

ORDINANCE NO. NS -2389

AN ORDINANCE AMENDING BEND DEVELOPMENT CODE (BDC) CHAPTERS 1.2 DEFINITIONS, 2.1 RESIDENTIAL DISTRICTS, 2.2 COMMERCIAL ZONING DISTRICTS, 2.3 MIXED-USE ZONING DISTRICTS, 2.7 SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS, 3.2 LANDSCAPING, STREET TREES, FENCES AND WALLS, 3.3 VEHICLE PARKING, LOADING AND BICYCLE PARKING, 3.4 PUBLIC IMPROVEMENT STANDARDS, 3.6 SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES, 3.8 DEVELOPMENT ALTERNATIVES, 4.2 MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW, 4.3 SUBDIVISIONS, PARTITIONS, REPLATS AND PROPERTY LINE ADJUSTMENTS, AND INFILL DEVELOPMENT OPTIONS, 4.5 MASTER PLANNING AND DEVELOPMENT ALTERNATIVES, AND 5.2 NONCONFORMING USES AND DEVELOPMENT.

Findings:

- A. The application was processed in accordance with Bend Development Code (BDC) 4.1.500. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.
- B. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on July 7, 2020.
- C. Notice of the August 24, 2020, Planning Commission public hearing was printed in the Bend Bulletin on August 2, 2020, and was mailed to the neighborhood associations on July 31, 2020. A notice of the October 7, 2020, City Council public hearing was printed in the Bend Bulletin on September 13, 2020, and was mailed to the neighborhood associations on September 11, 2020.
- D. On August 10, 2020, the Planning Commission along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) held a work session and discussed the proposed amendments.
- E. On August 24, 2020, the Planning Commission held a public hearing on Project Number PZ 20-0526, and began deliberation. The Planning Commission voted to recommend that the City Council approve the proposed text amendments as amended in Exhibit A.
- F. The City Council held a public hearing on October 7, 2020, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. The City Council found that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted to approve the amendments to the Bend Development Code as amended by the City Council on October 7, 2020 including amendments to BDC 3.6.200(B)(3)(c), 3.8.200(C) and 3.8.200(I).

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:


Section 1. The Bend Development Code is amended as depicted in attachment Exhibit A.

Section 2. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.

First Reading: October 7, 2020

Second reading and adoption by roll call vote: October 21, 2020

YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper


Sally Russell, Mayor

Attest:


Robyn Christie, City Recorder

Approved as to form:

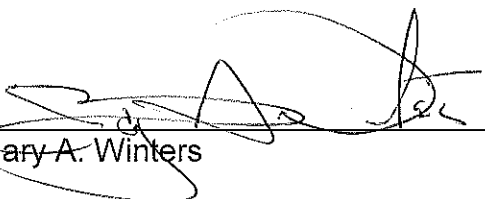

Mary A. Winters

Exhibit A

DRAFT Development Code Update October 21, 2020

Prepared by:
City of Bend Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strikethrough~~ typeface is proposed to be deleted

***Indicates where text from the existing code has been omitted because it will remain unchanged.

Chapter 1.2

Definitions

Conditioned space means a space within the building, separated from unconditioned space by the exterior envelope, which by introduction of conditioned air, by heated and/or cooled surfaces, or by air or heat transfer from directly conditioned spaces is maintained at temperatures of 55°F (13°C) or higher for heating and/or 85°F (29.4°C) or below for cooling. (Enclosed corridors between conditioned spaces are considered conditioned space. Spaces where temperatures fall between this range by virtue of ambient conditions are not considered as conditioned space.) See Oregon Residential Specialty Code.

Cottage means a detached single-family dwelling in a cottage housing development. See ~~BDC 4.5.500~~ BDC 3.8.500, Cottage Housing Development.

Cottage cluster relates to the configuration of cottages. A cluster is a grouping of four to 12 cottage dwellings arranged on a development site around or abutting usable open space. A cottage housing development may contain more than one cluster. See ~~BDC 4.5.500~~ BDC 3.8.500, Cottage Housing Development.

Cottage housing development means a type of site development or subdivision where individual lots are created, both built in conjunction with shared open space and other common tracts of land that are intended to serve small-scale single-family dwellings that interact together as a small community. See ~~BDC 4.5.500~~ BDC 3.8.500, Cottage Housing Development.

Courtyard housing means detached “zero lot line” dwellings units on individual lots ~~subject to the same standards as single-family detached dwellings, except that~~ with a three-foot minimum side yard setback is required on one side of a typical lot. This type of housing development ~~allows development on smaller (i.e., narrower) lots and provides a~~ usable outdoor living area in the side-oriented courtyards. See ~~BDC 3.6.200(A)~~ BDC 3.8.600, Courtyard Housing.

Dwelling, Single-Family Detached Zero Lot Line House. See “Courtyard housing Zero lot line development.” *(Added by the Planning Commission on August 24, 2020)*

Flag lot means a lot or parcel that has access to a road or street by means of a narrow strip of lot that does not meet the typical minimum lot frontage standard. See BDC 3.8.400.B.

Floor area means the area measured in feet of horizontal decked space intended to be a floored surface contained within ~~the~~ a building or portion thereof, measured to the external face of the external walls, exclusive of vent shafts, and courts and basements. ~~When calculating floor area, stairs are counted twice. When calculating floor area, stairs are counted once unless the area under the stairs is part of the dwelling unit’s floor plan, in which case the stairs are counted twice. Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area.~~

Infill, residential means:

1. The development of up to three dwellings on land that is designated for residential use where at least ~~75~~ 50 percent of the abutting properties have a structure but not counting any abutting property that is large enough that it can be divided into four or more lots or is currently developed with multifamily

residential. Properties separated by an existing alley are considered abutting for the purpose of infill, residential.

2. A situation in which a single-family dwelling is removed to make way for up to three new dwellings (e.g., a single-family dwelling, duplex, or triplex).

3. "Residential infill" does not apply to land that is large enough that it can be divided into four or more single-family detached dwelling unit lots consistent with the minimum lot size of the zoning district.

Loft means any floor located above the main floor and open to it on at least one side with a ceiling height less than seven feet and used as a living or sleeping space.

Micro-unit means a unit located in a micro-unit development and typically consists of one room used for living and sleeping purposes and includes permanent provisions for sanitation. A micro-unit does not include a kitchen. See BDC 3.8.200, Micro-Unit Developments.

Micro-unit development means a building containing multiple micro-units and a shared kitchen(s). See BDC 3.8.200, Micro-Unit Developments.

Shared court means an infill development with dwelling units on separate lots that may front onto a courtyard-like private access drive designed to accommodate – within the same circulation space – access for pedestrians and vehicles to abutting properties. See BDC 3.8.400.D.

Small dwelling unit means a dwelling unit limited in size with a maximum floor area of 800 square feet. See BDC 3.8.300, Small Dwelling Unit Development. This definition does not apply to accessory dwelling units (ADUs).

Small dwelling unit development means a land division where small lots or parcels are created for small dwelling units. See BDC 3.8.300, Small Dwelling Unit Development.

Steep slope mean any slope equal to or greater than 12 percent as measured over any minimum run of 10 feet, perpendicular to the contour of the slope, based on contour intervals of two feet or less. *(Clear and Objective standard to help with density calculations in BDC 2.1.600.C)*

Street or road means a public or private thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley or shared court private access drive, which affords access to two or more ~~lots or~~ parcels of ~~abutting property~~ properties including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

The eight types of streets are classified as:

1. **Arterial** means a restricted access street of substantial continuity which is primarily a traffic artery for intercommunication among large areas, and so-designated by the City of Bend's Transportation System Plan. These include principal, major and minor arterials.
2. **Collector** means a restricted access street supplementary to the arterial street system used or intended to be used principally for the movement of traffic, bicyclists, and pedestrians between arterials and local streets, and designated by the City of Bend's Transportation System Plan. These include major collectors.
3. **Cul-de-sac** means a short street having one end open to traffic and terminated by a circular vehicle turnaround. Cul-de-sacs must include partial cul-de-sac bulbs or "eyebrows" designed and developed according to City standards.
4. **Expressway** means a major highway with limited access that is designed for fast travel.
5. **Frontage road** means a minor street parallel to a major arterial providing access to abutting properties, but protected from through traffic.
6. **Local** means a street intended primarily for access to abutting properties.

7. ~~Mid-block lane~~ means a narrow, limited use roadway facility usually used to access a limited number of dwelling units, similar to an alley in design. See BDC 4.3.700, Infill Development Options. **Mid-Block Lane and T-courts.** See BDC 3.8.400, Infill Development.

8. ~~T-courts~~ means a private street less than or equal to 150 feet in length that has one end open to traffic and is terminated by a rectangular or "hammerhead" vehicle turnaround.

~~Transit route~~ means an existing or future route for public intra-city or intra-urban transit service in the local or regional transportation plan, not including temporary routes or routes which are planned to be replaced. **identified on a route map adopted by the City's designated transit provider, as described in the City's Transportation System Plan.**

~~Wet bar~~ means an area within a dwelling unit, other than a kitchen, that contains a sink with a maximum size of 18 inches by 18 inches. The maximum size of the trap arm and drain for the wet bar sink must not exceed one and one-half inches. The area is not a wet bar if any of the following is also present: a sink larger than 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

Zero lot line development means dwelling units which are constructed with a zero side setback. See BDC 3.8.700, Zero Lot Line Developments.

Chapter 2.1 RESIDENTIAL DISTRICTS

2.1.200 Permitted and Conditional Uses.

A. Permitted Uses. The land uses listed in Table 2.1.200 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.1.200, land uses that are

incidental and subordinate to a permitted use and land uses that are approved as "similar" to those in Table 2.1.200 may be permitted. The land uses identified with a "C" in Table 2.1.200 require conditional use permit approval prior to development, in accordance with BDC Chapter 4.4, Conditional Use Permits.

- B. Determination of Similar Land Use. Similar use determinations must be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.
- C. Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, except as otherwise specified in this section.
- Existing single-family detached housing, single-family courtyard housing, and manufactured home parks that were lawfully established in their current location prior to the adoption of this code are treated as permitted uses in the RH Zone unless originally approved through a conditional use permit, in which case they must remain subject to any applicable conditions of approval. Such uses are not subject to BDC Chapter 5.2 unless otherwise nonconforming.

Table 2.1.200 – Permitted and Conditional Uses

Land Use	RL	RS	RM-10	RM	RH	UAR
Residential						
Single-family detached housing	P	P	P	P	N	P
*Single-family courtyard housing	C/P**	P	P	P	N	C
*Accessory dwelling units (ADUs)	P	P	P	P	P	P
*Attached single-family townhomes	N/P**	P	P	P	P	N
*Two- and three-family housing						
• Duplex when located on a corner lot	P	P	P	P	P	N
• Duplex on other lot or parcel	C/P**	P	P	P	P	N
• Triplex	C/P**	P	P	P	P	N
*Multifamily residential (more than 3 units)	N/P**	N/P**	P	P	P	N
<u>Micro-Units. See BDC Chapter 3.8.200.</u>	<u>PN</u>	P	P	P	P	N

Table 2.1.200 – Permitted and Conditional Uses

Land Use	RL	RS	RM-10	RM	RH	UAR
Development Alternatives (locate at the end of the table) (Revised by Planning Commission on August 24, 2020)						

Key to Districts:

UAR = Urban Area Reserve

RL = Low Density Residential

RS = Standard Density Residential

RM = Medium Density Residential

RM-10 = Medium-10 Density Residential

RH = High Density Residential

Key to Permitted Uses

P = Permitted, subject to BDC Chapter 4.1, Development Review and Procedures

N = Not Permitted

C = Conditional Use, subject to permit standards in BDC Chapter 4.4.

* Subject to special standards as described in BDC 2.1.900, Architectural Design Standards, and/or BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

** Permitted as part of a master plan subject to BDC Chapter 4.5.

*** Neighborhood commercial sites adjacent to a commercial or mixed-use Comprehensive Plan map designation. See BDC 3.6.300(J), Neighborhood Commercial Sites.

Note: Existing Neighborhood Commercial (CN) Zoned properties will remain as mapped recognizing neighborhood commercial properties established prior to the adoption of this code. The development of these sites shall must conform to the standards outlined in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses, for the uses described above.

2.1.300 Setbacks.

D. Rear Setbacks.

1. RL and UAR Districts. The minimum rear setback is 20 feet.

Exception. In the RL Zone on corner lots within a platted subdivision, the minimum rear setback is 10 feet.

2. RS, RM-10, RM and RH Districts. The minimum rear setback is five feet. When multifamily residential or nonresidential uses abut a detached single-family dwelling unit in the RS District, the rear setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.

Exception: Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.

E. Side Setbacks.

1. RL and UAR Districts. The minimum side setback is 10 feet.
2. RS, RM-10, RM and RH Districts. The minimum side setback is five feet. When multifamily residential or nonresidential uses abut a detached single-family dwelling unit in the RS District, the side setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.

Exception: For ~~d~~Development in conformance with the provisions of ~~BDC 3.6.200(A)~~ for courtyard housing, a three-foot minimum side setback is permitted BDC Chapter 3.8, Development Alternatives.

Table 2.1.300 – Typical Residential District Setbacks

	Front	Rear	Side
UAR	10 ft./20 ft.	20 ft.	10 ft.
RL	10 ft./20 ft.	10 ft./20 ft.	10 ft.
RS	10 ft., except garages and/or carports must be set back 20 ft.	5 ft.**	3 ft.*/5 ft.**
RM-10, RM and RH	10 ft., except garages and/or carports must be set back 20 ft.	5 ft.**	5 ft.**

* Special setbacks for certain features as permitted in this section, and BDC 3.6.200 (special standards for residential uses) and BDC Chapter 3.8, Development Alternatives.

