square footage of a lot that is free from public and private rights of way.
- (4) **Reversed Corner Lot.** A corner lot, the side street of which is substantially a continuation of the front line of the first lot to its rear.
- (5) **Through Lot.** A lot having frontage on two parallel or approximately parallel streets other than alleys.

**LOT LINE.** The property line bounding a lot.

- (1) **Lot Line, Front.** In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner or through lot, a line separating the lot from the street on which the development or contemplated development will face.
- (2) **Lot Line, Rear.** A lot line which is opposite and most distant from the front lot line and in the case of an irregular, triangular or other shaped lot, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.
- (3) **Lot Line, Side.** Any lot line not a front or rear lot line.

**LOW INTENSITY RECREATION.** See **RECREATION.**

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Section 14.205 (2).

**LUMEN.** A measurement of light equal to the light emitted in a solid angle by a uniform point

source of one candle.

**MAINTAIN.** Support, keep and continue in an existing state or condition without decline.

**MAJOR PARTITION.** See **PARTITION.**

**MANAGEMENT UNIT.** A discrete geographic area, defined by physical characteristics and features, within which particular uses and activities are promoted, encouraged, protected or enhanced and others are discouraged, restricted or prohibited.

**MANUFACTURED HOME.** As defined in ORS 446.003(25)(a)(C).

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

[Amended by Ordinance 96-19, enacted July 1, 1996]

**MANUFACTURED HOME PARK.** A manufactured home park is any place where four (4) or more manufactured homes are located within 500 feet (500') of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of or patronage of such person.

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

[Amended by Ordinance 96-19, enacted July 1, 1996]

**MANUFACTURED HOME SUBDIVISION.** A manufactured home subdivision is a tract of land subdivided as defined in Chapters 10 to 14 for the purpose of selling lots for the placement of four (4) or more manufactured homes.

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

[Amended by Ordinance 96-19, enacted July 1, 1996]

**MAP.** For purposes of partitioning, a final diagram, drawing, or other writing concerning a major or minor partition.

**MARGINAL ACCESS STREET.** See **STREET.**

**MARQUEE.** Any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally design and constructed to provide protection from the weather.

[Added by Ordinance 96-19, enacted July 1, 1996]

[Amended by Ordinance 97-13, enacted May 5, 1997]

**MARQUEE SIGN.** Any sign attached to, in any manner or made a part of a marquee.

[Added by Ordinance 97-13, enacted May 5, 1997]

**MINOR ANTENNA.** Any of the following:

- (1) A ground or building mounted, receive only radio or TV antenna whose total height including any mast to which it is attached is less than twenty feet (20');
- (2) A ground or building mounted citizens band radio antenna whose total height including any mast to which it is attached is less than twenty feet (20');
- (3) A single ground or building mounted whip (omni) antenna without a reflector less than 4 inches (4") in diameter whose total height including any mast to which it is attached is less than twenty feet (20');
- (4) A ground or building mounted panel antenna with a face area of less than 4½ square feet;
- (5) A ground or building mounted satellite dish less than ten feet (10') in diameter;  
or
- (6) A ground, building or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service.

[Added by Ordinance 97-1, enacted January 6, 1997]

**MINOR PARTITION.** See **PARTITION.**

**MINOR STREET.** See **STREET.**

**MOBILE HOME.** As defined in ORS 446.003(25)(a)(B).

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

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

[Amended by Ordinance 96-19, enacted July 1, 1996]

**MODULAR HOME.** A prefabricated structure as defined in ORS 455.020(6). For purposes of this ordinance, a modular home is a single family dwelling.

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

**MOTEL.** A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or connected, with or without

cooking facilities, for rental to transients.

**MOVING SIGN.** A sign with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for traditional barber poles; time, temperature, date signs; and signs displaying a comparable degree of movement as a time, temperature, date sign.

[Added by Ordinance 97-13, enacted May 5, 1997]

**MULTIFAMILY DWELLING.** See **DWELLING.**

**MULTIPLE USER TELECOMMUNICATION FACILITY.** A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

[Added by Ordinance 97-1, enacted January 1, 1997]

**N.** As used in the mathematical formulas contained in this Ordinance, this letter represents the north-south lot dimension.

[Added by Ordinance 6535, enacted August 17, 1987]

**NATURAL AREAS.** Includes land and water that has substantially retained its natural character and which is an important habitat for plant, animal or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features or for the appreciation of natural features.

**NONCOMMERCIAL TELECOMMUNICATION FACILITY.** A telecommunication facility that is operated solely for a nonbusiness purpose.

[Added by Ordinance 97-1, enacted January 6, 1997]

**NONCONFORMING SIGN.** Any sign that does not conform to the requirements of the sign act.

[Added by Ordinance 97-13, enacted May 5, 1997]

**NONCONFORMING STRUCTURE OR USE.** A lawfully existing structure or use or one which has received final approval from the City at the time of passage of Chapters 10 to 14, or any time thereafter upon amendment of these Chapters, which does not conform to the setback, coverage, height, use, or other similar requirements of the zone in which it is located.

**NONPRECISION INSTRUMENT RUNWAY.** See **RUNWAY.**

**NORTHERN LOT LINE.** A lot line or lines less than 45 degrees southeast or southwest of a

line drawn east-west and intersecting the northernmost point of lot. If no such line exists, the line nearest to 45 degrees shall be used. If the north side of a lot adjoins an unbuildable area (e.g. streets, alleys, canals, parking lots or common areas), the northern lot line shall be at the northerly edge of the unbuildable area. The pole of flag lots is excepted (see diagram in Exhibit O).  
[Added by Ordinance 6535, enacted August 17, 1987]

**NORTH SOUTH LOT DIMENSION.** The average distance between lines from the corners of the northern lot line south to a line drawn due east-west and intersecting the southernmost point of the lot (see diagram in Exhibit O).  
[Added by Ordinance 6536, enacted August 17, 1987]

**NEGOTIATE.** Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

**NURSERY.** A facility used to operate programs suitable for the education and training of children prior to enrollment within a kindergarten facility as defined under ORS 336.092.

**OFF PREMISES ADVERTISING SIGN.** Any off premises sign, including without limitation a billboard or general outdoor advertising device, that advertises or directs attention to a business, profession, commodity, entertainment, service or activity conducted, sold or offered elsewhere than on the same lot or within the same building upon which the sign is located.  
[Added by Ordinance 97-13, enacted May 5, 1997]

**OPACITY.** The quality of a body that makes it impervious to rays of light and therefore not able to be seen through.

**OPEN SPACE.** Land that would, if preserved or landscaped and continued in its present use:

- (1) Conserve and enhance natural or scenic resources;
- (2) Protect air, streams, or water supply;
- (3) Promote conservation of soils, wetlands, or shorelines;
- (4) Conserve landscaped areas that reduce air pollution and enhance the value to abutting or neighboring property;
- (5) Enhance the value to the public of surrounding properties, parks, forests,

wildlife preserves, nature reservations or sanctuaries or other open space;

(6) Promote orderly urban development.

**ORS.** Oregon Revised Statutes.

**OWNER.** A person who alone, jointly or severally with others or in a representative capacity (including without limitation, an authorized agent, executor or trustee) has legal and equitable title to any property in questions.

[Added by Ordinance 97-13, enacted May 5, 1997]

**OWNERSHIP OR OWNER.** The legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as his interest in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for the purposes of the consent petition.

**P.** As used in the mathematical formulas contained in this Ordinance, this letter represents the solar slope.

[Added by Ordinance 6535, enacted August 17, 1987]

**PARAPET.** A parapet means a low protective wall or railing.

[Added by Ordinance 96-19, enacted July 1, 1996]

**PARCEL.** A unit of land that is created by a partitioning of land.

**PARK.** An area with open space, which may or may not have facilities for recreation and which is landscaped or may have natural vegetation. The size and location of parks is discussed in the comprehensive plan.

**PARKING SPACE, STANDARD.** A rectangle, striped in a clearly visible fashion, measuring not less than 20 feet long and 9 feet wide as measured at right angles to the opposite dimension, together with such maneuvering and access space as is required for a motor vehicle.

**PARKING SPACE, SMALL VEHICLE.** A small vehicle parking space shall not be less than 8.5 feet in width or 14.5 feet in length as measured at right angles to the opposite dimensions. Each space shall be striped on all four sides by a four inch painted line except on those sides abutting and adjacent to walls or curbs. Each space shall have a sign stating "Small Vehicle Only". Said sign shall be prominently displayed with or immediately adjacent to each space and be composed of letters not less than four inches in height.



**PARTITION LAND.** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include any adjustment of a property line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by Chapters 10 to 14. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.  
[Amended by Ordinance 95-9, enacted September 5, 1995]

**PARTY.** The applicant, or any person who appears orally or in writing at a public hearing conducted pursuant to the provisions of this ordinance and had the right to be notified under the procedures of Chapters 10 to 14.

**PASSIVE RESTORATION.** See **RESTORE.**

**PENNANT.** Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.  
[Added by Ordinance 97-13, enacted May 5, 1997]

**PERSON.** A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or similar entities, or any group or combination acting as a unit, or the successors or assigns of any of the aforesaid. Person shall also include the authorized agent of the aforesaid.

**PLANNING COMMISSION.** See **COMMISSION.**

**PLANNING DIRECTOR.** See **DIRECTOR.**

**PLANNED UNIT DEVELOPMENT.** A land area designed to include various types of land uses, such as single family residential, professional and administrative offices, commercial centers, industrial parks, any public or quasi public use or combination of uses. A planned unit development may include a "planned unit" and "property owners association" and "common property" which are defined as follows:

- (1) **Planned Unit.** A land area which has both individual building sites and open space, known as common property, such as a park, and is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily

having the participation of other building sites or other common property.

(2) **Property Owners Association.** An incorporated, nonprofit corporation, unincorporated association or similar group organized such that each lot owner in a planned unit or other described land area is automatically subject to a charge for the expenses for the organization's activities, such as maintaining a common property.

(3) **Common Property.** A parcel of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the land development.

**PLAT.** The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

**POLITICAL SIGN.** Any noncommercial sign concerning candidates for public office or ballot issues in a primary, general or municipal election.

[Added by Ordinance 97-13, enacted May 5, 1997]

**PORTABLE SIGN.** Any sign not permanently attached to the ground or other permanent structure or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu sandwich board signs; balloons used as signs; and umbrellas used for advertising.

[Added by Ordinance 97-13, enacted May 5, 1997]

**PRECISION INSTRUMENT RUNWAY.** See **RUNWAY.**

**PREFABRICATED STRUCTURE.** See **MODULAR HOME.**

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

**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 each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface of a run way will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**PRINCIPLE BUILDING.** The building in which is conducted the principle use of the lot on which it is located. Lots with multiple principle uses may have multiple principle buildings; but storage buildings, garages and other clearly accessory uses shall not be considered principle

buildings.

[Added by Ordinance 97-13, enacted May 5, 1997]

**PRINCIPLE USE.** A use permitted in a zone as an outright use and expected to be the predominant use in that zone.

**PROJECTING SIGN.** Any sign affixed to a building or wall in such a manner that its leading edge extends more than nine (9) inches beyond the surface of such building or wall.

[Added by Ordinance 97-13, enacted May 5, 1997]

**PROPERTY LINE ADJUSTMENT.** A division line between units of land which are in separate ownership.

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

**PROPERTY LINE.** A line created by a subdivision or for purposes of Chapter 12, a line created by a partition, that is fixed in place, between two separate units of land.

(1) **Lot Line, Front.** In the case of an interior lot, the lot line separating the lot from the street other than an alley and in the case of a corner or through lot, a line separating the lot from the street on which the development or contemplated development will face.

(2) **Lot Line, Rear.** A lot line which is opposite and most distant from the front lot line and in the case of an irregular, triangular or other shaped lot, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

(3) **Lot Line, Side.** Any lot line not a front or rear lot line.

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

**PROPERTY OWNER'S ASSOCIATION.** See **PLANNED UNIT DEVELOPMENT.**

**PUBLIC FACILITIES.** Projects, activities and facilities deemed to be necessary for the maintenance of the public health, safety and welfare, plus such other public purposes consistent with Comprehensive Plan policies, including nonpublic activities permitted by government agencies. Such public facilities shall include any activity undertaken or structure held, used or controlled for public or quasi public purposes including, but not limited to, churches, fraternal organizations or clubs, hospitals, schools, nursing homes, federal, state, county or municipal offices or facilities, recreation facilities and public utilities. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated. Public facilities do not include telecommunication facilities.

[Amended by Ordinance 97-1, enacted January 6, 1997]

**PUBLIC WORKS DIRECTOR.** The Public Works Director of the City of Klamath Falls, Oregon.

**READILY VISIBLE.** An object that stands out as a prominent feature of the landscape when viewed with the naked eye.

[Added by Ordinance 97-1, enacted January 6, 1997]

**REAL ESTATE SIGN.** Any sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is displayed.

[Added by Ordinance 97-13, enacted May 5, 1997]

**REAR YARD.** See **YARD.**

**RECREATION.** Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.

(1) **Low Intensity Recreation.** Does not require developed facilities and can be accommodated without change to the area or resource, e.g., boating, hunting, hiking, wildlife photography and beach and shoreline activities can be low intensity recreation.

(2) **High Intensity Recreation.** Uses specially built facilities or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches and marinas are examples of high intensity recreation.

**RECREATIONAL VEHICLE.** A vacation trailer or a self propelled vehicle or structure equipped with wheels for highway use and which is intended for human recreational purposes, but not for residential purposes and is equipped with plumbing, sink or toilet.

**RECREATIONAL VEHICLE PARK.** Any place where four or more recreational vehicle spaces are located within 200 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**RESIDENTIAL.** Of or relating to a place where people dwell.

**RESIDENTIAL FACILITY.** A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential facility.

**RESIDENTIAL HOME.** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential facility.

**RESIDENTIAL SIGN.** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located; if offering such service at such location conforms with all requirements of the Community Development Ordinance.

[Added by Ordinance 97-13, enacted May 5, 1997]

**RESTORE.** Revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity and aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events.

(1) **Active Restoration.** Involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.

(2) **Passive Restoration.** Is the use of natural processes, sequences and timing or which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

**REVERSED CORNER LOT.** See **LOT.**

**RETAIL COMMERCIAL.** Any commercial enterprise of, relating to, or engaged in the sale of commodities or goods in small quantities directly to the ultimate consumer.

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

**RF/EMR.** Radio frequency radiation/electromagnetic radiation.

[Added by Ordinance 97-1, enacted January 6, 1997]

**RIGHT OF WAY.** The area between boundary lines of a street or other easement.

**ROADWAY.** The portion of a street right of way developed for vehicular traffic.

**ROOF SIGN.** Any sign erected or constructed that extends vertically above the highest portion of the roof.

[Added by Ordinance 97-13, enacted May 5, 1997]

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

- (1) **Runway 14.** A Nonprecision Instrument Runway located at the City of Klamath Falls International Airport/Kingsley Field, aligned in a southeast direction and designated as a primary runway.
- (2) **Runway 7-25.** A Visual Utility Runway located at the City of Klamath Falls International Airport/Kingsley Field, aligned in an east-west direction and designated as a crosswind runway.
- (3) **Runway 32.** A Precision Instrument Runway located at the City of Klamath Falls International Airport/Kingsley Field, aligned in a northwest direction and designated as a primary runway.
- (4) **Utility Runway.** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (5) **Visual Runway.** A runway intended solely for the operation of aircraft using visual approach procedure with no straight in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan or by any planning document submitted to the FAA by competent authority.
- (6) **Precision Instrument Runway.** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). Also, a runway for which a precision approach system is planned and is so indicated on an FAA or military services approved airport layout plan or other airport planning document.
- (7) **Nonprecision Instrument Runway.** A runway having an existing instrument

approach procedure utilizing air navigation facilities with only horizontal guidance. Also, a runway for which a nonprecision approach is planned and is so indicated on an FAA approved airport layout plan, military services approved military airport layout plan, any other FAA planning document or any other military services military airport planning document.

**RURAL LAND.** Those lands which are outside the Urban Growth Boundary and are:

- (1) nonurban agricultural, forest, or open space lands; or
- (2) other lands suitable for sparse settlement, small farms or acreage homesites with no or few public services and which are not suitable, necessary or intended for urban use.

**SALE OR SELL.** Every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

**SATELLITE DISH.** Any device incorporating a reflective surface that is solid, open mesh or bar configured that is shallow dish, cone, horn or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. this definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

[Added by Ordinance 97-1, enacted January 6, 1997]

**SATELLITE EARTH STATION.** A telecommunication facility consisting of more than a single satellite dish smaller than ten feet (10') in diameter that transmits to and/or receives signals from an orbiting satellite.

[Added by Ordinance 97-1, enacted January 6, 1997]

**SCREENING.** A fence, plantings, or similar structure arranged in such a way as to obstruct vision.

**SECONDARY.** A use which is supplementary or subordinate to an allowed principal use in that it functions to furnish direct aid or support to the use.

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

**SETBACK.** The distance from the property line to the nearest part of the applicable building, structure or sign measured perpendicularly to the property line.

[Added by Ordinance 97-13, enacted May 5, 1997]

**SHADE.** A shadow, except a shadow caused by a narrow object, including but not limited to

such narrow objects as a utility pole, antenna, wire or flagpole.

[Added by Ordinance 6535, enacted August 17, 1987]

**SHADOW PATTERN.** A graphic representation of the area which would be shaded at noon on December 21st by a structure or vegetation.

[Added by Ordinance 6536, enacted August 17, 1987]

**SIDE YARD.** See **YARD.**

**SIDEWALK.** A pedestrian walkway.

**SIGN.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purposes of a person or entity or to communicate information of any kind to the public.

[Amended by Ordinance 97-13, enacted May 5, 1997]

**SIGN STRUCTURE.** Any supports, uprights, braces or framework of a sign.

[Added by Ordinance 97-13, enacted May 5, 1997]

**SIGNIFICANT HABITAT AREAS.** A land area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.

**SINGLE FAMILY DWELLING.** See **DWELLING.**

**SOLAR ACCESS PERMIT.** A document that describes the maximum permitted height of nonexempt vegetation on properties to which the permit applies to protect solar access on the property of the permit application, to the extent authorized by the City. A Solar Access Permit shall include, but is not limited to, the legal description of the properties benefited and restricted by the permit and copy of the sunchart, solar access permit height limitations and information listed in Sections 14.892 (1) and (4) through (10).

[Added by Ordinance 6536, enacted August 17, 1987]

**SOLAR ENERGY SYSTEM.** A device or combination of devices or elements that rely on direct sunlight as an energy source, including but not limited to a substance or device that collects sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or generating electricity. A solar energy system may be used for purposes in addition to collecting solar energy including but not limited to serving as a structural member or part of a



roof or a building or structure and serving as a window or wall. Under this definition a south wall can be a solar energy system as well as solar equipment such as water heaters or hot water collectors.

[Added by Ordinance 6536, enacted August 17, 1987]

**SOLAR ENVELOPE.** The height limit that applies to a lot subject to Section 14.884 (3) or 14.886 (4). The envelope is a series of contour lines that begin at the southern building line or northern lot line or the bottom edge of a solar energy system for which a solar access permit is requested, are parallel to the southern building line or northern lot line or bottom edge of a solar energy system and rise at an angle of 24 degrees to the south, in a minimum of five foot vertical increments (see diagram in Exhibit O).

[Added by Ordinance 6535, enacted August 17, 1987]

**SOLAR FACTOR.** A number that represents the potential solar access of a lot based on a lot's north-south lot dimension and solar slope as represented by the following formula:

$$N \times 2.22 \times (.45 + P)$$

where N = north-south lot dimension

P = solar slope

[Added by Ordinance 6535, enacted August 17, 1987]

**SOLAR HEATING HOURS.** The hours and dates during which solar access is protected under a solar access permit, not to exceed those hours and dates when the sun is lower than 24 degrees altitude or greater than 55 degrees east or west of true south.

[Added by Ordinance 6535, enacted August 17, 1987]

**SOLAR SETBACK.** A line parallel to an adjoining northern lot line which is the minimum distance that the highest shade producing point of a structure shall be set back from said northern lot line. The setback shall be calculated using the same solar slope and measured along the same lines to measure the north-south lot dimension.

[Added by Ordinance 6535, enacted August 17, 1987]

**SOLAR SLOPE.** The average of ground slope lines from the corners of the property's northern lot line south to a property line. The slope of a single line is determined by dividing the vertical distance between the two end points by the horizontal distance between the same two points. North facing slopes will have a negative (-) value. South facing slopes will have a positive (+) value (see diagram in Exhibit O).

[Added by Ordinance 6535, enacted August 17, 1987]

**SOUTHERN BUILDING LINE.** A line establishing the southernmost location for a structure

on a lot, determined by applicable minimum setback requirements on undeveloped lots or, where developed by the southern elevation of an existing structure.

[Added by Ordinance 6535, enacted August 17, 1987]

**SPECIAL DISTRICT.** Any unit of local government, other than a city or county, authorized and regulated by statute and includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

**STANCHION.** Stanchion means a vertical pole, post or support.

[Added by Ordinance 96-19, enacted July 1, 1996]

**START OF CONSTRUCTION.** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundation of the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**SQUARE FEET.** Square feet of floor area primary to the functioning of the particular use of property and excluding: stairwells, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning and other utility equipment and space devoted to off street parking or loading.

**STREET.** A strip of land or way subject to vehicular traffic (including pedestrian traffic) that provides direct or indirect access to property, including but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails or other thoroughfares.

[Amended by Ordinance 97-13, enacted May 5, 1997]

(1) **Alley.** A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(2) **Arterial.** A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

- (3) **Bikeway.** A right of way for bicycle and pedestrian traffic.
- (4) **Collector.** A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas and used to some extent for through traffic and to some extent for access to abutting properties.
- (5) **Cul de sac** (dead end street). A short street having one end open to traffic and being terminated by a vehicle turnaround.
- (6) **Half Street.** A portion of the width of a street, usually along the edge of a land development, where the remaining portion of the street could be provided in another land development.
- (7) **Marginal Access Street.** A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- (8) **Minor Street.** A street intended primarily for access to abutting properties.
- (9) **Stubbed Street.** A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future land developments or adjacent lands.

**STREET FRONTAGE.** The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.  
[Added by Ordinance 97-13, enacted May 5, 1997]

**STREETSCAPE.** A streetscape refers to the planned development of pedestrian amenities such as street lights, planters, drinking fountains, sidewalks, etc.  
[Added by Ordinance 96-19, enacted July 1, 1996]

**STRUCTURE.** Anything constructed, installed or portable which requires a location on or within land. Structure does not include sidewalks, underground utilities, franchised utilities within rights of way, parking areas, areas of ingress and egress to parking or vegetation.  
[Amended by Ordinance 96-19, enacted July 1, 1996]

**STRUCTURAL ALTERATION.** Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams or girders or any structural

change in the roof.

**STUBBED STREET.** See **STREET.**

**SUBDIVIDED LAND.** To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**SUBDIVISION.** Either an act of subdividing land or an area or a tract of land subdivided as defined in Chapters 10 to 14.

**SUBMERSED LANDS.** See **WETLANDS.**

**SUNCHART.** A photograph or photographs, taken in accordance with guidelines issued by the Planning Department, which plot the position of the sun during solar heating hours. The sunchart shall contain at a minimum the southern skyline as seen through a grid which plots solar altitude for a 42 degree northern latitude in 10 degree increments and solar azimuth measured from true south in 15 degree increments. If the solar energy system is less than 20 feet wide, a minimum of one sunchart shall be taken from the center of the bottom edge of the system. If the solar energy system is wider than 20 feet, a minimum of two suncharts shall be taken, one from each end of the bottom edge of the system.

[Added by Ordinance 6535, enacted August 17, 1987]

**SUSPENDED PARTICULATE MATTER.** Solid or liquid particles of soot, dust, aerosols, fumes or the like ranging from 0.1 to 100 microns in size.

**SUSPENDED SIGN.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

[Added by Ordinance 97-13, enacted May 5, 1997]

**TELECOMMUNICATION FACILITY.** A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas; and other accessory development. It does not include minor antennas meeting the requirements of Sections 14.780 through 14.784.

[Added by Ordinance 97-1, enacted January 6, 1997]

**TELECOMMUNICATIONS TOWER.** A mast, pole, monopole, guyed tower, lattice tower,

free standing tower or other structure designed and primarily used to support antennas. A ground or building mounted mast less than ten feet (10') tall and six inches (6") in diameter supporting a single antenna shall not be considered a telecommunications tower.

[Added by Ordinance 97-1, enacted January 6, 1997]

**TEMPORARY SIGN.** Any sign that is used only temporarily and is not permanently mounted.

[Added by Ordinance 97-13, enacted May 5, 1997]

**TENTATIVE PLANS.** The preliminary proposal for a subdivision which includes the information specified in Chapter 11.

**THROUGH LOT.** See **LOT**.

**TOPOGRAPHIC.** Topographic means the exact physical feature of a place or region on a map.

[Added by Ordinance 96-19, enacted July 1, 1996]

**TRAILER.** A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is not being used for residential purposes and is being used for vacation and recreational purposes.

**TRANSITIONAL ZONE.** See **APPROACH ZONE**.

**TRANSOM WINDOWS.** Transom windows are small windows above the display windows that functioned as early energy savers, they allow daylight to enter deep into the interior space.

[Added by Ordinance 96-19, enacted July 1, 1996]

**TREE.** Any woody plant that has at least one trunk whose diameter four feet above the ground, is two inches or greater.

**TRUE NORTH.** Direction measured 19 degrees west of magnetic north (Magnetic North - 19 degrees = True North).

[Added by Ordinance 6535, enacted August 17, 1987]

**TRUE SOUTH.** Direction measured 19 degrees east of magnetic south (Magnetic South + 19 degrees = True South).

[Added by Ordinance 6535, enacted August 17, 1987]

**URBAN LAND.** Those lands which normally have an incorporated city. Such areas may include

lands adjacent to and outside the incorporated city which:

- (1) have concentrations of persons who generally reside and work in the area; and
- (2) have supporting public facilities and services.

**URBANIZED LAND.** Land within the Urban Growth Boundary which is identified and:

- (1) determined to be necessary and suitable for future urban land;
- (2) can be served by public facilities; and
- (3) is needed for the expansion of an urban land area.

**USE.** The purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

**USC&GS.** United States Coast and Geodetic Survey.

**UTILITY RUNWAY.** See **RUNWAY.**

**VARIANCE.** A deviation from the requirements of this ordinance which may be granted according to the provisions of Sections 12.755 to 12.765 or Sections 12.770 to 12.800.

**VEHICLE SIGN.** Any sign mounted, painted or affixed to the roof or other surface of a vehicle. [Added by Ordinance 97-13, enacted May 5, 1997]

**VISION CLEARANCE.** A triangular area at the street corner of the corner lot or the alley street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street line or alley lines and equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from two and one half feet in height above the curb level to ten feet above the curb level. The vision clearance dimension specified in Chapters 10 to 14 is the distance from the corner of the lot establishing the location of the diagonal line across the corner.

**VISUAL RUNWAY.** See **RUNWAY.**

**WALL SIGN.** Any sign attached parallel to, but mounted within nine (9) inches of a wall, painted surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.

[Added by Ordinance 97-13, enacted May 5, 1997]

**WATERCOURSE.** A natural or man made channel through which water flows.

**WETLAND.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**WILDLIFE.** Game fish as defined in ORS 496.009, wild birds, reptiles and wild animals.

**WINDOW SIGN.** Any sign, pictures, symbols or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

[Added by Ordinance 97-13, enacted May 5, 1997]

**YARD.** An open area on a lot which is unobstructed from the ground upward except as otherwise provided in Chapters 10 to 14.

- (1) **Front Yard.** An open area extending between side lot lines and measured horizontally at right angles from the front lot line to the nearest point of the structure's foundation wall.
- (2) **Rear Yard.** An open area extending between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of the structure's foundation wall.
- (3) **Side Yard.** An open area between the structure and the side lot line measured horizontally and at right angles from the side lot line to the nearest point of the structure's foundation wall.

**10.015 Severability.** All provisions of Chapters 10 to 14 are severable. It being the intent of the City Council to enact these chapters notwithstanding any parts declared invalid or unconstitutional, if any section, subsection, paragraph, clause, sentence, phrase or word of said Chapters be declared unreasonable or inapplicable by such a court of competent jurisdiction to a particular premise or to a particular use at any particular location, such declaration of judgement shall not affect or invalidate any such section, subsection, paragraph, clause, sentence phrase or word as to any other premise or use. The inclusion within these Chapters of any provision later

judged unconstitutional or otherwise invalid is wholly unintentional, it being the intent of the Council to draft and adopt Chapters 10 to 14 in a manner consistent with all substantive and procedural legal requirements.

**10.020 Terminology, Construction and Interpretation.** Words used in the singular include the plural and words used in the plural include the singular; the word "shall" is mandatory and the word "may" is permissive, the masculine includes the feminine and the neuter; words used in the present tense include the future and the future tense includes the present. The provisions of Chapters 10 to 14 shall be construed to affect the purposes set forth in Section 10.000. The provisions are declared to be the minimum requirements necessary to fulfill such objectives. Where conditions imposed are less restrictive than comparative conditions imposed by any other provisions of Chapters 10 to 14, by provisions of any other local ordinance, by resolution, regulation or provision of state or federal statute or administrative regulation, then the more restrictive shall govern and where conditions herein imposed are more restrictive than comparative conditions imposed by other aforementioned ordinances, regulations, statutes or resolutions, then those imposed herein shall govern. Whenever a defined use qualifies as both a principal and conditional use in the same zone, it shall be deemed a principal use. Subject to an appeal to the Planning Commission, the Director is authorized to interpret the provisions of Chapters 10 to 14 in those instances where such provisions are reasonably subject to conflicting interpretations.

[Amended by Ordinance 97-13, enacted May 5, 1997]

**10.025 Repealer.** The following ordinances and all amendments thereto are hereby repealed:

- (1) Klamath Falls Zoning Ordinance No. 5095, as amended except Campus Planned Unit Development Amendment No. 6158, as amended; Basin View Planned Unit Development Amendment No. 6240, as amended; Geary Brothers Southview Planned Unit Development Amendment No. 6264; Jeld Wen Planned Unit Development No. 6076. In addition, the conditions of Zone Change Ordinances No. 6215, No. 6216, and No. 6222 shall continue to apply under the new zone designation.
- (2) Klamath Falls Land Development Ordinance No. 6105, as amended.
- (3) Notwithstanding the provisions of parts 1 and 2 hereof, any approvals or permits, excepting zone designations and boundaries, granted pursuant to authority given by ordinance enacted prior to the effective date of Chapters 10 to 14 shall remain in full force and effect unless otherwise voided pursuant to the provisions of Chapters 10 to 14.



## **TEXT AMENDMENT PROCEDURES**

**10.105 Initiation.** Any amendment of Chapters 10 to 14 may be initiated by the Council or Commission by motion. Whenever an amendment is initiated by the Council, the motion shall be referred to the Commission for its recommendation.

**10.110 Hearing Date.** In every case of a proposed text amendment, the Director shall fix a date for public hearing before the Commission.

**10.115 Hearing - Notice Procedures.** Notice of time and place of the public hearing before the Commission and the purpose of the proposed amendment shall be given by the Director in the form of one publication in a newspaper of general circulation in the city and notice to all local electronic media. Such notice shall be given not less than twenty (20) days prior to the evidentiary hearing, or ten (10) days if two or more evidentiary hearings are allowed.

**10.120 Hearing - Commission.** The Commission shall recommend approval, disapproval, or modification of the proposed amendment. A written report of findings and recommendations shall then be forwarded to the Council by the Director.

**10.125 Hearing - Council.** Upon receipt of the Commission recommendation, the Council shall hold a public hearing at a time designated by the Council and shall act to approve, reverse, modify or remand the matter back to the Commission for further consideration and a recommendation. Notice of such hearing shall be given pursuant to the provisions of Section 10.115. Upon receipt of a second recommendation from the Commission, the Council shall hold another hearing pursuant to the requirements of this section.

## **COMPLIANCE AND ENFORCEMENT PROCEDURES**

**10.205 Compliance.** No person shall erect, construct, reconstruct, alter, maintain or use any structure, or shall use or transfer any land in violation of Chapters 10 to 14 or any amendment thereto or in violation of any statement, plans, or maps submitted and approved under the provisions of Chapters 10 to 14.

### **10.207 Enforcement Fees.**

(1) In order to defray the costs of enforcement of Chapters 10 to 14, the Community Development Director or his/her designee (the Director), shall impose fees on those properties and owners of those properties which are found to be in violation of any provision of Chapter 10 to 14 of any permit or other approval issued pursuant to said chapters.