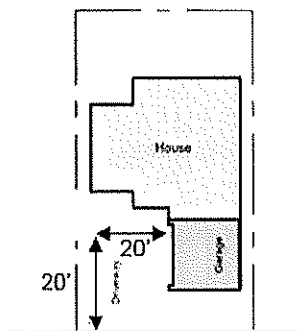
** When multifamily residential or nonresidential uses abut a detached single-family dwelling unit in the RS District, the setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.

F. Setback Exceptions.

1. Alley Garages and Carports.

- a. Where the side or rear wall of the garage faces the street, the front setback for the garage side or rear wall must be a minimum of 10 feet from the front property line for RS, RM, RM-10 and RH and 20 feet for RL. The garage must have a window(s) in the side or rear wall facing the street that is a minimum of six square feet.
- b. **Alley Access.** Where an existing alley is less than 20 feet in width, the setback abutting the alley must be increased to provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas. As shown in Figure 2.1.300, side entry garages that access an alley must also have a driveway with a minimum length of 20 feet from the garage door to the side property line.
- c. **Street Access.** As shown in Figure 2.1.300, side entry garages that access a street must have a driveway with a minimum length of 20 feet from the front and side property lines.

Figure 2.1.300



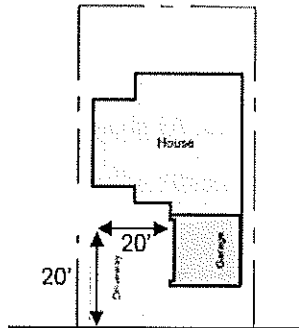
6. Front Setbacks. The following may encroach into the front setback:

- b. RS, RM, RM-10 and RH.

- ii. ~~For garages on corner lots that are accessed from an alley, and garages where the side or rear wall of the garage faces the street, the front setback for the garage side or rear wall must be a minimum of 10 feet from the front property line. In this case, the garage must have a window(s) in the side or rear wall facing the street that is a minimum of six square feet. As shown in Figure 2.1.300, side-entry garages that access a street must have a driveway with a minimum length of 20 feet from the front and side property lines.~~

Delete figure (*Relocated to 2.1.300.F.1*)

Figure 2.1.300



2.1.400 Building Mass and Scale.

A. Applicability. Floor area ratio applies to the following:

1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;
2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;

3. The perimeter lots of all new single-family residential subdivisions that are less than 6,000 square feet in size and abut a subdivision platted prior to December 1998 where any abutting lot is 6,000 square feet or less.

B. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.

C. Exceptions to FAR.

1. Attached single-family townhomes without an accessory dwelling unit.
2. For single-family detached dwellings with an accessory dwelling unit and attached single-family townhomes with an accessory dwelling unit, see BDC 3.6.200(B), Accessory Dwelling Unit (ADU), for FAR.
3. Accessory structures less than 10 feet in height and 200 square feet in area.
4. Lots and parcels subject to BDC 2.1.300(H), Residential Compatibility Standards.
5. Lots and parcels subject to BCD 3.8.300, Small Dwelling Unit Development.

2.1.500 Lot Area and Dimensions.

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with BDC 2.1.600, Residential Density. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
Single-Family Detached Housing; Manufactured Homes on Lots (See BDC 3.6.200(E));	UAR	Minimum area: 10 acres	Minimum width: 300 ft. min. average lot width with a min. street frontage of 150 ft.	No exceptions permitted

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
Residential Care Homes and Facilities (See BDC 3.6.200(J))	RL	Minimum area: 10,000 sq. ft.	Minimum wWidth: 50 ft. at front property line Minimum lot dDepth: 100 ft.	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line <u>except for townhomes and flag lots</u>
	RS	Minimum area: 4,000 sq. ft.	Minimum wWidth: 40 ft. at front property line Minimum lot dDepth: 50 ft.	Flag lot or parcel minimum width: 15 ft. min. at front property line. See BDC 4.3.700, Infill Development Options
	RM-10	Minimum area: 4,000 sq. ft.		Zero lot line minimum width: 20 ft., see BDC 3.6.200(A), Courtyard Housing
	RM	Minimum area: 2,500 sq. ft.	Minimum wWidth: 30 ft. at the front property line Minimum lot dDepth: 50 ft.	Mid-block development, see BDC 4.3.700, Infill Development Options
	RH	Not applicable	Not applicable	Shared courts, see BDC 4.3.700 Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone <u>Development Alternatives, see BDC Chapter 3.8</u>
Two and Three Family Housing (duplex/triplex)	UAR	Not applicable	Not applicable	

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
<u>Duplex and Triplex</u> See BDC 3.6.200(H)				Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line except for townhomes Flag lot or parcel minimum width: 15 ft. min. at front property line. See BDC 4.3.700, Infill Development Options Mid-block development, see BDC 4.3.700, Infill Development Options Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone
	RL	Minimum area: 20,000 sq. ft. Duplex 10,000 sq. ft. Triplex: 20,000 sq. ft.	Minimum lot width: 50 ft. at front property line Minimum lot depth: 100 ft.	Shared courts, see BDC 4.3.700 <i>(Merge with column above)</i>
	RS RM-10	Minimum area – duplex: 6,000 sq. ft. Minimum area – triplex: 9,000 sq. ft.	Minimum width: 40 ft. at front property line Minimum lot depth: 50 ft.	
	RM-10	Minimum area – duplex: 6,000 sq. ft. Minimum area – triplex: 9,000 sq. ft.		
	RM	None		

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
	RH	None	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.	
Single-Family Attached Housing (townhomes) See BDC 3.6.200(D)	UAR	Not applicable	Not applicable	
	RL*, RS, RM-10	Minimum area: 2,000 sq. ft. for each unit	Minimum width: 20 ft. at front property line for interior townhome lots and 25 ft. at front property line for exterior townhome lots	
	RM	Minimum area: 1,600 sq. ft. for each unit	Minimum lot depth: 50 ft.	
	RH	Minimum area: 1,200 sq. ft. for each unit		
Multifamily Housing (more than 3 units)	UAR	Not applicable	Not applicable	
	RL*, RS*, RM-10	Minimum area: 4,000 sq. ft. for each unit	Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft.	
	RM, RH	None		

* When permitted as part of a master plan subject to BDC Chapter 4.5, Master Planning and Development Alternatives.

2.1.600 Residential Density.

B. Exemptions. The following are exempt from the density standards in subsection (A) of this section:

2. Accessory Dwelling Units (ADUs) are exempt from maximum density standards. (Consistent with BDC 3.6.200.B.)

11. Duplexes and triplexes are exempt from the maximum density standards in the areas designated RL and RS in the Bend Comprehensive Plan Map, except when lots are created as part of a new subdivision application.

2.1.1100 Other Design Standards.

- A. On-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.
- B. Development must comply with BDC 3.5.200, Outdoor Lighting Standards, and 3.5.400, Solar Standards.
- C. Garages and carports must be accessed from alleys where practical. In this instance, the term "practical" means that there is an existing or platted alley that could be used in its current condition or improved to provide access.
- D. A sink outside of a kitchen or wet bar may be added in compliance with the following:
 1. In a garage or accessory structure if the space is not conditioned as defined in BDC Chapter 2.1, Definitions. A garage or accessory structure must not contain a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.
 2. In a laundry room. The laundry room may include utility hook-ups for gas or electric laundry appliances. A laundry room must not contain a dishwashing machine; a range hood, or similar equipment; or a stove, range, or oven.

Chapter 2.2

COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

2.2.300 Permitted and Conditional Uses.

The land uses listed in Table 2.2.300 are allowed in the Commercial Districts, subject to the provisions of this code. Uses that are listed in Table 2.2.300 and land uses that are similar are permitted or conditionally allowed. The land uses identified with a "C" in Table 2.2.300 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4.

Table 2.2.300 – Permitted and Conditional Uses

Land Use	CB	*CC	CL	CG
Residential				
<i>* Micro-units as part of a mixed-use development. See BDC Chapter 3.8.200. (Added by the Planning Commission on August 24, 2020)</i>	P	P	P	P
Development Alternatives (locate at the end of the table) Residential (Revised by Planning Commission on August 24, 2020)	See BDC Chapter 3.8			

Chapter 2.3

MIXED-USE ZONING DISTRICTS (ME, MR, PO, MU, and MN)

2.3.200 Permitted and Conditional Uses.

Table 2.3.200

Permitted and Conditional Uses

Land Use	ME	MR	PO	MU	MN
Residential					
Micro-Units. See BDC Chapter 3.8.200. (Added by the Planning Commission on August 24, 2020)	L [see subsection (C)(1) of this section]	P	L [see subsection (C)(1) of this section]	P	P
Development Alternatives (locate at the end of the table) (Deleted by the Planning Commission on August 24, 2020)	See BDC Chapter 3.8				

Chapter 2.7

SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS

Article I. Lava Ridge Refinement Plan

F. Design Review and Building Orientation.

2. Residential development shall must be oriented to a street, with a primary entrance that fronts on the street. Garages shall must be no more than five feet in front of the front of the house. Front sides of garages shall must represent no more than 50 percent of the building frontage of any residential structure. The width of the garage door opening shall must be used to determine the percentage of frontage. The Planning Director or designee may waive the standards if they are impractical due to factors including, but not limited to, the following:

- When the slope at the front of the lot exceeds 12 percent.
- Preservation of natural features, such as rock outcrops.

- Preservation of trees or other vegetation.
- Lot width at the front property line of lots existing prior to December 3, 2004, is less than 50 feet.

Exception:

A side loaded garage where the side of the garage faces the street and the garage doors are not oriented to a street. In this case, the garage must have a window(s) in the wall facing the street that is a minimum of six square feet. The side entry garage must have a driveway with a minimum length of 20 feet from the front and side property lines.

Article II. NorthWest Crossing Overlay Zone

2.7.320 Districts.

E. Residential Cluster Overlay District.

- b. Cottage Development Standards. The design standards and floor area requirements ensure that the overall size and scale including bulk and mass of cottage structures remain smaller and incur less visual impact than standard sized single-family dwellings, particularly given the allowed density of the cluster housing development.

- vi. All proposed cottages and accessory buildings are ~~subject to review and approval by the NorthWest Crossing Architectural Review Committee~~ not subject to design review.

F. Residential High Density Multiple-Family Overlay District.

8. ~~Site Plan Review. Multiple family housing is not subject to the provisions of BDC Chapter 4.2. It shall be subject to design review through the NorthWest Crossing Architectural Review Committee.~~

Article XIII. Wildflower Master Planned Development

2.7.3100 Wildflower Master Planned Development.

2.7.3145 Site Plan and Design Review

Type II site plan and design review is required for most development as specified under BDC Chapter 4.2, except as specified in this section. Type I minimum development standards review is required for ADUs, duplexes, triplexes, or townhomes in the Wildflower Master Planned Development. Type II site plan review is required for cottage housing if a Type II tentative plan for individual cottage lots is not proposed or required.

- D. ~~Cottage Housing. Cottage housing must meet the standards contained in BDC 4.5.500-3.8.500.~~

Article XIV. Bend Central District

2.7.3200 Bend Central District (BCD).

2.7.3220 Land Uses.

- C. ~~Determination of Similar Land Use. Similar land use determinations must be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.~~

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
Residential				
*Accessory Dwelling Units (ADUs)	P	P	P	P
Attached Single-Family Townhomes	P	P	P	P
Multifamily Residential	P	P	P	P
Live/Work Dwelling Unit	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)
Residential as Part of Mixed-Use Development	P	P	P	P
<u>Micro-Units (See BDC 3.8.200)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

L = Permitted with limitations, subject to subsection (D) of this section.

* Special standards for certain uses subject to BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

2.7.3230 Development Standards.

- A. The following table provides numerical development standards within the BCD. Additional development standards are contained in subsections (B), (C) and (D) of this section.

Building setback standards apply to any new buildings and any building expansion, including primary structures and accessory structures. (Was unintentionally omitted with the recent Bend Central District update)

- F. Multifamily is subject to the provisions in BDC 2.1.1000 with the following exception:

1. The common open space requirement in BDC 2.1.1000(B)(1) does not apply to any property with a residential building located within one-quarter mile of a public park; and there is a direct, accessible, and maintained trail or sidewalk between the development and the park that does not cross an arterial or collector street.

2.7.3250 Parking.

- A. In the BCD, the following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.

1. Required Off-Street Parking. The minimum number of required off-street vehicle parking spaces is established below. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces, by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

a. Residential Uses.

- i. Single-family attached townhomes: one space per dwelling unit.

- ii. Live/work dwelling unit: one space per live-work dwelling unit.
- iii. Residential uses in a mixed-use development, multifamily, micro-units and commercial-ready space used as residential: one-half space per dwelling unit. *(Added by the Planning Commission on August 24, 2020)*
- iv. Tandem parking is permitted when the spaces are assigned to the same dwelling unit.

Article XIX. Discovery West Master Planned Development

2.7.3740 Review Procedures

The following review procedures are applicable to uses within the Discovery West Master Planned Development.

- A. Design Review. Townhomes, live/work townhomes, cluster housing, duplexes, triplexes and fourplexes located on lots specifically approved as such, ~~are subject only to design review through the Discovery West Architectural and Landscape Review Committee~~ will not be subject to design standards of the underlying zoning district and the standards in BDC 3.6, Special Standards and Regulations for Certain Uses.
- B. Site Plan/Design Review. Multifamily development greater than four units and buildings in the Commercial/Mixed Employment District will not be subject to the provisions of BDC 4.2.600, Design Review or the design standards of the underlying zoning district and the standards in BDC 3.6, Special Standards and Regulations for Certain Uses, but will be subject to BDC 4.2.500, Site Plan Review, ~~and design review through the Discovery West Architectural an Landscape Review Committee.~~
- C. Conditional Use Permit. Conditionally permitted uses require a Conditional Use Permit in accordance with BDC Chapter 4.4.

Article XXI. Petrosa Master Planned Development

2.7.3940 Review Procedures.

The following review procedures are applicable to uses and structures within the Petrosa Master Planned Development.

- A. ~~Design Review.~~ Single-family dwellings, live/work townhomes, duplexes, triplexes, and fourplexes are subject ~~only to design review through the Petrosa Architectural Review Committee and to BDC 4.2.400,~~ Minimum Development Standards. BDC 4.2.500, Site Plan Review, and BDC 4.2.600, Design Review, do not apply. These uses that meet the standards of BDC 4.2.400(A)(3) are exempt from BDC 4.2.400, Minimum Development Standards Review.

- B. ~~Site Plan/Design Review.~~ Multifamily developments with five or more units and buildings in the Commercial District are subject ~~only to design review through the Petrosa Architectural Review Committee and to~~ BDC 4.2.500, Site Plan Review. BDC 2.2.600, Commercial Design Review, and BDC 4.2.600, Design Review, do not apply.

2.7.3950 Residential Zoning Districts.

- H. Architectural Design Standards. All buildings are ~~subject only to the architectural and/or design standards of the Petrosa Architectural Review Committee~~ are not subject to the design standards of the underlying zoning district.

- M. Other Design Standards.

- 2. ~~Outdoor lighting must be subject only to the standards of, and review by, the Petrosa Architectural Review Committee.~~ The standards of 3.5.200 Outdoor Lighting Standards do not apply.

Article XXII. Treeline Master Planned Development

2.7.4040 Review Procedures.

The following review procedures are applicable to uses and structures within the Treeline Master Planned Development.

A. ~~Design Review.~~ Single-family dwellings are subject only to design review through the ~~Treeline Architectural Review Committee~~ to BDC 4.2.400, Minimum Development Standards Review. The following uses are exempt from ~~minimum development standards review~~ BDC 4.2.400 Minimum Development Standards Review with existing full utility and full street frontage infrastructure:

1. Single-family detached housing.
2. Attached single-family townhomes with vehicular access from an alley.

Chapter 3.2

LANDSCAPING, STREET TREES, FENCES AND WALLS

3.2.300 New Landscaping

This section sets standards for and requires landscaping of all development sites that require Site Development Review. This section also requires landscape buffering for parking and maneuvering areas, and buffering between different land use districts. Note: Other landscaping standards are provided within the individual land use districts and in BDC Chapter 3.6, Special Standards for Certain Uses and BDC Chapter 3.8, Development Alternatives, for specific types of development.

C. **Landscape Area Standards.** A minimum percentage landscape coverage is required. **Coverage** is measured based on the size of plants at maturity or after two years of growth, whichever comes sooner. The minimum required landscaping shall must equal 15 percent of the gross lot area for the following uses:

1. Residential – duplex and triplex units, micro-unit developments and multiple-family developments.

5. Special landscape standards may be required in accordance with ~~the special standards for certain uses in~~ BDC Chapter 3.6, Special Standards and Regulations for Certain Uses, or as specified in BDC Chapter 2.7, Special Planned Districts and BDC Chapter 3.8, Development Alternatives.

D. Landscape Materials. Landscape materials include live trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below:

3. Nonplant Ground Covers. Bark dust, chips, aggregate or other nonplant ground covers may be used, ~~but must be confined to areas underneath plants and~~ is not considered a substitute for ground cover plants. Measures shall must be taken to prevent erosion of nonplant ground covers onto adjacent properties or rights-of-way.

3.2.400 Street Trees.

This section sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. Except for BDC 4.3.700(A) ~~3.8.400(A)~~, Mid-Block Development, and BDC 4.3.700(D) ~~3.8.400(D)~~, Shared Courts, street trees must be planted for developments subject to BDC 3.6.200(H), Duplex and Triplex Development, BDC 4.2.500, Site Plan Review, and BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments, and Infill Development Options, for residential land divisions. Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed. Street trees must conform to the following standards and guidelines:

3.2.500 Fences and Retaining Walls.

This section sets standards for new fences and retaining walls, including maximum allowable height and materials, to promote security, personal safety, and privacy. The following standards apply to all fences and retaining walls:

C. Fences.

1. Residential Districts.

- a. Fences located in the front setback must not exceed three and one-half feet in height. For front setbacks, see BDC 2.1.300. *(Provides easy reference to setback requirements.)*

Chapter 3.3

VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

B. Credit for On-Street Parking.

2. On-street parking shall ~~must~~ follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. ~~One~~ An on-street parking space shall ~~be~~ is defined as follows:
- a. Parallel parking, each 24 22 feet of uninterrupted curb, where allowed; *(Consistent with draft HB 2001 requirement.)*

- E. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall ~~must~~ not exceed the required minimum number of spaces provided by this section by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, shall do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

Table 3.3.300.E.1

Parking Stall Dimensions

Parking Angle	Stall Width	20'-Stall <u>Depth</u>	Aisle Width (*one-way)	Curb Length	Bay Width
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3.3.600 Bicycle Parking Standards.

All uses that are subject to Site Development Review shall must provide bicycle parking, in conformance with the following standards, which are evaluated during Site Development Review. This section does not apply to single-family, two-family, and three-family housing (attached, detached or manufactured housing), and home occupations businesses. A minimum of one bicycle parking space is required for all of other developments with fewer than 10 vehicle parking spaces.

- A. Number of Bicycle Parking Spaces. A minimum of one bicycle parking space per use is required for all uses subject to Site Development Review. Table 3.3.600 lists additional standards that apply to specific types of development:

Table 3.3.600

Required On-Site Bicycle Parking

Use	Requirement
Multifamily dwellings <u>and micro-units</u> with 4 units or more:	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

Chapter 3.4
PUBLIC IMPROVEMENT STANDARDS

3.4.160 Payment in Lieu of Sidewalk Construction.

- A. Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk per lot which is not required to construct a sidewalk as a condition of development approval. The payment will be established in the City's fee resolution. The payment requirement is limited to the Woodriver Village subdivision and is based on the unique characteristics of the Woodriver Village subdivision, as follows:
1. The subdivision was approved in Deschutes County in 1972 prior to annexation to City of Bend in 1993;
 2. The public right-of-way width ranges between 40 feet to 60 feet;
 3. The pavement width is less than 24 feet;
 4. There are no curbs; and
 5. The area includes significant trees, rock outcroppings and a rural appearance.
- B. The applicant must make a payment in lieu of constructing the sidewalk prior to issuance of a building permit or land division final plat approval, whichever occurs first.
- C. The payment in lieu of sidewalk construction is a one-time payment deposited into a sidewalk fund. The funds must be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction of sidewalks, that are reasonably expected to benefit or serve the resident(s) of the Woodriver Village subdivision.
- D. A waiver of remonstrance must be recorded with the property prior to issuance of a building permit or land division final plat approval, whichever occurs first.

3.4.200 Transportation Improvement Standards.

O. Cul-de-Sacs. A cul-de-sac street shall must only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.

~~4. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a curb radius of no less than 45 feet. Turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus access road of 20 feet in width.~~

T. Alleys, Public or Private. Alleys shall must conform to the standards in Tables A through E in this section. While alley intersections and sharp changes in alignment shall must be avoided, the corners of necessary alley/alley intersections shall must have an inside radius of not less than ~~42~~ 14 feet, except where Fire Department access is required, the inside radius shall must not be less than 30 feet. Right-of-way dedication for public alleys or roadway dedication for private alleys will be increased to match the pavement width. Private alleys must contain a public access easement for the entire width of the pavement and for the entire length of the alley.

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.200 Residential Uses.

This section supplements the standards contained in BDC Title 2 and provides standards for the following land uses in order to control the size, scale and compatibility of those uses within the applicable zone.

A. ~~Courtyard Housing. Detached "zero lot line" houses on individual lots are subject to the same standards as single-family detached housing, except that the three-foot minimum side yard setback is required on one side of a typical lot. As shown in Figure 3.6.200.A, this type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:~~

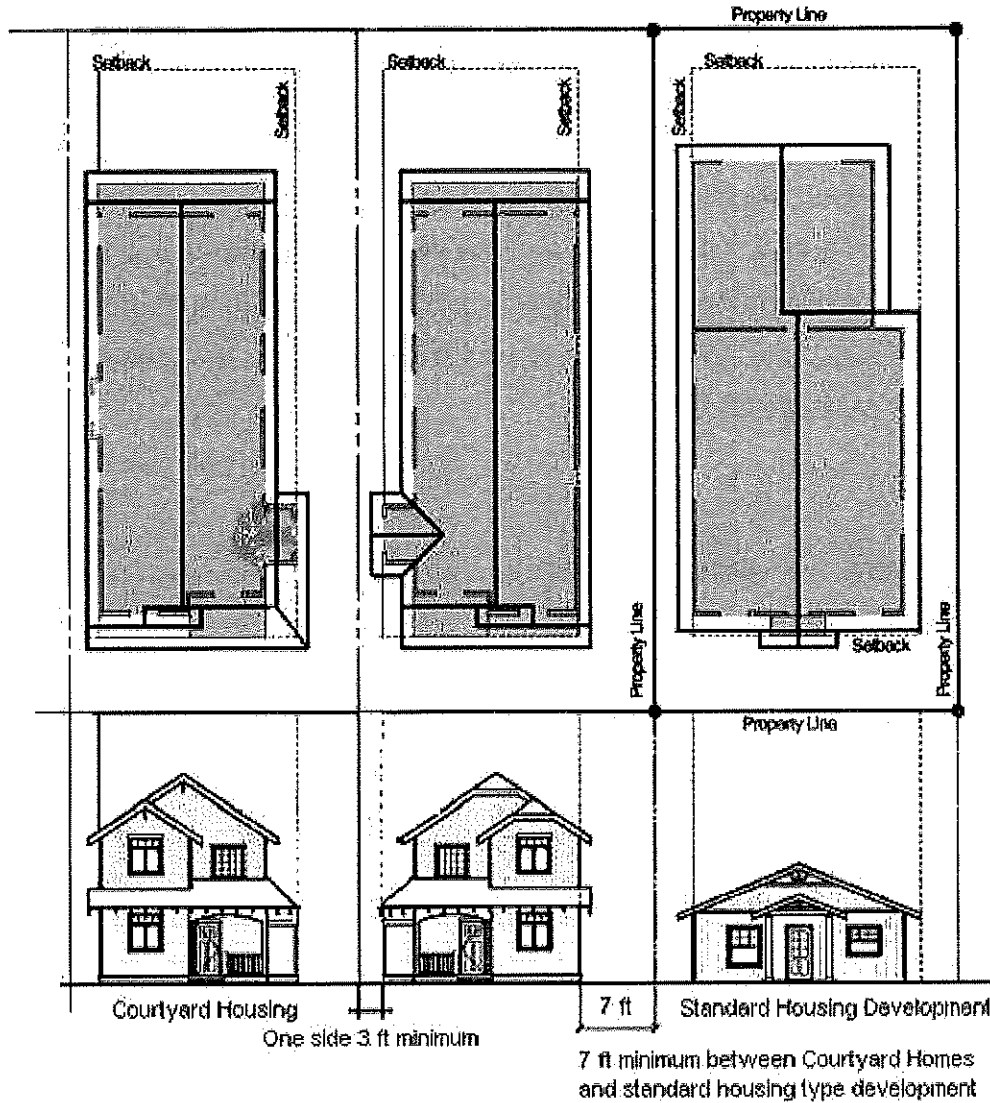
1. ~~Setbacks Adjacent to Non-Zero Lot Line Development. When a zero lot line house shares a side property line with a non-zero lot line development (including vacant lots), the zero lot line building shall be set back from the common property line by a minimum of seven feet;~~

2. ~~Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot;~~

3. ~~Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting "zero lot line" lots. For example, this standard is met by placing ground floor windows (along the zero setback) where views are directed into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted glass or other window covering that obscures any view to the interior but allows light into the interior. This standard does not apply to adjoining non-zero lot line lots. *(Relocated to the new BDC Chapter 3.8, Development Alternatives)*~~

Delete figure

Figure 3.6.200.A – Courtyard Housing



B. Accessory Dwelling Unit (ADU). An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-family dwelling unit as the primary use. The ADU may be attached, detached, or within a portion of an existing dwelling unit. The maximum density standards do not apply to ADUs due to their small size and low occupancy. The standards of this section are intended to control the size, scale and number of ADUs on individual properties to promote compatibility with abutting land uses. ADUs must comply with the following standards in addition to the standards of the applicable zoning district:

3. ADU Size.

- c. For purposes of measuring the ADU size in this subsection, floor area means the area measured in feet included inside the exterior surrounding walls of horizontal decked space intended to be a floored surface contained within the building or portion thereof, exclusive of vent shafts, and courts and basements. When calculating floor area stairs are counted once unless the area under the stairs is part of the ADU floor plan, in which case the stairs are counted twice. **Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area. (Amended by the City Council on October 7, 2020)**

4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.
- a. Exemptions to FAR.
- i. Accessory structures less than 10 feet in height and 200 square feet in area.
 - ii. FAR does not apply to a property when the ADU is proposed to be located in a structure legally constructed prior to April 1, 2016.
 - iii. Property not designated residential in the Bend Comprehensive Plan.
 - iv. Lots and parcels subject to BDC 3.8.300, Small Dwelling Unit Development.

- H. Duplex and Triplex Development. Duplex and triplex development must comply with the following standards. The standards are intended to control development scale, and minimize impacts associated with compatibility.

8. Driveway Approach. Duplexes may have a maximum of two driveway approaches and a triplex may have a maximum of three driveway approaches in compliance with the following:
- a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (H)(8)(c) of this section.

- b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.
- c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest classification.
 - ii. Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. ~~The City Engineer will determine which frontage may have one driveway approach when lots or parcels only have frontages on collector streets or only on arterial streets.~~ When lots or parcels only have frontages on collector streets or only on arterial streets, the City Engineer will determine which frontage may have one driveway approach based on the following:
 - (A) Distance from the nearest intersection;
 - (B) Clear vision areas;
 - (C) Topography;
 - (D) Utility conflicts; and
 - (E) Pedestrian and bike conflicts in the vicinity.