- (2) The City shall charge a monthly enforcement fee for each property that meets the following conditions:
  - a. The property is subject to a written notice of violation, as described in Section 10.208;
  - b. A response period of thirty (30) days has passed since the effective date of the initial notice of violation; and
  - c. The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
- (3) The amount of the enforcement fee shall be One Hundred Dollars (\$100.00) per month.
- (4) Whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall so notify the Director. Upon receipt of such notice, the Director shall promptly schedule an inspection of the property and shall notify the owner if any violations remain uncorrected.
- (5) Once monthly enforcement fees begin, they shall continue until all violations listed in the first or any subsequent notice of violation have been corrected.
- (6) When a property meets the conditions for charging an enforcement fee as described in (2) above, the Director shall file a statement with the City Finance Director that identifies the property, the amount of the monthly fee and the date on which the charges shall begin. The Finance Director shall then:
  - a. Notify the occupant(s) and the property owner(s) of the assessment of enforcement fees;
  - b. Record a property lien in the City Lien Docket and record a Notice of Pending Lien with Klamath County;
  - c. Bill the property owner(s) monthly for the full amount of enforcement fees owing, plus an additional ten percent (10%) to cover administrative costs of the City Finance Department and interest at 12%

per annum; and

d. Maintain lien records until

i. The lien and all associated interest, penalties and costs are paid in full; and

ii. The Director certifies that all violations listed in the original or any subsequent notice of violation have been corrected.

(7) Each person who has a legal or equitable interest in the property on or after the effective date of a notice of violation shall be personally liable for fees imposed pursuant to this section, including all interest, civil penalties and other charges.

[Added by Ordinance 96-35, enacted December 2, 1996]

**10.208 Notice of Violation.** If the Director finds one or more violations of the provisions of Chapters 10 to 14 of any permit or other approval issued pursuant to these chapters, the Director shall in writing notify the owner(s) or the owners' local agent and the occupant(s) or the owners' local agent and the occupant(s) of the existence of the violations. The method of serving the notice to the owner shall be one or more of those described in (3) below.

(1) The notice of violation shall:

a. Give the street address and a legal description sufficient for identification of the property;

b. Describe the violation at the property;

c. Disclosure that fees, charges and liens as described in Section 10.207 may result from a failure to remedy the violations;

d. Disclosure that water service may be discontinued as described in Section 10.212;

e. Specify a response period during which the property may be brought into compliance with this Title before fees, charges or liens will be assessed;

f. Disclose the owner's right to appeal the findings of the notice of

violation.

(2) The effective date of a notice of violation shall be the date of service of the notice to the owner(s). The date of service shall be the day on which the notice is:

- a. Mailed first class to the property owner(s) at the address shown on the last available assessment roll in the office of the county assessor;
- b. Mailed first class to any local agent for the property; or
- c. Delivered personally to the property owner(s) or any local agent for the property.

(3) The Director shall monitor compliance with the notice of violation through periodic tracking and inspection. Once a notice of violation has been sent, the owner shall be responsible for all enforcement fees associated with the property, as described in Section 10.207 until the violations are corrected.

(4) The Director may set time limits in which the violations are to be corrected.

[Added by Ordinance 96-35, enacted December 2, 1996]

### **10.209 Exceptions to Enforcement Fees.**

(1) When all outstanding violations on a property, except those requiring exterior work have been corrected, the Director may at the request of the owner, temporarily suspend enforcement fees due to inclement weather until the following May 1st. Suspension of fees shall not in any case extend more than one (1) year beyond the effective date of the initial notice of violation.

(2) If the owner fails to correct violations within the stated period of suspension, the City shall immediately charge the full value of all suspended fees.

[Added by Ordinance 96-35, enacted December 2, 1996]

**10.210** [Repealed by Ordinance 96-35, enacted December 2, 1996]

### **10.211 Hardships.**

(1) When the literal application of the requirements of these chapters would cause undue hardship to the owner(s) or occupants of the affected property, an exception may be granted by the Planning Commission upon application. The application shall state the reasons for the requested exception and shall be in writing. This Section shall not be construed so as to evade the provisions of these chapters.

(2) Any exception granted by the Planning Commission shall be in writing and shall state the reasons for granting that exception. A copy of the decision shall be kept in the files of the Community Development Department.

[Added by Ordinance 96-35, enacted December 2, 1996]

**10.212 Discontinuance of Water Service.** In addition to the enforcement fees imposed by 10.207, in the event compliance does not occur within ninety (90) days of the effective date of the notice, water service to the property in violation shall be discontinued. The Director shall forward a disconnect request to the City Utilities Department with a copy of such request mailed to the owner(s) and occupant(s) of the property. Service shall be terminated no sooner than seven (7) days after the date of the request is forwarded to the utilities department. Water service to existing tenants of a residential property shall not be discontinued under this provision.

[Added by Ordinance 96-35, enacted December 2, 1996]

**10.213 Appeals.** Whenever a responsible party has been given a notice pursuant to 10.208, the party may have the notice or order reviewed by the Planning Commission. If a review is sought, the party shall submit a written request to the Community Development Department within fifteen (15) days of the date of the order. Pending determination by the Planning Commission, the notice or order will be stayed. Following the review, the Director shall issue a written determination reflecting the Planning Commission's decision which decision shall be final.

[Added by Ordinance 96-35, enacted December 2, 1996]

**10.215 Equity.** In case any structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained or used, or any land is, or is proposed to be, used in violation of Chapters 10 to 14, the Council, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or seek a temporary restraining order or any other appropriate proceeding to prevent, temporarily or permanently enjoin, abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use.

## **ORDINANCE EXHIBITS**

**10.305 Zoning Maps.** The location and boundaries of the zones enumerated in Chapter 12 are hereby established as shown on the maps entitled "Zoning Maps of the City of Klamath Falls", "Klamath Falls Municipal Airport Approach and Clear Zone Plan" and "Flood Hazard Boundary Maps", as furnished by the Federal Insurance Administration and signed by the Mayor and City Recorder. Such exhibits or maps shall hereinafter be referred to as the "Zoning Map", Airport Hazard Zone Map" and "Flood Hazard Boundary Map".

**10.310 Miscellaneous Exhibits.** The following Exhibits, including but not limited to maps, charts, illustrated design standards and plat certificates, are hereby incorporated into Chapters 10 to 14. These Exhibits, with the exception of A through L, are contained in Appendix I.

A. Zoning Map #1

B. Zoning Map #2

C. Zoning Map #3

D. Zoning Map #4

E. Zoning Map #5

F. Zoning Map #6

G. Klamath Falls Municipal Airport Approach Clear Zone Plan

H. Flood Hazard Boundary Maps

I. Reserved: Hazard Area Overlay Zone Map

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

J. Reserved: Wildlife Overlay Zone Map

K. Reserved: Historical Overlay Zone Map

L. Downtown Parking District Map

M. Certificates:

1. Development Agreement

2. Surveyor's Certificate

3. Consent and Dedication Certificate (Husband and Wife)

4. Consent and Dedication Certificate (Corporation)

5. City Public Works Director Certificate

6. Planning Director Certificate

7. Board of County Commissioners Certificate

8. County Assessor's Certificate

9. County Treasurers Certificate

10. County Clerk's Certificate

11. Tracing Certificate

12. Port Monumentation Affidavit

13. Special Service District Certificate

14. Water Supply Certificate

15. Sewage Disposal System Certificate

## N. Illustrated Design Standards

### Drawing Number

100	Curb and Gutter - Type "A"
110	Straight Curb - Type "B"
120	Curb and Gutter - Type "C"
130	Curb End
140	Cross Gutter
150	Alley Intersection
160	PCC Sidewalk across Driveway
170	PCC Sidewalk
180	Sidewalk Wheelchair Ramp
200	Minor Street Section (36' wide)
210	Collector Street Section (41' wide)
220	Cul de sac
230	Alley Section
300	Catchbasin
310	Ditch Inlet
400	Manhole Ring and Cover
410	Method for adjusting Manholes
420	Flat Top Manhole
430	Manhole
440	Drop Manhole
450	Lamphole Riser
500	Trench Section
501	Trench Width and Bedding Requirements
700	Angle Parking Standards
701	Angle Parking Standards
800	Bicycle Ramps, Driveways and Approaches

900 Ground Level Diagram - A

910 Ground Level Diagram - B

**10.315 Exhibits Retention.** The exhibits or maps referred to in this section shall be maintained on file in the office of the Director and are hereby incorporated into Chapters 10 to 14 by this reference. Any revisions or replacements of said exhibits or maps, when duly entered, signed, and filed with the City Recorder, are a part of this Ordinance.

## APPEALS

### 10.405 Decisions appealable.

- (1) A decision by the Director shall be final unless the Director receives a notice of appeal to the Commission. Such notice must be received from a party to the decision within ten days of the date of mailing of the final decision by the Director.
- (2) A decision of the Commission shall be final unless the Director receives a notice of appeal to the Council. Such notice must be received from a party to the decision of the Commission within ten days of the date of mailing of the final decision by the Commission.
- (3) A decision of the Council shall be final unless an aggrieved party in a proceeding for a Zone Change or discretionary permit appeals the decision to the Land Use Board of Appeals (LUBA).
- (4) Any issue which is the basis for an appeal shall have been raised prior to the closing of the record, or following the final evidentiary hearing on the proposal before the City Council or Planning Commission hearing. Such issues shall have been raised with sufficient specificity as to afford the Council or Planning Commission and the parties an adequate opportunity to respond to each issue.

**10.410 Notice of Appeal.** Every notice of appeal shall contain:

- (1) A reference to the application sought to be reviewed;
- (2) If not submitted by the applicant, a statement of the interest of the appellant to determine the appellant's status as a party; and
- (3) Proof of service of notice of appeal on other parties.

**10.415 Public Hearing Date.** Upon receipt of an appeal from a decision of the Director, the Director shall set a date for public hearing not less than 20 days from the receipt of appeal before the Commission. Upon receipt of an appeal from a decision of the Commission, the Director shall set a date for public hearing not less than 20 days from receipt of appeal before the Council.

**10.420 Notice of Hearing.** In the event of review by the Council or Commission as herein provided, notice of an appeal shall be mailed to all persons notified of the original application and to all parties before the original hearing body at least twenty (20) days prior to the scheduled hearing on the appeal. The notice shall include all information required of Section 10.610 (1) and ORS 197.763 (3).



**10.425 Written Appeal Statement(s).** The appellant of a Planning Commission decision shall submit a written statement as described in Section 10.410 and all evidence and documents in support of the appeal to the Planning Department and the Department must make it available to the public at least twenty (20) days before the hearing, as required by ORS 197.763 (4) (a). Any staff report used at the hearing shall be made available to the public at least seven (7) days prior to the hearing, as required by ORS 197.763 (4) (b).

Individuals wishing to appeal an Administrative decision shall submit a written statement as required in Section 10.405 (1). Within five days of receipt of the written statement, the Planning Department shall provide notice of the appeal to the applicant indicating the need to submit any additional evidence and documents in support of the subject land use request to the Planning Department and the Department must make it available to the public at least twenty (20) days prior to the first evidentiary hearing or ten (10) days if two or more evidentiary hearings are allowed. Notice of an appeal of an administrative decision shall be provided as required by Section 10.420, above. Staff report(s) used at the hearing shall be made available to the public at least seven (7) days prior to the hearing, as required by ORS 197.763 (4) (b).

**10.430 Public Hearing by Planning Commission/City Council.** The reviewing body shall conduct a public hearing on the appeal from the respective lower body at the time and place designated on the notice of review. At the commencement of the hearing, a statement shall be made by the chairperson as required by Section 10.710 (a-e). Such public hearings shall be conducted in accordance with the rules of procedure adopted by resolution by the respective body. The appellant shall appear at said hearing and offer justification of the appeal. If the appellant fails to do so, the appeal shall be denied. The Commission or Council at the conclusion of the public hearing, or within 35 days thereof, shall render a decision upon the appeal.

**10.435 De Novo Reviews.** The review of a decision of the Director or Commission shall be de novo (anew) and shall include:

- (1) All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the hearing body; and
- (2) All material submitted by the planning staff with respect to the application; and
- (3) The minutes of the hearing before the hearing body. A verbatim transcript shall be prepared upon written request and payment of cost thereof by any party; and
- (4) The findings and action of the hearing body and the notice of appeal.

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

**10.440 Appealed Decision.** The Council or Commission may amend, rescind, or affirm the appealed decision.

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

**10.445 Stay on Appeal.**

(1) The filing of an appeal shall not stay the effectiveness of the decision, but the Manager may do so upon a showing of:

(a) Irreparable injury to the appellant; and

(b) A colorable claim of error in the decision.

(2) When an appellant makes the showing required by subsection (1) of this subsection, the Manager shall grant the stay unless the Manager determines that substantial public harm will result if the decision is stayed. If the Manager denies the stay, the denial shall be in writing and shall specifically state the substantial public harm that would result from the granting of the stay.

(3) When the Manager grants a stay, he or she may impose such reasonable conditions as the giving of a bond or other undertaking.

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

**10.450 Effect of Judicial or Administrative Review.** Except as provided by law or by lawful order of a court or administrative tribunal having jurisdiction, a final decision by the Council shall remain valid and effective notwithstanding the initiation by any person of judicial or state administrative review of such decision; provided, however, that any building permit dependent upon such decision for its validity shall be issued only with the applicant's written acknowledgment, in a form approved by the City Attorney, that such review has been taken and may result in the reversal of the decision, in which event the permit will be revoked as well as any temporary occupancy permit, and the premises shall thereafter be brought into conformity with the provisions of Chapters 10 to 14 by appropriate means. No required permanent occupancy certificate shall be issued by the building official until such review has finally terminated in a decision making such occupancy in all respects lawful under Chapters 10 to 14.

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

**APPLICATION PROCEDURES AND FEES**

## **10.505 Application for Variance, Conditional Use, Zone Change, Design Review, Nonconforming Use Exception Flood Permit and Urban Growth Boundary Amendment.**

(1) Before submitting development plans for approval, an applicant proposing a variance, conditional use, zone change, design review, nonconforming use exception, flood permit and urban growth boundary amendment shall attend a pre-application conference to be scheduled with the Planning Department to obtain general information, guidelines, procedural requirements, advisory opinions and technical assistance for the project concept. The fee for this conference shall be ten percent (10%) of the application fee, this fee shall be credited toward the application fee.

[Added by Ordinance 96-19, enacted July 1, 1996]

(2) **Initiation.** An application for variance, conditional use permit, change of zone, design review, nonconforming use exception, flood permit and urban growth boundary amendment may be initiated by the owner of the property involved or an authorized agent. An application for a change of zone may also be initiated by the Council or the Commission, in accordance with the provisions of subsection (3), below. Authorization to act as an agent shall be in writing and filed with the application. Such applications shall be filed on appropriate form provided by the Planning Department. when any such application requires the submission of a site plan, the site plan shall be submitted in a form as described within Section 12.810.

[Amended by Ordinance 96-19, enacted July 1, 1996]

(3) **Initiation by Planning Commission/City Council.** The Commission and/or Council may initiate proceedings to rezone land by motion and conduct a public hearing in accordance with all applicable provisions of Chapter 10 to 14. Amendment of the Klamath Falls Urban Growth Boundary shall be initiated and processed in accordance with the current Klamath Falls Urban Growth Boundary Management Agreement. If the Council initiates such proceedings, the matter of the proposed change of zone shall first be referred to the Commission which shall then conduct proceedings as hereafter provided. If the Commission and/or Council initiate proceedings for a change of zone, they shall so advise the Director, who shall set a date for public hearing before the Commission.

[Amended by Ordinance 96-19, enacted July 1, 1996]

(4) **Ownership list.** The applicant shall file with such applications a list of names, addresses, and tax lot numbers of all owners of property situated within the following radii, including public rights of way, of the external boundaries of the property affected by the application:

- a. Variances - 250 feet
- b. Conditional Use Permit - 250 feet
- c. Change of Zone - 500 feet
- d. Design Reviews - 100 feet
- e. Annexations - 100 feet
- f. Nonconforming Use Exception - 250 feet
- g. Land Partition - 100 feet
- h. Subdivision - 500 feet
- i. Flood Hazard Permit - 250 feet
- j. Urban Growth Boundary - 500 feet
- k. Vacation - Affected Area as defined in ORS 271.080 (2)

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

Such names, addresses and tax lot numbers shall be those listed on the last preceding tax role of the Assessor of Klamath County. The applicant shall also file with the application an affidavit attesting to the validity of said ownership.

[Amended by Ordinance 96-19, enacted July 1, 1996]

(5) **Hearing Date.** Except for minor variances, minor zone boundary adjustments and those matters reviewed under Section 10.805, the Director shall, following the pre-application conference and upon receipt of a valid and complete application and fee, as required in Section 10.530, set a date for public hearing before the appropriate hearing body.

[Amended by Ordinance 96-19, enacted July 1, 1996]

### **10.510 Applications for Subdivisions or Partitions.**

(1) Before submitting development plans for approval, an applicant proposing a subdivision or partition shall attend a pre-application conference to be scheduled with the Planning Department to obtain general information, guidelines, procedural requirements, advisory opinions and technical assistance for the project concept. The fee for this conference shall be ten percent (10%) of the application fee, this fee shall be credited toward the application fee.

[Amended by Ordinance 96-19, enacted July 1, 1996]

(2) Following the pre-application conference and upon receipt of a valid and complete application and fee, the Planning Department shall review the tentative subdivision or partition plan in accordance with the provisions of Section 10.805 and ORS 92.044. The Director shall set a date for the public hearing on tentative plans before the appropriate hearing body.

[Added by Ordinance 96-19, enacted July 1, 1996]

### **10.515 Application for Vacation.**

(1) **Procedure.** Whenever any person desires to vacate all or part of any public square or other public place, plat, street or similar area, such person shall file an application for vacation with the Director on forms provided by the Planning Department. Such forms shall conform to the requirements of ORS 271.080 (1). Attached to such application shall be forms reflecting the consent of the owners of all abutting property and of not less than two thirds in area of the real property affected thereby as defined in ORS 271.080 (2). Such consent shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds. The director may require submission of a tentative plan or partition plan prior to acceptance of a vacation petition.

(2) **Hearing Date.** Upon receipt of a valid and complete application and fee, the Director shall set a date for public hearing upon the application before the Commission.

### **10.520 Application for Annexation.**

(1) **Procedure.** Whenever any person seeks to extend the boundaries of the City through annexation, such person shall file an application for annexation on forms provided by the Planning Department.

(2) **Consent Petition.** If the applicant desires to negate the need for an election as provided in ORS 222.170 (1) said application shall contain the written consent to annex of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in such territory and who own real property therein representing more than half of the assessed value of the real property in said territory.

(3) **Initiation by Council.** A proposal to annex unincorporated territory surrounded by the City may be initiated by the Council. Such initiation shall be by resolution subject to referendum.

(4) **Hearing Date.** Upon receipt of a valid and complete application and fee or resolution by the Council, the Director shall set a date for public hearing upon the application before the appropriate body.

**10.525 General Application Requirements .** If it is determined by the Director or his designated representative that any of the aforementioned applications do not provide the desired information nor have attached thereto other pertinent data requested, the application may not be accepted.

a. **Submittal of Application.** All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and be made available to the public at least twenty (20) days prior to the first evidentiary hearing or ten (10) days prior to the first hearing if two or more evidentiary hearings are allowed.

b. **Improper Application.** If it is determined by the Director or his designated representative that an application does not provide the required information nor have attached thereto other pertinent data requested, the Planning Department shall notify the applicant of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purposes of ORS 227.178 (1) upon receipt by the Department of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete for the purposes of ORS 227.178 (1) on the 31st day after the Department first received the application.

c. **Hearing Date.** Except for those applications subject to Administrative Review, the Director shall upon receipt of a valid and complete application and fee as required in Section 10.530, set a date for public hearing upon the application.

### **10.530 Application Fees.**

(1) The following fees shall be required by the Director to defray costs incidental to the proceedings and such fees, except as provided in Subsection (2) below, shall be paid at the time of the filing of each application and shall not be refundable.

Annexation	\$ 300.00
Appeals	100.00
Change of Zone	300.00
Conditional Use Permit	250.00
Condominium Plat, Tentative	200.00
Condominium Plat, Final (plus \$25.00 per building)	200.00

Design Review	250.00
Minor	75.00
Flood Hazard Permit	175.00
Nonconforming Use Exception	175.00
Partition, Tentative	200.00
Partition, Final	100.00
Property Line Adjustment	75.00
Residential Plan Check (up to 4 units)	25.00
Sign Permit Review	25.00
Subdivision, Tentative	300.00
Subdivision, Final	200.00
(plus \$5.00 per lot)	
Text Amendment	300.00
Urban Growth Boundary Amendment	500.00
Vacation	300.00
Variance, Major	150.00
Variance, Minor	75.00

a. The above fee schedule does not include costs incurred by the City relating to the provision of legal notices, including but not limited to newspaper publication and mailed notices. Such costs shall be billed to the applicant and shall be paid within 30 days of billing. Failure to pay such billing shall render any action taken relative to said application null and void.

b. The above fees represent up to three (3) hours of staff time devoted to the processing of the application. In the event the complexity and size of the project requires staff time in excess of three (3) hours, an additional charge shall be paid based on the following hourly rates:

Community Development Director	\$ 45.00
Senior Planner	45.00
Administrative Assistant	20.00

[Amended by Ordinance 6620, enacted June 17, 1991]

[Amended by Ordinance 94-34, enacted November 7, 1994]

(2) The fees established herein shall not be required of governmental agencies or nonprofit organizations. For purposes of this section, nonprofit organizations shall be excluded from the definition of "business" as provided in Section 7.015(1). The above waivers shall not apply to costs established above.

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

(3) The fees established herein may be amended by resolution of the City Council.

(4) Land use requests requiring more than one application (e.g. zone change and variance) shall be charged only for the application with the highest assessed fee plus one half the fee of other applications, as indicated in (1) of this section. When required with conditional use permits, design reviews shall not be charged an additional fee. Minor variances with any other application shall not be charged an additional fee.

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

(5) A land development engineering fee, no part of which is refundable, shall be submitted to the Public Works Director in the amount of 4 percent (4%) of the estimated cost of anticipated improvements, with such estimate to be determined in accordance with Subsection 11.510(2). The engineering fee shall be paid in full, prior to the commencement of any construction within tentative plans and final plans or maps.

[Amended by Ordinance 94-34, enacted November 7, 1994]

**10.535 Concurrent Applications.** Development proposals and projects which require more than one land use request (e.g. variance and zone change) may be processed concurrently, at the request of the applicant and is subject to the 120 day time limit set out in ORS 227.178.

**10.540 Final Action.** Final action on permits, zone change applications or land use requests and amendments shall be subject to the requirements of ORS 227.178.

**10.545 Rehearing.** The Council, Commission or Director shall not consider any application involving a lot, parcel, or structure which has been the subject of the same application within twelve months following final action on such application, unless substantial new evidence is submitted which could not reasonably have been presented at the previous meeting.

## **NOTIFICATION REQUIREMENTS**

**10.605 Public Hearings.** Unless otherwise required by this Ordinance, any hearing before the Commission or Council required by any provision of Chapters 10 to 14 shall be a public hearing held in accordance with the notification and procedure requirements hereinafter provided.

### **10.610 Notice of Hearing.**

(1) Upon fixing the time of public hearing before the City Council or Commission



the Director shall cause notice of such hearing to be given by mail, posting, publication, or broadcast as required by the provisions of Sections 10.605 to 10.635. Said notice shall set forth the following:

- a. location, date, time and place of the hearing;
- b. summary of the nature and substance of the action to be considered at the hearing including the proposed use or uses which could be authorized;
- c. applicable review criteria that apply to the land use request;
- d. location of the subject property;
- e. statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Planning Commission, Council or Land Use Board of Appeals (LUBA) based on that issue;
- f. the name and phone number of a City representative to contact for further information;
- g. indication that a staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a reasonable cost;
- h. indication that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost;
- i. a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing; and
- j. a brief description of the property involved.

(2) Notice of any hearing shall be given not less than twenty (20) days prior to the evidentiary hearing, or ten (10) days if two or more evidentiary hearings are allowed as follows:

- a. By publication once in a local newspaper of general circulation;

- b. By providing notice to all local electronic media;
- c. By first class mail to applicant and all property owners as shown on the ownership list filed with the application. However, failure to receive such notice shall not invalidate any of the proceedings involved if the City can demonstrate by affidavit that such notice was given, by mail.
- d. Where applicable, by posting in accordance with Section 10.615.

**10.615 Posting Notices.** The Director may require that applicants post notices of public hearings to be held by the Council or Commission. By posting signs in a manner clearly visible on the subject property within 10 feet of whatever boundary line of such land, abuts each public road or street. If no public road abuts thereon, then such signs shall face in such a manner as may be most readily seen by the public. Such signs shall be provided to affected applicants by the Director.

**10.620 Notice of Administrative Action.** The Director may cause notice to be given to all property owners within 250 feet of the external boundaries of a proposed conditional use permit, tentative plan approval, variance, minor or major partition or lots or parcels affected by a temporary permit of pending administrative action on said application. Such notice shall include a summary of the nature and substance of the proposal, a brief description of the property involved and a solicitation of oral or written comments to be submitted within 5 calendar days of mailing of notice.

[Amended by Ordinance 6559, enacted October 17, 1988]

**10.625 Notice of Hearing on Vacation Petition.**

(1) Upon receipt of a resolution from the Council or a petition to vacate all or part of any public square or other public place, plat, street or similar area, the Director shall give notice as prescribed in Section 10.610.

(2) Upon receipt of a recommendation from the Commission, pursuant to Section 10.515, the City Recorder shall give notice of the petition and hearing by publishing a notice in a newspaper of general circulation once each week for four consecutive weeks.

**10.630 Notice of Annexation Hearing.** The City Recorder shall cause notice of a public hearing upon a proposed annexation to be published in a newspaper of general circulation once each week for two successive weeks prior to the day of hearing. The City Recorder shall also cause notices of such hearing to be posted in four public places in the City for a like period.

**10.635 Notice of Annexation Election.** The Council shall give notice of each annexation election by publication prior to such election once each week for four successive weeks in a newspaper of general circulation in the city. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the city if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in 10.505 to 10.610 for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of and a map indicating the boundaries of each territory proposed to be annexed and the registered voters shall be invited thereby to vote upon such annexation. The Council shall also designate and the notice shall state the hours during which the polls will be open within the city and in each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time or if the election is not held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different from the regular precinct polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different.

## **RULES OF PROCEDURE FOR THE CONDUCT OF HEARINGS**

### **10.705 Scope.**

- (1) Conduct of all public hearings by the Commission or the Council pursuant to application under Chapters 10 to 14 shall be governed by procedural rules adopted by resolution of the respective body.
- (2) Every person entitled to notice of hearing pursuant to Chapters 10 to 14, shall be entitled to be heard in accordance with the rules as herein established.
- (3) These rules shall be interpreted to promote justice. Technical violations which do not affect substantial rights of parties or of the public, shall not interfere with the hearing of an application.

### **10.710 General Conduct of Hearing.**

- (1) **Commencement of Hearing.** At the commencement of a hearing, a statement shall be made by the Commission or Council chair that:
  - a. Lists the applicable review criteria;
  - b. States that testimony and evidence must be directed toward the review criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision; and
  - c. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
  - d. States that if additional documents or evidence is provided in support of the application, then any party shall be entitled to a continuance of the hearing. Such continuance shall not be subject to the limitations of ORS 227.178 regarding final decisions.
  - e. States that unless there is a continuance, if a participant to the hearing so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.

## **ADMINISTRATIVE REVIEW**

### **10.805 Administrative Review - Staff and Procedures.**

- (1) An applicant for an Administrative Review action shall submit an application in accordance with the provisions of Section 10.505.
- (2) Except as provided by subsection (3) below, application with all required forms, may be processed by the Director without a need for a public hearing. The Director shall mail notice of the proposal to all adjacent property owners as required by Section 10.505. The notice shall summarize the standards and facts related to the decision, invite persons to submit information relevant to the standards and facts that are pertinent to the proposal within five (5) days of notification giving reasons why the application should or should not be approved. The notice shall also advise the person of his right to request a hearing.

(3) If the Director contemplates that persons can be expected to question the relevant zone requirements, site standard requirements of Chapter 14 and need for the proposed action, or if any property owner entitled to notice under subsection (2) requests a public hearing in writing, the Director will initiate a public hearing on the application. The Director shall set a date for the public hearing and mail notice to those same persons receiving the original notice. The Director may at his discretion, choose to initiate a public hearing and provide notice of such as required herein without making a preliminary determination and mailing notice of such as provided in subsection (2). At the public hearing, the applicant and interested parties may present information and arguments relevant to the proposal including reasons why the application should be approved or denied or proposing modifications that the persons believe necessary for approval.

(4) The Director shall review the application, written comments and testimony, if any and make a finding for each point in dispute and make a decision on the application by approving, conditionally approving or denying the application within (10) ten days of the closing of the period for comments. The decision of the Director shall be according to quantifiable requirements of Chapter 10 to 14. The decision of the Director shall be reduced to writing and in the event of disapproval, shall set forth the findings for the disapproval. The written decision shall be mailed to the applicant and to any person who has appealed within five (5) working days of the Director's decision.

**10.810 Citizen Involvement.** To assure advisory public involvement in the planning process, every application may be submitted to the citizens of the city for their review and advisory comment through the procedures provided by the Citizen Involvement program as adopted by the Council.

**10.815 Agency Involvement.** To assure affected agencies involvement in the planning process, every application may be referred to appropriate local, state and federal agencies for their review and comment. The Planning Department shall utilize procedures as outlined in the Klamath Falls Urban Growth Boundary Management Agreement in notifying appropriate Klamath County Departments for review and comment and/or recommendation.

## **CHAPTER 11**

### **LAND DEVELOPMENT REVIEW**

#### **MINOR DESIGN REVIEW**

11.000 Procedure

11.005 Application

11.010 Appeal

#### **DESIGN REVIEW**

11.050 Purpose

11.055 Review and Appeal

11.060 Application

11.065 Procedure

11.068 Criteria for Approval

11.081 Resubmission

11.085 Appeal

11.090 Conformity to the Site Plan

11.092 Bonding and Assurance

11.093 Site Plan Agreement

11.094 Validity Period

#### **CONDITIONAL USE PERMIT**

11.100 Procedure

11.105 Required Findings

11.110 Decision - Conditions of Approval

11.115 Appeals

11.120 Termination of Conditional Use Permit

### **MINOR VARIANCE**

11.200 Procedure

11.205 Required Findings

11.210 Appeal

-

### **MAJOR VARIANCE**

11.250 Authority

11.255 Procedure

11.260 Hearing Date/Notice

11.265 Required Findings

11.270 Appeal

11.275 Termination of Major Variance

### **ZONE BOUNDARY AMENDMENTS**

11.300 Boundaries and Boundary Adjustments

11.305 Initiation/Decision

### **CHANGE OF ZONE - MAJOR PARCELS**

11.400 Procedure

11.405 Hearing Date/Notice

11.410 Hearing - Planning Commission

11.415 Required Findings

11.420 Hearing Date - Council

11.425 Hearing - Council

11.430 Decision of Council

11.435 Required Findings

11.440 Termination of Change of Zone

## **TEMPORARY PERMITS**

11.500 Authorization

11.505 Application/Notice

11.510 Standards

11.515 Required Findings

11.520 Temporary Permit Conditions

11.525 Duration of Temporary Permit

11.530 Voiding of a Temporary Permit

## **NONCONFORMING USES**

11.550 Procedure

11.560 Hearing Date/Notice

11.570 Required Findings



**PROPERTY LINE ADJUSTMENT**

11.600 General Provisions

11.610 Application Procedure and Review Process

11.615 Property Line Adjustment Review Map Requirements

11.620 Review Criteria

11.625 Final Approval

11.630 Appeal

**LAND PARTITIONING**

11.705 General Provisions for Partitions

11.710 Application Procedure

11.715 Tentative Map Requirements

11.720 Review Process - Tentative Map

11.723 Review Criteria

11.725 Partition - Final Approval

**TENTATIVE SUBDIVISION PLAN**

11.800 Application Procedure

11.805 Design Standards

11.810 Tentative Plan Content

11.815 Review Criteria

11.820 Approval of Tentative Subdivision Plan

11.825 Manufactured Home Subdivision

### **FINAL SUBDIVISION PLATS**

11.850 Submission of the Final Plat

11.855 Form of Final Plat

11.860 Information on Plat

11.865 Supplemental Information with Plat

11.870 Technical Plat Review

11.875 Approval of the Plat

11.880 Filing of Plat

### **DEDICATION OF LANDS FOR PUBLIC USE**

11.900 Application

11.905 Procedure

11.910 Procedure for Street Acceptance and Dedication

-

### **IMPROVEMENT GUARANTEE**

11.920 Agreement for Improvements

11.925 Bond

### **DESIGN STANDARDS**

11.930 Principles of Acceptability

## **LANDS FOR PUBLIC PURPOSES WITHIN LAND DEVELOPMENTS**

11.950 Reservation for Public Acquisition

### **IMPROVEMENTS**

11.970 Improvement Procedures

11.975 Specification for Improvements

11.980 Improvement in Land Developments

11.985 Improvement in Partitions

## **LAND DEVELOPMENT REVIEW**

### **CHAPTER 11**

#### **MINOR DESIGN REVIEW**

**11.000 Procedure.** The Director, without public hearing and without publishing or mailing of notices, may consider and render a minor design review decision, when a plan requiring design review, reference Section 11.050 and calls for less than a 10% addition to an existing footprint or construction or reconstruction of a parking lot for commercial, industrial or public facilities.

[Added by Ordinance 97-20, enacted August 4, 1997]

**11.005 Application.** The application requirements for a minor design review shall be the same as set forth in Section 11.060.

[Added by Ordinance 97-20, enacted August 4, 1997]

**11.010 Appeal.** The decision of the Director shall be final unless the applicant is dissatisfied in which case the applicant may appeal by following the procedure in Section 10.405. The applicant shall pay the appeal fee pursuant to Section 10.530.

[Added by Ordinance 97-20, enacted August 4, 1997]

#### **DESIGN REVIEW**

**11.050 Purpose.** For purpose, see Section 10.000, Purpose and Scope.

**11.055 Review and Appeal.** A design review shall be conducted whenever plans are made for the following:

[Amended by Ordinance 6620, enacted June 17, 1993]

- (1) A new structure or an exterior structural addition, extension or relocation of or to, an existing structure or a commercial, industrial or public facility nature; or
- (2) A business enterprise or individual use to move into an existing structure that requires a change in occupancy as defined by the building code or into a structure which is not in compliance with off street parking, site access and/or landscaping requirements of Chapter 14; or
- (3) A multifamily dwelling having five or more units; or
- (4) Parking lots for commercial, industrial or public facilities or a multifamily dwelling having five or more units.

The decision of the Director may be appealed pursuant to Sections 10.405 to 10.440.

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

**11.060 Application.** A design review shall be conducted whenever plans are made for a new structure or for an exterior structural addition, extension to a new or existing commercial, industrial or public facility nature or pertaining to a multifamily dwelling having five (5) or more units. The applicant shall submit ten (10) copies of the applicable plans, illustrations and/or photographs, as applicable.

[Amended by Ordinance 96-19, enacted July 1, 1996]

(1) **Site Plan.** A site plan shall be signed by the applicant and shall contain the following information in written and/or graphic form, to an appropriate scale:

a. Date

b. North arrow

- c. Written and graphic scale
- d. Lot and building dimensions, setback dimensions and height of all existing structures which are to be retained on the site.
- a. Proposed layout of the parking lot, including location and dimensions
  - of parking spaces, handicap parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indications of directions of travel.
  - f. Location and type of handicap access
  - g. Location of adjacent streets
  - h. Existing utilities
  - i. Location of all recreational amenities such as open play areas, swimming pools, tennis courts, tot lots and the like.
  - j. Statement of present zoning and the intended use of the property.
  - k. Site data in tabular form including: total area of the property (square feet); building coverage (square feet); existing gross floor area (square feet); parking lot coverage (square feet); parking lot landscape coverage (square feet); and number of parking stalls provided.
  - l. Location of all fencing used to divide properties and to screen mechanical equipment.
  - m. Trash containers
  - n. External lighting

- o. Existing and proposed signing
- p. Existing site specific physical features including drainage ways, lakes and structures, with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified including setback dimensions of adjacent structures.
- q. Finished floor elevation related to curb, street or other established grade or bench mark. All lots shall show grading and drainage with existing grade contours and finished grades or contours clearly indicated.
- r. Size and location of all existing and proposed public and private utilities, easements or rights of way.
- s. Location, dimension and names of proposed internal streets showing center line radii and curb return radii. Location and dimensions of sidewalks shall also be shown.
- t. Proposed gross floor area (square feet) and number of residential units as appropriate (in tabular form).

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

[Amended by Ordinance 6620, enacted June 17, 1993]

[Amended by Ordinance 96-19, enacted July 1, 1996]

(2) **Landscape Plan.** A landscape plan shall include the following information:

- a. Tree planting calculations.
- b. Existing vegetation noting species, size and driplines of trees 2½" caliper and larger, with a

distinction shown between vegetation to be retained or removed.

c. New plant material noting quantities, species (botanical and common names) and size (in caliper or height at time of installation) and graphically distinguishing between new and existing plan material and between species of new plant material.

d. Paving and materials.

e. Screening, noting materials used as screen, height of screen material, device or area which requires screening and height of device to be screened (exterior areas which require screening include parking, refuse storage and mechanical equipment).

f. Storm water retention/detention areas.

[Added by Ordinance 96-19, enacted July 1, 1996]

(3) **Vicinity Map.** A drawing or photograph which indicates the relationships and forms of existing developments within 250 feet of the proposed project. The project site shall be highlighted.

[Added by Ordinance 96-19, enacted July 1, 1996]

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

(4) **Building Elevations.** At a minimum, the front and one side elevation shall be submitted.

[Added by Ordinance 96-19, enacted July 1, 1996]

(5) **Zoning Map.** A drawing which identifies the zoning designation of the project site and adjacent parcels in the general area of the project.

[Added by Ordinance 96-19, enacted July 1, 1996]

(6) **Tenant Signage Criteria.** A narrative document which forms the basis of a legally binding agreement between landlord and tenant which sets forth requirements and parameters for signage placement, sizes, quantities, quality, color, materials and graphic character. This will also serve as the basis of Commission review to permit future tenant modifications consistent with the aesthetic intent of the project as a whole.

[Added by Ordinance 96-19, enacted July 1, 1996]

(7) **Material Samples.** A display board which illustrates actual site and building materials. Samples shall provide an accurate representation of color, texture, finish and range variations.

[Added by Ordinance 96-19, enacted July 1, 1996]

(8) **Photographs.** Current color photographs of the site showing all building elevations, surrounding properties and landscape views. Format shall be a minimum 4" x 6" color print or color slides.

[Added by Ordinance 96-19, enacted July 1, 1996]

(9) **Topographic Map.** The minimum accepted will be a USGS map.

[Added by Ordinance 96-19, enacted July 1, 1996]

(10) **Sign and Awning Elevations.** Documentation shall include:

a. Views of supporting members including poles, bases and pedestals;

b. Side views which indicate signage depth and projections;



- c. Method of illumination (if applicable);
- d. Dimensions of sign faces, support members, borders, trims, letters and graphics; and
- e. Method of attachment of wall signs.

[Added by Ordinance 96-19, enacted July 1, 1996]

### **11.065 Procedure.**

(1) The applicant for a design review shall consider the relevant zone requirements and the site standard requirements of Chapter 14, in preparing a site plan herein required. The applicant shall submit the application and supporting documentation in the form as required by the Planning Department. If the Director determines it is within the public interest, due to the complexity and/or uniqueness of the proposed project, he may require the applicant to provide the services of a licensed architect, engineer, surveyor and/or landscape architect.

[Amended by Ordinance 6620, enacted June 17, 1993]

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

(2) Except as provided by Subsection (3) below, an application shall be processed by the Director without a need for public hearing. If the Director determines that the development proposal appears to meet the required standards, the Director shall mail notice of the proposal for which approval is forthcoming to all property owners within a 100 foot radius of the property. The notice shall summarize the standards and facts related to the decision, invite persons to submit information relevant to the standards that are pertinent to the proposal within five (5) days of notification, giving reasons why the application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise the person of the right to request a hearing.

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

- 1.
2. If the Director contemplates that persons other than the applicant can be expected to question the application's compliance with the relevant zone requirements and the site standard requirements of Chapter 14 or if any property owner entitled to notice under Subsection (2) requests a public hearing in writing, the director will initiate a public hearing on the application before the Planning Commission. The Director shall set a date for the public hearing and mail notice to those same persons receiving the original notice. The Director at his discretion may choose to initiate a public hearing and provide notice such as required herein without making a preliminary determination and mailing notice of such as provided in Subsection (2). At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposal including reasons why the application should be approved or denied or proposing modifications the person believes necessary for approval.

(4) The Director shall review the application, written comments and testimony if any and make a finding for each point in dispute and make a decision on the application by approving, conditionally approving or denying the application within ten (10) days of the closing of the period for comments. The decision of the Director shall be based upon the compliance of the site plan with the relevant zone requirements and the site standards set forth in Chapter 14 and shall be to approve, disapprove or conditionally approve the plan. The decision of the Director shall be reduced to writing and in the event of disapproval, shall set forth the specific requirements of Chapter 14 or of the relevant zone which are not in compliance. The written decision shall be mailed to the applicant and to any person who has appealed within five (5) days of the date of the Director's decision.

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

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

**11.068 Criteria for Approval.** The following criteria shall be used to approve or deny an application:

- (1) All applicable City ordinances have been met or will be met by the proposed development.

(2) That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, storm drainage and adequate transportation can and will be provided to and through the subject property.

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

**11.070** [Repealed by Ordinance 6413, enacted January 3, 1983]

**11.075** [Repealed by Ordinance 6413, enacted January 3, 1983]

**11.080** [Repealed by Ordinance 6413, enacted January 3, 1983]

**11.081 Resubmission.** Within 20 days of the date of the Director's written decision, the applicant may resubmit the application with corrections sufficient to bring the site plan into compliance with the standards of Chapter 14 and the relevant zone requirements. Review of the resubmitted application shall follow the procedure set forth in Section 11.065. In the event the resubmitted site plan fails to comply with the relevant zone requirements and/or the standards of Chapter 14 and is therefore disapproved by the Director, there shall be no further resubmittals of the site plan without payment of a new application fee.

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

**11.085 Appeal.** A decision of the Director may be appealed pursuant to the provisions of Sections 10.405.

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

**11.090 Conformity to the Site Plan.**

(1) No building permit shall be issued nor any development commence until a site plan, as required under Sections 11.050 to 11.068, is approved by the Director and a site plan agreement, as outlined in Section 11.050, is signed by both parties.

(2) Upon written request of the applicant, the Director may approve quantifiable changes in approved site plans, not to exceed five (5) percent of quantifiable requirements, when he determines the changes will not significantly alter the character, density, intensity or otherwise significantly change

the plan as originally approved. Significant changes must be approved anew as required by Sections 11.050 to 11.068.

### **11.092 Bonding and Assurance.**

(1) **Type of Security.** The Director may require, as a condition of site plan approval, a security bond or other adequate assurances as provided in Section 11.925(1) to assure full conformance of all development to the approved site plan.

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

(2) **Amount Required.** The amount of such bond or other assurance shall be established in accordance with the provisions of Section 11.925.

(3) **Default Status.** If the applicant fails to conform to the approved site plan, the City shall utilize the securities as provided in this section to assure such conformance, including court costs and attorneys' fees necessary to enforce conformance. If the amount of the securities exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of securities is less than the cost and expense incurred by the City, the applicant shall be liable to the City for the differences and upon demand, pay such liability to the City.

**11.093 Site Plan Agreement.** Any site plan approved pursuant to the provisions of this section shall not become valid until a Site Plan Agreement, as provided in Exhibit M(1), of Section 10.310 is signed by all parties.

**11.094 Validity Period.** Site plans approved by the Director shall remain valid for a period of one year following the date of its approval. At the end of that time, if substantial site excavation or construction has not begun, then the site plan approval shall be void and shall become effective only if resubmitted to the Director and again approved. All construction and development initiated under any building permit shall be in accordance with the approved site plan.

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

## CONDITIONAL USE PERMIT

**11.100 Procedure.** An applicant for a conditional use permit shall submit an application in accordance with the provisions of Section 10.505. The application with all required forms will be processed according to Section 10.805, Administrative Review.

**11.105 Required Findings.** Prior to making a decision on the requested conditional use permit, the Director shall analyze the following criteria and incorporate such analysis into a decision on the proposed conditional use permit:

(1) The conditional use permit conforms to all provisions of Chapters 10 to 14 and any applicable street plans;

(2) The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required to adjust said use with land and uses in the neighborhood;

(3) The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

(4) The proposed use will have no adverse effect on abutting property or the permitted uses thereof; and

(5) That adequate capacity of City facilities for water, sewer, paved access, electricity and storm drainage can and will be provided to and through the property;

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

(6) The proposed use is similar in scale, bulk, coverage and is architecturally compatible with other uses in the same vicinity and zone;

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

(7) Provision of public facilities and services to the site will not cause service delivery shortages to existing development;

and

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

(8) The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

**11.110 Decision - Conditions of Approval.** The Director may approve, approve with conditions or deny the application for a conditional use permit. In permitting a conditional use, the Director may impose in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. The conditions may include:

(1) Requirements increasing the required lot size or yard dimensions.

(2) Control of location and number of vehicular access points to the property.

(3) Increase street width.

(4) Require dedication and improvement of additional right of way.

(5) Increase in the number of off street parking or loading spaces required.

(6) Limit the coverage or height of buildings because of obstruction of view or reduction of light or air to adjacent property.

(7) Limit the hours of operation.

(8) Require sight obscuring fencing, landscaping and/or construction of sound barriers such as earth berms or masonry walls.

(9) Require any future enlargement or alteration of the use to be reviewed by the Director.

(10) Review of the conditional use by the Director on or before a specified date and may upon such review, impose further conditions consistent with this chapter.

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

**11.115 Appeals.** A decision of the Director may be appealed pursuant to the provisions of Sections 10.405 to 10.450.

**11.120 Termination of Conditional Use Permit.**

(1) When a conditional use permit is approved, such approval shall become void one year from the date of approval if substantial progress, such as substantial site excavation or substantial structure construction, toward the specified conditional use has not been made. The holder of such a permit may apply for an extension of such approval and may be granted by the Director.

(2) When a use allowed through an approved conditional use permit is discontinued for a period of more than one year, the conditional use permit shall become null and void. Continuation of the use following this time shall require a new conditional use permit.

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

**MINOR VARIANCE**

**11.200 Procedure.** In the public interest and when agreed to by the applicant, the Director, without public hearing and without publishing or mailing of notices, may consider and render decisions on minor variances involving a reduction or expansion of not more than 20 percent of any quantifiable provision of Chapters 10 to 14.

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

**11.205 Required Findings.** The Director shall analyze each of the criteria listed in Section 12.790 11.265 applicable to the applicant's property and incorporate such analysis into his decision. The decision and analysis shall be in writing.

**11.210 Appeal.** The decision of the Director shall be final unless the applicant is dissatisfied, in which case the applicant may appeal by following the procedure in Section 10.405; at which time, an appeal fee shall be charged pursuant to Section 10.530.

## **MAJOR VARIANCE**

**11.250 Authority.** The Director may approve, conditionally approve or disapprove major variances to quantifiable requirements of Chapters 10 to 14.

**11.255 Procedure.** An applicant for a major variance shall submit an application in accordance with the provisions of Section 10.505. An application for a major variance from any land development requirements of Chapter 11, shall be filed with the tentative plan. The application with all required forms will be processed according to the Administrative Review Procedure, Section 10.805.

**11.260 Hearing Date/Notice.** The date for public hearing before the Planning Director, shall be fixed in accordance with the provisions of Subsection 10.505(4). Notice of such hearing shall be made pursuant to the provisions of Sections 10.605 to 10.635.

**11.265 Required Findings.** Prior to making a decision on the requested major variance, the Planning Director shall analyze the following criteria and incorporate such analysis in his decision on the proposed major variance.

(1) The major variance is in conformance with the Comprehensive Plan, all other provisions of Chapters 10 to 14 and any applicable street plans.

(2) There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone.

(3) A major variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone.

(4) The granting of the requested major variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the



property affected is located and will not be contrary to the intent of Chapters 10 to 14.

**11.270 Appeal.** A decision of the Planning Director may be appealed pursuant to the provisions of Sections 10.405 to 10.440.

**11.275 Termination of Major Variance.** When a major variance is approved, such approval shall become void one year from the date of such approval if substantial progress, such as substantial excavation or substantial construction toward the specified major variance has not been made. The holder of such a major variance may apply for an extension of such approval and may be granted by the Director.

## **ZONE BOUNDARY AMENDMENTS**

**11.300 Boundaries and Boundary Adjustments.** Unless otherwise specified, zone boundaries are lot lines or the center of streets, alleys, railroad rights of ways or public waterways as indicated. Where a zone boundary divides single or contiguous lots or parcels under a single ownership into two zones on April 20, 1981, then the entire lot or parcel shall be zoned for the less restrictive use by the adjustment of the boundaries by the Director. If the boundary adjustment involves an average distance of 20 feet or more, the procedure for a zone change shall be followed as provided in Sections 11.400 to 11.440.

**11.305 Initiation/Decision.** The application for a zone boundary adjustment shall submit an application in accordance with the provisions of Section 10.505.

## **CHANGE OF ZONE - MAJOR PARCELS**

**11.400 Procedure.** When any change of zone is sought, the applicant shall submit an application for a change of zone in accordance with the provisions of Section 10.505.

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

**11.405 Hearing Date/Notice.** The date for public hearing before the Commission shall be fixed in accordance with Subsection 10.505(4). Notice of such hearings shall be made pursuant to the provisions of Section 10.605 to 10.635.

**11.410 Hearing - Planning Commission.** The Commission shall conduct a public hearing on the requested change of zone regarding a major parcel at the time and place designated on the notice of public hearing. After consideration of all pertinent information and testimony, the Commission shall

announce its recommendation at the close of testimony; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing. The recommendation of the Commission shall be to approve, disapprove or conditionally approve the requested change of zone. Said decision shall incorporate findings in support of such recommendation in writing. The recommendation shall be filed with the City Recorder and a copy mailed to the applicant.

**11.415 Required Findings.** Prior to making a recommendation on the proposed change of zone, the Commission shall analyze the following criteria and incorporate such analysis in their decision:

- (1) The change of zone is in conformance with the Comprehensive Plan and all other provisions of Chapters 10 to 14 and any applicable street plans.
- (2) The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning.
- (3) The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.
- (4) The proposed change of zone will have no adverse effect on abutting property of the permitted uses thereof.

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

**11.420 Hearing Date - Council.** Upon receipt of the recommendation from the Commission, the Planning Director shall set a date for public hearing before the Council.

**11.425 Hearing - Council.** The Council shall conduct a public hearing on the record of the Commission hearing. The scope of the Council hearing shall be limited to the record made before the Commission. If the Council determines that new testimony should be taken, it shall refer the matter back to the Commission for a hearing of such new testimony. The Council shall announce its decision at that time or within thirty five days thereof; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing.

**11.430 Decision of Council.** The decision rendered by the Council shall be to remand, sustain or reverse the recommendation of the Commission and shall be in writing. The decision of the Council shall be mailed to the applicant within five days from the date of decision.

**11.435 Required Findings.** Prior to rendering a decision on a change of zone, the Council shall make such written findings as required in Section 11.415.

**11.440 Termination of Change of Zone.** When any change of zone is approved, if substantial progress such as substantial excavation or substantial construction toward the conduct of a use permitted within that zone has not been made within one year from the date of such approval, the Planning Commission may initiate, without permission of the owner, the reversion of the zoning to the original zoning district. Adoption of an ordinance shall be required for the reversion.

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

## TEMPORARY PERMITS

**11.500 Authorization.** The Director may in writing and in a manner consistent with the provisions of Sections 11.500 to 11.530, authorize temporary structures including manufactured

homes which are incidental to construction on the same property or which are to be used as temporary offices on the same property during construction. In either case, such authorization shall not exceed a period of 12 months.

**11.505 Application/Notice.** The applicant shall submit an application for a temporary permit on the appropriate forms provided by the Planning Department. Notice of administrative action shall be provided pursuant to the provisions of Section 10.620.

**11.510 Standards.** Applicants for temporary permits shall submit evidence as may be required to enable the Director to make a finding that one or more of the following conditions exist:

(1) The need of the temporary structure authorization is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements to a preexisting structure previously occupied by the applicant on the premises for which the permit is sought.

(2) The applicant has been evicted within sixty days of the date of the application from a preexisting occupancy of the lot or parcel for which the permit is as a result of:

a. Condemnation proceedings by a public authority;

b. Eviction by abatement of nuisance proceedings; or,

c. By determination of a public body or court having jurisdiction that the continued occupancy of facilities previously occupied constitutes a nuisance or is unsafe.

(3) The temporary occupancy required is limited in duration by the purposes for which the permit is sought, such as Christmas tree sales, temporary banking or office facilities, parade stands, circuses, fairs or other exhibitions and other obviously temporary needs.

(4) The purpose for which the temporary structure authorization is sought is incidental to the basic purpose for which the lot or parcel is being developed and the duration of such structure is limited by the period of development, such as construction site offices or temporary real estate offices.

**11.515 Required Findings.** Prior to granting approval of a temporary permit, the Director shall analyze the following criteria and incorporate such analysis in his decision:

(1) The location, size, design and operating characteristics of the proposed temporary structure, if applicable, will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.

(2) The proposed temporary structure will not adversely affect the capacity, circulation or generation of traffic on streets or other public ways in the vicinity.

(3) The use of the proposed temporary structure is consistent with the spirit and intent of the zone where the structure is to be located and does not create a substantial property right not enjoyed by others within the same zone.

**11.520 Temporary Permit Conditions.** Reasonable, clear and objective conditions may be imposed by the Director in connection with the temporary permit as necessary to meet the purposes of Sections

11.500 to 11.530. Guarantees and evidence may be required that such conditions will be or are being complied with. Such clear and objective conditions shall be quantifiable whenever possible and may include but are not limited to:

- (1) Special yards and spaces
- (2) Fences and walls
- (3) Control of points of vehicular ingress and egress
- (4) Special provisions for signs
- (5) Landscaping and maintenance of such landscaping
- (6) Maintenance of the grounds
- (7) Control of noise, vibration and odors
- (8) Limitation of operational hours for certain activities.
- (9) A time period within which the proposed use shall be developed.
- (10) A time limit on total duration of temporary use.

**11.525 Duration of Temporary Permit.** The duration of such temporary permit and attendant structure shall not exceed the period prior to the completion and occupancy of a permanent structure or 12 months, whichever comes first.

**11.530 Voiding of a Temporary Permit.** When a temporary permit is approved, such approval shall become void six (6) months from the date of such approval if the Director determines substantial progress, such as substantial excavation or substantial construction, toward the desired use has not been made. The holder of such a permit may apply for an extension of such approval as may be granted by the Director.

## **NONCONFORMING USES**

**11.550 Procedure.** Exceptions from any provisions of Sections 11.550 to 11.570, may be granted by the Planning Director. An applicant for such an exception shall submit an application on appropriate forms

provided by the Planning Department.

**11.560 Hearing Date/Notice.** The Planning Director shall provide notice and review said application in accordance with the provisions of Section 10.505.

**11.570 Required Findings.** Prior to making a decision on the proposed exception, the Planning Director shall analyze the following criteria and incorporate such analysis in his decision on the proposed exception:

(1) The exception is compatible with adjacent land uses and will not create adverse effects upon surrounding properties.

(2) The exception will result in an upgrading of the property to the extent that site considerations including but not limited to parking, traffic circulation, drainage, pedestrian ways, screening, landscaping and signs are brought into conformance with the provisions of Chapter 14, to the maximum extent practicable.

(3) The exception is necessary to maintain a substantial property right of the applicant and avoid undue hardship which can be relieved only by excepting the provisions of Sections 11.550 to 11.570.

## **PROPERTY LINE ADJUSTMENT**

**11.600 General Provisions.** A property line adjustment is required any time an adjustment of a property line is made by the relocation of a common boundary. Persons desiring to make property line adjustments are encouraged to contact the City Planning Department prior to making application. The Department shall provide information pertaining to the requirements of this ordinance, as well as other information having a direct influence on the proposed property line adjustment.

### **11.610 Application Procedure and Review Process.**

(1) Property line adjustments shall be subject to an administrative review and the procedures and requirements set forth in Chapters 10 to 14 of this ordinance.

(2) An application for a property line adjustment shall be accompanied by a filing fee in the amount stated in Section

10.530 (1). This fee does not include the costs associated with filing of the final survey, if required or recording costs.

(3) Notice of the proposed property line adjustment shall be sent to all property owners immediately affected by the adjustment.

**11.615 Property Line Adjustment Review Map Requirements.** Applications for property line adjustments shall include the following:

(1) A site plan drawn clearly and legibly showing the following information:

- a. Title block containing the words "Proposed Property Line Adjustment".
- b. Property location including address (if applicable) or general location, tax account number of affected properties from the records of the Klamath County Assessor.
- a. Legal description including Subdivision, Lot and Block or Land Partition or Parcel Number.
- b. Existing and adjusted property lines.
  - e. Location and size of all structures and improvements on all affected properties.
  - f. Total square footage of all existing and proposed structures.
  - g. Distances to adjusted property lines for all structures.
  - h. Total acreage or square footage of proposed properties (after adjustment).
  - i. Date, north arrow and scale. Site plan shall be drawn to an appropriate engineer's scale which shows the greatest detail on a single sheet.

j. Locations, width and name of any existing or proposed streets, roads or easements abutting the lots. Easements shall include recorded reference, if applicable.

k. Location of above and below ground utilities in all affected properties.

l. Other information determined to be necessary due to the existence of special site considerations or unique circumstances.

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

(2) An adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS 92.060 (3) and a survey, complying with ORS 209.250, shall be filed with the County Surveyor.

(3) The requirements of (2) shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary.

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

**11.620 Review Criteria.** Prior to making a decision on the requested property line adjustment, the Director shall analyze the following criteria and incorporate such analysis into the final decision on the proposed property lien adjustment.

(1) Both contiguous parcels affected by the property line adjustment have been lawfully created;

(2) The property line adjustment does not result in the creation of an additional unit of land;

(3) The parcels resulting from the property line adjustment shall conform to current zoning regulations as contained in Chapter 14 of the Community Development Ordinance pertaining to size and setback requirements;



(4) Property lines of lots, parcels or tracts of land that have nonconforming sizes, may be adjusted only if a new nonconformity is not created or if the requirements of Sections 11.200 to 11.275 (Variances) are complied with;

(5) The property line adjustment will not interfere with any public or private easement; and

(6) Proposed property line adjustments which result in changing the orientation of a lot, such as creating a new front, shall be reviewed as a land partition or a replat.

**11.625 Final Approval.** Following approval by the Director and City Surveyor, the applicant shall:

(1) Record appropriate document(s) with the County Clerk;

(2) When required by the City Surveyor, file a survey in accordance with ORS 209.250 with the County Surveyor;

(3) Provide a copy of the site plan and legal description or map of survey to the County Assessor.

630. **Appeal.** Appeals of the Director's decision shall be made within 10 days of approval in accordance with Sections 10.405 to 10.450 (Appeals).

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

## **LAND PARTITIONING**

**11.705 General Provisions for Partitions.** Persons desiring to partition land are encouraged to contact the City Planning Department prior to making application. The Department shall provide information pertaining to the requirements of this ordinance, as well as other information having a direct influence on the proposed partition.

Land partitioning shall be subject to the procedures and requirements set forth in this Chapter and those of Chapter 14, Development Standards.

[Amended by Ordinance 97-7, enacted April 7, 1997]

## **11.710 Application Procedure.**

(1) Applications for land partitions shall be submitted to the Planning Department on forms prescribed by the Department. The application shall include the following:

- a. Name and address of property contract holder or purchaser, the applicant if not the owner and authorized agent.
- b. Existing land use and surrounding development patterns.
- c. Proposed land use.
- d. Comprehensive plan and zone designation(s) of the subject property.
- e. Approximate distance from the boundaries of the subject tract to utility lines, including both water and sewer, that could serve the development.
- f. Use and purpose of any easements located or to be located within the partition, if any.
- g. Purpose and description of any land areas or improvements other than utilities, set aside for public use or common use of persons residing in the division, including a maintenance or property owner agreement, if any.
- h. Copies of any proposed property or homeowner agreements, bylaws covenants and any petitions proposing to create special service districts.
- i. Names and addresses of all property owners within 250 feet of a of the external boundaries of the partition, as shown on the last preceding tax roll of the Klamath County Assessor.

j. Statement of water rights, pursuant to ORS 92.120 (5).

k. Other information determined by the Planning Director to be necessary due to the existence of special site conditions or unique circumstances.

l. Where a partition includes the creation of a street, the application in addition to the above, shall include the following:

i. Description of the type of street that is proposed to serve the partition, including width, typical cross section, grades, radius or curves, proposed status (i.e. a private road, dedicated way, etc.), name ( as appropriate), relationship to existing streets in the area, projected timetable for construction of any street (refer to Chapter 14 for design standards) and the parcels to be served by such street.

ii. Names of owners other than the applicant upon whose land any portion of the proposed road or way would be located:

a. Written acknowledgement from such owner stating his willingness to either dedicate the land to the City in the case of a dedicated way or City street or

execute an instrument conveying to the applicant the right to construct and maintain a private street on the owner's land.

b. In the case of a private street, written acknowledgement by each such owner of his knowledge that the road described in the application may not be used for legal access to any parcel of land not described in the application.

iii. The draft of all documents relating to establishment and maintenance of common roads, water or sewage systems, if any.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(2) Filing fee in the amount stated in Section 10.530 (1), or as amended by Council resolution. This fee does not include costs associated with filing of the original final map with the County Clerk's Office and the exact copy with the County Surveyor's office or City Public Works Department review/inspection fees and the City Surveyor's plat review fee.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(3) Applications which are found to be incomplete or inaccurate by the Department shall be returned to the

applicant with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice to resubmit a revised application. If the applicant fails to correct or complete the application within the time limit provided, it shall be denied without refund of fees.

## **11.715 Tentative Map Requirements**

(1) Tentative Map - all applications shall be accompanied by a tentative map and shall include the following:

- a. Information drawn clearly and legibly in black ink on 18" x 24" tracing medium suitable for diazo copying purposes.
- b. Title block containing the word "Land Partition, "Tentative" and Planning Department file number.
- c. Property location (Tax Lot designations from the records of the Klamath County Assessor; Township, Range, Section; Subdivision, Lot and Block).
- d. Name and address of the registered professional land surveyor, if applicable.
- e. Approximate courses and distances of existing property lines, proposed property lines and where approximate center line of proposed road and approximate area of each parcel.
- f. Location of all structures and improvements, including above and below ground utilities.
- g. Approximate location of areas within a designated floodway, floodplain or wetland and the location and direction of flow of all water courses and drainage ways.
- h. Parcel numbers.

- i. Date, northpoint and scale. Map shall be drawn to an appropriate engineer's scale (scale which shows the greatest detail on a single map).
- j. Locations, width and name of any existing or proposed streets, roads or easements on or abutting the partition. Easements shall be denoted by fine dotted lines and if all ready recorded, their recorded reference.
- k. Approximate direction and percentage of slope.
- l. Approximate acreage of each parcel.
- m. Major natural physical features such as steep slopes, bluffs, rock outcroppings, canyon, etc.
- n. Location and outline of existing buildings or other improvements on the property and distance from existing and proposed property lines.
- o. Statements of water rights.
- p. Name, address(es) and telephone number(s) of each owner, contract purchaser or representative of the property.
- q. Name, address and telephone number of the person preparing the tentative partition map.
- r. A vicinity map.
- s. Other information determined by the Planning Director to be necessary due to the existence of special site conditions or unique circumstances.

[Amended by Ordinance 97-7, enacted April 7, 1997]

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

### **11.720 Review Process - Tentative Map.**

(1) Partitions shall be subject to an Administrative Review, pursuant to Section 10.805.

(2) The review body may grant approval of a tentative partition map subject to reasonable conditions which are deemed necessary to ensure compliance with the City's Comprehensive Plan and Community Development Ordinance. Such conditions may include road improvements or repairs, infrastructure improvements or repairs or both, to be installed by the applicant prior to submission of the final plat or that the applicant execute a performance agreement with security for the provision of such improvement.

(3) Within seven (7) days of a decision by the Planning Director, applicants shall be notified in writing of that action. An approval letter shall include a listing of conditions, if any. Applications which are denied shall be accompanied by findings of fact relied upon in rendering the decision. The denial of a tentative map shall only be recognized upon reapplication or appeal.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(4) Approval of the tentative map for a partition shall remain valid for twelve (12) months, within which time the final map must be prepared and submitted to the Department for review. A time extension of not more than twelve (12) additional months may be granted by the Director, for good cause, based upon a written request by the applicant. Applicants requesting further extension of time must submit a new application and tentative map, including repayment of fees.

[Amended by Ordinance 97-7, enacted April 7, 1997]

**11.723 Review Criteria.** A partition request may only be approved if it meets all applicable review criteria listed as follows:

(1) The proposed partition is in conformance with the City Comprehensive Plan;

(2) The proposed partition is in conformance with all applicable provision of this Ordinance and other federal, state and county ordinance and regulations;

(3) The subject property is physically suitable for the type and proposed density of development and conforms to zoning standards;

(4) The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets or other existing or planned facilities;

(5) The existing sewer and water facilities and fire protection services are adequate to serve the proposed development;

(6) Lots or parcels created through the proposed partition shall abut an improved street for the full length of the lot frontage.

(7) The proposed partition will not conflict with legally established easements or access within or adjacent to the proposed partition; and

(8) The proposed partition does not prohibit the extension of dedicated streets or roads.