9. Garage Door Standards.

- a. The maximum combined garage door width facing the street is 50 percent of the total building width.
- b. In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line than the longest street-facing wall of the dwelling unit that encloses ground floor livable space, except that:
 - i. If there is a covered front porch, the garage or carport can extend up to five feet in front of the enclosed ground floor livable space, but no further than the front of the porch.

- ii. A garage or carport may extend up to 10 feet in front of the enclosed ground floor livable space if there is enclosed livable space or a covered balcony above at least a portion of the garage or carport.
- c. Exemptions to Garage Door Standards.
- i. Existing garages legally constructed prior to January 18, 2019.
 - ii. When the side or rear wall of the garage faces the street, provided the standards of BDC 2.1.300(F)(6)(b)(ii) are met.
 - iii. Lots created after January 18, 2019, that are not adjacent to existing residentially designated properties.

M. Accessory Uses and Structures. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, greenhouses and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see subsection (B) of this section. Accessory structures must comply with all of the following standards in addition to the standards of the applicable zoning district:

4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.

a. Exemptions to FAR.

i. Accessory structures less than 10 feet in height and 200 square feet in area.

ii. Lots and parcels subject to BCD 3.8.300. Small Dwelling Unit Development.

N. Home Business. The purpose of this subsection is to support those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit. More than one home

business may be operated on site provided the home businesses comply with the following standards cumulatively. There are three classes of home businesses.

1. General Operational Standards. All home businesses must meet the following operational standards:
 - a. The home businesses must be owned and/or operated by a resident of the home business site.
 - b. The primary use of the dwelling unit must remain residential.
 - c. The home business, except for outdoor storage, must be conducted wholly within lawfully built, enclosed structures and in such a manner as not to give an outward appearance of a business. For outdoor storage, see subsection (N)(1)(d) of this section.
 - d. Outdoor storage, including but not limited to inventory, supplies, or equipment, must be completely screened behind a sight-obscuring wall or fence or within an enclosed structure so that the products, equipment or materials are not visible from the public right-of-way or abutting properties or common areas.
 - e. The home business must not result in any alterations or additions to a structure that will change its the primary use or the primary use's Building Code occupancy classification.

Chapter 3.8

DEVELOPMENT ALTERNATIVES

(This is a new chapter that consolidates all the different development alternatives in the BDC into one chapter for simplicity. Mid-Block Developments was revised. T-courts and Shared Courts include minor revisions. This chapter also includes three new development alternatives: Micro-Unit Developments, Small Dwelling Unit Developments and Zero Lot Line Developments.)

3.8.100 Purpose and Applicability.

3.8.200 Micro Unit Developments

3.8.300 Small Dwelling Unit Development

3.8.400 Infill Development (Mid-block Developments, Flag Lots, T-courts, and Shared Courts)

3.8.500 Cottage Housing Development

3.8.600 Courtyard Housing

3.8.700 Zero Lot Line Developments

3.8.800 Urban Dwelling Sites (Place holder)

3.8.100. Purpose and Applicability.

This chapter supplements the standards contained in this code. It provides a variety of development alternatives to promote a diversity of dwelling unit types. Where there is a conflict between the provisions of this chapter and those of the underlying zone or other portions of the Development Code, the provisions of this chapter will control.

3.8.200 Micro-unit Development. (New Development Alternative)

- A. **Applicability.** Micro-unit developments are permitted in the RL, RS, RM-10, RM, RH, MU and MN Zoning Districts and in the Bend Central District. Micro-unit developments are also permitted as part of a mixed-use development in the Commercial and Mixed-Use Zoning Districts or as part of a neighborhood commercial site in the RS, RM and RH District. (Amended by the Planning Commission on August 24, 2020)
- B. **Maximum Density.** The maximum density must not exceed that of the relevant zoning district and is based on the following calculation:
 - 1. Four micro-units equal one dwelling unit. Fractional units are rounded up.
 - a. Exception to Density Maximums. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.
- C. **Development Standards.**
 - 1. The following table provides the numerical development standards:

<u>Standards</u>	<u>RL</u> <i>(Planning Commission didn't recommend micro-units in the RL on August 24, 2020)</i>	<u>RS & RM-10</u>	<u>RM</u>	<u>RH</u>	<u>Mixed-Use & Commercial Districts Zoning Districts</u>
<u>Minimum lot area</u>	10,000 for the first four micro-units plus 2,500 square feet per additional unit	4,000 square feet for the first four micro-units plus 1,000 square feet per additional micro-unit.	2,500 square feet for the first four micro-units plus 625 square feet per additional micro-unit.	No minimum	No minimum
<u>Minimum lot width at the front property line</u>	<u>50 ft.</u>	<u>40 ft.</u>	<u>30 ft.</u>	<u>30 ft.</u>	30 ft. No minimum <i>(Amended by City Council on October 7, 2020)</i>
<u>Corner lots or parcels must be at least five feet more in width than the minimum lot width required</u>					
<u>Minimum lot depth</u>	100 ft.	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	50 ft. No minimum <i>(Amended by City Council on October 7, 2020)</i>
<u>Maximum lot coverage</u>	<u>35%</u>	50% for lots or parcels with single-story structures.	<u>60%</u>	none	none

<u>Standards</u>	<u>RL</u> <i>(Planning Commission didn't recommend micro-units in the RL on August 24, 2020)</i>	<u>RS & RM-10</u>	<u>RM</u>	<u>RH</u>	<u>Mixed-Use & Commercial Districts Zoning Districts</u>
		45% for all other lots or parcels.			

D. Micro-Unit Size.

1. Minimum Floor Area: 150 square feet.
2. Maximum Floor Area: 400 square feet, exclusive of lofts.
 - a. Exception: Accessible units designed to meet the accessible requirements of the current Oregon Building Code may be 450 square feet, exclusive of lofts.

E. Private Facilities.

1. Each micro-unit must contain the following:
 - a. An area that includes the following at a minimum:
 - i. Under the counter refrigerator with a dedicated outlet;
 - ii. Contiguous countertop work area of not less than four square feet; and
 - iii. 20 amp small appliance branch circuit located above the countertop work area.
 - b. A bathroom that contains a toilet and a shower and/or bathtub.
 - c. A sink. For the purposes of a micro-unit, the sink may be larger than 18 inches by 18 inches and will not be considered a kitchen.

Exhibit A

DRAFT Development Code Update October 21, 2020

Prepared by:
City of Bend Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~striketrough~~ typeface is proposed to be deleted

***Indicates where text from the existing code has been omitted because it will remain unchanged.

Chapter 1.2

Definitions

Conditioned space means a space within the building, separated from unconditioned space by the exterior envelope, which by introduction of conditioned air, by heated and/or cooled surfaces, or by air or heat transfer from directly conditioned spaces is maintained at temperatures of 55°F (13°C) or higher for heating and/or 85°F (29.4°C) or below for cooling. (Enclosed corridors between conditioned spaces are considered conditioned space. Spaces where temperatures fall between this range by virtue of ambient conditions are not considered as conditioned space.) See Oregon Residential Specialty Code.

Cottage means a detached single-family dwelling in a cottage housing development. See ~~BDC 4.5.500~~ BDC 3.8.500, Cottage Housing Development.

Cottage cluster relates to the configuration of cottages. A cluster is a grouping of four to 12 cottage dwellings arranged on a development site around or abutting usable open space. A cottage housing development may contain more than one cluster. See ~~BDC 4.5.500~~ BDC 3.8.500, Cottage Housing Development.

Cottage housing development means a type of site development or subdivision where individual lots are created, both built in conjunction with shared open space and other common tracts of land that are intended to serve small-scale single-family dwellings that interact together as a small community. See ~~BDC 4.5.500~~ BDC 3.8.500, Cottage Housing Development.

Courtyard housing means detached “zero lot line” dwellings units on individual lots subject to the same standards as single-family detached dwellings, except that with a three-foot minimum side yard setback is required on one side of a typical lot. This type of housing development allows development on smaller (i.e., narrower) lots and provides a usable outdoor living area in the side-oriented courtyards. See ~~BDC 3.6.200(A)~~ BDC 3.8.600, Courtyard Housing.

Dwelling, Single-Family Detached Zero Lot Line House. See “~~Courtyard housing~~ Zero lot line development.” *(Added by the Planning Commission on August 24, 2020)*

Flag lot means a lot or parcel that has access to a road or street by means of a narrow strip of lot that does not meet the typical minimum lot frontage standard. See BDC 3.8.400.B.

Floor area means the area measured in feet of horizontal decked space intended to be a floored surface contained within ~~the~~ a building or portion thereof, measured to the external face of the external walls, exclusive of vent shafts, and courts and basements. ~~When calculating floor area, stairs are counted twice. When calculating floor area, stairs are counted once unless the area under the stairs is part of the dwelling unit’s floor plan, in which case the stairs are counted twice. Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area.~~

Infill, residential means:

1. The development of up to three dwellings on land that is designated for residential use where at least ~~75~~ 50 percent of the abutting properties have a structure but not counting any abutting property that is large enough that it can be divided into four or more lots or is currently developed with multifamily

residential. Properties separated by an existing alley are considered abutting for the purpose of infill residential.

2. A situation in which a single-family dwelling is removed to make way for up to three new dwellings (e.g., a single-family dwelling, duplex, or triplex).

3. "Residential infill" does not apply to land that is large enough that it can be divided into four or more single-family detached dwelling unit lots consistent with the minimum lot size of the zoning district.

Loft means any floor located above the main floor and open to it on at least one side with a ceiling height less than seven feet and used as a living or sleeping space.

Micro-unit means a unit located in a micro-unit development and typically consists of one room used for living and sleeping purposes and includes permanent provisions for sanitation. A micro-unit does not include a kitchen. See BDC 3.8.200, Micro-Unit Developments.

Micro-unit development means a building containing multiple micro-units and a shared kitchen(s). See BDC 3.8.200, Micro-Unit Developments.

Shared court means an infill development with dwelling units on separate lots that may front onto a courtyard-like private access drive designed to accommodate – within the same circulation space – access for pedestrians and vehicles to abutting properties. See BDC 3.8.400.D.

Small dwelling unit means a dwelling unit limited in size with a maximum floor area of 800 square feet. See BDC 3.8.300, Small Dwelling Unit Development. This definition does not apply to accessory dwelling units (ADUs).

Small dwelling unit development means a land division where small lots or parcels are created for small dwelling units. See BDC 3.8.300, Small Dwelling Unit Development.

Steep slope mean any slope equal to or greater than 12 percent as measured over any minimum run of 10 feet, perpendicular to the contour of the slope, based on contour intervals of two feet or less. *(Clear and Objective standard to help with density calculations in BDC 2.1.600.C)*

Street or road means a public or private thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley or shared court private access drive, which affords access to two or more ~~lots or parcels of abutting property properties~~ including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

The eight types of streets are classified as:

1. **Arterial** means a restricted access street of substantial continuity which is primarily a traffic artery for intercommunication among large areas, and so-designated by the City of Bend's Transportation System Plan. These include principal, major and minor arterials.
2. **Collector** means a restricted access street supplementary to the arterial street system used or intended to be used principally for the movement of traffic, bicyclists, and pedestrians between arterials and local streets, and designated by the City of Bend's Transportation System Plan. These include major collectors.
3. **Cul-de-sac** means a short street having one end open to traffic and terminated by a circular vehicle turnaround. Cul-de-sacs must include partial cul-de-sac bulbs or "eyebrows" designed and developed according to City standards.
4. **Expressway** means a major highway with limited access that is designed for fast travel.
5. **Frontage road** means a minor street parallel to a major arterial providing access to abutting properties, but protected from through traffic.
6. **Local** means a street intended primarily for access to abutting properties.

7. ~~Mid-block lane means a narrow, limited use roadway facility usually used to access a limited number of dwelling units, similar to an alley in design. See BDC 4.3.700, Infill Development Options. **Mid-Block Lane and T-courts.** See BDC 3.8.400, Infill Development.~~
8. ~~T-courts means a private street less than or equal to 150 feet in length that has one end open to traffic and is terminated by a rectangular or "hammerhead" vehicle turnaround.~~

~~Transit route means an existing or future route for public intra-city or intra-urban transit service in the local or regional transportation plan, not including temporary routes or routes which are planned to be replaced, identified on a route map adopted by the City's designated transit provider, as described in the City's Transportation System Plan.~~

~~Wet bar means an area within a dwelling unit, other than a kitchen, that contains a sink with a maximum size of 18 inches by 18 inches. The maximum size of the trap arm and drain for the wet bar sink must not exceed one and one-half inches. The area is not a wet bar if any of the following is also present: a sink larger than 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.~~

~~**Zero lot line development** means dwelling units which are constructed with a zero side setback. See BDC 3.8.700, Zero Lot Line Developments.~~

Chapter 2.1 RESIDENTIAL DISTRICTS

2.1.200 Permitted and Conditional Uses.

- A. Permitted Uses. The land uses listed in Table 2.1.200 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.1.200, land uses that are

incidental and subordinate to a permitted use and land uses that are approved as “similar” to those in Table 2.1.200 may be permitted. The land uses identified with a “C” in Table 2.1.200 require conditional use permit approval prior to development, in accordance with BDC Chapter 4.4, Conditional Use Permits.

- B. Determination of Similar Land Use. Similar use determinations must be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.
- C. Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, except as otherwise specified in this section.
- Existing single-family detached housing, single-family courtyard housing, and manufactured home parks that were lawfully established in their current location prior to the adoption of this code are treated as permitted uses in the RH Zone unless originally approved through a conditional use permit, in which case they must remain subject to any applicable conditions of approval. Such uses are not subject to BDC Chapter 5.2 unless otherwise nonconforming.