(9) Emergency vehicle access is adequately addressed and complies with the Uniform Fire Code, as stated in Section 8.600.

[Added by Ordinance 97-7, enacted April 7, 1997]

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

## **11.725 Partition - Final Approval.**



(1) Any parcel created by a partition that is forty (40) acres or less or any parcel described under the Public Land Survey System, as a quarter section, shall be surveyed and monumented. The final map shall be prepared by an Oregon Registered Land Surveyor consistent with the requirements set forth by Oregon Revised Statutes and the Klamath County Surveyor's office. Additional requirements of the final map shall include the following:

[Amended by Ordinance 95-1, enacted January 3, 1995]

a. Final maps shall be drawn in black ink on 7 mil mylar, 18" x 24" in size with an additional 3 inch binding edge on the left side. No part of the map shall be closer than 1" to the edge.

b. Title block containing the words "land partition".

c. Klamath County Planning Department file number.

d. Parcel configuration of the approved tentative map.

e. Requirements "G" and "H" through "J" of the tentative map requirements all approximated information shall be exact on the final map.

f. Area of each parcel in square footage or acreage.

g. Signature lines for the Planning Director, Public Works Director, City Surveyor, owner and/or contract purchaser and County Clerk's certification. The map shall also include signature lines or other agencies or special districts designated by the Department or the Planning Commission. The lettering of the approvals, the affidavit of the surveyor and all other information shall be of such a size or type as will be clearly legible.

h. Location of all existing improvements on the final map, including dwellings, utilities and other structures if necessary to show conformance with setbacks and other requirements of approval.

i. Water rights recording number, if applicable (see ORS 92.120(5)).

[Amended by Ordinance 97-7, enacted April 7, 1997]

(2) In addition to the final partition map, the applicant shall submit the following:

a. Preliminary title report or partition guarantee issued by the title company in the name of the owner of the land which has been prepared within thirty (30) days prior to submittal of the final plat. The title report or partition guarantee shall identify all parties having any record title interest in the premises and what interest they have.

b. Completed water rights statement.

c. A copy of the existing legal description of the property along with all easements pertaining to said property.

d. The computation sheets showing bearings, distances, northings and eastings, coordinates, error of closure if any and the curve data of the boundary of the land partition and each parcel created within.

e. City Surveyors plat review fee in the amount stated in Section 10.530(1), under Final Partition or as amended by Council resolution.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(3) Partition maps which include the creation of a street shall be accompanied by:

- a. Any written certificates pertaining to improvement assurances or responsibilities such as a road maintenance agreement prepared consistent with the requirements of this ordinance.
- b. A copy of the recorded description of any easements or right of ways, including references to benefited properties.
- c. Verification from the project surveyor that the physical location of the street within the easement.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(4) Prior to submitting the final map to the Planning Department for signature, the applicant shall obtain the signatures of the land surveyor and other agencies and districts required as a condition of tentative map approval. In addition, all easements required for approval, that have not been shown on the final land partition map, shall have been recorded with the County Clerk's office.

(5) The Planning Director, Public Works Director and City Surveyor shall review the final map to assure compliance with this ordinance. The Directors and City Surveyor shall sign the map, indicating approval upon finding that the final map complies with all applicable requirements, that the roads and other lands proposed for dedication are accurately described as required by Oregon statutes and that the final map substantially conforms with the approved tentative map and any conditions imposed thereon.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(6) If the Directors or City Surveyor determine that full conformity has not been made, they shall advise the applicant of the corrections or additions. Such corrections or additions shall be made by the applicant within sixty (60) days from the date of notification. Failure to make such corrections or additions shall void the tentative map.

(7) Upon approval, the original final map and related documents shall be returned to the applicant or his agent for recordation by the County Clerk. Prior to recording, an exact autopsitive copy of the final map on 4 mil mylar and related documents shall be filed with the County Surveyor as a record of survey.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(8) Any and all improvement work shall be the responsibility of the applicant prior to submittal of a final map. The Department shall not approve the final map or issue building permits until the improvements have been completed and accepted by the applicable agency or department unless adequate bonding exists to ensure installation of the improvements, as required by Section 11.920 and 11.925 (Improvement Guarantee).

[Amended by Ordinance 97-7, enacted April 7, 1997]

(9) The approved deeds and other documents as may be required to be recorded by the Department, shall be recorded within thirty (30) calendar days of the Department's approval.

## **TENTATIVE SUBDIVISION PLAN**

**11.800 Application Procedure.** A land developer shall submit a tentative plan in accordance with the provisions of Section 10.510.

**11.805 Design Standards.** The subdivision shall conform with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of state laws and the standards established by this Chapter.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(1) **Streets.** The locations, width and grade of streets shall be considered in relation to existing and planned streets, topographical conditions, to public convenience and safety and to the proposed use of the land to be served by the streets. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents and curves shall be appropriate for the traffic to be carried and to the terrain. Where location is not shown on a development plan, the arrangement of streets in a subdivision shall either:

- a. Provide for the continuation or appropriate projection of existing principle streets in surrounding areas; or
- b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) **Minimum Right of Way and Roadway Width.** The street right of way and roadway widths shall not be less than the minimum width in feet shown in the following table:

	<b>Minimum Right of Way in Feet</b>	<b>Minimum Roadway Width in Feet</b>
Arterial	80 to 120	48 to 60
Collector Street	60	41
Local Street	60	36

Radius for Turnaround at end of Cul De Sacs	50	38
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[Amended by Ordinance 00-09, enacted May 1, 2000]

(3) **Street Lights.** Street lights shall be installed and shall be served from an underground source of supply. It shall be the developers responsibility to order and install the lights and all appurtenances to City standards.

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

(4) When minimum right of way is not available for construction of a street and the width is approved by the City Public Works and the Planning Departments, improvements shall be deleted in the following order: 1) center landscape median; 2) park rows; 3) auto parking lanes.

(5) **Reserve Strips.** Reserve Strips or street plugs shall be created to control access onto any street which terminates upon any undeveloped land through which the street might logically extend. In such cases, the street shall be provided to within one foot of the boundary line of the tract with the remaining one foot being granted in fee to the City as a reserve strip. Upon approved dedication of the extension of the affected street, one foot reserve strip shall be dedicated by the City to the public use as part of said street. This dedication will be automatic and without further action by the City. This action shall also apply retroactively to all previously created reserve strips where the streets have been extended and dedicated for street purposes.

(6) **Alignment.** All streets as far as is practical shall be in alignment with the existing streets by continuation of the center lines thereof. The staggering of street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of one hundred twenty five feet (125') between the center lines of streets. This distance is subject to

change, as determined by the Public Works Director.

(7) **Future Extension of Streets.** Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(8) **Intersection Angles.** Streets shall be laid out to intersect at an angle as near to a right angle as practical, except where topography requires a lesser angle. Property lines at intersections with arterial streets shall have a minimum corner radius of twenty feet (20') and property lines at other street and alley intersections shall have a minimum corner radius adequate to allow sidewalk and utility space and a curb radius of ten feet (10').

(9) **Existing Streets.** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision.

(10) **Access to Subdivision.** All major means of access to a subdivision or major partition shall be from existing streets fully improved to City standards and which in judgment of the Public Works Director, have the capacity to carry all anticipated traffic from the development.

(11) **Half Streets.** Half streets, while generally not acceptable, may be approved when essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street may be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of the half streets.

(12) **Cul De Sacs.** A cul de sac shall be as short as possible and shall have a maximum length of five hundred feet (500') and a minimum length of two hundred and fifty feet (250'). All cul de sacs shall terminate with a circular turnaround

unless alternate designs for turning and reversing direction are approved by the Planning Commission.

(13) **Street Names.** No street name shall be used which will duplicate or be confused with the names of existing streets in Klamath Falls and vicinity except for extensions of existing streets. Streets which are an extension or are in alignment with existing streets, shall have the same name as the existing street. Street names and numbers shall conform to the established pattern for the City and shall be subject to the approval of the Planning Commission.

(14) **Grades and Curves.** Street grades shall not exceed the following (streets in steeper areas shall use curvilinear, contour oriented construction):

Type of Street Maximum Grade Center line Radii of Curves

Arterials 6% 300'

Collector Streets 10% 200'

Local Streets 10% 100'

Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum of one half (1/2) of one percent (1%).

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

(15) **Street Adjacent to Railroad Right of Way.** Wherever the proposed subdivision contains or is adjacent to railroad right of way, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be great enough to provide sufficient depth to allow screen



planting along the railroad right of way.

(16) **Sidewalks.** Sidewalks shall be installed on both sides of all streets and in any special pedestrian ways within the land development and when the Commission determines such improvements are necessary. When desirable for public convenience, a sidewalk or bikeway may be required to connect to a cul de sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation. Sidewalks shall conform to the specifications provided in Exhibit N, Drawing Number 170, of Section 10.310 and bikeways shall conform to the requirements of Section 14.450 to 14.490.

(17) **Alleys.** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off street parking and loading facilities are made, as approved by the Planning Commission. No unpaved alleys shall be allowed in commercial or industrial districts, nor in any residential district where the slope exceeds five percent (5%). Alleys shall be paved to a minimum width of twenty feet (20').

(18) **Blocks.** The length, width and shape of blocks shall be designed with due regard to providing buildings sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of the limitations and opportunities of topography.

(19) **Block Size.** Blocks shall not exceed six hundred sixty feet (660'), one eighth (1/8) of a mile, in length, except blocks adjacent to arterial streets or unless the previous adjacent layout of topographical conditions justify exception. Blocks shall have sufficient width to provide for two tiers of lots.

(20) **Easements.**

a. **Utility lines.** Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements for water and sewer shall be a minimum of sixteen feet (16') in width, a

minimum of ten feet (10') for all others.

b. **Watercourses.** Where a subdivision is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the watercourse and such further width as will be adequate for the purposes. Streets or parkways parallel to a major watercourse may be required.

(21) **Sanitary Sewer.** Sanitary sewer shall be installed to serve each lot or parcel in a development and to connect the land development to existing city mains. Designs approved by the Public Works Director shall take into account the capacity and grade to allow for desirable extension beyond the land development.

(22) **Water Supply.** Water lines serving each building site in the land development and connecting land development to existing water mains and fire hydrants shall be installed. The design shall take into account provisions for extension beyond the land development.

(23) **Lots.** Lots shall meet the requirements of the one in which the subdivision is located.

(24) **Access.** Each lot shall abut upon a street, other than an alley, for a minimum of thirty feet (30').

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

(25) **Through Lots.** Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet (10'), across which there shall be no right of access, may be required along the line of

lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred ten feet (110').

(26) **Lot Side Lines.** The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lot faces.

(27) **Lot Grading.** Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- a. Cut slopes shall not be steeper than one and one half feet (1½') horizontally to one (1') vertically.
- b. Fill slopes shall not be steeper than two feet (2') horizontally to one foot (1') vertically.
- c. Cut slopes and fill slopes along side and rear lot lines shall be planted with ground cover and shrubs or trees or by some other method approved by the City.

(28) **Trees.** Existing trees which would add value to the residential development or to the City of Klamath Falls as a whole, shall be preserved to the maximum extent possible. No trees shall be removed from any proposed land development until approval of the tentative plan or plan map is granted. All trees required to be retained by the Commission and so shown on the tentative plan shall be preserved and all trees so required shall be welled and protected against change of grade.

(29) **Large Lot Subdivision.** In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks shall be of a size and shape, be divided into lots and contain building site restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of each parcel into lots of smaller size.

(30) **Land for Public Purposes.** The Planning Commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision of appropriate areas within the subdivision for a period not to exceed one year, providing the City knows of an intention on the part of the State Highway Commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

(31) **Exceptions - Large Scale Development.** The Planning Commission may modify the standards and requirement of this Chapter if the subdivision plat comprises a complete neighborhood unit, a large scale shopping center or a planned industrial area. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety and welfare and that adequate provision is made within the development for traffic circulation, open space and other features that may be required in the public interest.

(32) The Planning Commission may modify the standards and requirements of this Chapter where the applicant presents innovative design concepts that will assist in providing livable housing at reasonable cost. Such modifications of standards shall be made only in conformance with the intent of this Chapter and in conformance with all applicable portions of Chapters 10 to 14.

(33) **Improvements.** Streets within land development shall be improved. Unimproved streets adjacent to land developments, which the Public Works Director determines will be used as access to the land development, shall also be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and all points of tangent or their center lines. Street grades shall be established before any improvement construction is begun.

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

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

**11.810 Tentative Plan Content.** The tentative plan shall consist of the following information, described in a narrative statement and/or depicted in a diagram, whichever is appropriate. All diagrams shall be drawn on a sheet 18 x 24 inches in size or a two inch multiple thereof, but in no case shall exceed 42 inches in width at a scale of one inch equals 100 feet. The scale may be increased or decreased, but in all cases shall be in multiples of ten. All diagrams shall be dated and shall indicate scale and north arrow.

[Amended by Ordinance 97-7, enacted April 7, 1997]

### (1) Names

- a. Name of the subdivision, which shall not duplicate or resemble the name of another subdivision in the City or Klamath County and shall be approved by the Commission. The County Surveyor Tract Number shall also be provided.
- b. Names and addresses of the owner, developer and engineer or surveyor.
- c. Names and addresses of all property owners within 500 feet of the subdivision's proposed boundaries as shown on the last preceding tax roll of the Klamath County Assessor.

### (2) Location

- a. Vicinity map showing the subdivision's relationship to the city and major public facilities.
- b. A legal description of the subdivision.

### (3) Natural Features

- a. Contour lines, related to an established bench mark or USGS datum and having intervals

appropriate to slope grades.

b. Water courses including their direction of flow and probable floodplain.

c. Significant physical features such as wooded areas, wetlands, rock outcroppings and the like.

[Amended by Ordinance 97-7, enacted April 7, 1997]

#### **(4) Existing Conditions**

a. Location and description of all existing streets, easements, structures, public utilities and current land uses of the subdivision area.

b. Zoning classification of the subdivision and adjacent lands.

c. Boundary lines of any governmental jurisdiction including special service districts within or adjacent to the subdivision.

d. Existing drainage water runoff, calculated in accordance with provisions of either the Oregon State Highway Division Hydraulics manual or the Soil Conservation Service National Engineering Handbook. The source of the calculation method shall be identified. Such calculation may be supplemented by a registered engineer's evaluation of the applicability of the aforementioned sources.

#### **(5) Proposed Development**

a. Location, width, names, approximate grades and radii of curves of proposed streets.

b. Location, width and purpose of proposed easements.

c. Location and approximate dimensions of

areas to be subdivided as lots.

[Amended by 97-7, enacted April 7, 1997]

d. Location and description of all proposed utility improvements, including but not limited to sanitary sewer, domestic water and storm drainage. Certification of capability and willingness to serve the subdivision from each affected utility company shall also be included.

e. Location, dimensions and characteristics of areas proposed for public or nonresidential uses.

f. A schedule indicating the tentative timetable of improvement construction, including initiation and completion dates.

g. A description of the area proposed for partial recording of a final plat, if phase development and recording is contemplated. If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, a preliminary diagrammatic plan for blocks, lots, streets, sewers and drains in the unsubdivided portion shall be submitted.

h. Draft of proposed deed restrictions and/or covenants if any, which affect the subdivision.

i. Projected drainage water runoff, calculated in accordance with the provisions of either the Oregon State Highway Division Hydraulics Manual or the US Soil Conservation Service National Engineering Handbook. The source of the calculation methods shall be identified. Such calculation may be supplemented by a registered engineer's evaluation of the applicability of the aforementioned sources.

j. Location and description of street lights including pole and fixture type.

**(6) Finance and Sales**

- a. A statement describing the financing plans for all improvements.
- b. A statement describing the proposed sales program for the subdivision.

**(7) Statement of Purpose.** A statement describing how the subdivision proposal conforms with and promotes the purposes of Chapters 10 to 14.

**11.815 Review Criteria.** Prior to making a decision on the proposed tentative plan, the Commission shall analyze the following criteria and incorporated such analysis in their decision:

(1) No tentative plan shall be approved which bears a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in Klamath County, except the words "town", "city", "place", "court", "addition", or similar words.

(2) The street and roads are laid out so as to conform to the plats of subdivisions and maps of partitions all ready approved for adjoining property as to width, general direction and all other respects unless the Commission determines it is in the public interest to modify the street or road pattern.

(3) Streets for public use are dedicated without any reservation or restriction.

(4) Streets held for private uses are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets are set forth thereon.

(5) Streets held for private use and indicated on the tentative plan of such subdivision are approvable by the Public Works Department.

(6) The plan contains provisions of the donation to the City of all common improvements, including but not limited to streets, parks, sewage disposal, water and geothermal supply



systems, the donation of which may be made a condition of the approval of the tentative plan.

(7) The tentative plan complies with the Comprehensive Plan and Chapters 10 to 14 and other applicable local and state regulations.

(8) Emergency vehicle access is adequately addressed and complies with the Uniform Fire Code, as stated in Section 8.600.

[Amended by Ordinance 97-7, enacted April 7, 1997]

### **11.820 Approval of Tentative Subdivision Plan.**

1. **Tentative Plan.** The Commission shall review the plan and the report of the staff. The Commission may approve the tentative plan as submitted or as modified or reject it. The Commission's decision shall be based upon, but shall not be limited to, the Comprehensive Plan and all other adopted plans supplementary to it.

Within forty five (45) days of its decision, the Commission shall forward to the Council a copy of such decision and any supporting information. The Council shall review the tentative plan, the report of the staff and the decision of the Commission and may approve, modify or reject the decision. The Planning Director shall provide the developer with written notice of the Council's action within five (5) days of such action. Such written notice shall include findings relative to the above mentioned factors. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision; however, approval of a tentative plan shall be binding upon the City for the purposes of the preparation of the final plat. The City may require only such changes in the final plat as are necessary for compliance with the terms of its approval of the tentative plan.

**11.825 Manufactured Home Subdivision.** Tentative plans for manufactured home subdivisions shall also comply with the provisions of Section 14.270.

[Amended by Ordinance 97-7, enacted April 7, 1997]

## FINAL SUBDIVISION PLATS

**11.850 Submission of the Final Plat.** Within eighteen (18) months after approval of a tentative plan pursuant to Sections 11.800 to 11.825, the developer shall cause the subdivision or any part thereof designated for partial recording under Subsection 11.810(5)g, to be surveyed and a plat prepared in conformance with the tentative plan as approved. In the case of partial recording, each phase or portion of the subdivision intended for partial recording shall be submitted within sequential and consecutive eighteen (18) month periods, commencing with the original tentative plan approval, until the entire subdivision is fully recorded. The developer shall submit the original drawing, five prints and any supplementary information to the Director. If the developer fails to submit the final plat as specified by this section for approval before the expiration of the period allowed by this section, the plan shall be void. The Director may however, extend the date of expiration up to not more than ninety (90) days upon proof from the applicant that a burden of hardship beyond the control of the applicant has prevented the timely completion of such final plat.

855. **Form of Final Plat.** The final plat shall be submitted in the form prescribed by the City Surveyor's Office, ORS Chapter 92 and Chapters 10 to 14 of the Community Development Ordinance. All plats and other writings made a part of such plats offered for record in the City shall be made in black India ink. The City Surveyor's Office will also accept plats using the inkjet process provided the ink/media combinations are HP cartridge #51640A, #51645A, #51629 or #1892A (UV) or Continental Imaging #JPC4MI or JPC4M2 polyester film. The applicant shall submit a minimum four (4) mil mylar for all original and exact copies of all condominium, partition and subdivision plats. The plat shall be of such a scale and the lettering of the approvals thereof and the dedication and affidavit of the surveyor shall be of such a size or type as will be clearly legible but no part shall come nearer any edge of the sheet than one inch. The subdivision plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision plats placed upon three (3) or more sheets.

[Amended by Ordinance 97-7, enacted April 7, 1997]

**11.860 Information on Plat.** In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

(1) **Survey Reference.** Reference points of existing survey identified, related to the plat by distances and bearings and referenced to a legal, recorded document or map as follows:

a. Stakes, monuments or other evidence found on the ground and used to determine the

boundaries of the subdivision;

b. Adjoining corners of adjoining subdivisions, and

c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of Chapters 10 to 14.

(2) **Boundary Street.** The exact location and width of streets and easements intercepting the boundary of the tract.

(3) **Boundary Lines.** Tract, and lot boundary lines, street right of way and center lines with dimensions, bearings or deflection angles and water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest one second with the basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used. Lot lines which are radial to curved streets shall be so indicated on applicable plans, plats or maps.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(4) **Streets.** The width of the portion of streets being dedicated and the width of existing right of way. For streets on curvature, curve data shall be based on the street center line.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(5) **Easements.** Easements denoted by fine dotted lines, clearly identified and if previously of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(6) **Lot Numbers.** Lot numbers beginning with the number 1 and numbered consecutively without omission or duplication in each block, if blocks are used.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(7) **Block Numbers.** If used, block numbers beginning with the number 1 and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, or of sufficient size and thickness to stand out and be so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering of the original subdivision. Block numbers or letters are not used unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters, before January 1, 1992.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(8) **Dedicated Lands.** Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.

(9) **Building Setback Lines.** Building setback lines, if any and as defined by this Ordinance, are to be made a part of the subdivision restrictions.

(10) **Zoning.** Zoning classifications of the land.

(11) **Certificates.** The following certificates, as illustrated in Exhibit M, as provided in Sections 10.305 to 10.315.

a. A certificate signed and acknowledged by all persons having any record title interest in the land, consenting to the preparation and recording of the plat.

b. A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of the lot owners in the

subdivision, their licensees, visitors, tenants and servants.

c. A certificate with the seal of and signed by the surveyor responsible for the survey of the final plat.

d. A certificate, on the required tracing of the final plat, signed by the Klamath County Clerk and the land surveyor certifying that the tracing is a true and exact copy of the final plat.

e. An affidavit of post monumentation if applicable, for execution by the land surveyor responsible for the survey of the final plat.

f. A certificate for execution by the Director.

g. A certificate for execution by the Public Works Director acting in his capacity as City Engineer, including a statement that the developer has complied with the requirements of Sections 11.920 to 11.925 on improvement guarantees.

h. A certificate for execution by the Klamath County Treasurer.

i. A certificate for execution by the Klamath County Assessor.

j. A certificate for execution by the Mayor on behalf of the City Council.

k. A certificate for execution by the Klamath County Board of Commissioners.

l. A certificate for execution by the Klamath County Clerk.

m. A certificate for execution by any applicable special districts.

All plats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company or similar service district, shall be submitted to the Board Directors of the district or company and its approval thereof shall be endorsed thereon by the Board before approval of such plat of any subdivision by the City Council. Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by the City has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

a. Certificates of capability and intent to serve each and every lot with water and sewer service.

o. I, (name of surveyor), hereby certify that this plat was prepared using Hewlett-Packard product (ink number) or Continental (film number) polyester film.

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

**11.865 Supplemental Information with Plat.** The following data shall accompany the plat:

(1) **Title Report.** A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all persons whose consent is necessary and their

interest in the premises issued not more than 30 days prior to submission of the final plat.

(2) **Survey Date Sheets.** Sheets and drawings showing the following:

- a. Traverse date including the coordinates of the boundary of the subdivision and the ties to section corners and donation land claim corners and showing the error of closure if any.
- b. The computation sheets showing the bearings, distances, latitudes, departures, error of closure if any and the curve data of each lot in the subdivision.
- c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.

(3) **Deed Restrictions.** A copy of any deed restrictions applicable to the subdivision.

(4) **Dedication.** A copy of any dedication requiring separate documents.

(5) **Assessments.** A list of all assessments on the tract which have, or may become a lien on the tract.

(6) **Improvements.** If grading, street improvements, sewer facilities and/or water facilities are required by Chapters 10 to 14, or as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:

- a. Plans, profiles, cross sections of the proposed streets showing width of roadways, types of surfacing, curb locations and width and location of sidewalks. Proposed streets with other than a standard symmetrical 2 percent crown section shall be submitted with a three line profile. Curb return data shall be provided for all returns.

- b. Plan and profiles of proposed sanitary sewers with location of manholes indicated.
- c. Plans and profiles of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
- d. Specifications for the construction of all proposed utilities.
- e. Grading plans and specifications as required for other than streets and ways.
- f. Planting plans and specifications for street trees and other plantings in public areas.
- g. Complete breakdowns of all quantities of all improvements and related materials, including but not limited to excavation, fill, gravel, asphalt, concrete and pipe.

(7) Copies of the existing recorded legal description of the property along with existing recorded easements.

[Amended by Ordinance 97-7, enacted April 7, 1997]

### **11.870 Technical Plat Review.**

(1) **Ordinance Check.** Upon receipt by the City, the plat and other data shall be reviewed by the Director and Public Works Director who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with the Comprehensive Plan and Chapters 10 to 14. The number of lots may vary no more than 10% of the approved number, as shown on the Tentative Subdivision Plan.

[Amended by Ordinance 97-7, enacted April 7, 1997]



(2) **Field Check.** The City officials may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and they may enter the property for this purpose.

(3) **Title Report.** Any encumbrances revealed by the preliminary title report shall be resolved to the satisfaction of the City Attorney prior to the final plat approval.

(4) **Corrections.** If the Director and Public Works Director determine that full conformity has not been made, they shall advise the developer of the corrections or additions that must be made within said time and shall afford the developer an opportunity to make the changes or additions. Such corrections or additions shall be made by the developer within 60 days. Failure to make such corrections shall void the plat.

**11.875 Approval of the Plat.** If the Director determines that the plat conforms with the approved tentative plan and all applicable requirements, he shall give his approval which shall be indicated by his signature on the plat. The approval of the plat does not constitute or effect an acceptance by the City for maintenance of any street or other public dedications shown on the plat.

**11.880 Filing of Plat.** A developer shall without delay, submit the plat for signatures of the other public officials listed in Chapters 10 to 14. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date of the approval by the Council. After obtaining all required approvals and signatures, the developer shall file the plat and an exact copy thereof in the County Clerk's office.

(1) No plat shall be recorded unless all ad valorem taxes and all special assessments, fees and other charges required by law have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.

1. At the time of filing such plat, the developer shall provide without cost, prints from such copy to the City Public Works Department, City Recorder and others as may be required by the City Planning Department.

## **DEDICATION OF LANDS FOR PUBLIC USE**

**11.900 Application.** Any person desiring to submit land or any interest therein, other than that contained

in a current subdivision or partitioning proceedings for acceptance and dedication to the City of Klamath Falls for public use, shall make written application to the Public Works Director. Such application shall be accompanied by a deed in favor of the City of Klamath Falls covering the area in question, all material necessary to demonstrate current ownership, property boundaries, any existing legal encumbrances upon the property and any other information deemed necessary by the Public Works Director. Such a proposal shall also include a completed Consent and Dedication Certificate as provided in Subsection 10.310M (Miscellaneous Exhibits).

[Amended by Ordinance 97-7, enacted April 7, 1997]

**11.905 Procedure.** The Public Works Director shall review such material as provided under Section 11.900, to ensure completeness and accuracy and in the case of a proposed street dedication, such application shall conform to the provisions of Section 11.910. If determined adequate, the application including staff comments, shall be submitted to the Council. The Council shall accept, conditionally accept or reject such dedication by resolution.

### **11.910 Procedure for Street Acceptance and Dedication.**

(1) Upon receipt of a written application for acceptance and dedication, the Public Works Director shall satisfy himself that the street is in compliance with the standards prescribed in Section 11.805 and with any applicable plat or map.

(2) If the street in question does not comply with the design standards of Section 11.805 or any applicable plat or map, the Public Works Director shall refuse to accept the application expressing his reason in writing. If the street in question does comply, the Public Works Director shall refer the proposed acceptance to the Council for action under Section 11.410.

[Amended by Ordinance 97-7, enacted April 7, 1997]

## **IMPROVEMENT GUARANTEE**

**11.920 Agreement for Improvements.** Before the Director gives approval of a final subdivision plat or a partition map involving construction of public improvements, the developer shall install required improvements and repair existing streets and other public facilities damaged in the development of the property, subject to review and inspection by the City Public Works Department. In the alternative, the developer shall execute and file with the City Recorder, an agreement between developer and the City in the form provided by the City Attorney specifying the period in which required improvements and

repairs shall be completed (not to exceed one year). Said agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amount from the developer and provide for a one (1) year warranty.

[Amended by Ordinance 97-6, enacted April 7, 1997]

## **11.925 Bond.**

(1) **Type of Security.** The developer and all others having an ownership interest in the property shall file with the agreement to assure his full and faithful performance thereof, one of the following:

- a. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- b. Cash, certified check, time deposit certificate and/or savings account assigned to the City that unconditionally promises to pay the funds pledged upon demand by the City. Such obligation must be unaffected by the financial status of the person who provided the security.

[Amended by Ordinance 97-6, enacted April 7, 1997]

(2) **Amount Required.** Such assurance of full and faithful performance shall be for one hundred twenty percent (120%) of the cost of the improvement and repairs as determined by the City.

[Amended by Ordinance 97-6, enacted April 7, 1997]

(3) **Default Status.** If the developer fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall utilize the securities listed in this subsection to recover such unreimbursed costs or expenses. If the amount of the securities exceeds the cost and expenses incurred by the City, it shall release the remained. If the amount of the securities is

less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference and upon demand, pay such liability to the City within 30 days. Failure to pay or to ask for a hearing before the Council within 30 days of said demand, shall mean that said liability is in default. The Council shall by resolution, declare said liability to be a lien against the property and shall record said resolution with the Klamath County Clerk.

[Amended by Ordinance 97-6, enacted April 7, 1997]

(4) **Warranty Bond.** Prior to City approval of a final subdivision plat or a partition map involving construction of public improvements, the developer shall deposit a warranty bond or other security in a form acceptable with the City Attorney in the sum of twenty percent (20%) of the value of the improvements to guarantee the repair or replacement of all or part of the improvements as necessary within a one year period from the date of plat or map approval as the final improvements accepted, whichever occurs last. This warranty bond shall be deposited whether or not the improvements are completed before or after final subdivision approval.

[Added by Ordinance 97-6, enacted April 7, 1997]

## **DESIGN STANDARDS**

**11.930 Principles of Acceptability.** A land development shall conform to all approved plans, maps and plats and it shall conform to the site and public facility design standards as established by Chapter 14 and illustrated in any applicable exhibit as provided in Sections 10.305 to 10.315.

## **LAND FOR PUBLIC PURPOSES WITHIN LAND DEVELOPMENTS**

**11.950 Reservation for Public Acquisition.** If the City has a need for reservation of a portion of a proposed land development for a public purpose or if the City has been advised of such a need by a school district or other public agency and there is reasonable assurance that steps will be taken to acquire the land, then the Commission may require that those portions of the land development be reserved for public acquisition for a period not to exceed five years.

## **11.955 Acquisition for Park and Recreation Uses.**

[Repealed by Ordinance 6623, enacted June 19, 1991.]

## **IMPROVEMENTS**

**11.970 Improvement Procedures.** In addition to other requirements of Chapters 10 to 14, improvements installed by a developer either as a requirement of these regulations or at his own option, shall conform to the following procedure:

(1) **Plan Approval.** Improvement work shall not be commenced until plans have been checked for adequacy and approved by the Public Works Director. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a land development.

(2) **Public Works Director Notification.** Improvement shall not commence until after the Public Works Director is notified. If the work is discontinued for any reason, it shall not be resumed until after twenty four hours notice is given to the Public Works Director.

(3) **Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director. The Public Works Director may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.

(4) **Utilities.** Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed by the developer prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

(5) **As Built Plans.** A plan showing public improvements as built shall be filed with the Public Works Director upon completion of the improvements.

(6) **Plan Changes.** Any changes in approved plans during construction shall be approved by the Public Works Director before construction may continue.

**11.975 Specification for Improvements.** The developer shall prepare specifications for design and construction of public improvements as required by Chapters 10 to 14 and such other public facilities as a developer may elect to install. Such improvements shall conform to the applicable provisions of Section 10.310 and Chapter 14. The Public Works Director shall supplement the standards provided within Chapter 14 and Section 10.310, based on engineering standards appropriate for the improvements concerned. In the event such standards do not apply to the proposed improvements, the Public Works Director shall specify engineering standards appropriate for the improvements concerned.

**11.980 Improvement in Land Developments.** The following improvements shall be installed at the expense of the developer at the time of land development and in accordance with the provisions of Section 11.810:

(1) **Streets.** Streets within the land development and adjacent to the land development which may be used as access to the land development shall be improved in accordance with applicable City standards. Catchbasins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street grades shall be established before any improvement construction is begun.

If appropriate to the extension of a system of bikeway routes, existing or planned, the Commission may require the installation of separate bicycle lanes within streets separate bicycle paths or similar bikeway provisions.