Table 2.1.200 – Permitted and Conditional Uses

Land Use	RL	RS	RM-10	RM	RH	UAR
Residential						
Single-family detached housing	P	P	P	P	N	P
*Single-family courtyard housing	C/P**	P	P	P	N	C
*Accessory dwelling units (ADUs)	P	P	P	P	P	P
*Attached single-family townhomes	N/P**	P	P	P	P	N
*Two- and three-family housing						
• Duplex when located on a corner lot	P	P	P	P	P	N
• Duplex on other lot or parcel	C/P**	P	P	P	P	N
• Triplex	C/P**	P	P	P	P	N
*Multifamily residential (more than 3 units)	N/P**	N/P**	P	P	P	N
<u>Micro-Units. See BDC Chapter 3.8.200.</u>	<u>PN</u>	P	P	P	P	N

Table 2.1.200 – Permitted and Conditional Uses

Land Use	RL	RS	RM-10	RM	RH	UAR
Development Alternatives (locate at the end of the table) (Revised by Planning Commission on August 24, 2020)						

Key to Districts:

UAR = Urban Area Reserve

RL = Low Density Residential

RS = Standard Density Residential

RM = Medium Density Residential

RM-10 = Medium-10 Density Residential

RH = High Density Residential

Key to Permitted Uses

P = Permitted, subject to BDC Chapter 4.1, Development Review and Procedures

N = Not Permitted

C = Conditional Use, subject to permit standards in BDC Chapter 4.4.

* Subject to special standards as described in BDC 2.1.900, Architectural Design Standards, and/or BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

** Permitted as part of a master plan subject to BDC Chapter 4.5.

*** Neighborhood commercial sites adjacent to a commercial or mixed-use Comprehensive Plan map designation. See BDC 3.6.300(J), Neighborhood Commercial Sites.

Note: Existing Neighborhood Commercial (CN) Zoned properties will remain as mapped recognizing neighborhood commercial properties established prior to the adoption of this code. The development of these sites shall must conform to the standards outlined in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses, for the uses described above.

2.1.300 Setbacks.

D. Rear Setbacks.

1. RL and UAR Districts. The minimum rear setback is 20 feet.

Exception. In the RL Zone on corner lots within a platted subdivision, the minimum rear setback is 10 feet.

2. RS, RM-10, RM and RH Districts. The minimum rear setback is five feet. When multifamily residential or nonresidential uses abut a detached single-family dwelling unit in the RS District, the rear setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.

Exception: Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.

E. Side Setbacks.

1. RL and UAR Districts. The minimum side setback is 10 feet.
2. RS, RM-10, RM and RH Districts. The minimum side setback is five feet. When multifamily residential or nonresidential uses abut a detached single-family dwelling unit in the RS District, the side setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.

Exception: For development in conformance with the provisions of ~~BDC 3.6.200(A)~~ for courtyard housing, a three-foot minimum side setback is permitted BDC Chapter 3.8, Development Alternatives.

Table 2.1.300 – Typical Residential District Setbacks

	Front	Rear	Side
UAR	10 ft./20 ft.	20 ft.	10 ft.
RL	10 ft./20 ft.	10 ft./20 ft.	10 ft.
RS	10 ft., except garages and/or carports must be set back 20 ft.	5 ft.**	3 ft./5 ft.**
RM-10, RM and RH	10 ft., except garages and/or carports must be set back 20 ft.	5 ft.**	5 ft.**

* Special setbacks for certain features as permitted in this section, and BDC 3.6.200 (special standards for residential uses) and BDC Chapter 3.8, Development Alternatives.

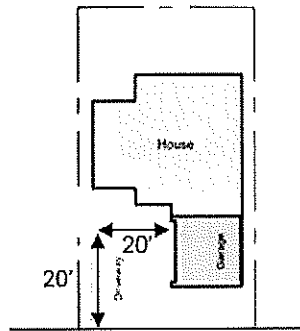
** When multifamily residential or nonresidential uses abut a detached single-family dwelling unit in the RS District, the setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.

F. Setback Exceptions.

1. Alley Garages and Carports.

- a. Where the side or rear wall of the garage faces the street, the front setback for the garage side or rear wall must be a minimum of 10 feet from the front property line for RS, RM, RM-10 and RH and 20 feet for RL. The garage must have a window(s) in the side or rear wall facing the street that is a minimum of six square feet.
- b. **Alley Access.** Where an existing alley is less than 20 feet in width, the setback abutting the alley must be increased to provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas. As shown in Figure 2.1.300, side entry garages that access an alley must also have a driveway with a minimum length of 20 feet from the garage door to the side property line.
- c. **Street Access.** As shown in Figure 2.1.300, side entry garages that access a street must have a driveway with a minimum length of 20 feet from the front and side property lines.

Figure 2.1.300



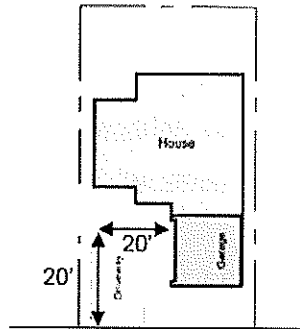
6. Front Setbacks. The following may encroach into the front setback:

- b. RS, RM, RM-10 and RH.

- ii.—For garages on corner lots that are accessed from an alley, and garages where the side or rear wall of the garage faces the street, the front setback for the garage side or rear wall must be a minimum of 10 feet from the front property line. In this case, the garage must have a window(s) in the side or rear wall facing the street that is a minimum of six square feet. As shown in Figure 2.1.300, side-entry garages that access a street must have a driveway with a minimum length of 20 feet from the front and side property lines.

Delete figure (*Relocated to 2.1.300.F.1*)

Figure 2.1.300



2.1.400 Building Mass and Scale.

A. Applicability. Floor area ratio applies to the following:

1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;
2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;

3. The perimeter lots of all new single-family residential subdivisions that are less than 6,000 square feet in size and abut a subdivision platted prior to December 1998 where any abutting lot is 6,000 square feet or less.

B. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.

C. Exceptions to FAR.

1. Attached single-family townhomes without an accessory dwelling unit.
2. For single-family detached dwellings with an accessory dwelling unit and attached single-family townhomes with an accessory dwelling unit, see BDC 3.6.200(B), Accessory Dwelling Unit (ADU), for FAR.
3. Accessory structures less than 10 feet in height and 200 square feet in area.
4. Lots and parcels subject to BDC 2.1.300(H), Residential Compatibility Standards.
5. Lots and parcels subject to BCD 3.8.300, Small Dwelling Unit Development.

2.1.500 Lot Area and Dimensions.

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with BDC 2.1.600, Residential Density. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	<u>Minimum</u> Lot Area	<u>Minimum</u> Lot Width/Depth	Exceptions
Single-Family Detached Housing; Manufactured Homes on Lots (See BDC 3.6.200(E));	UAR	Minimum area: 10 acres	Minimum-wWidth: 300 ft. min. average lot width with a min. street frontage of 150 ft.	No exceptions permitted

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
Residential Care Homes and Facilities (See BDC 3.6.200(J))	RL	Minimum area: 10,000 sq. ft.	Minimum wWidth: 50 ft. at front property line Minimum lot dDepth: 100 ft.	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line <u>except for townhomes and flag lots</u>
	RS RM-10	Minimum area: 4,000 sq. ft.	Minimum wWidth: 40 ft. at front property line Minimum lot dDepth: 50 ft.	Flag lot or parcel minimum width: 15 ft. min. at front property line. See BDC 4.3.700, Infill Development Options
	RM-10	Minimum area: 4,000 sq. ft.		Zero lot line minimum width: 20 ft., see BDC 3.6.200(A), Courtyard Housing
	RM	Minimum area: 2,500 sq. ft.	Minimum wWidth: 30 ft. at the front property line Minimum lot dDepth: 50 ft.	Mid-block development, see BDC 4.3.700, Infill Development Options
	RH	Not applicable	Not applicable	Shared courts, see BDC 4.3.700 Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone <u>Development Alternatives, see BDC Chapter 3.8</u>
Two and Three Family Housing (duplex/triplex)	UAR	Not applicable	Not applicable	

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
<p>Duplex and Triplex</p> <p>See BDC 3.6.200(H)</p>				<p>Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line except for townhomes</p> <p>Flag lot or parcel minimum width: 15 ft. min. at front property line. See BDC 4.3.700, Infill Development Options</p> <p>Mid-block development, see BDC 4.3.700, Infill Development Options</p> <p>Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone</p>
	RL	<p>Minimum area: 20,000 sq. ft.</p> <p>Duplex 10,000 sq. ft.</p> <p>Triplex: 20,000 sq. ft.</p>	<p>Minimum lot width: 50 ft. at front property line</p> <p>Minimum lot depth: 100 ft.</p>	<p>Shared courts, see BDC 4.3.700</p> <p><i>(Merge with column above)</i></p>
	RS RM-10	<p>Minimum area – duplex: 6,000 sq. ft.</p> <p>Minimum area – triplex: 9,000 sq. ft.</p>	<p>Minimum width: 40 ft. at front property line</p> <p>Minimum lot depth: 50 ft.</p>	
	RM-10	<p>Minimum area – duplex: 6,000 sq. ft.</p> <p>Minimum area – triplex: 9,000 sq. ft.</p>		
	RM	None		

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
	RH	None	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.	
Single-Family Attached Housing (townhomes) See BDC 3.6.200(D)	UAR	Not applicable	Not applicable	
	RL*, RS, RM-10	Minimum area: 2,000 sq. ft. for each unit	Minimum width: 20 ft. at front property line for interior townhome lots and 25 ft. at front property line for exterior townhome lots	
	RM	Minimum area: 1,600 sq. ft. for each unit	Minimum lot depth: 50 ft.	
	RH	Minimum area: 1,200 sq. ft. for each unit		
Multifamily Housing (more than 3 units)	UAR	Not applicable	Not applicable	
	RL*, RS*, RM-10	Minimum area: 4,000 sq. ft. for each unit	Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft.	
	RM, RH	None		

* When permitted as part of a master plan subject to BDC Chapter 4.5, Master Planning and Development Alternatives.

2.1.600 Residential Density.

B. Exemptions. The following are exempt from the density standards in subsection (A) of this section:

2. Accessory Dwelling Units (ADUs) are exempt from maximum density standards. (*Consistent with BDC 3.6.200.B.*)

11. Duplexes and triplexes are exempt from the maximum density standards in the areas designated RL and RS in the Bend Comprehensive Plan Map, except when lots are created as part of a new subdivision application.

2.1.1100 Other Design Standards.

- A. On-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.
- B. Development must comply with BDC 3.5.200, Outdoor Lighting Standards, and 3.5.400, Solar Standards.
- C. Garages and carports must be accessed from alleys where practical. In this instance, the term "practical" means that there is an existing or platted alley that could be used in its current condition or improved to provide access.
- D. A sink outside of a kitchen or wet bar may be added in compliance with the following:
 1. In a garage or accessory structure if the space is not conditioned as defined in BDC Chapter 2.1. Definitions. A garage or accessory structure must not contain a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.
 2. In a laundry room. The laundry room may include utility hook-ups for gas or electric laundry appliances. A laundry room must not contain a dishwashing machine; a range hood, or similar equipment; or a stove, range, or oven.

Chapter 2.2

COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

2.2.300 Permitted and Conditional Uses.

The land uses listed in Table 2.2.300 are allowed in the Commercial Districts, subject to the provisions of this code. Uses that are listed in Table 2.2.300 and land uses that are similar are permitted or conditionally allowed. The land uses identified with a "C" in Table 2.2.300 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4.

Table 2.2.300 – Permitted and Conditional Uses

Land Use	CB	*CC	CL	CG
Residential				
* <u>Micro-units as part of a mixed-use development. See BDC Chapter 3.8.200. (Added by the Planning Commission on August 24, 2020)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Development Alternatives (locate at the end of the table) Residential (Revised by Planning Commission on August 24, 2020)	See BDC Chapter 3.8			

Chapter 2.3

MIXED-USE ZONING DISTRICTS (ME, MR, PO, MU, and MN)

2.3.200 Permitted and Conditional Uses.

Table 2.3.200

Permitted and Conditional Uses

Land Use	ME	MR	PO	MU	MN
Residential					
Micro-Units. See BDC Chapter 3.8.200. (Added by the Planning Commission on August 24, 2020)	L [see subsection (C)(1) of this section]	P	L [see subsection (C)(1) of this section]	P	P
Development Alternatives (locate at the end of the table) (Deleted by the Planning Commission on August 24, 2020)	See BDC Chapter 3.8				

Chapter 2.7

SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS

Article I. Lava Ridge Refinement Plan

F. Design Review and Building Orientation.

2. Residential development shall must be oriented to a street, with a primary entrance that fronts on the street. Garages shall must be no more than five feet in front of the front of the house. Front sides of garages shall must represent no more than 50 percent of the building frontage of any residential structure. The width of the garage door opening shall must be used to determine the percentage of frontage. The Planning Director or designee may waive the standards if they are impractical due to factors including, but not limited to, the following:

- When the slope at the front of the lot exceeds 12 percent.
- Preservation of natural features, such as rock outcrops.

- Preservation of trees or other vegetation.
- Lot width at the front property line of lots existing prior to December 3, 2004, is less than 50 feet.

Exception:

A side loaded garage where the side of the garage faces the street and the garage doors are not oriented to a street. In this case, the garage must have a window(s) in the wall facing the street that is a minimum of six square feet. The side entry garage must have a driveway with a minimum length of 20 feet from the front and side property lines.

Article II. NorthWest Crossing Overlay Zone

2.7.320 Districts.

E. Residential Cluster Overlay District.

- b. Cottage Development Standards. The design standards and floor area requirements ensure that the overall size and scale including bulk and mass of cottage structures remain smaller and incur less visual impact than standard sized single-family dwellings, particularly given the allowed density of the cluster housing development.

- vi. All proposed cottages and accessory buildings are ~~subject to review and approval by the NorthWest Crossing Architectural Review Committee~~ not subject to design review.