(2) **Surface Drainage and Storm Sewer System**

(3) **Sanitary Sewers**

(4) **Water System**

(5) **Sidewalks**

(6) **Street Name Signs**

**(7) Street Lights**

**(8) Utilities.** The developer shall make necessary arrangements with utility companies or other persons affected for the installation of underground lines and facilities. Electrical lines and other wires including but not limited to communication, street lighting and cable television, shall be placed underground.

**(9) Other.** Other utilities as elected by the developer or required by the City.

**11.985 Improvements in Partitions.** The required improvements and related standards listed in Sections 11.970 and 11.980 shall also apply to each building site of a partition. However, if the Director finds that the nature of the development in the vicinity of the partition makes installation of some improvements unreasonable, he may except those improvements.

## **CHAPTER 12**

### **LAND USE**

12.005 Uses Permitted by Zone

12.010 Site Standards by Zone

12.015 Manufactured Home Placement Standards

12.020 Home Occupations

12.025 Bed & Breakfast Standards

### **MANUFACTURED HOME PARKS**

12.100 Standards

### **RECREATIONAL VEHICLE PARKS**

12.200 Standards

### **PLANNED UNIT DEVELOPMENT (PUD)**

12.360 Purpose

12.365 Principal Uses Permitted

12.367 Conditional Uses Permitted

12.370 General Requirements

12.372 Criteria for Approval

12.375 Master Plan Submittal Requirements

12.380 Development Plan Submittal Requirements

12.381 Common Open Space

12.385 Amendments

12.390 Design Review

12.395 Combined Hearings



## **SPECIAL RESERVE DEVELOPMENT STANDARDS**

12.415 Conditions of Allowing Uses

12.445 Development Standards

-

## **ADULT BUSINESS OVERLAY ZONE**

12.490 Applicability

12.492 Design Review Required

12.494 Additional Criteria for Design Review Approval

12.496 Nonconforming Adult Uses and Structures

## **GEOHERMAL OVERLAY ZONE**

12.500 Purpose

12.505 Zone Boundary

12.510 Principal Uses Permitted

12.520 Accessory Uses Permitted

12.525 Conditions of Allowing Conditional Uses

12.530 Conditional Use Siting Requirements

12.535 Combined Permit Hearings

12.540 City Geothermal Heating Service Exempted

## **HAZARD OVERLAY ZONE**

12.541 Purpose

12.542 Zone Boundaries

12.543 Compliance

12.544 Uses Permitted

12.545 Use Standards

## **FLOOD HAZARD ZONE**

12.550 Purpose

12.555 Flood Hazard Zone

12.560 Compliance

565. Principal Uses Permitted

12.570 Recreational Vehicles

12.580 Decision - Planning Director

12.585 Required Findings

12.590 Alteration of Watercourses

12.595 use of other Base Flood Data

12.597 Information to be Obtained and Maintained

## **AIRPORT HAZARD ZONES**

12.600 Hazard Zones Defined

12.605 Height Limitations

12.610 Use Restrictions

-

## **DOWNTOWN BUSINESS ZONE DESIGN REVIEW STANDARDS**

12.750 Standards for Downtown Design Review

12.754 Relationship of Buildings to Site

12.758 Relationship of Buildings and Site to Adjoining Area

12.760 Landscape and Site Treatment

12.764 Downtown Building Design

12.768 Historical Significance

12.772 Downtown Signs

12.776 Downtown Awnings

12.780 Miscellaneous Structures and Street Hardware

12.784 Maintenance - Planning and Design Factors

12.788 Factors for Evaluation

12.796 Undeveloped Areas

**NONCONFORMING USES**

12.860 Continuing Nonconforming Structure or Use

12.865 Nonconforming Structures

12.870 Extension of Nonconforming Use

12.875 Termination of Certain Nonconforming Uses

12.880 Discontinuance or Change of Nonconforming Use in a Structure

12.885 Destruction of a Structure Containing a Nonconforming Use

**GENERAL EXCEPTIONS**

12.900 Prohibiting the Reduction of the Size of Yard or other Open Space

12.905 General Exception to Lot Size Requirements

12.910 General Yard Exceptions

12.915 General Exception to the Rear Yard Requirements

12.920 Structure Height Exceptions

**DENSITY BONUS**

12.960 General

12.965 Criteria

**LAND USE**

**CHAPTER 12**

## USES PERMITTED BY ZONE

5. 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 <sup>1</sup>	GC <sup>2</sup>	DB <sup>3</sup>	MU	LI <sup>4</sup>	I <sup>5</sup>	PF	SR <sup>6</sup>
<b>Residential</b>											
Single Family Dwelling	P	P	P	P							C
Duplex		P	P	P	P	P <sup>7</sup>	P				C
Tri Plex		C	P	P	P	P <sup>7</sup>	P				C
Four Plex		C	P	P	P	P <sup>7</sup>	P				C
Apartment			P	P	P	P <sup>7</sup>	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 <sup>7</sup>	P					C

	SF	MD	A	NC <sup>8</sup>	GC <sup>9</sup>	DB <sup>10</sup>	MU	LI <sup>11</sup>	I <sup>12</sup>	PF	SR <sup>13</sup>
<b>USE</b>											
Accessory <sup>14</sup>											
Boat Facilities <sup>15</sup>	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 <sup>16</sup>	P	P	P	P			P				P
Signs <sup>17</sup>	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
<b>Trade</b>											
Antique Store				P	P	P	P				
Retail Indoor				P	P	P	P				C

Retail Outdoor					P18	P18	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

	SF	MD	A	NC <sup>19</sup>	GC <sup>20</sup>	DB <sup>21</sup>	MU	LI <sup>22</sup>	I <sup>23</sup>	PF	SR <sup>24</sup>
<b>USE</b>											
<b>Services</b>											
Adult Business <sup>25</sup>				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 <sup>26</sup>	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 <sup>7</sup>	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

<b>USE</b>	<b>SF</b>	<b>MD</b>	<b>A</b>	<b>NC<sup>27</sup></b>	<b>GC<sup>28</sup></b>	<b>DB<sup>29</sup></b>	<b>MU</b>	<b>LI<sup>30</sup></b>	<b>I<sup>31</sup></b>	<b>PF</b>	<b>SR<sup>32</sup></b>
<b>Public</b>											

Cemetery	C	C	C	C	C			C		P	C
Church	C	C	C	C	C	C <sup>33</sup>	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 <sup>33</sup>	C	C		P	C
<b>Industrial</b>											
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 <sup>34</sup>	GC	DB	MU	LI	I	PF	SR
Setbacks (in feet) <sup>35</sup>											
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 <sup>36</sup>	n/a	n/a	n/a	15 <sup>36</sup>	15 <sup>36</sup>	n/a	15 <sup>36</sup>	25	25	15 <sup>36</sup>	n/a
Yard Abuts Arterial St.	n/a	n/a	n/a	30	0	0	0	30	30	0	n/a
Max. Building Hgt. <sup>37</sup>	28	28	45	45	45	45	45	45	45	70	30

<b>Vision Clearance (feet)</b>											
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
<b>Lot Coverage (%)</b>	35	40	60	75	100 <sup>38</sup>	100 <sup>38</sup>	100 <sup>38</sup>	100	100	100	20
<b>Minimum Lot Size <sup>39</sup> (thousand square feet)</b>	7	5 <sup>40</sup>	5 <sup>40</sup>	5 <sup>34</sup>	5 <sup>34</sup>	5 <sup>34</sup>	5 <sup>34</sup>	5 <sup>34</sup>	5	5	20
<b>Fence Height<sup>41</sup> (feet)</b>											
Front Yard	3½	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	3½	3½	3½	3½	3½	3½	3½	7	7	3½	3½

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Subject to the provisions of Sections 12.750 to 12.796, Downtown Business Zone Design Review Standards.

<sup>4</sup> 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.

<sup>5</sup> 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]

1. 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.
2. 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]

1. 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]

2. 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.

1. 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.

1. 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.
2. 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 HAZARD ZONES**

**12.600 Hazard Zones Defined.** There are hereby created and established certain hazard zones which include all of the 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 on the Klamath Falls Airport (Kingsley Field) Master Plan adopted by the City Council of Klamath Falls, Oregon, on April 7, 1988 and revised April 1993, 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]

(1) **Precision Instrument Runway Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface at the end of Runway 32 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.

(2) **Nonprecision Instrument Runway Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface at the end of Runway 14 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.

(3) **Utility Runway with Visual Approach Zone for Runway 7-25.** The inner edge of this approach zone coincides with the width of the primary surface at the ends of Runway 7-25 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.

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

(4) **Transitional Zones.** These zones are hereby established as the area beneath the transitional surfaces. These surfaces 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 where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones 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 zones and at 90 degree angles to the extended runway centerline.

(5) **Horizontal Zone.** The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway 14-32 and connecting the arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(6) **Conical Zone.** The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The Conical zone does not include the Precision Instrument Approach Zone or the Transitional Zones.

**12.605 Height Limitations.** 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 to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

(1) **Precision Instrument Runway Approach Zone.** This approach surface, which is associated with Runway 32, 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.

1. **Nonprecision Instrument Runway Approach Zone.** This approach surface, which is

associated with Runway 14, 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.

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

(3) **Utility Runway Approach Zone.** This approach surface, which is associated with Runway 7-25 slopes upward 20 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 5,000 feet along the extended runway centerline.

(4) **Transitional Zone.** Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones and extending to where it intercepts the horizontal surface at the height of 150 feet above the airport elevation (4,242 feet MSL). In any area where the approach surfaces pass through the conical surface, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the Precision Instruments Runway Approach Zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as Precision Instrument Runway Approach surface and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

(5) **Horizontal Zone.** One hundred fifty (150) feet above the airport elevation or a height of 4,242 feet above mean sea level.

(6) **Conical Zone.** Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

1. Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

## 12.610 Use Restrictions.

1. Notwithstanding any of the provisions of Chapters 10 to 14, no use may be made of land within any part of any Airport Hazard 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 or otherwise in any way creates a hazard or endangers the landing, takeoff or a maneuvering of aircraft intending to use the airport.
2. The owner of any existing nonconforming structure is hereby required to permit the

installation, operation and maintenance thereon of markers and lights as shall be deemed necessary by the City of Klamath Falls to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport 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 FAA.

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

3. Any non-airport development occurring within one mile of the airport, and all structures 100 feet in height or greater within 3 miles of the airport, must be referred to the City of Klamath Falls Airport for review and comment as part of the applicable development review process.

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

4. All private development and public improvements on airport property, including National Guard projects, shall be subject to the review and approval of the City of Klamath Falls Airport. Such projects are not subject to the City development review process.

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

## **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.

1. 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.

1. 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]

2. Without restricting the permissible limits of the zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings, if the adjoining building meets the design standards.

[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]

1. 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.
2. The original piers or columns dividing the bays shall be maintained. Applied covering material shall not extend horizontally beyond the original opening or bay.
1. 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.
2. Historical signs painted on buildings should be preserved using only appropriate restoration techniques.
3. 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.
- a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- b. 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.
- c. Locating signs on the valance of awnings is encouraged.
- d. 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.

## **CHAPTER 13**

### **CITY BOUNDARY CHANGES**

#### **VACATIONS AND REPLATS**

13.005 Procedure

13.010 Combined Vacations

13.015 Vacation on Council's Own Resolution

13.020 Commission Hearing Date & Notice

13.025 Hearing - Planning Commission

13.030 Council Hearing Date of Notice

13.035 Hearing - City Council

13.040 Vacation Records to be Filed

13.045 Title to Vacated Areas

13.050 Vacation for Purposes of Replatting or Rededication

13.055 Certification

#### **ANNEXATIONS**

13.105 Authority to Annex

13.110 Hearing Date/Notice

13.115 Hearing - Commission

13.120 Hearing Date - Council

13.125 Hearing - Council

13.130 Decision of Council

13.135 Conformance with Oregon Revised Statutes

13.140 Land Use and Zone Designation of Annexed Property

## **CITY BOUNDARY CHANGES**

### **CHAPTER 13**

#### **VACATIONS AND REPLATS**

**13.005 Procedure.** A person who desires to vacate all or any part of any street, plat, public square or other public place, shall submit an application in accordance with the provisions of Section 10.515.

**13.010 Combined Vacations.** Vacation of two or more streets, plats, public squares or other public places or any portion thereof, may be concurrently applied for and considered, provided they are contiguous or in the case of streets, parallel and separated by no more than one block.

**13.015 Vacation on Council's Own Resolution.** The Council may initiate vacation proceedings authorized by ORS 271.130 and make such vacations without an application or consent of abutting property owners. Such vacation shall not be made before the dates set for Commission and Council hearings, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.130, object in writing thereto, nor shall any street area be vacated without the consent of the owners of abutting property if the vacation will substantially affect the market value of such property, unless the Council provides for paying damages. Provisions for paying such damages may be made by a local assessment.

**13.020 Commission Hearing Date and Notice.** Upon receipt of an acceptable application or Council resolution, the Director shall fix a date for a public hearing before the Commission in accordance with Section 10.515. Notice of such hearing shall be given in accordance with Section 10.625.

**13.025 Hearings - Planning Commission.** The Commission shall conduct a public hearing on the

application or resolution and any objections thereto and make a recommendation to the Council to either grant or deny the proposed vacation, in whole or in part, as appears to be for the public interest. Such recommendation shall be in writing and accompanied by findings supporting the decision. The following factors, among others, shall be considered by the Commission:

- (1) Whether the consent of the owners of the requisite area has been obtained.
- (2) Whether the notice of the proposed vacation has been duly given.
- (3) Whether the public interest will be prejudiced by vacation of such plat or part thereof.
- (4) Whether the proposed vacation conforms to the Comprehensive Plan, all applicable provisions of Chapters 10 to 14 and any applicable street plans.

**13.030 Council Hearing Date and Notice.** Upon receipt of a Commission recommendation, the Planning Department shall fix a date for public hearing and provide notification of Council hearings upon the vacation application or resolution in accordance with the provisions of Section 10.625.

**13.035 Hearings - City Council.** At the time fixed by the Council for hearing the application or resolution and any objections filed thereto or at any postponement or continuation of such matters, the Council shall hear the application or resolution and objections and shall determine:

- (1) Whether the consent of the owners of the requisite area has been obtained.
- (2) Whether notice has been duly given.
- (3) Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.
- (4) Whether the proposed vacation is in conformance with the Comprehensive Plan, all applicable provisions of Chapters 10 to 14, and any applicable street plan.

The Council shall by ordinance make such decision a matter of record and vacate such area as requested; otherwise, it shall deny said application. The Council may, upon hearing, approve the application in part and deny it in part and make such conditions, or either as appear to be for the public interest.

**13.040 Vacation Records to be Filed.** Certified copies of the vacating ordinance and map shall be filed for record by the City Recorder with the County Clerk, the County Assessor, County Surveyor and City Surveyor.

**13.045 Title to Vacated Areas.** The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary lines shall attach to the abutting property on such side. If the public square is vacated, the title thereto shall vest as provided by ORS 271.060.

**13.050 Vacation for Purposes of Replatting or Rededication.** No street or plat or portion thereof shall be vacated upon the application of any person when it is proposed to replat or rededicate all or part of any street or plat in lieu of the original unless such petition is accompanied by a plan showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof, which may subsequently be made meets with the approval of the Council, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededicating or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededicating.

**13.055 Certification.** No ordinance for the vacation of all or part of a street or plat shall be passed by the Council until the City Recorder has filed in his office or endorsed on the petition for each vacation, a certificate showing that all City liens and all taxes have been paid on the lands covered by the street or plat or portion thereof to be vacated.

## **ANNEXATIONS**

**13.105 Authority to Annex.** Pursuant to the provisions of Sections 13.105 to 13.140, the boundaries of the City may be extended by the annexation of land not within the City pursuant to State statute.

**13.110 Hearing Date/Notice.** Upon receipt of an application for annexation or upon initiation by the Council by resolution, the Director shall set a date for public hearing upon the proposed annexation before the Commission. Notice of the hearing shall be provided pursuant to the provisions of Sections 10.605 to 10.635.

**13.115 Hearing - Commission.** The Commission shall conduct a public hearing on the annexation at the time and place designated on the notice of public hearing. After consideration of all pertinent information and testimony, the Commission shall announce its recommendation at that time or within thirty five days thereof; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing. The recommendation of the Commission shall be to



approve, disapprove or modify the proposed annexation boundary. Said decision shall incorporate findings as to whether or not the proposed annexation conforms to the Comprehensive Plan and shall be in writing. The recommendation shall be filed with the City Recorder and a copy mailed to the applicant.

**13.120 Hearing Date - Council.** Upon receipt of the recommendation from the Commission, the City Recorder shall set a date for public hearing before the Council in accordance with Section 10.630.

**13.125 Hearing - Council.** The Council shall conduct a public hearing on the record of the Commission hearing. The scope of the Council hearing shall be limited to the record made before the Commission. If the Council determines that new testimony should be taken, it shall refer the matter back to the Commission for a hearing of such new testimony. The Council shall announce its decision at that time or within thirty five days thereof; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing.

**13.130 Decision of Council.** The Council shall, by ordinance containing a legal description of the land in question, reverse or modify the recommendation of the Commission or may refer the matter back to the Commission for further consideration. Upon reconsideration by the Commission, the Council shall, by ordinance containing a legal description of the land in question, sustain, reverse or modify the recommendation of the Commission. Any decisions made by the Council shall incorporate findings as to whether or not the proposed annexation conforms to the Comprehensive Plan and shall be in writing. Because of the fundamental political nature of an annexation, the Council may reject an annexation solely on political grounds.

**13.135 Conformance with Oregon Revised Statutes.** If the decision of the Council is that the annexation would be consistent with the Comprehensive Plan, and the Council desires to approve the annexation, the Council shall conform to all applicable legislative procedure requirements of ORS Chapter 222.

**13.140 Land Use and Zone Designation of Annexed Property.** Any land area annexed to the City shall be assigned a land use and zoning classification as provided within the table below, provided however, that the City pursuant to Section 10.505 or a landowner may request that the City land use and zoning designations contained within said table may be amended by following provisions contained within the Comprehensive Plan and Sections 11.400 to 11.440. Said request may be considered and acted upon concurrently with annexation proceedings. Such concurrent proceedings shall comply with amendment procedures of the Comprehensive Plan and the provisions of Sections 11.400 to 11.440.

COUNTY DESIGNATIONS CITY DESIGNATIONS

Land Use Zone Land Use Zone

Urban Residential RS Residential SF

RL SF

RM MD

RH A

General Commercial CN Commercial NC

CC NC

CG GC

CR GC

Transp. Commercial CT GC

CH GC

Industrial IL Industrial LI

HI I

(County Zoning Definitions) (City Zoning Definitions)

RS - Suburban Residential SF - Single Family Residential

RL - Low Density Residential MD - Medium Density Residential

RM - Medium Density Residential A - Apartment Residential

RH - High Density Residential NC - Neighborhood Commercial

CN - Neighborhood Commercial GC - General Commercial

CC - Community Commercial

CG - General Commercial LI - Light Industrial

CT - Transportation Commercial I - Industrial

CH - Highway Commercial SR - Special Reserve

CR - Recreation Commercial PF - Public Facility

IL - Light Industrial PUD - Planned Unit Development

HI - Heavy Industrial MU - Mixed Use

FR - Forestry/Range

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

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

## **PRIVATE SITE AND PUBLIC FACILITY STANDARDS**

### **CHAPTER 14**

#### **OFF STREET PARKING AND LOADING**

- 14.005 Application
- 14.010 Off Street Parking Requirements
- 14.012 Downtown Business Zone
- 14.015 Off Street Loading Requirements
- 14.020 Submission of Parking or Loading Plan
- 14.025 General Provisions - Off Street Parking and Loading
- 14.030 Location of Parking Facilities
- 14.035 Enlargement or Change of Use
  - 40. Design Requirements for Parking and Loading Facilities
- 14.045 Completion Time of Parking and Loading Facilities
- 14.046 Bicycle Parking Facilities
- 14.047 Bicycle Parking Design Guidelines
- 14.048 Vehicle Parking Variance

#### **SITE ACCESS AND BOUNDARIES**

- 50. Access and Driveways
- 51. Traffic Impact Study Requirements
- 14.053 Access Variances
- 14.055 Through Lots and Parcels

14.060 Angle of Lot and Parcel Side Lines

14.065 Sizing of Large Lots and Parcels

**ENVIRONMENTAL**

14.100 Applicability

14.105 Noise

14.110 Air Quality

14.115 Heat and Glare

**FENCES AND SCREENING**

14.150 Screens

14.155 Specifications

14.160 Time of Completion

**RECYCLING ACCOMMODATIONS**

14.180 Recycling Accommodation Requirements

-

**FLOODPLAIN MANAGEMENT**

14.200 General

14.205 Residential Construction

14.210 Nonresidential Construction

14.215 Anchoring

14.220 Construction Materials and Methods

14.225 Public Facility Standards

14.230 Land Development Standards

14.235 Manufactured Home Standards

14.240 Storage of Materials

14.245 Floodways

## **GRADING CUTS AND FILLS**

250. Grading and Filling of Structure Sites

## **HISTORIC PRESERVATION**

14.260 General

## **SIGNS**

14.300 Purpose

14.304 Applicability

14.308 Permits Required

14.312 Permit Procedures

14.316 Permits to Construct or Modify Signs

14.320 Uniform Sign Program

14.324 Exempt Signs

14.328 Prohibited Signs

14.332 Private Property (Permanent)

14.336 Private Property (Temporary)

14.340 Public Right of Way (Permanent)

14.344 Public Right of Way (Temporary)

14.348 Computations

14.352 Design, Construction and Maintenance

14.356 Historic Signs

14.360 Compliance

14.364 Appeals and Variances

14.368 Violations

## **EXTERIOR LIGHTING**

14.370 General

14.375 Placement

## **VISION CLEARANCE**

14.390 General

## **LANDSCAPING**

14.400 Open Space or Area

14.405 Required Tree Planting

14.408 Approved Street Trees

14.410 Landscaping or Parking Areas

14.415 Yards

14.420 Multifamily Dwellings - Playgrounds

14.425 Specifications

14.430 Installation

## **BIKEWAYS**

14.450 Design Speeds

14.455 Curves

14.460 Width and Clearances

14.465 Sight Distances

14.470 Vertical Curves

14.475 Grades, Crossings and Drainage

14.480 Railroad Tracks, Manholes and Grates

14.485 Bases and Surfacing

14.490 Guardrail, Fences and Curbs

## **STORM DRAINAGE**

14.500 Surface Drainage and Storm Sewer System

14.505 Watercourses

## **PARKS**

14.550 General

14.555 Recreation Sites - Specifications

## **SOLAR ACCESS PERFORMANCE**

14.880 Purpose

14.882 Applicability

14.884 Standards

14.886 Density Bonus



## 14.888 Information Recorded with Plat

### **SOLAR ACCESS PERMIT**

14.890 Applicability

14.892 Application

14.894 Procedure

14.896 Required Findings

14.898 Remedy

14.900 Termination

### **TELECOMMUNICATIONS**

14.950 Purpose

14.952 Minimum Application Requirements

14.956 Life of Permits

14.958 Basic Requirements

14.960 Location

14.962 Special Setbacks

14.964 Height

14.966 Structural Requirements

14.968 Basic Tower and Building Design

14.970 Critical Disaster Response Facilities

14.972 Collocated and Multiple User Facilities

14.974 Building Mounted Facilities

14.976 Lighting

14.978 Roads & Parking

14.980 Signage

14.982 Landscaping

14.984 Environmental Resource Protection

14.986 RF/EMR Emissions

14.988 Exemptions

14.990 Basic Requirements for Minor Antennas

14.992 Satellite Dishes

14.994 Panel Antenna

14.996 Other Antenna

## **PRIVATE SITE AND PUBLIC FACILITY STANDARDS**

### **CHAPTER 14**

#### **OFF STREET PARKING AND LOADING**

**14.005 Application.** The provisions of this Section shall apply to all land within the City, except for the area identified in Section 7.135, of the City Code, Boundaries of the Parking District.

**14.010 Off-Street Parking Requirements.** Except as provided in Section 14.005, at the time of erection of a structure or at the time of enlargement, increase in capacity or change from one of the following classifications to another of the following classifications, off-street parking spaces shall be provided as follows unless varied through Section 14.048:

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

<b>USE</b>	<b>OFF STREET PARKING</b>
<b>Residential</b>	
Single Family	2 spaces
Two Family	4 spaces
Three Family	5 spaces
Four Family	6 spaces
Five+ Dwelling Units	1.5 spaces per unit plus 1 space per 5 units for RV storage
Dormitories	5 spaces per unit plus 1 space per 2 beds
Residential Home	1 space per 4 beds
Manufactured Home Park	2 spaces per home
<b>Care Facilities</b>	
Day Care	1 space per attendant
Nursing/Retirement Home, Sanitarium, Residential Facility	1 space per 4 beds
Hospital	1 space per 2 beds

Correctional Institution	1 space per 10 beds
--------------------------	---------------------

<b>Retail/Service</b>	
Retail Store	1 space per 250 square feet <sup>1</sup>
Automobile Sales	1 space per 700 square feet <sup>1</sup>
Furniture Store	1 space per 700 square feet <sup>1</sup>
Bank or Professional Office	1 space per 400 square feet <sup>1</sup>
Medical/Dental Clinic or Office	1 space per 200 square feet <sup>1</sup>
Restaurant, Tavern or Bar	1 space per 100 square feet <sup>1</sup>
Hotel	1 space per 1.5 guest rooms
Motel	1 space per each guest room
Mortuary	1 space per 4 seats
<b>Industry</b>	
Storage Warehouse	1 space per 700 square feet <sup>1</sup> plus 1 space per employee

Wholesale or Manufacturing Business	1 space per 700 square feet <sup>1</sup> plus 1 space per employee
Air, Rail, Trucking Freight Terminal	1 space per 700 square feet <sup>1</sup> plus 1 space per employee
<b>Recreation</b>	
Stadium or Race Track	1 space per 4 seats or 8' of bench length
Indoor Arena or Theater	1 space per 4 seats or 8' of bench length
Bowling Alley	4 spaces per alley
Dance Hall or Skating Rink	1 space per 50 square feet of dance/skating area
Amusement Park	1 space per 750 square feet of patron activity area

<b>Public</b>	
Library	1 space per 400 square feet <sup>1</sup> patron reading area
Church	1 space per 4 seats or 8' of bench length
College	1 space per 4 seats
High School	1 space per classroom plus 1 space per administrative employee plus 1 space per 4 students

Junior High School	1 space per classroom plus 1 space per administrative employee plus 1 space per 6 students
Elementary School	1 space per classroom plus 1 space per administrative employee plus 1 space per 6 students
Auditoriums or Meeting Rooms	1 space per 4 seats or 1 space per 100 square feet <sup>1</sup>
Club or Association	1 space per 4 seats or 1 space per 100 square feet <sup>1</sup>

<sup>1</sup> A measure of gross floor area

(1) **Space Computation.** Space computations for any use which result in fractional requirements shall be increased to the next higher full digit.

1. Disabled Spaces

a. **Minimum Number.** Parking spaces for use by people with disabilities shall be provided at the following ratios. Of these disabled spaces, one in every eight accessible spaces, but no less than one, shall be van accessible.

Required Parking Spaces	Required Disabled Spaces
-	
1 – 25	1
26 – 50	2
51 – 75	3
76- 100	4

101-150	5
151-200	6
201-300	7
301- 400	8
401- 500	9
501-1000	2% of total required
1001 +	20 + 1 @ each 100 over 1000

a. Location. Parking spaces for use by people with disabilities and accessible passenger loading zones that serve a particular building shall be the spaces or zones which meet disabled parking design standards and are located closest to the nearest accessible entrance or an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for use by people with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

b. Dimensions and Design.

1. Parking spaces for use by people with disabilities shall be at least eight feet wide and shall have an adjacent access aisle a minimum of six feet wide.
2. Van accessible spaces shall be a least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide and located on the passenger side of the parking space.
3. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
4. Parked vehicle overhangs shall not reduce the width of an accessible circulation route.
5. Vertical clearance shall not be less than 98 inches over the entire parking and aisle areas.
6. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

a. Signs. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the international

symbol of accessibility. All signs used to designate accessible parking spaces need to state ORS.620 (towing) and ORS 811.615 (fines). Van accessible space shall display an additional sign stating "Van Accessible". No signs shall be obscured by a vehicle parked in the space.

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

(3) **Unlisted Uses.** Parking requirements for types of structures and uses not specifically listed in Section 14.005 to 14.045 shall be determined by the Director based upon the requirements of comparable uses listed herein.

(4) **Maximum Allowable Number of Automobile Spaces.** The number of spaces provided by any particular use in ground surface lots shall not exceed the required number of spaces provided by this ordinance by more than 10%. Spaces provided on street or within the building footprint of structures, such as in rooftop parking or under structure parking or in multilevel parking above or below surface lots, shall not apply towards the maximum number of allowable spaces.

#### **14.012 Downtown Business Zone.**

1. Off-street parking and loading for uses located outside of the Downtown Parking District shall conform to the provisions of Sections 14.005 to 14.045.

(2) For uses located within the Downtown Parking District, off street parking and loading requirements do not apply, provided the use complies with the following:

a. Prior to occupancy of a newly constructed building, the owner or occupant shall pay into the Downtown Parking District the sum of Five Hundred Dollars (\$500.00), for each 1,000 square feet of gross floor area (or portion thereof).

b. Prior to occupancy of a newly enlarged building, the owner or occupant shall pay into the Downtown Parking District the sum of Five Hundred



Dollars (\$500.00), for each 1,000 square feet of new gross floor area (or a portion thereof).

c. Upon a change of use requiring additional off street parking as determined by Sections 14.005 to 14.045, the owner or occupant shall pay into the Downtown Parking District, the sum of One Hundred Dollars (\$100.00), for each parking space which would otherwise have been required by said sections.

d. These fees constitute buy in charges to reimburse costs already incurred in the provision of off street parking. They do not offset the annual charges otherwise due the District.

e. In lieu of the above fees, the owner or occupant may provide the off street parking required by Sections 14.005 to 14.045. Where a portion of the required spaces are provided, the owner or occupant shall receive a credit of One Hundred Dollars (\$100.00) for each space actually provided. The owner or occupant shall remain responsible for annual District charges.

[Added by Ordinance 96-12, enacted April 15, 1996]

**14.015 Off Street Loading Requirements.** Structures to be built or substantially altered which receive and distribute material and merchandise by truck shall provide the following minimum number of off street loading berths as established by the following formula:

(1) The following standards shall be used in establishing the minimum number of berths required:

<u>Number of Berths</u>	<u>Gross Floor Area in Square Feet</u>
0	Up to 5,000
1	5,000 to 20,000
2	20,000 to 50,000

For each additional 50,000 square feet of gross floor area, one additional berth shall be provided.

- (2) A loading berth shall contain a space 10 feet wide and 35 feet long and have a clearance height of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the dimensions shall be increased to accommodate the larger average vehicle size.

**14.020 Submission of Parking or Loading Plan.** A plan, drawn to scale, indicating how the off street parking and loading requirements are to be fulfilled, shall accompany the site plans submitted pursuant to the requirements of Sections 11.050 to 11.090. The plan shall show all those elements necessary to indicate that said requirements are being fulfilled and shall include the following:

1. Delineation of individual standard and disabled parking and loading spaces.
2. Circulation area necessary to serve spaces.
  1. Access to streets and property to be served.
  2. Curb cuts. For properties fronting Category 4 highways or 5-lane arterial streets, the location of existing access points on both sides of the road within 500 feet in each direction, and within 300 feet for properties fronting Category 5 highways and 3-lane arterial streets.
  3. All planned transportation features (such as acceleration lanes and traffic signals)
6. Dimensions, continuity and substance of screening.
7. Grading, drainage, surfacing and subgrading details.
8. Delineation of obstacles to parking and circulation in finished parking area.
  1. Specifications as to signs and bumper guards.
  2. Trip Generation or appropriate traffic studies if required under Section 14.050 (6).
11. Other information as deemed necessary by the Director.

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

**14.025 General Provisions - Off Street Parking and Loading.** The following general provisions shall apply to off street parking and loading facilities:

(1) The maintenance of off street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until a plan, as required by Section 14.020, is presented to show property that is and will remain available for exclusive use of off street parking and loading space. The subsequent use of property shall be conditional upon the unqualified continuance and availability of the parking and loading facilities required. The location of the parking and loading facilities may be changed.

1. Parking spaces in public streets shall not be considered as fulfilling any part of the parking requirements of Chapters 10 to 14. Except for single and two and three family dwellings, parking spaces shall be so located and served by a driveway that its use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(3) In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of several uses computed separately.