F. Residential High Density Multiple-Family Overlay District.

8. ~~Site Plan Review. Multiple family housing is not subject to the provisions of BDC Chapter 4.2. It shall be subject to design review through the NorthWest Crossing Architectural Review Committee.~~

Article XIII. Wildflower Master Planned Development

2.7.3100 Wildflower Master Planned Development.

2.7.3145 Site Plan and Design Review

Type II site plan and design review is required for most development as specified under BDC Chapter 4.2, except as specified in this section. Type I minimum development standards review is required for ADUs, duplexes, triplexes, or townhomes in the Wildflower Master Planned Development. Type II site plan review is required for cottage housing if a Type II tentative plan for individual cottage lots is not proposed or required.

- D. ~~Cottage Housing. Cottage housing must meet the standards contained in BDC 4.5.500~~ 3.8.500.

Article XIV. Bend Central District

2.7.3200 Bend Central District (BCD).

2.7.3220 Land Uses.

- C. ~~Determination of Similar Land Use. Similar land use determinations must be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.~~

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
Residential				
*Accessory Dwelling Units (ADUs)	P	P	P	P
Attached Single-Family Townhomes	P	P	P	P
Multifamily Residential	P	P	P	P
Live/Work Dwelling Unit	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)
Residential as Part of Mixed-Use Development	P	P	P	P
<u>Micro-Units (See BDC 3.8.200)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

L = Permitted with limitations, subject to subsection (D) of this section.

* Special standards for certain uses subject to BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

2.7.3230 Development Standards.

- A. The following table provides numerical development standards within the BCD. Additional development standards are contained in subsections (B), (C) and (D) of this section.

Building setback standards apply to any new buildings and any building expansion, including primary structures and accessory structures. (Was unintentionally omitted with the recent Bend Central District update)

- F. Multifamily is subject to the provisions in BDC 2.1.1000 with the following exception:

1. The common open space requirement in BDC 2.1.1000(B)(1) does not apply to any property with a residential building located within one-quarter mile of a public park; and there is a direct, accessible, and maintained trail or sidewalk between the development and the park that does not cross an arterial or collector street.

2.7.3250 Parking.

- A. In the BCD, the following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.

1. Required Off-Street Parking. The minimum number of required off-street vehicle parking spaces is established below. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces, by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

a. Residential Uses.

- i. Single-family attached townhomes: one space per dwelling unit.

- ii. Live/work dwelling unit: one space per live-work dwelling unit.
- iii. Residential uses in a mixed-use development, multifamily, micro-units and commercial-ready space used as residential: one-half space per dwelling unit. ***(Added by the Planning Commission on August 24, 2020)***
- iv. Tandem parking is permitted when the spaces are assigned to the same dwelling unit.

Article XIX. Discovery West Master Planned Development

2.7.3740 Review Procedures

The following review procedures are applicable to uses within the Discovery West Master Planned Development.

- A. Design Review. Townhomes, live/work townhomes, cluster housing, duplexes, triplexes and fourplexes located on lots specifically approved as such, ~~are subject only to design review through the Discovery West Architectural and Landscape Review Committee~~ will not be subject to design standards of the underlying zoning district and the standards in BDC 3.6, Special Standards and Regulations for Certain Uses.
- B. Site Plan/Design Review. Multifamily development greater than four units and buildings in the Commercial/Mixed Employment District will not be subject to the provisions of BDC 4.2.600, Design Review or the design standards of the underlying zoning district and the standards in BDC 3.6, Special Standards and Regulations for Certain Uses, but will be subject to BDC 4.2.500, Site Plan Review, ~~and design review through the Discovery West Architectural and Landscape Review Committee.~~
- C. Conditional Use Permit. Conditionally permitted uses require a Conditional Use Permit in accordance with BDC Chapter 4.4.

Article XXI. Petrosa Master Planned Development

2.7.3940 Review Procedures.

The following review procedures are applicable to uses and structures within the Petrosa Master Planned Development.

- A. ~~Design Review.~~ Single-family dwellings, live/work townhomes, duplexes, triplexes, and fourplexes are ~~subject only to design review through the Petrosa Architectural Review Committee and to BDC 4.2.400,~~ Minimum Development Standards. BDC 4.2.500, Site Plan Review, and BDC 4.2.600, Design Review, do not apply. These uses that meet the standards of BDC 4.2.400(A)(3) are exempt from BDC 4.2.400, Minimum Development Standards Review.

- B. ~~Site Plan/Design Review.~~ Multifamily developments with five or more units and buildings in the Commercial District are ~~subject only to design review through the Petrosa Architectural Review Committee and to~~ BDC 4.2.500, Site Plan Review. BDC 2.2.600, Commercial Design Review, and BDC 4.2.600, Design Review, do not apply.

2.7.3950 Residential Zoning Districts.

- H. Architectural Design Standards. All buildings are ~~subject only to the architectural and/or design standards of the Petrosa Architectural Review Committee~~ are not subject to the design standards of the underlying zoning district.

- M. Other Design Standards.

- 2. ~~Outdoor lighting must be subject only to the standards of, and review by, the Petrosa Architectural Review Committee.~~ The standards of 3.5.200 Outdoor Lighting Standards do not apply.

2.7.4040 Review Procedures.

The following review procedures are applicable to uses and structures within the Treeline Master Planned Development.

A. ~~Design Review.~~ Single-family dwellings are subject ~~only to design review through the Treeline Architectural Review Committee~~ to BDC 4.2.400, Minimum Development Standards Review. The following uses are exempt from ~~minimum development standards review~~ BDC 4.2.400 Minimum Development Standards Review with existing full utility and full street frontage infrastructure:

1. Single-family detached housing.
2. Attached single-family townhomes with vehicular access from an alley.

Chapter 3.2

LANDSCAPING, STREET TREES, FENCES AND WALLS

3.2.300 New Landscaping

This section sets standards for and requires landscaping of all development sites that require Site Development Review. This section also requires landscape buffering for parking and maneuvering areas, and buffering between different land use districts. Note: Other landscaping standards are provided within the individual land use districts and in BDC Chapter 3.6, Special Standards for Certain Uses and BDC Chapter 3.8, Development Alternatives, for specific types of development.

C. Landscape Area Standards. A minimum percentage landscape coverage is required. **Coverage** is measured based on the size of plants at maturity or after two years of growth, whichever comes sooner. The minimum required landscaping shall must equal 15 percent of the gross lot area for the following uses:

1. Residential – duplex and triplex units, micro-unit developments and multiple-family developments.

5. Special landscape standards may be required in accordance with ~~the special standards for certain uses in~~ BDC Chapter 3.6, Special Standards and Regulations for Certain Uses, or as specified in BDC Chapter 2.7, Special Planned Districts and BDC Chapter 3.8, Development Alternatives.

D. Landscape Materials. Landscape materials include live trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below:

3. Nonplant Ground Covers. Bark dust, chips, aggregate or other nonplant ground covers may be used, ~~but must be confined to areas underneath plants and~~ is not considered a substitute for ground cover plants. Measures shall must be taken to prevent erosion of nonplant ground covers onto adjacent properties or rights-of-way.

3.2.400 Street Trees.

This section sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. Except for BDC 4.3.700(A) ~~3.8.400(A)~~, Mid-Block Development, and BDC 4.3.700(D) ~~3.8.400(D)~~, Shared Courts, street trees must be planted for developments subject to BDC 3.6.200(H), Duplex and Triplex Development, BDC 4.2.500, Site Plan Review, and BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments, and Infill Development Options, for residential land divisions. Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed. Street trees must conform to the following standards and guidelines:

3.2.500 Fences and Retaining Walls.

This section sets standards for new fences and retaining walls, including maximum allowable height and materials, to promote security, personal safety, and privacy. The following standards apply to all fences and retaining walls:

C. Fences.

1. Residential Districts.

- a. Fences located in the front setback must not exceed three and one-half feet in height. For front setbacks, see BDC 2.1.300. *(Provides easy reference to setback requirements.)*

Chapter 3.3

VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

B. Credit for On-Street Parking.

2. On-street parking shall must follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. ~~One~~ An on-street parking space shall ~~be~~ is defined as follows:
- a. Parallel parking, each 24 22 feet of uninterrupted curb, where allowed; *(Consistent with draft HB 2001 requirement.)*

- E. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall must not exceed the required minimum number of spaces provided by this section by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, shall do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

Table 3.3.300.E.1

Parking Stall Dimensions

Parking Angle	Stall Width	20'-Stall <u>Depth</u>	Aisle Width (*one-way)	Curb Length	Bay Width
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3.3.600 Bicycle Parking Standards.

All uses that are subject to Site Development Review shall ~~shall~~ must provide bicycle parking, in conformance with the following standards, which are evaluated during Site Development Review. This section does not apply to single-family, two-family, and three-family housing (attached, detached or manufactured housing), and home occupations businesses. A minimum of one bicycle parking space is required for all or other developments with fewer than 10 vehicle parking spaces.

A. Number of Bicycle Parking Spaces. A minimum of one bicycle parking space per use is required for all uses subject to Site Development Review. Table 3.3.600 lists additional standards that apply to specific types of development:

Table 3.3.600

Required On-Site Bicycle Parking

Use	Requirement
Multifamily dwellings <u>and micro-units</u> with 4 units or more:	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

Chapter 3.4
PUBLIC IMPROVEMENT STANDARDS

3.4.160 Payment in Lieu of Sidewalk Construction.

- A. Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk per lot which is not required to construct a sidewalk as a condition of development approval. The payment will be established in the City's fee resolution. The payment requirement is limited to the Woodriver Village subdivision and is based on the unique characteristics of the Woodriver Village subdivision, as follows:
1. The subdivision was approved in Deschutes County in 1972 prior to annexation to City of Bend in 1993;
 2. The public right-of-way width ranges between 40 feet to 60 feet;
 3. The pavement width is less than 24 feet;
 4. There are no curbs; and
 5. The area includes significant trees, rock outcroppings and a rural appearance.
- B. The applicant must make a payment in lieu of constructing the sidewalk prior to issuance of a building permit or land division final plat approval, whichever occurs first.
- C. The payment in lieu of sidewalk construction is a one-time payment deposited into a sidewalk fund. The funds must be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction of sidewalks, that are reasonably expected to benefit or serve the resident(s) of the Woodriver Village subdivision.
- D. A waiver of remonstrance must be recorded with the property prior to issuance of a building permit or land division final plat approval, whichever occurs first.

3.4.200 Transportation Improvement Standards.

O. Cul-de-Sacs. A cul-de-sac street shall must only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.

~~4. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a curb radius of no less than 45 feet. Turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus access road of 20 feet in width.~~

T. Alleys, Public or Private. Alleys shall must conform to the standards in Tables A through E in this section. While alley intersections and sharp changes in alignment shall must be avoided, the corners of necessary alley/alley intersections shall must have an inside radius of not less than ~~12~~ 14 feet, except where Fire Department access is required, the inside radius shall must not be less than 30 feet. Right-of-way dedication for public alleys or roadway dedication for private alleys will be increased to match the pavement width. Private alleys must contain a public access easement for the entire width of the pavement and for the entire length of the alley.

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.200 Residential Uses.

This section supplements the standards contained in BDC Title 2 and provides standards for the following land uses in order to control the size, scale and compatibility of those uses within the applicable zone.

A. ~~Courtyard Housing. Detached "zero lot line" houses on individual lots are subject to the same standards as single-family detached housing, except that the three-foot minimum side yard setback is required on one side of a typical lot. As shown in Figure 3.6.200.A, this type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:~~

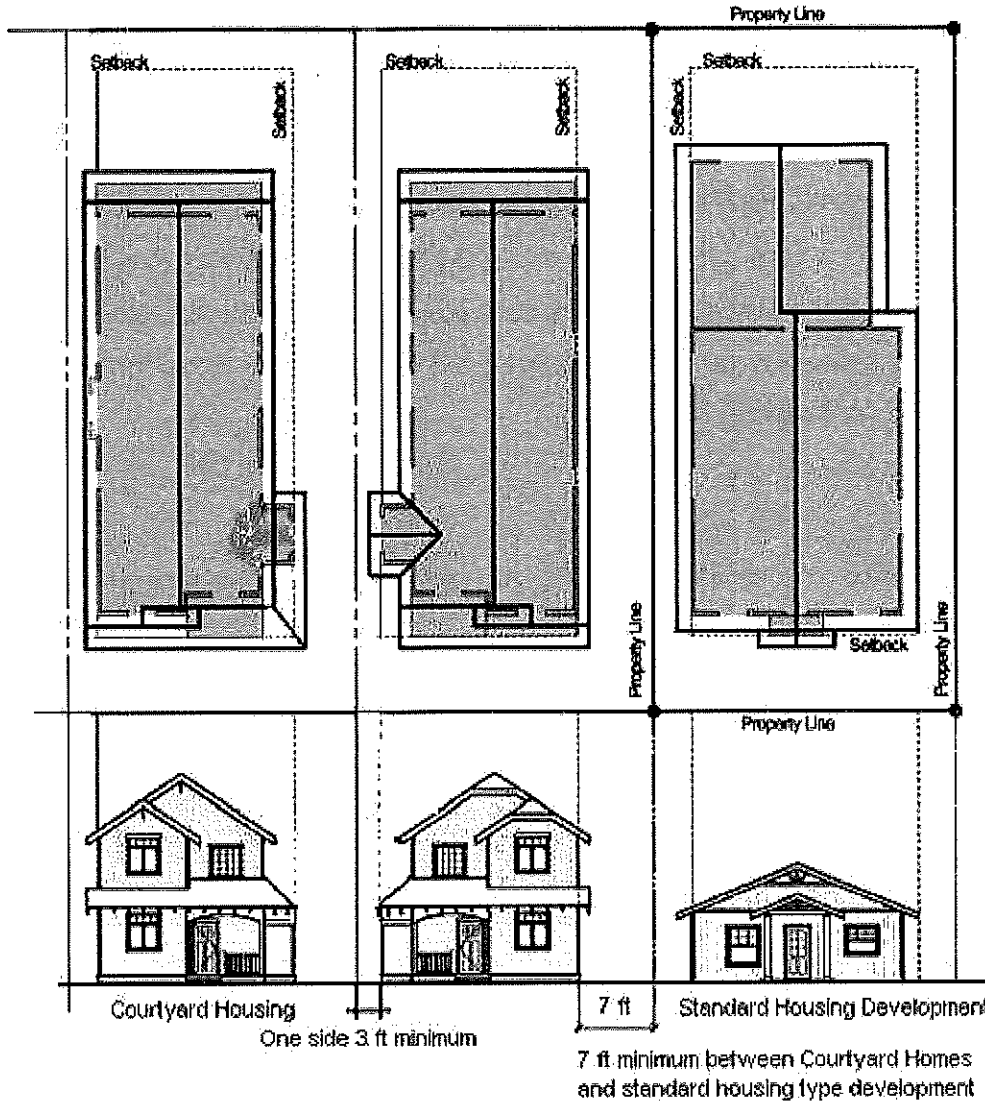
1. ~~Setbacks Adjacent to Non-Zero Lot Line Development. When a zero lot line house shares a side property line with a non-zero lot line development (including vacant lots), the zero lot line building shall be set back from the common property line by a minimum of seven feet;~~