(4) **Joint Use.**

a. For the purpose of Sections 14.005 to 14.045, the following uses are considered as daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and other similar primarily daytime uses when authorized by the Director.

b. For the purpose of Section 14.005 to 14.045, the following uses are considered as night time or Sunday uses: Auditoriums incidental to a public or private school, churches, dance halls, theaters, drinking and eating establishments and other similar primarily night time uses when authorized by the Director.

c. The Director may authorize the joint use of parking facilities for the following uses or activities under the following conditions:

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

i. Up to 50 percent of the parking facilities required by Sections 14.005 to 14.045 for a theater, dance hall, eating or drinking establishment or other similar primarily night time use, may be supplied by off street parking facilities provided by the daytime use specified in paragraph (a).

ii. Up to 50 percent of the off street parking facilities required by Sections 14.005 to 14.045 for any daytime use specified under (a) above, may be supplied by the parking facilities provided for night time or Sunday use specified in paragraph (b).

iii. Up to 100 percent of the parking facilities required by Sections 14.005 to 14.045 for a church or for an auditorium incidental to a public or private school, may be supplied by the off street parking facilities provided by daytime uses specified in paragraph (a).

d. Conditions required for joint use:

i. The structure or use for which application is being made to permit joint use of off street parking facilities, shall be located within 300 feet of the street parking facilities which would provide the joint use.

i. The applicant shall show that there is no substantial conflict in the principle operating hours of the two structures or uses for which joint use of off street parking facilities is proposed.

iii. A properly drawn legal instrument

executed by the parties concerned for joint use of off street parking facilities and duly approved as to form and manner of execution by the City Attorney, shall be filed with the Director. Joint use parking privilege shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required. Such authorized joint use shall be terminated by the Director upon change of uses, operating hours or other similar conditions deemed to violate the intent of Sections 14.005 to 14.045. The Director shall hold a hearing pursuant to Sections 12.625 to 12.665 before taking such action.

1. Required parking spaces shall be available for the parking of operable passenger vehicles of residents, visitors, customers and employees only.

(6) In any residential zone, all motor vehicles incapable of movement under their own power shall, except in an emergency, be stored in a completely screened space, garage, or carport.

**14.030 Location of Parking Facilities.** Off street parking facilities shall be located within the following distances measured in a straight line from the nearest point of the parking facility to the nearest point of the structure that such facility is required to serve:

(1) **Dwellings.** On the same lot with the structure at a distance not to exceed 150 feet.

(2) **Commercial Uses.** The parking facility shall be located on the same lot or a lot contiguous to the same lot on which the structure of the parking facility is required to serve, is located at a distance not to exceed 150 feet.

(3) For all other uses, such parking facilities shall be located not more than 300 feet from the structure the parking facility is

required to serve.

### **14.035 Enlargement or Change of Use**

(1) Whenever any structure is enlarged or expanded or the use is changed, off street parking and loading shall be provided for the expansion, enlargement or change of use prior to occupancy in accordance with the requirements of 14.005 to 14.045, except that no additional spaces need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement since April 20, 1981, is less than two additional spaces.

(2) Off street parking and loading spaces existing prior to April 20, 1981, may be included in the amount necessary to meet the requirements in case of subsequent enlargements of the structure or use.

### **14.040 Design Requirements for Parking and Loading Facilities.**

(1) All areas used for off-street parking and maneuvering of vehicles, including driveways and truck loading areas, shall have either concrete or asphalt surfaces, constructed in a manner approved by the City Engineer, in conformance with Sections 14.005 to 14.045 and drained so as to avoid flow of water across sidewalks.

(2) Parking and loading facilities adjacent to residential zones or uses shall be designed to minimize disturbance of residents through conformance with applicable provisions of Chapter 14.

(3) Parking spaces along the outer boundaries of a parking area shall be contained by a bumper rail or curb at least four inches high and set back a minimum of four feet from the property line.

(4) Access aisles which provide for two way traffic, shall be a minimum of 24 feet in width and those which provide one way traffic shall be a minimum of 15 feet in width.

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

(5) Design and construction of parking areas shall be based on

the standards of Chapters 10 to 14 and those depicted in Exhibits 700 and 701, entitled "Angled Parking Standards", as provided in Sections 10.305 to 10.315.

(6) Directional signs and pavement markings shall be used to control vehicle movement within parking and loading facilities.

(7) Small Vehicle Parking.

a. Parking spaces with dimensions as set forth in the definition of "Parking Space, Small Vehicle" in Section 10.010, may be designed for small vehicles, provided the area of the parking lot or facility designated for small vehicles is not usable for standard size automobiles due to obstructions, unusual site configuration or where the use of said space will preserve a tree.

b. Small vehicle parking spaces may satisfy up to 30 percent of the spaces required by Section 14.010, except that only one small vehicle parking space may be used in computing said requirement when the total number of required parking spaces is less than ten (10).

(8) Parking spaces assigned for restricted use by the handicapped shall be a minimum of fourteen (14) feet in width. Each space shall be marked by a sign placed at the front of the space, which stands not less than two feet or more than four feet in height.

**14.045 Completion Time of Parking and Loading Facilities.** Required parking and loading spaces shall be improved and made available for use before the final inspection under the building permit or before a change of use and resulting occupancy are commenced. In the event the improvements are not completed within one year's time from the date of building permit issuance, the site plan bond shall be forfeited and the improvements thenceforth constructed under the direction of the City Engineer.

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

**14.046 Bicycle Parking Facilities.** Bicycle parking facilities shall be provided for all new or expanded multi dwelling residential, institutional, commercial and industrial uses except for businesses located within the Downtown Business Zone. Bicycle parking shall be provided as follows:

(1) One bicycle parking space shall be provided for every twelve (12) required off street parking spaces, with a minimum of one bicycle parking space.

(2) Required bicycle parking facilities shall be located no further than fifty feet (50') from a public entrance.

(3) Bicycle parking facilities may be provided in a dedicated area within a building that is accessible to bicycle storage.

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

#### **14.047 Bicycle Parking Design Guidelines.**

(1) Bicycle parking facilities shall either be stationary racks, which accommodate bicyclist's locks securing the frame and both wheels or lockable rooms or enclosures in which the bicycle is stored.

(2) Bicycle parking spaces shall be at least six feet (6') long and two feet (2') wide. Upright bicycle storage structures are exempted from the parking space length standard.

(3) A five-foot (5') aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.

(4) Bicycle racks or lockers shall be anchored to the ground surface or to a structure.

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

#### **14.048 Vehicle Parking Variance Criteria.**

Upon submission of documentation by the applicant of how the project meets the following criteria, the Director may approve a variation to the parking requirements of Section 14.010 , if the Director finds that:

1. The parking needs of the use will be adequately served; and either
2. Shared Parking is provided consistent with the requirements of Section 14.025(4); or



3. The applicant provides an acceptable proposal for an alternate modes of transportation program, including a description of existing and proposed facilities and assurances that the use of alternate modes of transportation will continue to reduce the need for on-site parking on an on-going basis.

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

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

## **SITE ACCESS AND BOUNDARIES**

### **14.050 Access and Driveways.**

(1) Each lot and parcel shall abut upon an improved street with sidewalks, for the entire length of the lot frontage. A lot or parcel which abuts only the end of a public street, not terminating in a cul de sac, shall not be considered as having access, nor shall an alley be considered as sufficient access.\*

\* A lot or parcel abutting a dedicated but unimproved street, shall not be required to improve the abutting portion of the street as a condition of development permit approval provided that the street has been constructed to the minimum emergency standards of Section (2) and the property owner executes a recordable local improvement contract toward the formation of a Local Improvement District to construct the street and sidewalk.

[Amended by Ordinance 96-31, enacted October 21, 1996]

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

#### **(2) Minimum Emergency Access Standards**

- a. Unobstructed street width and uniform surface of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- b. Roads shall be designed and maintained to support the imposed loads of a 50 thousand-pound vehicle and be provided with a surface so as to provide all-weather driving capabilities.
- c. Dead-end streets in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

- d. The required street width shall not be obstructed in any manner, including parking of vehicles. Minimum widths shall be maintained at all times.

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

1. All new development and redevelopment shall meet the following access design standards:

- (a) On Category 4 highways and 5-lane arterial streets, maintain 500-foot spacing (centerline-to-centerline) between either public or private access on both sides of the roadway and both sides of the proposed access point.

- (b) On Category 5 highways and 3-lane arterials, 300-foot spacing (centerline-to-centerline) between either public or private access on both sides of the roadway and both sides of the proposed access point.

- (c) On Category 6 highways, 150-foot spacing (centerline-to-centerline) between either public or private access on both sides of the roadway and both sides of the roadway and both sides of the proposed access point.

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

2. For each single family dwelling, a private access driveway shall be provided which shall be at least 10 feet in width. For two or more dwelling units, a private access driveway shall be provided; the improved portion of which shall be at least 20 feet in width. When parking is to be permitted on either or both sides of such driveway, there shall be provided a parking lane on that side of the driveway of at least eight feet in width. For two or more dwelling units, if the driveway dead ends, a turnaround area of not less than 20 feet in diameter shall be provided, which is other than the private driveway service to the dwelling.

3. The surface of driveways shall be of material meeting the standards of Subsection 14.040 (1). All driveways shall be well drained so as to prevent ponding greater than one half inch in depth or two feet in diameter and the provisions for drainage shall be approved by the City Engineer.

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

4. Access points to an industrial or commercial site from a street shall be

located to minimize traffic congestion and hazard. No access point shall be allowed which would direct industrial or commercial traffic into a residential zone. Wherever possible, access points shall be so located so as to serve more than one industrial or commercial site or use.

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

5. All Proposed zone changes, subdivisions, partitions, new development and or/redevelopment shall provide a traffic impact study to the City of Klamath Falls and Oregon Department of Transportation if the proposed use:

- a) Directly accesses a state highway; *or*
- b) Requires a comprehensive plan amendment; *or*

a. Under the TSP, there is a recognized traffic safety or operations deficiency in streets impacted by the proposed land use action;

*and* the proposed use exceeds the thresholds defined as:

- b. trip generation threshold- 50 newly generated trips (inbound and outbound) during the adjacent street peak hour; *or*,
- c. mitigation threshold- installation of any traffic control device and/or construction of geometric improvements that will affect the progression or operation of traffic travelling on, entering, or exiting the highway; *or*,
- d. Heavy vehicle trip generation threshold- 20 newly generated heavy vehicle trips (inbound and outbound) during the day.

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

**14.051 Traffic Impact Study Requirements.** A traffic impact study shall be developed by a Professional Engineer and include the following minimum requirements:

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

1. The analysis shall include alternates other than what the developer originally submits as a proposal for access.
2. The analysis of alternate access proposals shall include:
  - a. Existing daily and appropriate design peak hour counts, by traffic movements, at

intersections that would be affected by traffic generated by the development.

- b. Projected daily and appropriate design peak hour volumes for these same intersections and at the proposed access points after completion of the development. If the development is to be constructed in phases, projected traffic volumes at the completion of each phase shall be determined.
- c. Trip Generation shall be calculated using the Institute of Transportation Engineers' manual "Trip Generation – 5<sup>th</sup> Edition" or other, more current, and/or applicable information.
- d. A determination of the need for a traffic signal based on warrants in the "Manual on Uniform Traffic Control Devices".

3) The recommendations made in the report shall be specific and based on a minimum level of service when the development has been completed. As an example, if a traffic signal is recommended, the recommendations should include the type of traffic signal control and what movements should be signalized. If a storage lane for right turns or left turns is needed, the recommendations should include the amount of storage needed. If several intersections are involved for signalization, and an interconnected system is considered, specific analysis should be made concerning progression of traffic between intersections.

4. The internal circulation of parking lots must be analyzed to the extent that it can be determined whether the points of access will operate properly.
5. An analysis of the impacts to neighboring driveway access points and adjacent streets affected by the proposed new development driveways.
6. A discussion of bike and pedestrian use and the availability of transit to serve the development.

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

**14.053 Access Variances.** Access variances will be reviewed by the City of Klamath Falls and/or the Oregon Department of Transportation for proposed driveways that do not meet the access spacing criteria. Variances may be allowed under the following conditions:

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

1. The parcel's highway frontage, topography, or location would otherwise preclude issuance of a conforming access point.
2. Alternative access (crossover easement, shared, side street, and/or rear access) is not available to the parcel.

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

**14.055 Through Lots and Parcels.** Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from an arterial street or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across, which there shall be no right of access, may be required along the line of building sites abutting such an arterial street or other incompatible uses.

**14.060 Angle of Lot and Parcel Side Lines.** The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face.

**14.065 Sizing of Large Lots and Parcels.** In dividing land into large lots or parcels which at some future time are likely to be redivided, the Commission may require that the blocks be of such size and shape so as to allow them to be later divided into lots or parcels conforming to the applicable provisions of Chapters 10 to 14 and contain such restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent land development into lots or parcels complying with the provisions of Chapters 10 to 14.

## **ENVIRONMENTAL**

**14.100 Applicability.** In all zones, no development shall occur absent continuing conformance with the provisions of Sections 14.100 to 14.115.

### **14.105 Noise.**

(1) For purposes of this Section, the following definitions shall apply:

a. "Noise Level" shall mean the weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighing network and reported as dBA.

b. "Statistical Noise Level" shall mean the noise level which is equaled or exceeded a stated percentage of the time. An  $L_{10}=65$  dBA means that in any hour of the day, 65 dBA can be equaled or exceeded only 10 percent of the time or for six minutes.

c. "Sound Pressure Level" shall mean 20 times the logarithm to the base 10 of the ratio of the root

mean square pressure of the sound to the reference pressure. Sound pressure level is given in decibels (dB). The reference pressure is 20 micropascals.

(2) No use shall be made of a lot or parcel which causes or permits the operation of a noise source if the statistical noise levels generated by that source and measured as provided by Section 14.105 (5), exceed the following levels:

**Allowable Statistical Noise Levels**

**In Any One Hour**

7 AM to 10 PM

10 PM to 7 AM

L<sub>50</sub> - 55 dBA

L<sub>50</sub> - 50 dBA

L<sub>10</sub> - 60 dBA

L<sub>10</sub> - 55 dBA

L<sub>1</sub> - 75 dBA

L<sub>1</sub> - 60 dBA

(3) Notwithstanding the provisions of Subsection (2) above, no use shall be made of a lot or parcel of an industrial or commercial noise source if an impulsive sound is emitted in the air by that source which exceeds the peak sound pressure levels specified below and measured as provided by Section 14.105 (5).

7 AM to 10 PM

10 PM to 7 AM

100 dBA

80 dBA

(4) Sound Measurement procedures as required by this section, shall conform to these procedures as adopted by the Environmental Quality Commission of the State of Oregon and set forth in the Sound Measurement Procedures Manual (NPCS-1).

(5) Unless otherwise specified, the appropriate measurement point shall be that point on the property line of the lot or parcel nearest to the noise source.

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

- a. Twenty-five feet (7.6 meters) toward the noise source from the nearest affected building on said adjacent property;
- b. That point on the affected property line nearest the noise source.

(6) When requested by appropriate employees of the City, the owner or operator of a noise source shall provide the following:

- a. Access to the site;
- b. Reasonable facilities, where available, including but not limited to electric power, ladders and other similar facilities;
- c. Cooperation in the reasonable operation, manipulation or shut down of various equipment or operations as needed to ascertain the source of sound and measure its emission.

(7) The provisions of this section shall not apply to the following noise sources:

- a. Emergency equipment not operated on a regular or scheduled basis;
- b. Warning devices not operated continuously for more than five minutes;
- c. Sounds created by the tires or engine used to propel any road vehicle complying with the Noise Control Regulations as developed by the Department of Environmental Quality and provided in Chapter 340 of the Oregon Administrative Rules;
- d. Sound created by bells or chimes;
- e. Sounds that originate on construction sites;
- f. Sounds created by construction or maintenance

equipment;

g. Sounds created by lawn care maintenance and snow removal equipment;

h. Sounds created by the operation of aircraft or any railroad equipment or facility or activity conducted at an airport or railroad yard that is directly related to flight or train operations.

i. Sounds created by the operation of road maintenance equipment complying with the noise rules for such equipment.

**14.110 Air Quality.** The discharge of air contaminants from any development, shall not exceed the limits set forth in this section or those limits established by the Oregon Department of Environmental Quality pursuant to ORS 468 and 468A, whichever are the more stringent. The discharge shall be measured at the source, except for suspended particulate matter, carbon monoxide and lime dust, which shall be measured at any contamination locale.

(1) Smoke measured at the point of discharge into the air shall not exceed an opacity of 20 percent for more than three minutes in any one hour.

(2) The following air contaminants shall not exceed the prescribed standards:

<u>AIR CONTAMINANT</u>	<u>AVERAGING TIME</u>	<u>STANDARDS</u>
Suspended Particulate Matter	Ann. Geometric Mean	60 ug/m
	24 hours	150 ug/m
	Monthly	100 ug/m
Carbon Monoxide	8 hours	10 mg/m
	1 hour	40 mg/m



Sulfer Dioxide	Ann. Arithmetic Ave.	260 ug/m
	24 hours	1300 ug/m
	3 hours	
Photochemical Oxidants	1 hour	160 ug/m
Nitrogen Dioxide	1 hour	100 ug/m
Hydrocarbons	3 hours (nonmethane)	160 ug/m
Lead	Monthly	3 ug/m
Lime Dust	Monthly (CaO)	10 ug/m

Notes:

Not to be exceeded more than once per year.

24 hour average not more than 15 percent of the time.

ug/m = Micrograms per cubic meter of air.

mg/m = Milligrams per cubic meter of air.

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

(3) Measurements of air contaminants shall be by the procedures and with the equipment approved by the Oregon Department of Environmental Quality or acceptable and equivalent methods of measurement approved by the Public Works Director. Persons responsible for a suspected source of air pollution, upon request of the City, shall provide quantitative and qualitative information regarding the discharge that will accurately describe operation conditions. Persons responsible for a suspected source of air pollution, upon request of the City, shall provide quantitative and qualitative information regarding the discharge that will accurately describe operation conditions.

## Suspended Particulate Matter

Concentrations of suspended particulate matter in ambient air as measured by an approved method for total suspended particulate (TSP), or by an approved method for the fraction of TSP which is equal to or less than ten microns in aerodynamic diameter, (PM<sub>10</sub>), shall not exceed:

(1) 60 micrograms of TSP per cubic meter of air as an annual geometric mean for any calendar year at any site.

1. 150 micrograms of TSP per cubic meter of air as a 24-hour average concentration more than once per year at any one site.
2. 50 micrograms of PM<sub>10</sub> per cubic meter of air as an annual arithmetic mean. This standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with Appendix K of 40 CFR 50 is less than or equal to 50 micrograms per cubic meter at any site.
3. 150 micrograms of PM<sub>10</sub> per cubic meter of air as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour concentration above 150 micrograms per cubic meter as determined in accordance with Appendix K of 40 CFR 50 is equal to or less than one at any site.

## Sulfur Dioxide

Concentrations of sulfur dioxide in ambient air measured by an approved method shall not exceed:

1. 0.02 ppm as an annual arithmetic mean for any calendar year at any site.
2. 0.10 ppm as a 24-hour average concentration more than once per year at any site.
3. 0.50 ppm as a three-hour average concentration more than once per year at any site.

## Carbon Monoxide

For comparison to the standard, averaged ambient concentrations of carbon monoxide shall be rounded the nearest integer in parts per million (ppm). Fractional parts of 0.5 or greater shall be rounded up. Concentrations of carbon monoxide in ambient air as measured by an approved method, shall not exceed:

1. 9 ppm as an eight-hour average concentration more than once per year at

any site.

2. 35 ppm as a one-hour average concentration more than once per year at any site.

### Ozone

Concentrations of ozone in ambient air as measured by an approved method shall not exceed 0.12 ppm as a one-hour average concentration. This standard is attained when, at any site the expected number of days per calendar year with maximum hourly concentrations greater than 0.12 ppm is equal to or less than one as determined by the method of Appendix H, 40 CFR 50.

3. Measurements of air contaminants shall be by the procedures and with the equipment approved by the Oregon Department of Environmental Quality or acceptable and equivalent methods of measurement approved by the Public Works Director. Persons responsible for a suspected source of air pollution, upon request of the City, shall provide quantitative and qualitative information regarding the discharge that will accurately describe operation conditions

### Nitrogen Dioxide

Concentrations of Nitrogen Dioxide in ambient air as measured by an approved method shall not exceed 0.053 ppm as an annual arithmetic mean at any site.

### Particle Fallout

The particle fallout rate as measured by an Oregon standard method at a location approved by the Department of Environmental Quality shall not exceed:

1. 10 grams per square meter per month in an industrial area.
2. 5.0 grams per meter per month in an industrial area if visual observations show a presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent.
3. 5.0 grams per square month in residential and commercial areas.
4. 3.5 grams per square meter per month in residential and commercial areas if visual observations show the presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent.

### Calcium Oxide (Lime Dust)

1. Concentrations of calcium oxide present as total suspended particulate, TSP,

as measured by an approved method at a location approved by the Department of Environmental Quality, shall not exceed 20 micrograms per cubic meter in residential and commercial areas.

2. Concentrations of calcium oxide present as particle fallout as measured by an

Oregon standard method at a location approved by the Department of Environmental Quality shall not exceed 0.35 grams per square meter per month in residential and commercial areas.

#### Ambient Air Quality Standard for Lead

The lead concentration in ambient air as measured by an approved method shall not exceed 1.5 micrograms per cubic meter as an arithmetic average concentration of all samples collected at any site during any one calendar quarter.

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

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

**14.115 Heat and Glare.** Except for exterior lighting, operations producing heat or glare, shall be conducted entirely within an enclosed building.

## FENCES AND SCREENING

### 14.150 Screens.

- (1) All trash containers greater than 50 gallons in capacity, shall be screened to a height of six feet, by a sight-obscuring fence.
- (2) All nonresidential service, repair, storage or merchandise display performed in conjunction with any use in any Neighborhood Commercial Zone, shall be conducted wholly within an enclosed building, except for the following: off street parking or loading, drive up windows and fuel sales and related

minor service for motor vehicles.

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

a. In any Neighborhood Commercial Zone, all such activities shall be conducted wholly within an enclosed building.

b. In a General Commercial, Commercial/Light Industrial, Industrial or Public Facility Zone, wherever any area which is used for off street parking or loading contains five or more spaces and lies within 500 feet of any residential use or zone, a planting screen of not less than six feet in height shall be provided and maintained as a buffer between such zones or uses, except when the view is blocked by change of grade or similar features.

(3) Except in a Single Family Residential Zone, wherever any area which is used for off street parking or loading contains five or more spaces and lies within 500 feet of any residential use or zone, a planting screen of not less than six feet in height shall be provided and maintained as a buffer between such zones or uses, except when the view is blocked by change of grade or similar features.

(4) Industrial, commercial or public facility uses abutting a residential zone shall provide and maintain along such abutting property lines, a planting screen or sight obscuring fence not less than six feet in height and which attains a mature height of at least seven feet or similar screening measures as may be prescribed by the Director.

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

(5) A planting screen or sight-obscuring fence, across which there shall be no right of access, may be required along the lot line of building sites abutting arterial streets or other incompatible uses.

(6) Where, because of intense shade, soil conditions, or similar

characteristics, a required planting screen cannot be expected to thrive, a sight obscuring fence or similar nonvegetative screening or similar configurations may be substituted upon approval of the Director.

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

#### **14.155 Specifications.**

(1) Fences. Unless otherwise specified, fencing or other nonvegetative screening shall not exceed three and one half (31/2) feet in height in a required front yard or exterior side yard nor seven feet in height in all other areas and shall be constructed in a manner which is not detrimental to the aesthetics of the surrounding area. This shall include, but not be limited to, locating of fence stringers towards the interior of the lot, fence type and composition, fence color and texture and overall appearance pursuant to Section 14.155 (3).

(2) Planting Screens. Unless otherwise specified, all planting screen specifications required by Chapters 10 to 14 shall conform to the provisions of Sections 14.425. Planting screens shall be sufficient to obscure the proposed use within 12 months of planting.

(3) All required fences and screenings shall conform to plans submitted to and approved by the Director.

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

**14.160 Time of Completion.** All fencing and screening required by Chapters 10 to 14 shall be installed prior to occupancy or commencement of use. Where compliance with the proceeding sentence is not possible because of the season of the year, the director may grant an appropriate delay provided such delay shall not exceed six months.

## **RECYCLING ACCOMMODATIONS**

**14.180 Recycling Accommodation Requirements.** All commercial and multifamily developments requiring a design review as indicated in Section 12.808, shall provide an opportunity to recycle on site for use by the residents.

(1) Commercial developments having a solid waste receptacle shall provide a site of equal or greater size to the receptacle. This site must be located adjacent to or with access to, the solid waste receptacle. The site must accommodate recyclable materials collected by the local solid waste franchisee under its on route collection program. Both the recycle site and the common solid waste receptacle shall be screened to a height of six feet (6') with a sight obscuring fence or vegetation.

(2) Multifamily Residential. All newly constructed multifamily units, either as part of an existing development or as a new development, shall provide an opportunity for a recycling site, in accordance with the following standards:

a. Multifamily developments not sharing a common solid waste receptacle shall provide an individual curbside recycling container for each dwelling unit in the development. This container shall be allowed at the curb on pick up days only.

b. Multifamily developments sharing a common solid waste receptacle shall provide a site of equal or greater size adjacent to or with access comparable to, the common solid waste receptacle to accommodate materials collected by the local solid waste franchisee under its residential route collection program for purposes of recycling. Both the recycle site and the common solid waste receptacle shall be screened to a height of six feet with a sight obscuring fence or vegetation.

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

## **FLOODPLAIN MANAGEMENT**

**14.200 General.** The standards provided in Sections 14.200 to 14.240, shall apply in all areas within a Floodplain Hazard Overlay Zone as established in Section 12.550. When flood proofing is utilized for a structure, a registered engineer or licensed architect shall certify that the flood proofing method is adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors

associated with the base flood and otherwise conforms to the flood proofing standards of the State Structural Specialty Code and Chapters 10 to 14.

#### **14.205 Residential Construction.**

(1) New construction, or structural improvement valued above 50 percent of the assessed value of the structure of any residential structure, shall have the lowest finished floor level, including basement, elevated at least one foot above base flood elevations.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Design for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**14.210 Nonresidential Construction.** New construction or structural improvements valued above 50 percent of the assessed value of the structure of any commercial, industrial or other nonresidential structure, shall either have the lowest finished floor level, including basement, elevated one foot above the base flood elevation; or together with attendant utility and sanitary facilities shall:

(1) Be flood proofed in accordance with the provisions of Section 14.220, so that below the base flood level of the structure is watertight and substantially impermeable to the passage of water; and

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.



(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards or practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

(4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 14.205.

(5) Applicants flood proofing nonresidential buildings, shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

#### **14.215 Anchoring.**

(1) All new construction or structural improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All mobile and manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

#### **14.220 Construction Materials and Methods.**

(1) All new construction or structural improvements shall be constructed with materials and utility equipment resistant to flood damage. The State Structural Specialty Code shall be used where applicable to determine appropriate material and equipment.

(2) All new construction or structural improvements shall be constructed using methods and practices that minimize flood damage. The State Structural Specialty Code shall be used where applicable for construction methods.

- (3) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **14.225 Public Facility Standards.**

- (1) A public facility in a Floodplain Hazard Overlay Zone shall be designed, located and constructed to minimize or eliminate flood damages.
- (2) A new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.
- (3) A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- (4) An on site septic tank system or other individual waste disposal system is prohibited in the floodplain.

#### **14.230 Land Development Standards.**

- (1) A land development within a Floodplain Hazard Overlay Zone shall be designed and constructed to minimize flood damage, including but not limited to the provision of adequate surface drainage to reduce exposure to flood hazards.
- (2) A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the 100-year flood carrying capacity of the watercourse.
- (3) A land development proposal involving more than 50 lots or five acres shall include data showing the base flood elevation.

#### **14.235 Manufactured Home Standards.** All manufactured homes to be placed or substantially

improved within the Flood Hazard Zone, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system, in accordance with the provisions of Section 14.215 (2).

**14.240 Storage of Materials.** Storage of materials that are buoyant, flammable, toxic or otherwise injurious to persons or property if transportable by flood waters, are prohibited.

**14.245 Floodways.** Located within areas of special flood hazard established in Section 12.550, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 14.245 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.200, Flood Plain Management.

## **GRADING CUTS AND FILLS**

**14.250 Grading and Filling of Structure Sites.** Grading and filling of sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards as determined by the Public Works Director.

(1) Cut slopes shall not exceed one foot vertically to one and one half feet horizontally.

(2) Fill slopes shall not exceed one foot vertically to two feet horizontally.

(3) The type of soil utilized for fill shall have shearing,

slumping and similar characteristics necessary to support the structure intended and be approved by the Public Works Director prior to development. Fill materials that may present a water quality problem on the site or within the surrounding area, due to their physical characteristics or contamination from oil, industrial waste or similar pollutants, shall not be permitted.

(4) Layered fill shall not exceed six inches maximum per layer.

(5) Fill shall be compacted to accepted engineering standards sufficient to support the structure intended and existing water shall be allowed to settle prior to development upon the site.

(6) Changes in slopes shall be rounded and cut slopes shall be planted with material suitable to prevent erosion or similar soil instability problems.

(7) Existing vegetation, including trees, shall be saved when to do so will not adversely affect the engineering soundness of the cut or fill involved.

## **HISTORIC PRESERVATION**

**14.260 General.** All development shall be undertaken so as to conserve, protect and preserve to the maximum extent practicable, those sites, structures and objects of statewide or local importance that represent archaeological and historical resources and:

(1) Are associated with events that have made a significant contribution to the broad patterns of local, regional or national history;

(2) Are associated with the lives of persons significant to the history of the City of Klamath Falls or the region;

(3) Embody the distinctive characteristics of the type, period or method of construction or that represent the work of a master, or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction;

(4) Have yielded or may be likely to yield information important to the history of the City of Klamath Falls or the region; and

(5) Are designated on the "Statewide Inventory of Historical Sites and Buildings" published by the Oregon Department of Transportation on file in the City of Klamath Falls Planning Department.

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

## SIGNS

**14.300 Purpose.** The purpose of these sign regulations are to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. It is also intended to protect the public from hazardous conditions by prohibiting signs that are structurally unsafe, obscure or distract the vision of motorists or compete or conflict with necessary traffic signs and warning signs. This sign ordinance is adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the Community Development Ordinance. Sections 14.300 to 14.368 shall be known as the "Uniform Sign Act" (The Act).

[Repealed by Ordinance 97-13, enacted May 5, 1997]

[Added by Ordinance 97-13, enacted May 5, 1997]

### **14.304 Applicability.**

(1) A sign may be erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this act.

(2) The effect of this act is more specifically set forth herein, is:

a. To establish a permit system to allow a variety of types of signs in commercial and light industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this act;

b. To allow certain signs that are small,

unobtrusive and incidental to the principle use of the respective lots on which they are located, subject to the substantive requirements of this act, but without a requirement for permits;

c. To provide for temporary signs without commercial messages in limited circumstances in the public right of way;

d. To prohibit all signs not expressly permitted by this act.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.305** [Repealed by Ordinance 6413, enacted January 3, 1983]

**14.308 Permits Required.**

(1) If a sign requiring a permit under the provision of this act is to be placed, constructed, erected or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of Section 14.312.

(2) No signs shall be erected in the public right of way except in accordance with Section 14.340 and 14.344.

(3) No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this act (including those protecting existing signs) in every respect and with the Uniform Sign Program in effect for the property.

(4) A sign permit fee must be paid at the time of application, if this fee is not paid, the application will not be considered complete.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.310** [Repealed by Ordinance 6413, enacted January 3, 1983]

**14.312 Permit Procedures.** The following procedures shall govern the application for and issuance of all sign permits under this ordinance and the submission and review of Uniform Sign Programs.

(1) Applications. All applications for sign permits of any kind shall be submitted to the Director on an application form or in accordance with application specifications published by the Director.

(2) Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body of the City from time to time by resolution.

(3) Completeness. Within five days of receiving an application for a sign permit or for a Uniform Sign Program, the Director shall review it for completeness. If the Director finds that it is complete, the applications shall then be processed. If the Director finds that it is incomplete, the Director shall within such five (5) day period, send to the applicant, a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this act.

(4) Action. Within seven (7) days of the submission of a complete application for a sign permit, the Director shall either:

a. Issue the sign permit if the sign(s) that is the subject of the application conforms in every respect with the requirements of this act and of the applicable or Uniform Sign Program.

b. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this act and of the applicable Uniform Sign Program. In case of a rejection, the Director shall specify in the rejection, the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

(5) Action on Plan. On any application for approval of a Uniform Sign Program, the Director shall take action on the applicable one of the following dates:

a. Fourteen (14) days after the submission of a

complete application if the application is for signs on existing buildings; or

b. On the date of final action on any related application or development plan is for signs involving new construction.

(6) On or before such applicable date, the Director shall either:

a. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this act; or

b. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of this act. In case of a rejection, the Director shall specify in the rejection, the section or sections of the ordinance with which the plan is inconsistent.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.315** [Repealed by Ordinance 6413, enacted January 3, 1983]

**14.316 Permits to Construct or Modify Signs.** Signs identified as "S" on Table 1, shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit from the Director. Such permits shall be issued only in accordance with the following requirements and procedures.