2. ~~Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot;~~

3. ~~Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting "zero lot line" lots. For example, this standard is met by placing ground floor windows (along the zero setback) where views are directed into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted glass or other window covering that obscures any view to the interior but allows light into the interior. This standard does not apply to adjoining non-zero lot line lots. (Relocated to the new BDC Chapter 3.8, Development Alternatives)~~

Delete figure

Figure 3.6.200.A—Courtyard Housing



B. Accessory Dwelling Unit (ADU). An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-family dwelling unit as the primary use. The ADU may be attached, detached, or within a portion of an existing dwelling unit. The maximum density standards do not apply to ADUs due to their small size and low occupancy. The standards of this section are intended to control the size, scale and number of ADUs on individual properties to promote compatibility with abutting land uses. ADUs must comply with the following standards in addition to the standards of the applicable zoning district:

3. ADU Size.

- c. For purposes of measuring the ADU size in this subsection, floor area means the area measured in feet included inside the exterior surrounding walls of horizontal decked space intended to be a floored surface contained within the building or portion thereof, exclusive of vent shafts, and courts and basements. When calculating floor area stairs are counted once unless the area under the stairs is part of the ADU floor plan, in which case the stairs are counted twice. **Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area. (Amended by the City Council on October 7, 2020)**

4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.
- a. Exemptions to FAR.
- i. Accessory structures less than 10 feet in height and 200 square feet in area.
 - ii. FAR does not apply to a property when the ADU is proposed to be located in a structure legally constructed prior to April 1, 2016.
 - iii. Property not designated residential in the Bend Comprehensive Plan.
 - iv. Lots and parcels subject to BDC 3.8.300, Small Dwelling Unit Development.

- H. Duplex and Triplex Development. Duplex and triplex development must comply with the following standards. The standards are intended to control development scale, and minimize impacts associated with compatibility.

8. Driveway Approach. Duplexes may have a maximum of two driveway approaches and a triplex may have a maximum of three driveway approaches in compliance with the following:
- a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (H)(8)(c) of this section.

- b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.
- c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest classification.
 - ii. Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. ~~The City Engineer will determine which frontage may have one driveway approach when lots or parcels only have frontages on collector streets or only on arterial streets.~~ When lots or parcels only have frontages on collector streets or only on arterial streets, the City Engineer will determine which frontage may have one driveway approach based on the following:
 - (A) Distance from the nearest intersection;
 - (B) Clear vision areas;
 - (C) Topography;
 - (D) Utility conflicts; and
 - (E) Pedestrian and bike conflicts in the vicinity.

9. Garage Door Standards.

- a. The maximum combined garage door width facing the street is 50 percent of the total building width.
- b. In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line than the longest street-facing wall of the dwelling unit that encloses ground floor livable space, except that:
 - i. If there is a covered front porch, the garage or carport can extend up to five feet in front of the enclosed ground floor livable space, but no further than the front of the porch.

- ii. A garage or carport may extend up to 10 feet in front of the enclosed ground floor livable space if there is enclosed livable space or a covered balcony above at least a portion of the garage or carport.
- c. Exemptions to Garage Door Standards.
- i. Existing garages legally constructed prior to January 18, 2019.
 - ii. When the side or rear wall of the garage faces the street, provided the standards of BDC 2.1.300(F)(6)(b)(ii) are met.
 - iii. Lots created after January 18, 2019, that are not adjacent to existing residentially designated properties.

M. Accessory Uses and Structures. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, greenhouses and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see subsection (B) of this section. Accessory structures must comply with all of the following standards in addition to the standards of the applicable zoning district:

4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.

a. Exemptions to FAR.

i. Accessory structures less than 10 feet in height and 200 square feet in area.

ii. Lots and parcels subject to BCD 3.8.300, Small Dwelling Unit Development.

N. Home Business. The purpose of this subsection is to support those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit. More than one home

business may be operated on site provided the home businesses comply with the following standards cumulatively. There are three classes of home businesses.

1. General Operational Standards. All home businesses must meet the following operational standards:
 - a. The home businesses must be owned and/or operated by a resident of the home business site.
 - b. The primary use of the dwelling unit must remain residential.
 - c. The home business, except for outdoor storage, must be conducted wholly within lawfully built, enclosed structures and in such a manner as not to give an outward appearance of a business. For outdoor storage, see subsection (N)(1)(d) of this section.
 - d. Outdoor storage, including but not limited to inventory, supplies, or equipment, must be completely screened behind a sight-obscuring wall or fence or within an enclosed structure so that the products, equipment or materials are not visible from the public right-of-way or abutting properties or common areas.
 - e. The home business must not result in any alterations or additions to a structure that will change its the primary use or the primary use's Building Code occupancy classification.

Chapter 3.8

DEVELOPMENT ALTERNATIVES

(This is a new chapter that consolidates all the different development alternatives in the BDC into one chapter for simplicity. Mid-Block Developments was revised. T-courts and Shared Courts include minor revisions. This chapter also includes three new development alternatives: Micro-Unit Developments, Small Dwelling Unit Developments and Zero Lot Line Developments.)

3.8.100 Purpose and Applicability.

3.8.200 Micro Unit Developments

3.8.300 Small Dwelling Unit Development

3.8.400 Infill Development (Mid-block Developments, Flag Lots, T-courts, and Shared Courts)

3.8.500 Cottage Housing Development

3.8.600 Courtyard Housing

3.8.700 Zero Lot Line Developments

3.8.800 Urban Dwelling Sites (Place holder)

3.8.100. Purpose and Applicability.

This chapter supplements the standards contained in this code. It provides a variety of development alternatives to promote a diversity of dwelling unit types. Where there is a conflict between the provisions of this chapter and those of the underlying zone or other portions of the Development Code, the provisions of this chapter will control.

3.8.200 Micro-unit Development. (New Development Alternative)

- A. **Applicability.** Micro-unit developments are permitted in the RL, RS, RM-10, RM, RH, MU and MN Zoning Districts and in the Bend Central District. Micro-unit developments are also permitted as part of a mixed-use development in the Commercial and Mixed-Use Zoning Districts or as part of a neighborhood commercial site in the RS, RM and RH District. (Amended by the Planning Commission on August 24, 2020)
- B. **Maximum Density.** The maximum density must not exceed that of the relevant zoning district and is based on the following calculation:
1. Four micro-units equal one dwelling unit. Fractional units are rounded up.
 - a. Exception to Density Maximums. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.
- C. **Development Standards.**
1. The following table provides the numerical development standards:

<u>Standards</u>	<u>RL</u> (<i>Planning Commission didn't recommend micro-units in the RL on August 24, 2020</i>)	<u>RS & RM-10</u>	<u>RM</u>	<u>RH</u>	<u>Mixed-Use & Commercial Districts Zoning Districts</u>
<u>Minimum lot area</u>	<u>10,000 for the first four micro-units plus 2,500 square feet per additional unit</u>	<u>4,000 square feet for the first four micro-units plus 1,000 square feet per additional micro-unit.</u>	<u>2,500 square feet for the first four micro-units plus 625 square feet per additional micro-unit.</u>	<u>No minimum</u>	<u>No minimum</u>
<u>Minimum lot width at the front property line</u>	<u>50 ft.</u>	<u>40 ft.</u>	<u>30 ft.</u>	<u>30 ft.</u>	<u>30 ft. No minimum (Amended by City Council on October 7, 2020)</u>
<u>Corner lots or parcels must be at least five feet more in width than the minimum lot width required</u>					
<u>Minimum lot depth</u>	<u>100 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft. No minimum (Amended by City Council on October 7, 2020)</u>
<u>Maximum lot coverage</u>	<u>35%</u>	<u>50% for lots or parcels with single-story structures.</u>	<u>60%</u>	<u>none</u>	<u>none</u>

<u>Standards</u>	<u>RL</u> <i>(Planning Commission didn't recommend micro-units in the RL on August 24, 2020)</i>	<u>RS & RM-10</u>	<u>RM</u>	<u>RH</u>	<u>Mixed-Use & Commercial Districts Zoning Districts</u>
		45% for all other lots or parcels.			

D. Micro-Unit Size.

1. Minimum Floor Area: 150 square feet.
2. Maximum Floor Area: 400 square feet, exclusive of lofts.
 - a. Exception: Accessible units designed to meet the accessible requirements of the current Oregon Building Code may be 450 square feet, exclusive of lofts.

E. Private Facilities.

1. Each micro-unit must contain the following:
 - a. An area that includes the following at a minimum:
 - i. Under the counter refrigerator with a dedicated outlet;
 - ii. Contiguous countertop work area of not less than four square feet; and
 - iii. 20 amp small appliance branch circuit located above the countertop work area.
 - b. A bathroom that contains a toilet and a shower and/or bathtub.
 - c. A sink. For the purposes of a micro-unit, the sink may be larger than 18 inches by 18 inches and will not be considered a kitchen.

2. Restrictions.

- a. A kitchen is not allowed, except the sink required in subsection (E)(1)(c) of this section may be larger than 18 inches by 18 inches.

F. Common Kitchen and Laundry Facilities.

1. One common kitchen must be provided for every 10 micro-units or portion thereof. For purposes of this section, a common kitchen must include a sink larger than 18 inches by 18 inches, a refrigerator, and a stove, range top, or oven and be a minimum of 120 square feet in area.
2. One common laundry facility must be provided for every 10 micro-units or portion thereof. (Added by the Planning Commission on August 24, 2020)

G. Private and Common Space: The micro-unit development must contain private and/or common space consistent with the following:

1. Private and common space may be satisfied by a selection or combination of the following:
- a. Private space: Balconies, courtyards, decks/roof top decks, gardens and patios.
- b. Common space: Atriums, balconies, courtyards, decks/roof top decks, gardens, patios, playgrounds/tot lots, swimming pools, gyms/exercise rooms, living rooms and dining rooms.
- c. Bathrooms, laundry facilities, storage (including bicycle storage), hallways, the main lobby, and kitchens do not count as private or common space.
2. Private space must be provided with a minimum dimension of five feet on any side and common space must be provided with a minimum dimension of ten feet on any side.
3. The applicant must provide private or common space, or a combination thereof, consistent with the following:
- a. ~~RL: Minimum 20 square feet of private space or 30 square feet of common space per micro-unit.~~ ***(Planning Commission didn't recommend micro-units in the RL on August 24, 2020)***
- a. RS, RM and RH: Minimum 10 square feet of private space or 20 square feet of common space per micro-unit.

H. **Design Standards.** Micro-unit are subject to the following standards. These standards are in addition to the regulations of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, but replace the design standards of the underlying zoning district.

1. **Garage Door Standards.**

- a. The maximum combined garage door width facing the street is 50 percent of the total building width.
- b. In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line than the longest street-facing wall of the micro-unit development's enclosed ground floor area, except that:
 - i. If there is a covered front porch, the garage or carport can extend up to five feet in front of the enclosed ground floor area, but no further than the front of the porch.
 - ii. A garage or carport may extend up to 10 feet in front of the enclosed ground floor area if there is enclosed floor area or a covered balcony above at least a portion of the garage or carport.
- c. Exemptions to Garage Door Standards.
 - i. Existing garages legally constructed prior to INSERT DATE.
 - ii. When the side or rear wall of the garage faces the street, provided the standards of BDC 2.1.300(F)(1)(a) are met.

2. **Orientation Standards.**

- a. At least one front door entrance of the Micro-Unit Development must orientate to an abutting street or open to a porch covered by either a roof or enclosed floor area. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:
 - i. Meet a minimum area of 20 square feet;
 - ii. Meet a minimum depth of four feet; and
 - iii. Have an entry that faces a street.For properties with more than one frontage, the applicant may choose which frontage to meet this standard.
- b. Exemptions to Orientation Standards.
 - i. Micro-Unit Developments created by remodeling an existing structure.

I. **Off-Street Parking.** The following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces and in BDC Chapter 3.6, Special Standards and

Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking and BDC 2.7.3250, Parking, apply.

1. ~~RL: Minimum 1 space per micro-unit. (Planning Commission didn't recommend micro-units in the RL on August 24, 2020)~~

1. RS, RM and RH: Minimum 0.5 1 space per micro-unit.

a. Exception: Micro-Unit Developments located within a quarter of a mile (1,320 feet as the crow flies) of a transit route may provide 0.5 parking spaces per micro-unit. (Amended by the City Council on October 7, 2020)

2. Mixed Use Districts and Commercial Districts and Bend Central District: Minimum 0.5 spaces per micro-unit. (Amended by the Planning Commission on August 24, 2020)

3. The maximum is 150 percent of one per micro-unit.

4. When four or more required spaces are provided, up to 50 percent of the required off-street parking spaces may be developed as compact parking spaces. Where a fractional number of compact spaces results, the allowed number of compact spaces is rounded down to the nearest whole number.