(1) Permit for New Sign or for Sign Modification. An application for construction, creation or installation of a new sign or form modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained within a Uniform Sign Program then in effect for the lot. One application and permit may include multiple signs on the same lot.

(2) Inspection. The Director shall cause an inspection of the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth (6th) month after the issuance of such permit or at such earlier date as the owner may



request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this act and with the building and electrical codes, the permit shall be considered valid. If the construction is substantially complete but not in full compliance with this act and applicable codes, the Director shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the permit shall be considered valid.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.320 Uniform Sign Program.** A sign located in an approved Planned Unit Development shall conform to all requirements of this chapter, including those of the district in which the property is located, unless specially exempted therefrom as part of the Planned Unit approval under Section 12.360.

(1) If a condition of planned Unit Development approval requires a Uniform Sign Program, the owner shall submit to the Director a Uniform Sign Program containing the following:

- a. An accurate site plan of the lot, at such scale as the Director may reasonably require;
- b. Location of buildings, parking lots, driveways and landscaped areas on such lot;
- c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this act; and
- d. An accurate indication on the site plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

(2) Provisions of the Uniform Sign Program. The Uniform Sign Program shall specify standards for consistency among all signs within the development affected by the Plan with regard to:

- a. Number of signs per tenants;
- b. Designation of major tenants;
- c. Sign type;
- d. Letter height;
- e. Illumination;
- f. Color scheme;
- g. Location of each sign on the buildings;
- h. Materials;
- i. Sign proportions; and
- j. Variations for major tenants

(3) Identifying Window Signs in the Uniform Sign Program. A Uniform Sign Program including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of window signs (e.g. paper affixed to window, painted, etched on glass or some other material hung inside window) and need not specify the exact dimensions or nature of every window sign.

(4) The aggregate area of all signs and the area of any freestanding sign shall not exceed that permitted in Section 14.332.

(5) Other Provisions of a Uniform Sign Program. The Uniform Sign Program may contain such other restrictions as the owners of the unified development may reasonably determine.

(6) Consent. The Uniform Sign Program shall be signed by all owners or their authorized agents in such form as the Director shall require.

(7) Procedures. A Uniform Sign Program shall be included in any development plan, site plan, planned unit development or

other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.

(8) Amendment. A Uniform Sign Program may be amended by filing a revised Uniform Sign Program that conforms with all requirements of the act then in effect. The Uniform Sign Program may not be altered without written permission of the Planning Director. In addition, no changes may be made without the written permission of a majority of tenants whose existing signs are in compliance with the previously established sign program.

(9) Existing Signs not Conforming to the Uniform Sign Program. If any new or amended Uniform Sign Program is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, all signs not conforming to the proposed amended plan or to the requirements of this act in effect on the date of submission.

(10) Binding Effect. After approval of a Uniform Sign Program, no sign shall be erected, placed, painted or maintained except in conformance with such plan and such plan may be enforced in the same way as any provision of this act. In case of any conflict between the provisions of such a plan and any other provision of this act, the act shall control.

(11) For purposes of this Act, the following PUD zone designations shall be subject to the sign standards applicable to the following corresponding zoning designations:

<u>BASIN VIEW</u>	<u>HARBOR ISLES</u>	<u>CAMPUS</u>
<u>PUD Zone Zoning District</u>	<u>PUD Zone Zoning District</u>	<u>PUD Zone Zoning District</u>
Single Family SF	Single Family SF	High Density A
Multi Family MD	Single Family SF	Neighborhood Comm NC
Commercial NC	w/o setbacks	Medical-Professional NC
School PF	Multi Family MD	Highway Commercial GC
	Multi Family MD	Schools PF Office NC
	Condominium	

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

[Repealed by Ordinance 97-13, enacted May 5, 1997]

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.324 Exempt Signs.**

- (1) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
- (2) Any sign that is not visible beyond the boundaries of the lot or parcel on which it is located or from any public thoroughfare or right of away;
- (3) Works of art that do not include a commercial message;
- (4) Holiday displays that do not include a commercial message, but only between November 15 and January 15;
- (5) Traffic control signs on private property, such as stop, yield and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort;

- (6) Real Estate Signs. One temporary nonilluminated real estate sign per lot, that does not exceed 8 square feet in area and 4 feet in height, within residential zoning districts and 32 square feet in area and seven feet in height, in all other zoning districts, but only if the sign remains in place no more than seven (7) days after the sale or rental of the property;
- (7) Construction Signs. Construction signs with a maximum of thirty two (32) square feet of total signage area limited to the duration of the construction period;
- (8) Political Signs;
- (9) Flags;
- (10) Signs having an area of not more than one and a half square feet, the message of which is limited to conveying street numbers, the name of the owner of the premises and the name of the occupants of the premises;
- (11) One church of institutional bulletin board per lot without interior illumination having an area not exceeding 25 square feet;
- (12) Signs indicating only the date of construction of a building and having an area not exceeding four square feet;
- (13) Lost Animal and Garage Sale Signs. One temporary sign per lot placed on private property with the permission of the owner for a period not to exceed ten (10) days;
- (14) Window Signs. A window sign of no more than 4 square feet in area and placed no more than 25 feet above finished grade, if the sign area fills less than 25 percent of the area of the window and such signs do not exceed 25 percent of the total allowable sign area for the premises. The area of a window sign not exempt from permit requirements under this paragraph is calculated as a part of and limited by the total allowable sign area for the premises;
- (15) Signs Carried by a Person. A sign carried by a person and not set on or affixed to the ground.

1. Inflated balloons having an area of not more than two (2) square feet.

[Added by Ordinance 97-13, enacted May 5, 1997]

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

**14.325** [Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.328 Prohibited Signs.** All signs not expressly permitted under this act or exempt from regulation hereunder in accordance with the previous section, are prohibited by the City. Such signs include, but are not limited to:

- (1) Beacons
- (2) Pennants
- (3) Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section.
- (4) Moving signs
- (5) Illusion signs
- (6) No unofficial sign which purports to be, is an imitation of or resembles an official traffic sign or signal or which attempts to direct the movement of traffic or which hides from view any official traffic sign or signal.
- (7) Portable signs
- (8) Vehicle signs, if:
  - a. The vehicle is not in operable condition;
  - b. The sign is roof mounted and has more than two (2) faces or any face exceeds four square feet in area;
  - c. The principle use of the vehicle at the time of the display is for display of the signs; or
  - d. It is a commercial sign and the vehicle is not

used in the normal course of business as a delivery vehicle for persons or goods.

(9) Roof signs

(10) Signs pertaining to an activity, business, product or service not conducted on the premises upon which the sign is located.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.330** [Repealed by Ordinance 97-13, enacted May 5, 1997]

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

[Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.332 Private Property (Permanent).**

(1) Signs shall be allowed on private property in the City in accordance with and only in accordance with, Table 1. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

(2) Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 1 shall be allowed only if:

a. The size, location and number of signs on the lot conform with the requirements of Table 2, which establish permitted sign dimensions by sign type and with any additional limitations listed in Table 1; and

b. The characteristics of the sign conform with the limitations of Table 3, Permitted Sign Characteristics and with any additional limitations on characteristics in Table 1.

[Added by Ordinance 97-13, enacted May 5, 1997]

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

[Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.336 Private Property (Temporary).** Temporary signs on private property shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

- (1) Term. A temporary sign permit shall allow the use of a temporary sign for a specified 30 day period.
- (2) Number. Only one temporary sign permit shall be issued to the same business license holder on the same lot in any calendar year.
- (3) Other Conditions. A temporary sign shall be allowed only in districts with a letter "S" for "Temporary Signs" on Table 1 and subject to all of the requirements for temporary signs as noted therein.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.340 Public Right of Way (Permanent).** No signs shall be allowed in the public right of way, except for the following:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
2. Bus stop signs erected by a public transit company;
3. Information signs for a public utility regarding its poles, lines, pipes or facilities; and
4. Awning, projecting and suspended signs projecting over a public right of way in conformity with the conditions of Table 1 of this act.
5. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.



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

[Amended by Ordinance 6545, enacted November 16, 1987]

[Repealed by Ordinance 97-13, enacted May 5, 1997]

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.344 Public Right of Way (Temporary).** Permits for temporary private signs in the public right of way shall be issued in accordance with the following conditions:

(1) Term and Number of Permits. The term of such a permit shall be 60 days. No more than one permit for temporary signs shall be issued to any applicant in any calendar year.

(2) Number of Signs. No more than 10 signs may be erected under one permit.

(3) Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right of way.

[Added by Ordinance 97-13, enacted May 5, 1997]

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

[Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.348 Computations.** The following principles shall control the computation of sign area and sign height.

(1) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material of color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area of the support structure of a freestanding sign is counted in the total area of the sign to the extent that the support structure exceeds the minimum required for support of the sign.

But, if the sign is less than eight (8) feet in height, a plain pedestal for a freestanding sign shall not be counted in the total area of the sign.

(2) Computation of Area of Multifaced Signs. The sign area of a sign with more than one face shall be computed by adding together the area of all wall sign faces placed back to back, so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

(3) Computation of Height. The height of a sign shall be computed as the vertical distance from the elevation of the nearest sidewalk or if there is no sidewalk within twenty five (25) feet, from the lowest point of the finished grade on the lot upon which the sign is located and within twenty five (25) feet of the sign, to the uppermost point on the sign or sign structure, whichever is higher.

(4) Computation of Maximum Total Permitted Sign Area for a Lot. The permitted sum of the area of all individual signs on a lot shall be computed by applying the formulas contained in Table 2, Number, Dimensions and Location of Individual Signs by Zoning District.

### A KEY TO TABLES 1 THROUGH 3

SF	Single Family Residential	GC	General Commercial
MD	Medium Density Residential	LI	Light Industrial
A	Apartment Residential I		Industrial
DB	Downtown Business	NC	Neighborhood Commercial
PUB	Institutional Uses Permitted in Residential Zones (includes Public Facility Zone)		

**TABLE 1**

**PERMITTED SIGNS BY TYPE AND ZONING DISTRICT**

P=allowed without sign permit      S=allowed only with sign permit      N=not allowed

ZONING SF MD A NC PUB<sup>1</sup> GC LI I DB<sup>2</sup>

**Sign Type:**

Freestanding

Residential	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	N	N	N	N	N	N
Other	N	S <sup>3</sup>	S <sup>3</sup>	S	S	S	S	S	S
Incidental <sup>4</sup>	N	N	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P	P	P	P

Building

Banner	N	N	N	S	N	S	S	S	S
Building Marker	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	S	N	S	S	S	S
Identification <sup>6</sup>	P	P	P	P	P	P	P	P	P
Incidental <sup>4</sup>	N	N	P <sup>6</sup>	P <sup>6</sup>	P	P	P	P	P
Marquee <sup>7</sup>	N	N	N	N	N	S	N	N	S
Projecting <sup>7</sup>	N	N	N	S	N	S	S	S	S
Residential <sup>3</sup>	P	P	P	N	N	N	N	N	N
Roof	N	N	N	N	N	N	N	N	S
Roof, Integral	N	N	N	N	N	S	N	N	S

Suspended <sup>7</sup>	N	N	N	N	P	N	N	N	P
Temporary <sup>8</sup>	N	N	N	S	N	S	N	N	N
Wall	S <sup>9</sup>	S <sup>9</sup>	S <sup>9</sup>	S	P	S	S	S	S

Miscellaneous

<sup>1</sup> This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential and public facility zones. Such use may include, but are not necessarily limited to, churches, schools, funeral homes and cemeteries.

<sup>2</sup> Must comply with Downtown Business Zone Design Review Standards and be reviewed by the Downtown Design Review Committee.

<sup>3</sup> No commercial message allowed on sign.

<sup>4</sup> No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.

<sup>5</sup> May include only building name, date of construction or historical data on historic site, must be cut or etched into masonry, bronze or similar material.

<sup>6</sup> Only address and name of occupant allowed.

<sup>7</sup> If such a sign is suspended or projects above the public right of way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining a right-of-way encroachment permit and maintain in force liability insurance for such sign in such form and such amount as the Director may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000 per occurrence per sign. Signs projecting over State Highway right-of-way are subject to the permitting requirements of Oregon Department of Transportation.

<sup>8</sup> The conditions of Sections 14.344 and 14.352 apply.

<sup>9</sup> Wall signs in residential zones shall be restricted to locations with licensed Home Occupations and these signs shall not exceed four (4) square feet.

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

**TABLE 2**

## NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table

<b>SF</b>	<b>MD</b>	<b>A</b>	<b>NC</b>	<b>PUB<sup>1</sup></b>	<b>GC</b>	<b>LI</b>	<b>I</b>	<b>DB<sup>2</sup></b>				
Max area per sign face (sq. ft.)				6 <sup>8</sup>	6 <sup>8</sup>	6 <sup>8</sup>	32	32	80	80	80	40
Maximum Height (feet)				5 <sup>8</sup>	5 <sup>8</sup>	5 <sup>8</sup>	8	25	25	25	25	8
Setback for signs 8 feet or less												
in height		5	5	5	5	5	5	5	5	5	0	
Setback for signs greater than												
8 feet in height	n/a	n/a	n/a	n/a	n/a	25	25	25	25	25	25	n/a
Number Permitted												
per lot	1	1	n/a	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a
1 per 175 feet of street												
frontage	n/a	n/a	n/a	1	1	n/a	1	1	1	1	1	1
<b>Building</b>												
Area	2	2	2	n/a <sup>3</sup>	n/a <sup>3</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>
Wall Area <sup>5</sup> (percent <sup>6</sup> )	n/a	n/a	n/a	n/a	n/a	10%	n/a	15%	5%	5%	5%	5%
Projecting <sup>7</sup> (sq. feet pr face)	n/a	n/a	n/a	n/a	n/a	12	12	12	24	24	24	4

<sup>1</sup> This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in public facility and residential zones. Such use may include, but are not necessarily limited to, churches, schools, funeral homes and cemeteries.

<sup>2</sup> Must comply with Downtown Business Zone Design Review Standards.

<sup>3</sup> Total building sign area permitted equals 1.25 square feet for each linear foot of total building frontage for the first 200 feet of frontage, plus ½ square foot for each additional linear foot of building frontage.

<sup>4</sup> Total building sign area permitted equals 2 square feet for each linear foot of total building frontage for the first 200 feet of frontage, plus ½ square foot for each additional linear foot of building frontage.

<sup>5</sup> This total area percentage shall include temporary signs.

<sup>6</sup> The percentage figure here shall mean the percentage of the area of the wall of which such sign is apart or to which each such sign is most nearly parallel.

<sup>7</sup> Maximum projection of any projecting sign shall not exceed four feet.

<sup>8</sup> Freestanding signs identifying the name of a neighborhood or subdivision in residential zones shall be permitted with a maximum of two signs: one per street frontage, 50 square feet per face and 7 feet in height.

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

**TABLE 3**

**PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT**

P=allowed without sign permit

S=allowed only with sign permit

N=not allowed

<b>SF MD A NC PUB<sup>1</sup> GC LI I DB<sup>2</sup></b>
Changeable Copy N N N S P S N N N
Illumination, Internal <sup>3</sup> N N N S P S S S S
Illumination, External <sup>3,4</sup> N N P S P S S S S

<sup>1</sup> This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential and public facility zones. Such use may include, but are not necessarily limited to churches, schools, funeral homes and cemeteries.

<sup>2</sup> Must comply with Downtown Business Zone Design Review Standards and be approved by the Downtown Design Review Commission.

<sup>3</sup> No direct or significant glare from the sign shall be cast onto any adjacent lot that is zoned and used for residential purposes.

<sup>4</sup> Shall not have exposed bulbs.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.350** [Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.352 Design, Construction and Maintenance.** All signs shall be designed, constructed and maintained in accordance with the following standards:

(1) All signs shall comply with applicable provisions of the Uniform Building Code and the County Electrical Code.

(2) An electric sign shall be constructed of material defined as incombustible under the Uniform Building Code (UBC). An electric sign shall be rain tight, but service holes fitted with waterproof covers may be provided to each compartment of such sign. All electric signs installed or erected in the City shall bear the label of Underwriters Laboratories, Inc.

(3) Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this act, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to rigid wall, frame or structure.

(4) No person shall fail to maintain a sign on such person's premises, including signs exempt from the permit requirements, in good structural condition at all times. All signs, including all metal parts and supports thereof that are not galvanized or of rust resistant metals, shall be kept neatly painted. The City shall inspect and may order the painting, repair, alteration or removal of a sign that constitutes a hazard to safety, health or public welfare because of inadequate maintenance, dilapidation or obsolescence, under the

procedures prescribed by Section 10.205.

[Added by Ordinance 97-13, enacted May 5, 1997]

### **14.356 Historic Signs.**

(1) Historic Sign Inventory. The inventory of historically significant signs shall be designated by the Planning Commission.

(2) Criteria for designation of historic signs. All signs for which designation as a Historic Sign are requested shall be substantially in existence at the time of the application; shall be displayed in its original location or remain associated with the original business; and shall meet one of the following criteria:

a. The sign is exemplary of technology, craftsmanship, uses historic sign materials or means of illumination and is not significantly altered from its original form. If the sign has been significantly altered, it must be restorable to its historic appearance.

b. The sign is integrated into the architecture of the building and is exemplary of a historically significant architectural style.

(3) The owner of any sign may request that the sign be reviewed for significance in the Historic Sign Inventory upon written application to the Planning Commission.

Applications shall include written findings addressing the review criteria for designations of historic signs, with current and historic photographs of the sign, if available.

a. The Planning Commission shall refer all requests for inclusion to the Downtown Design Review Commission for its review and recommendation.

b. The Planning Commission shall decide, based on the review criteria above and the recommendation of the Downtown Design Review Commission, whether to approve the request to include the sign on



the inventory.

c. Signs on the Historic Sign Inventory shall be exempt from all requirements of this sign act. Also, the sign area of the historic sign is exempted from the total allowable sign area, as defined in this Section, except as modified by Planning Commission conditions.

d. The Planning Commission shall have the authority to impose conditions regulating area, maintenance, etc., on the signs included in the Historic Sign Inventory to further the purpose and intent of this act.

e. Removal or demolition of a Historic Sign shall be evaluated through the sign permit process. The Downtown Design Review Commission shall review the sign permit request at its next regularly scheduled meeting and shall have the authority to delay issuance for 30 days from the date of the review meeting. Such delay shall allow the staff to discuss other options to remove and demolish with the applicant.

f. Signs on the Historic Sign Inventory, which have been destroyed or damaged by fire or other acts of God to an extent greater than 50% of the sign's value, may be reconstructed in an historically accurate manner. Such reconstruction shall be authorized by the Planning Commission, only after the determination that the reconstruction will be an accurate duplication of the historic sign.

(4) Maintenance and Modification of Historic Signs.

a. All parts of the historic sign, including but not limited to, neon tubes, incandescent lights and shields and sign faces shall be maintained in a functioning condition as originally designed. Replacement of the visible components with substitutes recreating the original appearance shall be permitted provided such replacement accurately reproduce the size, shape, color and finish of the original sign. Failure to maintain the

sign in accordance with this section shall be grounds for review of the historic sign designation by the Planning Commission.

b. Modifications of a historic sign may be allowed after review by the Planning Commission, only if such modifications do not substantially alter the historic style.

[Added by Ordinance 97-13, enacted May 5, 1997]

### **14.360 Compliance.**

(1) Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this act or for which there is no current and valid sign permit shall be obligated to remove such sign or in the case of a nonconforming sign, to bring it into conformity with the requirements of this act. Sign(s) made nonconforming by the adoption of this act may remain in place and be maintained for a period ending no later than May 5, 2012.

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

(2) A legal nonconforming sign and nonconforming sign structure must be brought into compliance with this act or terminate and cease to exist when any one of the following conditions occur:

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

a. Whenever there is a change of tenant or vacation of the premises by a former tenant, except in cases where multiple tenants are displayed on a freestanding sign. In cases where the applicant can demonstrate exceptional or extraordinary financial hardship, the Director may waive this requirement;

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

a. Whenever the sign is damaged more than fifty percent (50%) of its total replacement value or destroyed from any cause whatsoever;

c. Whenever a lack of sign maintenance reduces the sign value to less than fifty percent (50%) of its total replacement value;

d. When a business to which the sign pertains is expanded by greater than 10% of the existing gross floor area;

e. Whenever a request is made for a permit to alter the structural support of the sign;

f. Whenever there is a request for a building permit to make improvements to the face of the building on which the nonconforming sign is located excluding normal repair and maintenance efforts;

a. Any existing sign having value of one hundred dollars (\$100) or less shall be brought into conformance with this act or removed within sixty (60) days of the effective date of this act.

(3). Any existing sign which exceeds the maximum area or height limitations of this act by twenty percent (20%) or less shall be considered to be a conforming sign for purposes of this section and need not be removed or altered; but if such sign is replaced or renovated, it shall conform to all requirements of this action. Such sign is not exempt from the amortization provisions of this section.

[Added by Ordinance 97-13, enacted May 5, 1997]

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

### **14.364 Appeals and Variances.**

(1) Any aggrieved person who contests an interpretation of this

act which causes denial of a permit or who believes a violation alleged in a notice of violation issued pursuant to 14.364 to be factually or legally incorrect, may appeal the denial or notice of violation to the Planning Commission in a manner provided by the Commission as a "Quasi Judicial Hearing" or may in the case of a denial, request that a variance be granted, in accordance with the Variance procedures in Sections 11.200-11.275. An appeal from a denial and a request for a variance may be filed as an alternative.

(2) The Planning Director or other authorized representative of the City Manager, may grant an administrative variance to the Sign Act. Requests for administrative variances which meet the following criteria may be considered for approval by the Planning Director or otherwise, the request shall be forwarded to the Planning Commission for its consideration:

- a. Relief is requested from height, setback or sign separation requirements;
- b. The exception requested may not exceed twenty percent (20%), the maximum standards for height;
- c. The exception requested may not be reduced by more than twenty percent (20%) the minimum standard for setbacks or sign separation. All exceptions and requests will be evaluated in accordance with the criteria in Section 11.265.

(3) No person may appeal to or request a variance from the Planning Director or Planning Commission if the person has displayed, constructed, altered or relocated a sign without a sign permit as required by 14.316.

(4) The Planning Director and the Planning Commission has no jurisdiction to hear a request for nor authority to grant a variance that would increase the maximum permitted sign area on a single lot or building, the maximum area of a freestanding sign or from the prohibitions of Section 14.328. But the Commission has jurisdiction to hear an appeal of a permit denial or of a notice

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

(5) The Planning Commission or Planning Director may make any variance it grants subject to any reasonable conditions that it deems necessary or desirable to make the device that is permitted by the variance compatible with the purpose of this act.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.368 Violations.** Any of the following shall be a violation of this act and shall be subject to the enforcement remedies and penalties by this act, by the zoning ordinance and by state law. Each sign installed, created, erected or maintained in violation of this act shall be considered a separate violation when applying the penalty portions of Section 10.210.

(1) To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;

(2) To install, create, erect or maintain any sign requiring a permit without such a permit;

(3) To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which sign is located;

(4) To fail to remove any sign that is installed, created, erected or maintained in violation of this act or for which the sign permit has lapsed; or

(5) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this act.

[Added by Ordinance 97-13, enacted May 5, 1997]

## **EXTERIOR LIGHTING**

**14.370 General.** Where required pursuant to the provisions of Chapters 10 to 14, the installation of

exterior lighting shall be the responsibility of the developer. Such lighting capacity shall be approved by the Public Works Director and lighting shall be placed on City approved poles. Lamp sizes ranging from 2,500 to 6,000 lumens shall utilize a mounting height of 25 feet, while lamp sizes of more than 6,000 lumens shall be mounted at a height from 30 to 35 feet. All electrical distribution facilities installed for the purpose of supplying electrical power to exterior lighting shall be placed underground.

**14.375 Placement.** Low hanging branches and trees which seriously impair the effectiveness of the lighting shall be trimmed to provide maximum lighting efficiency. Exterior lighting as provided shall be directed away from adjacent properties and shall be so deflected as not to shine into structures used as dwellings.

## VISION CLEARANCE

**14.390 General.** Vision clearance areas, except in the Downtown Business Zoning District, corner lots or parcels at street intersections shall have a minimum of fifteen (15) foot legs along each street and ten (10) feet legs for alley street intersections as measured from the property line. Vision clearance areas shall not be required at a height of ten feet or more above the curb level or ten feet, six inches above the shoulder of a street that does not have a curb or below two feet, six inches of height above a street curb or shoulder. This Section shall not be construed as waiving or altering any yard requirements that may be required by any other code or ordinance provision.

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

## LANDSCAPING

**14.400 Open Space or Area.** Any open space or area, including yards, required by Chapters 10 to 14 of multifamily residential, commercial, light industrial, industrial or public facility uses, shall be landscaped and permanently maintained in accordance with the provisions of Sections 14.400 to 14.430.

**14.405 Required Tree Planting.** Whenever a portion of a lot or parcel area is required to be devoted to landscaped open space, one tree and two shrubs shall be required for each 1,000 square feet of such space or fraction thereof. In all zones, one tree is required for each 1,500 square feet of required yard space.

1. As a requirement of subdivision plat approval, the applicant shall provide for the planting of shade or conifer trees on the proposed development.
2. Street trees are to be planted within 10 feet of the curbs on both sides of all

streets, except alleys and within vision clearance areas.

3. A minimum of one tree shall be planted for every 50 feet of such frontage along each street.

4. The Commission may grant an exception to such requirements upon a finding that there are trees existing along said streets or on abutting properties which in the opinion of the Commission comply with the spirit and intent of Chapters 10 to 14.

5. New trees to be provided pursuant to Sections 14.400 to 14.430, shall conform to the provisions of Section 14.425 be chosen from the approved street tree list provided in Section 14.408 and shall be a minimum of two (2) inch caliper size, measured four inches above the ground, except "small trees" listed in Section 14.408(1) that shall be a minimum of one and a half (1 ½) inch caliper size, measured four inches above the ground.

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

6. Mulch, consisting of wood chips, bark, or similar organic material, shall be installed and maintained no less than three (3) inches in depth within the dripline of required trees,

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

7. Such trees shall be maintained by the owner in a healthy condition, for a period of not less than ten two years from planting. The developer shall replace trees, which die within that time. Beyond such time the City shall maintain and replace said trees.

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

**14.408 Approved Street Trees.** The following tree species list shall be chosen from when fulfilling street tree planting requirements:

(1) Small Trees. Small or narrow stature trees under twenty-five feet ( 25') in height, less than sixteen feet (16') wide; may be spread at any interval twenty feet (20') apart or greater. Sidewalk cuts to be a minimum of three feet by three feet (3' x 3').

- a. Quercus 'Gimschmidt' - Red Spire
- b. Acer rubrum 'Bowhall' - Bowhall Red Maple
- c. Acer platanoides 'Columnar' - Columnar

## Norway Maple

- d. *Pyrus callertana* 'Chanticleer' - Chanticleer Flowering Pear
- e. *Prunus sargentii* 'Columnaris' - Sargent Columnar Cherry
- f. *Fraxinus oxycarpa* 'Golden Desert' - Golden Desert Ash
- g. *Fagus sylvatica* 'Fastigiata' - Dawyck Beech

(2) Medium Trees. Medium size trees, twenty five feet (25') to forty feet (40') tall, sixteen (16') to thirty five feet (35') wide, may be spread at any interval thirty feet (30') apart or greater. Sidewalk cuts to be a minimum of four feet by four feet (4' x 4').

- a. *Acer platanoides* 'Crimson King' - Crimson King Maples
- b. *Prunus serrulata* 'Kwanzan' - Kwanzan Flowering Cherry
- c. *Cercis canadensis* - Eastern Redbud
- d. *Acer campestre* - Hedge Maple
- e. *Pyrus calleryana* 'Bradford' - Bradford Flowering Pear
- f. *Koelreuteria paniculata* - Golden Rain Tree
- g. *Fraxinus oxycarpa* 'Flame' - Flame Ash
- h. *Prunus subhirtella* 'Autumnalis'

(3) Large Trees. Large trees, over forty feet (40'), more than thirty five feet (35') wide; may be spaced at any interval forty feet (40') or greater. Sidewalk cuts shall be a minimum of five feet by five feet (5' x 5').



- a. *Gleditsia triacanthos* 'Shademaster' - Shademaster Honey Locust
- b. *Gleditsia triacanthos* 'Moraine' - Moraine Honey Locust
- c. *Ginkgo biloba* (grafter males only) - Maidenhair Tree
- d. *Tilia cordata* - Little Leaf Linden
- e. *Liriodendron tulipifera* - Tulip Tree
- f. *Acer platanoides* 'Parkway' - Parkway Maple
- g. *Acer rubrum* 'Franks Red' - Red Sunset Maple
- h. *Celtis occidentalis* - Hackberry
- i. *Fraxinus americanas* 'Rosehill Ash' - Rosehill Ash

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

#### **14.410 Landscaping of Parking Areas.**

(1) Where the provision of off street parking is required, there shall be landscaped open space within the perimeter of the parking area or areas, in the minimum amount of 15 square feet for each parking space, which shall be so located that no parking space is more than 12 feet from a portion of landscaped open space required by this section. In no case shall there be less than 200 square feet of landscaped area. The required landscaped open space need not be contiguous. There shall be at least one tree in each separate area and a minimum vegetative cover of at least 50% of the area set aside for landscaping.

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

(2) When parking areas project into required yards, the remaining yard area shall be landscaped to provide partial screening of the parking area. Landscaping shall include plantings

and berms not exceeding 30 inches in height. Tree limbs shall have a clearance of eight feet above grade. Landscaping in such yards shall include trees placed not less than one tree for each 50 feet of frontage.

(3) Trees required by Sections 14.400 to 14.430 shall be included in computing any number required by Section 14.405.

(4) The following provisions shall apply to all parking areas containing five or more spaces:

a. Parking lots shall be screened from abutting land uses in accordance with the provisions of Section 14.150.

b. Parking lots shall have landscaped islands at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface.

c. A minimum of 3 percent of the space provided for vehicular circulation such as driveways, driveway easements or open parking areas shall be in landscaping which shall be evenly distributed throughout. Long rows of parking spaces shall be interrupted by a landscape break. The minimum dimensions of the landscaped area on any one side shall be three feet in length and the landscaping shall be protected from vehicular damage by some form of wheel guard.

**14.415 Yards.** All yards of developed property not otherwise subject to the provisions of Sections 14.400 to 14.430 shall be maintained by the owner of the lot or parcel in shrubs, decorative rock, grass or similar vegetative ground cover.

**14.420 Multifamily Dwellings - Playgrounds.** All multifamily dwellings having seven or more dwelling units shall provide a recreation area and suitable playground or recreation equipment on the same lot or parcel as such dwelling units are located. Such recreation areas shall contain a minimum of 20 square feet per dwelling unit with no single site containing less than 150 square feet. Playground equipment shall include at least one of the following for a minimum area site: climber, play sculpture, play wall, sand box, slide, balance beam, horizontal ladder, parallel bar or swings.

**14.425 Specifications.** Unless otherwise specified, all landscaping required by Sections 14.400 to

14.430 or other applicable sections of Chapters 10 to 14 shall conform to the following provisions:

(1) All trees required to be planted by Chapters 10 to 14 shall be maintained in a healthy condition by the owner unless otherwise specified. They shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. Where new tree plants are otherwise required, existing trees may be counted as required trees if the earth under their branches remains undisturbed.

(2) Landscaping shall primarily consist of ground cover, ferns, trees, shrubs other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as foundations, pools, benches, sculptures, planters and similar elements may be placed within the area.

(3) Spacing of shrubs refers to the distance between the centers of the plants. Where not intended as screening, such spacing shall generally be equal to the first numeral for the planting height, i.e. 3 feet 4 inch shrub = 3 feet on center spacing. However, narrower, upright plants shall be spaced closer. Where such shrubs are intended as screening, spacing shall be in such a manner so as to be sight obscuring within 12 months of the date of planting.

(4) Notwithstanding other provisions of Chapters 10 to 14, all shrubs and trees shall be at least 10 feet from geothermal conduit lines and rain basins and five feet from other underground utilities. All shrubs and trees shall be no closer than three feet from the sidewalk.

(5) Unless otherwise provided by Chapters 10 to 14, all plant dimensions and species shall be specified by the Planning Director.

(6) The City of Klamath Falls prohibits the use of all varieties of poplar and willows for landscaping. See City Code Section 5.632 (6).

**14.430 Installation.** Landscaping, including trees, shall be installed prior to occupancy, unless security equal to the cost of such landscaping as determined by the Director is provided pursuant to the provisions of Section 12.845, assuming such installation within six months after occupancy. In the event such installation is not completed within the six month period; the City may utilize such

securities pursuant to the provisions of Subsection 12.845 (3).

## **BIKEWAYS**

**14.450 Design Speeds.** A design speed of 20 mph shall be used for bikeways with grades above 3 percent and at or below 7 percent. Sections with grades steeper than 7 percent, shall use a 30-mph design speed and one way climbing grades of 3 percent or more may use a 15-mph design speed.

**14.455 Curves.** Curve radii shall be selected from Exhibit L, Drawing Number 600, of Sections 10.305 to 10.315, to provide a smooth transition in change of direction. Simple curves are adequate for bikeway use. If the angle between consecutive tangents is of 10 degrees or less, no curve is required. Curves with a radius of 100 feet or less shall be widened on two-way bikeways to compensate for lean and increased sight distance in accordance with Exhibit N, Drawing 601, of Sections 10.305 to 10.315. The amount of widening shall be limited to four feet. If centerline striping is required because of inadequate sight distance or high traffic volume, the striping shall carry a uniform width parallel to the outside edge of surfacing.

### **14.460 Width and Clearances.**

(1) The minimum width of pavement for a two way bikeway shall be eight feet and for a one way bikeway, six feet. In divided sections of a two-way bikeway, the minimum width of the one way sections shall be six feet.

(2) The desirable vertical clearance is 9.5 feet and in no case, shall it be less than 8.5 feet. Clearance of less than 9.5 feet shall be used only with the approval of the Public Works Director. The standard horizontal clearance between the edge of the pavement and any obstruction (including bikeway signs) shall be two feet; vegetation along the right of way shall be trimmed to provide this clearance. In particularly critical areas, at least a minimum one-foot clearance shall be provided. Fences, walls and guardrails may be placed a minimum of one foot from the edge of the pavement if it is impractical to obtain the standard horizontal clearance on the inside of curves.

(3) Standard bridge or other crossing structure width is twelve feet. If special problems are encountered, eight feet may be used upon approval of the Public Works Director. Adequate stopping sight distance must be provided in all cases.

**14.465 Sight Distances.** Bikeway alignments must provide adequate horizontal and vertical stopping distances. Appropriate sight distances for various speeds and grades are provided in Exhibit N, Drawing Number 602, of Section 10.310.

**14.470 Vertical Curves.** Vertical curves for various speeds and grade difference shall be selected from Exhibit N, Drawing Number 603, of Section 10.310. The design speed for the descending grade controls the selection of two-way facilities.

**14.475 Grades, Crossings and Drainage.** Bikeway cross slopes shall not exceed 0.02 foot per foot on tangent sections. Adverse super elevation shall be avoided. Long, steep, uphill grades shall be avoided and any grade in excess of 10 percent requires approval of the Public Works Director. A maximum grade of 4.5 percent is desirable, although 10 percent is tolerable for a distance of 50 feet or less. Desirable gradients are shown in Exhibit N, Drawing Number 604, of Section 10.310, for various lengths of grade. For example, for a distance of 400 feet, the desirable gradient would be 2 percent. Bikeways with anticipated high volumes shall have grade separated crossings at:

- (1) Arterials and collector streets;
- (2) Places where the bikeway crosses intersections where the average daily traffic count exceeds 3,000 and bicycle traffic impedes the orderly flow of motor vehicles;
- (3) Where a conflict of bicycle and high speed motor vehicle traffic exists; and
- (4) Where the bikeway cannot be conveniently routed elsewhere.

Specifications for such crossings shall be approved by the Public Works Director. Bikeways must be provided with drainage provisions adequate to protect the bikeway from physical damage or hazard. Tile drains, culverts or ditches may be used to provide drainage. Special efforts shall be made to keep culverts and ditches clear and designed in a manner that will not impede usage of the bikeway.

**14.480 Railroad Tracks, Manholes and Grates.** When bikeways must cross railroads at grade, a right angle (90 degrees) crossing shall be required. Manholes, grates for drains, storm sewers and similar structures that might cause skids, shall not be placed on curves. Any grates that must be installed in bikeway surfaces rather than in curbs shall include grillwork designed to prevent the catching of a bicycle wheel.

**14.485 Bases and Surfacing.** Bikeways shall be designed to support light maintenance vehicles over their full length and heavy vehicles at their crossings with streets and by an 8,000 pound pickup truck

making one trip per day. Bikeway subgrades shall be treated with an approved soil sterilant. Specific surfacing design for individual projects shall be obtained from the Public Works Director. Finish surfaces shall be made as smooth as possible. Particular attention shall be paid to smoothing expansion joints, driveways, railroad crossings and paving joints. Asphaltic concrete surfacing shall be box or machine laid rather than being placed by hand. Gravel surfaced driveways shall be paved at the point where the bikeway crosses them, to at least five feet beyond the edge of the bikeway on each side, in accordance with Exhibit N, Drawing 605 of Section 10.310. If the driveway is descending to the bikeway, paving shall be extended to 10 feet on the high side of the bikeway. Sod or topsoil shall be used next to the bikeway surface instead of exposed base rock.

**14.490 Guardrail, Fences and Curbs.** When a bikeway is constructed on a freeway section, it shall be allowed within the access control line and shall be separated from the motor vehicle roadway by a chain link fence six feet in height. If it is necessary to construct the bikeway adjacent to the motor vehicle roadway, it shall be separated from the said roadway by a standard guardrail or other approved barrier. Placement of fences, guardrail and other barriers must conform to the standard clearances specified by the Public Works Director. If it is necessary to control access of motor vehicles, reflectorized posts may be required at the bikeway entrances to allow access for light maintenance vehicles. Bicycle and wheelchair ramp for bikeways is specified in Exhibit N, Drawing Number 606 of Section 10.310. Design of curbs shall conform to specifications provided in Exhibit N, Drawing Number 607 of Section 10.310.

## **STORM DRAINAGE**

**14.500 Surface Drainage and Storm Sewer System.** Drainage facilities shall be provided within the land development. Design of drainage within the land development shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land development and to allow extension of the system to serve such areas and shall be subject to the review and approval of the Public Works Director. Such facilities may take either of the following forms or a combination of the two:

- (1) Underground storm sewers and pipe, in which case the land development drainage system shall be connected to drainage ways or storm sewers outside the land development.
- (2) Above or below ground on site detention and dispersal facilities, in which case the design shall be subject to the approval of a certified engineer and the City Engineer. Where designed as the sole means of providing surface drainage in the land development, such above or below ground detention and dispersal systems shall be designed to allow no more surface drainage from

the land development than would flow before urbanization.

**14.505 Watercourses.** If a land development is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the watercourse, as such floodwater is determined by the City Engineer. Streets parallel to the watercourse may be required.

## **PARKS**

**14.550 General.** Land reserved for parks, playgrounds or other similar recreation purposes pursuant to Sections 11.950 or proposed to be dedicated to the public for such purposes shall be of suitable character for such purposes and shall be adequate in size, location, dimensions, topography and street access for the particular purposes envisioned by the Parks, Recreation and Open Space Master Plan. The park, recreation, trails, or open space site shall be shown and marked on the final plat, "Reserved for Park, Recreation, Trails and/or Open Space Purposes". When such sites are required, the Park Board shall determine the number of acres to be reserved pursuant to the Parks, Recreation and Open Space Master Plan. The Parks, Recreation and Cemeteries Advisory Board may require that the park, recreation, trail or open space site be located at a suitable place on the edge of the land development, so that additional land may be added at such time as the adjacent land is developed or available for acquisition.

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

**14.555 Park and Recreation Sites - Specifications.** The average slope of park and recreation sites shall not exceed 8 percent and such sites shall be adequately drained so as to prevent ponding exceeding three quarters inch in depth or three feet in diameter. Where the developer proposes improvements in exchange for System Development Charge credits under City Code Section 3.565, the total cost of improvements shall be included in the Improvement Guarantee required pursuant to the provisions of Section 11.920. A recreation site shall have a total frontage on one or more streets of at least 100 feet and no other dimension of the site shall be less than 100 feet.

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

## **SOLAR ACCESS SETBACK**

**14.870 – 14.876** [Repealed by Ordinance 00-09, enacted May 1, 2000]

## **SOLAR ACCESS PERFORMANCE**

**14.880 Purpose.** Sections 14.880 - 14.888 of the Solar Access Ordinance, apply to new development activities related to the creation of subdivisions involving ten or more lots. The purpose of the Solar Access Performance Standards (Sections 14.882 to 14.888), is to provide a reasonable amount of solar access in new developments at the design stage, wherever feasible, so that the economic value of solar radiation falling on those properties will be preserved, investments in solar equipment will be secure and the option to use solar energy will be preserved and encouraged.

These provisions require that most lots in new residential developments have useful solar access due to their size, orientation or other features. Similar provisions apply to habitable structures in multi family development in which there will be more than one structure per lot. If a subdivision or planned unit development provide more solar access than required, it may exceed the density ordinarily permitted in the zone.

[Added by Ordinance 6535, enacted August 17, 1987]

**14.882 Applicability.**

(1) A residential subdivision creating ten or more lots or a multifamily development on one lot in a residential district, shall comply with the provisions of Section 14.884, except as provided in Subsection (2).

(2) The Planning Director shall exempt a development from Section 14.884 (1)a (2)a, to the minimum extent necessary to preserve maximum allowed residential density. In order to qualify for an exception, the applicant must show that complying with the applicable standard or Section 14.884 will:

a. Reduce the density below that planned and permitted in the underlying zone; or

b. Cause a substantial cost increase to provide roads, site drainage, utility connections or other infrastructure requirements; or

c. Prevent construction of structures of a size and height comparable to residential structures in developments immediately adjacent to the proposed development in the same zone.

(3) The Planning Director shall exempt individual lots within a



subdivision from the applicable standard of Section 14.884 if the applicant can demonstrate that:

- a. The lots have a north facing slope of 25% or greater; or
- b. Property to the north and directly adjacent to the lots is zoned for uses other than Single Family, Medium Density or Apartment Residential and is not protected under this ordinance.

[Added by Ordinance 6535, enacted August 17, 1987]

### **14.884 Standards.**

(1) Single Family Residential - a development in the Single Family Residential district shall comply with the following standards:

- a. South Wall Protection. At least ninety percent of the lots shall have a Solar Factor equal to or greater than 62, based on the formula below:

$$\text{Solar Factor} = N \times 2.22 \times (.45 + P)$$

- b. South Roof Protection. A lot that is exempt from Section 14.884 (1)a, pursuant to Section 14.882 (2), shall have at least a minimum solar factor of 27.

(2) Medium Density or Apartment Residential - a development in the Medium Density or Apartment Residential districts shall comply with the following standards:

- a. South Wall Protection. At least ninety percent of the lots shall have a Solar Factor equal to or greater than 89, based on the formula contained in 14.884 (1)a.
- b. South Roof Protection. Lots exempt from Section 14.884 (2)a, pursuant to Section 14.882 (2), shall have a solar factor of at least 44.

(3) Alternative solar Access Protection Standard. At the option

of the applicant, as an alternative to the standards in Sections 14.884 (1) or (2), a lot may be designed in any manner to protect solar access to the southern building line at ground level (south roof protection), whichever standard is applicable, to be measured on affected lots to the north.

[Added by Ordinance 6535, enacted August 17, 1987]

**14.886 Density Bonus.** An increase of 10% in maximum residential densities as specified in Section 12.960, shall be given if the development complies with at least one of the following:

- (1) For a subdivision or Planned Unit Development in the Single Family Residential District, 100% of the lots have a Solar Factor equal to or greater than 62.
- (2) For a subdivision or planned unit development in a Medium Density or Apartment Residential District, 100% of the lots have a Solar Factor equal to or greater than 89.
- (3) For a multifamily development with two or more structures on a lot, 100% of the south wall area of habitable structures is unshaded at noon on December 21, or at least 25% of the wall area in habitable structures is south wall and 100% of the south wall is unshaded at noon on December 21.
- (4) For a subdivision or planned unit development, a solar envelope controlling shade from both structures and vegetation is included as a deed covenant with all lots having solar access.

[Added by Ordinance 6535, enacted August 17, 1987]

**14.888 Information Recorded with Plat.** The following information shall be recorded on the face of the subdivision plat or on documents recorded with the plat:

- (1) The solar factor for each lot.
- (2) For multi family development with two or more structures on a lot, shadow patterns for the structures and a designation on each structure as to whether it is protected from shade on the south wall at ground level or eight feet above ground level.

- (3) All exempt vegetation.
- (4) A southern building line and solar envelope, when applicable.

[Added by Ordinance 6535, enacted August 17, 1987]

## **SOLAR ACCESS PERMIT**

**14.890 Applicability.** Sections 14.890 - 14.900 of the Solar Access Ordinance is optional to the applicant and is intended as a protection from shading of solar equipment (passive and active) by adjacent vegetation. An owner of property in the Single Family, Medium Density or Apartment Residential districts may apply for and be subject to a Solar Access Permit (Sections 14.892 to 14.898).

[Added by Ordinance 6535, enacted August 17, 1987]

**14.892 Application.** A Solar Access permit application shall be on forms provided by the City and shall include:

- (1) A legal description of the lot on which the solar energy system is or will be situated and proof that the applicant is the owner of the lot.
- (2) Evidence that a solar energy system is installed or a written commitment to install the proposed energy system within one year of the effective date of the permit.
- (3) A scaled drawing of the solar energy system showing the system's dimensions.
- (4) A sunchart.
- (5) The solar heating hours for which protection is sought.
- (6) A list of the lots, all or a portion of which, are within 150 feet as measured within 55 degrees east or west of true south (19 degrees east of magnetic south) of the solar energy system, including unbuildable areas and existing vegetation identified as exempt and nonexempt.

- (7) A plan of the applicant's property, drawn to scale, showing the location of the following: vegetation shown on a sunchart, labeled exempt or nonexempt; other vegetation that may shade the solar energy system, labeled exempt or nonexempt; and the solar energy system, its height above grade, distance from property lines and orientation from true south.
- (8) For each affected lot, a description of the requested solar envelope.
- (9) Evidence the height of the requested solar envelope at the northern lot line of an affected property is not less than the permitted height of structures on that lot under section 14.864.
- (10) Evidence that the solar energy system will be situated on the applicant's property so each other property affected by the permit is restricted to the minimum extent practicable.
- (11) An application fee, as set by Resolution of the City Council.

[Added by Ordinance 6535, enacted August 17, 1987]

#### **14.894 Procedure.**

- (1) If the Planning Director finds that the application is not complete and accurate, he or she shall notify the applicant by first class mail of deficiencies and inaccuracies. If the Planning Director finds that the application is complete and accurate, he or she shall notify by first class mail, owners of record of lots that would be affected if the permit is granted.
- (2) The notice shall include information submitted under Section 14.892 (1) and (4) through (10); a description of the rights and responsibilities of owners of property subject to a solar access permit, including a right to a hearing before the permit is issued; and a form to submit to the Planning Department to request a hearing.
- (3) If a person entitled to notice of the pending application does not request a hearing within 10 days after notice is mailed pursuant to Section 14.894 (1), the Planning Director shall process

the application without a hearing as provided in Section 10.805 (4). If, within 10 days after the notice was mailed, the Planning Director receives a request for a hearing from a person entitled to notice of the pending application, the Director shall initiate such a hearing as provided in Section 10.805 (3) and (4).

(4) If the permit is approved, the permittee shall record the permit in the chain of title for every property affected by the permit. The permit shall only be effective against those properties for which the permit is recorded.

[Added by Ordinance 6535, enacted August 17, 1987]

### **14.896 Required Findings.**

(1) Prior to making a decision granting approval, approval with conditions or denial of the requested solar access permit, the director shall analyze the following criteria and incorporate such analysis in his decision:

- a. The solar access permit is in conformance with the Comprehensive Plan and all other provisions of Chapters 10 to 14.
- b. The solar access permit would not unreasonably restrict the use and planting of vegetation on adjacent, presently underdeveloped property.
- c. The solar access permit would not materially restrict a substantial property right possessed by other property owners under like conditions in the same vicinity and zone.

(2) The Director, in conditionally approving a solar access permit, shall set forth in his decision, clear and objective conditions which will ensure the intent and purpose of Chapters 10 to 14 and allow for reasonable use and development of affected properties.

### **14.898 Remedy.**

(1) A solar access permit holder may request that the Director

review the provisions of the Solar Access Permit by providing the following information to the Director:

- a. A copy of the Solar Access Permit.
- b. A new sunchart documenting that nonexempt vegetation is shading the solar energy system during protected solar heating hours.
- c. The legal description of the lot on which the alleged nonexempt vegetation is situated, the address of the property owner and a scaled plot plan showing the nonexempt vegetation on the lot.
- d. Evidence that the solar energy system still exists and is operating.
- e. Evidence that no vegetation on the permittee's property is violating the terms of the solar Access Permit.
- f. If the permittee allow nonexempt vegetation to encroach 10 feet or more into his protected area before filing a request for permit enforcement, the request for enforcement shall be denied.

(2) If the Director finds that the permittee's request for review is complete and accurate, the director shall notify by registered mail to the last known address the owner of the property on which the alleged shading vegetation or structure is situated. The notice shall include information submitted by the permittee to the Director under subsection (1); a description of the rights and responsibilities of the affected property owner under the provisions of the Solar Access Permit; and a request by the Director to meet with the affected property owner, or his or her representative, within 14 days of the date the notice was mailed to review the alleged violation.

(3) If, as a result of the meeting with the property owner or representative, a time frame and method for the trimming, removal

or transplanting of offending vegetation cannot be arrived at and agreed to by both the permittee and affected property owner or if no meeting is requested by the affected property owner within the 14 day time period identified in 14.898 (2), then the solar access permit holder may bring an appropriate action in a court of competent jurisdiction to obtain a judgment for removal of vegetation which violates the permit.

(4) The permittee shall be charged for the cost of trimming any nonexempt vegetation that was listed on the recorded permit. The owner of the property on which the offending vegetation is situated shall be charged for the cost of trimming any nonexempt vegetation that was not listed on the permit. Charges shall be a lien on the property until paid.

[Added by Ordinance 6535, enacted August 17, 1987]

**14.900 Termination.** The solar access permit shall automatically become null and void if the solar energy system, in original, modified or replaced form, is disconnected or nonfunctioning for 365 consecutive days. The City shall record a Notice of Termination in the chain of title for each property that was affected by the permit within 30 days of notification that their system has been disconnected or nonfunctioning for 365 consecutive days.

[added by Ordinance 6535, enacted August 17, 1987]

## TELECOMMUNICATIONS

### 14.950 Purpose.

(1) The purpose and intent of Sections 14.950-14.996 (the "Act") is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and the installation of minor antennas. The regulations contained herein are designed to protect and promote public health, safety and community welfare while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations. They have been developed to further the policies and principles of the comprehensive plan.

(2) It is furthermore intended that these regulations specifically

accomplish the following:

- a. Protect the visual character of the community from the potential adverse effects of telecommunication facility development and minor antenna installation;
- b. Protect the inhabitants of the City from the possible adverse health effects associated with exposure to high levels of RF/EMR;
- c. Protect the environmental resources of the community;
- d. Create telecommunication facilities that will serve as an important and effective part of the area's emergency response network; and
- e. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of the City's citizens.

[Added by Ordinance 97-1, enacted January 6, 1997]

#### **14.952 Minimum Application Requirements.**

(1) The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, cross sectional area calculations, service areas maps, network maps, alternative site analysis, visual impact demonstrations including mock ups and/or photomontages, visual analysis, RF/EMR exposure studies, title reports identifying legal access, security programs, lists of other nearby telecommunications facilities and deposits for peer review. The Director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.



(2) The Director is explicitly authorized at his/her discretion to employ on behalf of the City, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.

[Added by Ordinance 97-1, enacted January 6, 1997]

### **14.956 Life of Permits.**

(1) A conditional use permit or a site plan approval authorizing establishment of a telecommunication facility must be renewed every ten (10) years. The grounds for nonrenewal shall be limited to a finding that:

- a. the use involved is no longer allowed in the zoning district involved and does not comply with the provisions of Sections 12.860-12.895,
- b. the facility fails to comply with the relevant requirements of this Act as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Director that the facility will be brought into compliance within one hundred twenty (120) days,
- c. the permittee has failed to comply with the conditions of approval imposed,
- d. the facility has not been properly maintained, or
- e. the facility has not been upgraded to minimize its impact to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provision of universal service at affordable rates. The grounds for appeal of issuance of a renewal shall be limited to a showing that one or

more of the situations listed above do in fact exist.

(2) If a use permit or other entitlement for use is not renewed, it shall automatically become null and void without notice of hearing ten (10) years after it is issued or upon cessation of use for more than a year and a day, whichever comes first. Unless a new use permit or entitlement for use is issued within one hundred twenty (120) days thereafter all improvements installed including their foundations down to 3 feet shall be removed from the property and the site restored to its natural preconstruction state within one hundred eighty (180) days of nonrenewal or abandonment. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the Director that these Sections of road are necessary to serve some other allowed use of the property that is currently present or to provide access to adjoining parcels.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.958 Basic Requirements.** The following requirements shall apply to all telecommunications facilities:

- (1) All telecommunication facilities shall meet all the requirements established by the other provisions of the CDO that are not in conflict with the requirements contained in this Act;
- (2) All telecommunication facilities shall comply at all times with all FCC rules, regulations and standards;
- (3) All telecommunication facility installations shall be consistent with applicable open space easements and other similar use restrictions on the subject property; and
- (4) All telecommunication facilities shall maintain in place a security program that will prevent unauthorized access and vandalism.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.960 Location.** All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end, all of the following measures shall be

implemented:

(1) No telecommunication facility shall be installed within the safety zone of the Airport unless the Airport Manager indicates that it will not adversely affect the operation of the airport;

(2) No telecommunication facility shall be installed at a location where special painting or lighting will be required under FAA regulations unless technical evidence acceptable to the Director or the Commission, as appropriate, is submitted showing that this is the only technically feasible location for this facility;

(3) No telecommunication facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural and man made environment in such a manner as to be effectively unnoticeable;

1.

2. Except as may be allowed by a variance, a telecommunication facility that is readily visible from off site shall be installed closer than one (1) mile from another readily visible uncamouflaged or unscreened telecommunication facility unless it is a collocated facility, situated on a multiple user site or blends with the surrounding existing natural and man made environment in such a manner so as to be effectively unnoticeable;

(5) No telecommunication facility that is readily visible from off site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi public uses unless it blends with the surrounding existing natural and man made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Director or Commission, as appropriate, is submitted showing a clear need for this facility and the infeasibility of collocating it on one of these former sites.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.962 Special Setbacks.** Telecommunication towers shall be set back at least twenty percent (20%) of the tower height from all property lines and at least one hundred feet (100') from any residentially zoned property or public park. Guy wire anchors shall be set back at least twenty feet (20') from any property line.

[Added by Ordinance 97-1, enacted January 6, 1997]

### **14.964 Height.**

(1) The height of a telecommunications tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself or if higher, the tip of the highest antenna or piece of equipment attached thereto. In the case of building mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

(2) Telecommunications towers may exceed the height limits for the affected zone so long as technical evidence acceptable to the Director or Commission, as appropriate, is submitted demonstrating unavoidable need or an overall lessened visual impact. In no instance, however, shall the height of a telecommunication tower exceed 150 feet. A broadcast AM radio tower may be up to 250 feet tall when technical evidence has been submitted showing that a tower of the height proposed is necessary to provide service at the frequency being used.

(3) Satellite dish and parabolic antennas shall be situated as close to the ground as possible without compromising their function, preferable on the sides of buildings or on the ground on slopes below the ridgeline.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.966 Structural Requirements.** No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower located at a distance of less than one hundred ten percent (110%) of its height from a habitable structure, property line or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind, earthquakes and ice when the tower is fully loaded with antennas, transmitters and other equipment and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Director prepared by a structural engineer licensed by the State of Oregon describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the

basis for the calculations done and documenting the actual calculations performed.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.968 Basic Tower and Building Design.** All telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end, all the following measures shall be implemented:

- (1) Telecommunication towers shall be constructed out of metal or other nonflammable material;
- (2) Telecommunication towers taller than 35 feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the Director or Commission, as appropriate, that a self supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use, to minimize the need for screening from adjacent properties or to reduce the potential for bird strikes;
- (3) Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence acceptable to the Director or Commission, as appropriate, is submitted showing that this is infeasible;
- (4) Telecommunication support facilities (i.e. vaults, equipment rooms, utilities and equipment enclosures) shall be constructed out of nonreflective materials (visible exterior surfaces only);
- (5) Telecommunication support facilities shall be no taller than one story (15') in height and shall be treated to look like a building or facility typically found in the area;
- (6) Telecommunication support facilities in areas of high visibility shall where possible, be sited below the ridgeline or designed (i.e. placed underground, depressed or located behind earth berms) to minimize their profile; and
- (7) All buildings, poles, towers, antenna supports, antennas and other components of each telecommunication site shall be initially

painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that in the opinion of the Director will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees or grasslands shall be painted a blue grey that matches the typical sky color at that location.

[Added by Ordinance 97-1, enacted January 6, 1997]

#### **14.970 Critical Disaster Response Facilities.**

(1) All radio, television and voice communication facilities providing service to government or the general public shall be designed to survive a natural disaster without interruption in operation. To this end, all the following measures shall be implemented:

- a. Nonflammable exterior wall and roof covering shall be used in the construction of all buildings;
- b. Openings in all buildings shall be protected against penetration by fire and wind blown embers;
- c. The telecommunication tower when fully loaded with antennas, transmitters, other equipment and camouflaging shall be designed to meet seismic zone 3 UBC construction standards. All equipment mounting racks and equipment used shall be anchored in such a manner that an earthquake will not tip them over, throw the equipment off its shelves or otherwise act to damage it;
- d. All connections between various components of the facility and with necessary power and telephone lines shall be protected against damage by wildfire, flooding and earthquake; and
- e. A self contained emergency power supply capable of operating the facility for at least twenty four (24) hours and protected against damage from wildfires and earthquakes shall be installed.

(2) Demonstration of compliance with requirements (1)a., b., d., & e. (fire only) shall be evidenced by a certificate signed by the Fire District No. 1 Fire Chief on the plans submitted.

(3) Demonstration of compliance with requirements (1)c. through (1)e. (earthquake only) shall be provided via a second certification on said plans signed by a structural engineer or other appropriate professional licensed by the State of Oregon.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.972 Collocated and Multiple User Facilities.** All collocated and multiple user telecommunication facilities shall be designed to promote facility and site sharing. To this end, telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users when in the opinion of the Director or Commission, as appropriate, this will minimize overall visual impact.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.974 Building Mounted Facilities.** All building mounted telecommunication facilities shall be located and designed to appear an integral part of the structure. To this end, all of the following measures shall be implemented:

(1) Roof mounted antennas taller than ten feet (10') and all building mounted telecommunication towers shall be located no closer to the nearest edge of the roof than the height of the antenna or tower with all antennas and other equipment attached;

(2) Wall mounted antennas shall be architecturally integrated into the building via any means acceptable to the Director or Commission, as appropriate, including painting;

(3) Wall mounted antennas shall be located as close to but no more than four feet (4') from the face of the wall;

(4) Wall mounted antennas shall not exceed a total of 50 square feet per building face excluding mountings.

[Added by Ordinance 97-1, enacted January 6, 1997]

### **14.976 Lighting.**

(1) All telecommunication facilities shall be unlit except for the following:

- a. A manually operated or motion detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night; and
- b. The minimum tower lighting required under FAA regulations.

(2) Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby residences.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.978 Roads & Parking.** Access roads and parking areas serving only telecommunication facilities shall be served by the minimum necessary. To this end, all the following measures shall be implemented:

- (1) Access roads shall be limited to eight feet (8') in width except where safety considerations demonstrated to the satisfaction of the Director demand a greater width with turnouts as required by the Fire Marshal. they shall have a paved surface;
- (2) Existing roads shall whenever possible, be upgraded the minimum amount necessary to meet the standards in subsection (1) above and used for access;
- (3) Existing parking areas shall whenever possible, be used; and
- (4) Any new parking areas constructed shall be no larger than 400 square feet.

Any new roads or parking areas built shall whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.980 Signage.** all telecommunication facilities shall be clearly identified as to location and operator so as to facilitate emergency response. To this end, all of the following measures shall be implemented:



(1) Address signs shall be installed in conformance with Fire Marshal requirements at the entrance of the public way, where needed to provide direction along the access road and a the facility itself; and

(2) A permanent, weather proof, approximately 16 by 32 inch facility identification sign shall be placed on the gate in the fence around the equipment building or if there is no fence, next to the door of the equipment shed itself. Said sign shall identify the facility operator, provide his/her address and specify a 24 hour telephone number at which he/she can be reached.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.982 Landscaping.** All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing vegetation. To this end, all of the following measures shall be implemented:

(1) Existing trees and other screening vegetation in the vicinity of the facility and along the access road and power/telecom line routes involved shall be protected from damage, both during the construction period and thereafter;

(2) Additional trees and other landscaping shall be planted and henceforth maintained in all undeveloped areas of the site in conformance with Sections 14.400 to 14.430; and

(3) No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecom lines serving it.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.984 Environmental Resource Protection.** All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented:

(1) No telecommunication facility or related improvements including but not limited to access roads and power lines shall be sited so as to create a significant threat to the health or survival of

plant or animal species identified by ODFW as rare, threatened or endangered;

(2) No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature; and

(3) No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.986 RF/EMR Emissions.** No telecommunication facility shall be sited or operated in such a manner so as to contribute to ambient RF/EMR emissions in excess of then current FCC adopted RF/EMR emissions standards.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.988 Exemptions.** Nothing in this Act shall apply to the siting of a satellite dish less than one (1) meter in diameter as an accessory use in a residential zone or less than two (2) meters in diameter as an accessory use in a nonresidential zone.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.990 Basic Requirements for Minor Antennas.** Minor antennas may be installed, erected, maintained and/or operated in any zoning district so long as all the following conditions are met:

(1) The underlying use involved is accessory to the primary use of the property which is not a telecommunications facility;

(2) No more than three (3) other antenna or satellite dishes larger than two feet (2') in diameter, other than amateur radio antennas are present on the parcel;

(3) The combined effective radiated power radiated by all the antenna present on the parcel is less than 1500 watts;

(4) The antenna is not situated between the primary building on the parcel and any public or private street adjoining the parcel;

(5) The antenna is located outside all yard and street setbacks

and no closer than twenty feet (20') to any property line;

(6) None of the guy wires employed are anchored within the area in front of the primary structure on the parcel;

(7) No portion of the antenna area extends beyond the property lines or into the area in front of the primary building on the parcel;

(8) At least ten feet (10') of horizontal clearance exists between the antenna and any power lines;

(9) All towers, masts and booms are made of a noncombustible material and all hardware such as brackets, turnbuckles, clips and similar type equipment subject to rust or corrosion has been protected either by galvanizing or sheradizing after forming;

(10) The materials employed are not unnecessarily bright, shiny or reflective and are of a color and type that blends with the surroundings to the greatest extent possible; and

(11) The installation is in compliance with the manufacturer's structural specifications and the requirements of the Uniform Building Code.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.992 Satellite Dishes.** The following standards are deemed necessary and reasonable as set forth in 14.990 and to address public safety and protect minimum aesthetic values in the City:

(1) Ground and building mounted satellite dishes may be installed, erected, maintained and/or operated in any zoning district where minor antennas are permitted so long as all the following conditions are met:

a. The applicable setbacks are complied with to assure fire response access and light and air between structures;

b. Any roof mounted satellite dish larger than one (1) meter in diameter is located in back of and does not extend above the peak of the roof in order to maintain the roof line aesthetics of a neighborhood;

c. Any ground mounted satellite dish with a diameter greater than one (1) meter that is situated less than five (5) times its actual diameter from adjoining property lines has screening treatments located along the antenna's nonreception windows axes and low level landscape treatments along its reception window axes to maintain the neighborhood's aesthetics and not unreasonably interfere with a neighboring property owner's enjoyment of their property; and

d. For any roof or mast mounted satellite dish larger than one (1) meter in diameter, a building permit has been obtained to protect against collapse of the structure with injury to persons or property.

(2) No person shall place a satellite dish on private property without first submitting sufficient information to the Director, including but not limited to a site plan and elevations, to determine compliance with this Section. The Director may approve, disapprove or modify the proposed placement. In addition, he/she may require that the satellite dish be of a specific diameter, color or type of construction.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.994 Panel Antenna.** Ground and building mounted panel antenna may be installed, erected, maintained and/or operated in any zoning district where minor antenna are permitted so long as all the following conditions are met:

(1) The minimum standards are specified in Section 14.980 are complied with;

(2) No more than one (1) other panel antenna is present on the parcel; and

(3) Any roof mounted panel antenna with a face area greater than three and one half (3½) square feet is located behind and does not extend above the peak of the roof nearest to the closest inhabited area off site or public road, if there is one.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.996 Other Antenna.** Ground and building mounted radio and receive only television antennas may be installed, erected, maintained and/or operated in any zoning district where minor antenna are permitted under this title so long as all the following conditions are met:

- (1) The minimum standards specified in Section 14.980 are complied with;
- (2) No boom or any active element of the antenna is longer than fifteen feet (15'); and
- (3) Any wire antenna that is not self supporting is supported by objects within the property lines but not within the area in front of the primary structure on the property.

[Added by Ordinance 97-1, enacted January 6, 1997]