5. Parking is prohibited between the street and the micro-unit development when more than three parking spaces are provided. When more than three parking spaces are provided, backing onto the street is not allowed.

6. Off-street parking may be reduced in compliance with 3.3.300(D) and in the Bend Central District in compliance with BDC 2.7.3250(A)(2).

J. **Trash receptacles.** Trash receptacles must not be located within setbacks for property lines shared with single-family dwelling units. Trash receptacles must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height and must be located for easy access by trash pick-up vehicles.

K. **Short-term rentals.** The use of a micro-unit as a short-term rental is prohibited.

3.8.300 Small Dwelling Unit Development (New Development Alternative)

A. **Applicability.** Small lot developments are permitted in the RS, RM-10 and RM Districts. Duplexes in the RM District may develop to the standards of the underlying zoning district and to BDC 3.6.200(H) or in compliance with this section.

B. **Permitted Uses.**

1. Single-family detached dwelling units.
2. Duplexes.
3. Accessory dwelling units and structures.

C. Maximum Density.

1. The maximum density must not exceed that of the relevant zoning district.
2. Maximum Density Calculation. RS, RM-10 and RM density calculation is based on the following floor area rounded up to the nearest quarter: *(Amended by the Planning Commission on August 24, 2020)*
 - a. Dwelling units 600 square feet or smaller: 0.25 of a dwelling unit.
 - b. Dwelling units 601 to 800 square feet: 0.50 of a dwelling unit.
 - c. Exception to Density Maximums.
 - i. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.
 - ii. The maximum density standards do not apply to ADUs.

D. Minimum Lot Size: 1,500 square feet.

E. Maximum Lot Size.

1. RS and RM 10: 3,999 square feet.
2. RM: 2,499 square feet.

F. Minimum Lot Width. 20 feet. Corner lots or parcels must be at least five feet more in width.

G. Minimum Setbacks and Eave Exception. The standards of BDC 2.1.300 Setbacks apply, except for the following:

1. Side setback: Three feet.
2. Rear setback: Three feet for a dwelling unit or accessory structure not exceeding 25-feet in height.

3. Eave Exception. Eaves can be no closer than two feet to the side and rear property lines.

H. Lot Coverage and Floor Area.

1. There are no maximum lot coverage or floor area ratio requirements.
2. The maximum floor area for any dwelling unit is 800 square feet, except accessory dwelling units (ADU) must not exceed 600 square feet. When two dwelling units are developed onsite (i.e., a duplex or a single-family detached dwelling unit with an ADU) the maximum total floor area permitted for all dwelling units is 1,200 square feet, cumulatively.

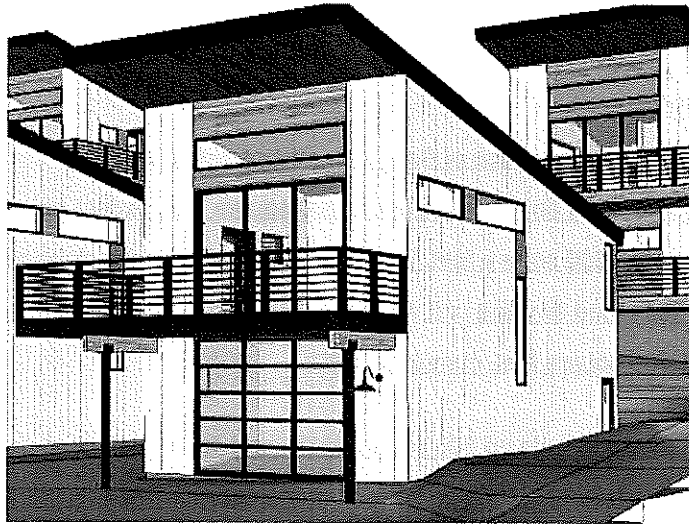
For example, a site may include an 800 square foot single-family detached dwelling unit and a 400 square foot ADU for a total of 1,200 square feet. In no case can the total square footage of all dwelling units onsite exceed 1,200 square feet, cumulatively.

3. The maximum floor area for all garages on-site is 440 square feet, cumulatively.

I. Garage Standards.

1. The maximum combined garage door width facing the street is 60 percent of the total building width.
2. In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line than the longest street-facing wall of the dwelling unit that encloses ground floor livable space, except that:
 - a. If there is a covered front porch, the garage or carport can extend up to five feet in front of the ground floor enclosed livable space, but no further than the front of the porch.
 - b. A garage or carport may extend up to 10 feet in front of the ground floor enclosed livable space if there is enclosed livable space or a covered balcony above at least a portion of the garage or carport.
 - c. If there is no street-facing ground floor livable space as shown in Figure 3.8.300, there must be a balcony facing the street with a minimum dimension of six feet by ten feet. Fifty percent of the balcony must be covered.

Figure 3.8.300
(Conceptual)



3. Exemptions to Garage Door Standards.

- a. Existing garages legally constructed prior to *(Insert Date)*.
- b. When the side or rear wall of the garage faces the street, provided the standards of BDC 2.1.300(F)(1)(a) are met.
- c. Lots created after *(Insert Date)* that are not adjacent to existing residentially designated properties.

J. Parking Requirements

1. Minimum 1 space per small dwelling unit.
 - a. Exception. No parking is required for ADUs.
2. Up to 50 percent of the required off-street parking spaces may be developed to compact space size standards on-site. Where a fractional number of compact spaces results, the allowed number of compact spaces is rounded down to the nearest whole number.

3.8.400 Infill Development. Small vacant or underdeveloped properties overlooked by traditional development patterns can become economically viable development. Some lots in residential plan designations may have standard widths but may be unusually deep compared to other properties in the area. Unused space at the back of a lot may provide room for one or more lots. Infill development (as defined in BDC Chapter 1.2, Definitions) may be developed as flag lots, mid-block developments, T-courts, or shared courts in compliance

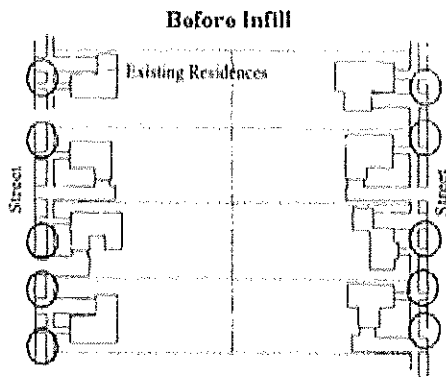
with the following: (*This section was relocated from BDC 4.3.700, Infill Development Options. Mid-Block Developments was revised. T-courts and Shared Courts include minor revisions.*)

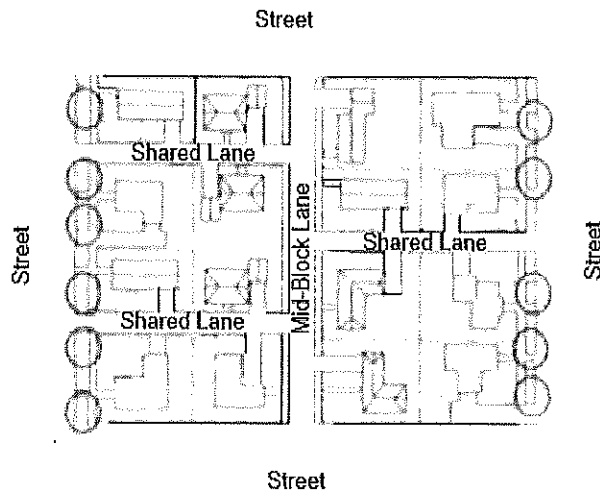
A Mid-Block Development. Mid-block developments provide an opportunity for the redevelopment of underutilized and oversized lots. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes or shared lanes, as shown in Figure 3.8.400.A.

For the purpose of this subsection, a **shared lanes** provides access from a local street to no more than four dwelling units, not including accessory dwelling units.

For the purpose of this subsection, a **mid-block lane** is a narrow private lane providing lot frontage and access for rear lot development.

Figure 3.8.400.A
Mid-Block Development





1. Applicability. Mid-block developments are permitted in the residential plan designations.
2. Eligibility for Mid-Block Developments. To determine if an existing area is eligible for mid-block development, the following criteria must be met before applying the mid-block development standards:
 - a. Minimum lot area: twice that required by the underlying zone.
 - b. Minimum lot width: 20 feet wider than the width required by the underlying zone.
 - c. Minimum lot depth: 150 feet.
 - d. Maximum lot size: 10 acres including adjacent properties under common ownership.

Mid-block lanes are required when existing lot depths are 150 feet or greater and the surrounding pattern of development will facilitate mid-block lane development.

3. Shared Lane and Mid-Block Lane Width.
 - a. The minimum pavement width of a shared lane is 20 feet. The property owner must record a public access easement a minimum of 20 feet in width for a shared lane. Parking is not permitted on the shared lane.
 - b. The minimum pavement width of a mid-block lane must be 28 feet and it must be recorded as a tract. The property owner must record a public access easement a minimum of 40 feet in width for

a mid-block lane, encompassing curbs, sidewalks and lane widths. Parking is permitted on one side of the mid-block lane.

c. The minimum shared lane and lane widths must be observed except as required by the Uniform Fire Code or by the City Standards and Specifications when public utilities are present.

4. Shared Lanes and Mid-Block Lane Improvements. The shared lanes and mid-block lanes must meet the standards for private streets, per BDC Chapter 3.4, Public Improvement Standards. Curb-tight sidewalks are required on both sides of a mid-block lane. Sidewalks are not required on shared lanes.

5. Maximum Shared Lane and Mid-Block Lane Length.

a. The maximum shared lane length is subject to requirements of the Uniform Fire Code, but must not exceed 150 feet, without connecting to a mid-block lane.

b. The maximum length of a mid-block lane must not exceed 600 feet between intersections of a public street. A mid-block lane must connect to public streets at both ends.

c. The mid-block lane and shared lane must be constructed to meet Oregon Fire Code and Fire Department emergency access standards and required turning radius for emergency vehicles.

6. Future Street Plans. Building placement and alignment of shared lanes and mid-block lanes must be designed so that future street connections can be made as surrounding properties develop.

7. Mid-block lanes do not satisfy the standards of BDC 3.1.200(D), Street Connectivity and Formation of Blocks.

B. Flag Lots.

1. Applicability. Flag lots are permitted in the residential plan designations.

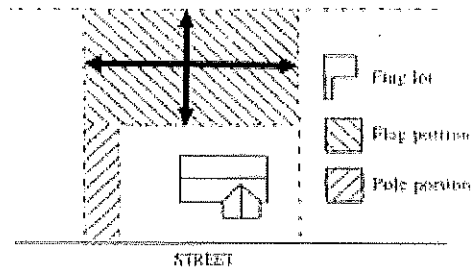
2. Eligibility for Flag Lots. Flag lots may be created only when mid-block lanes cannot be extended to serve future redevelopment. Flag lot development is not permitted on collector or arterial streets.

3. Development Standards. Flag lots must comply with the following standards:

a. The minimum lot frontage and pole for a flag lot must be 15 feet.

- b. When a shared lane serves two or more properties, the shared lane width must be a minimum of 20 feet. The shared lane must have a reciprocal access and maintenance easement recorded for all lots or parcels.
- c. There must be no more than two abutting flag poles.
- d. No fence, structure or other obstacle may be placed within the shared lane alignment.
- e. Residential lots created as flag lots are subject to floor area ratio (FAR) in conformance with BDC 2.1.400. For calculating FAR the flag pole area of the lot is not counted.
- f. Lot width and depth is measured at the midpoint of opposite lot lines of the flag portion of the lot. For the purposes of flag lots, lot width and depth may be measured in either direction.
- g. The lot lines in the flag portion are either side or rear lot lines.

Figure 3.8.400.B

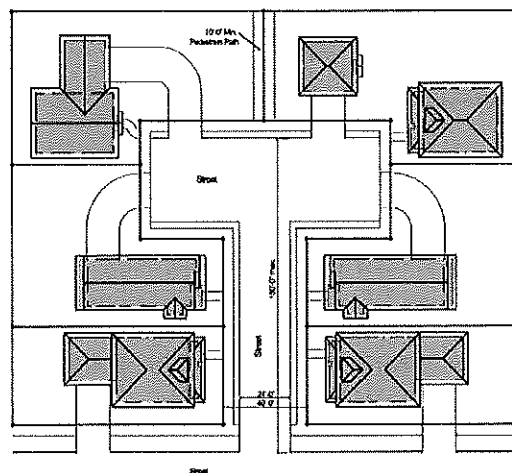


C. T-Courts.

1. Applicability. T-courts are permitted in the residential plan designations.
2. Eligibility for T-Courts. T-courts are intended to facilitate **infill development** and redevelopment of properties when no other development alternative exists.
3. Development Standards. T-courts must comply with the following standards:
 - a. T-courts must be private streets. Minimum access way width must be 40 feet and must be recorded as an easement or a tract. The access width must include public or private utility easements as needed.

- b. Minimum pavement width must be 24 feet.
- c. The maximum length of the T-court is 150 feet from the property line of the private tract or easement to the end of the T- court and is terminated by a rectangular or "hammerhead" vehicle turnaround.
- d. No parking is allowed within the T-court. "No Parking" signs are required and must be maintained.
- e. A pedestrian pathway must be provided at the "T" to abutting streets or where appropriate to connect to adjoining development. If the pedestrian pathway connects to abutting streets, a public access easement must be recorded on the property.
- f. The "T" Court must only provide access to lots and parcels that have frontage on the "T" Court.
- g. Residential lots and parcels created by "T-court" development are subject to floor area ratio (FAR) in conformance with BDC 2.1.400.

Figure 3.8.400.C



D. Shared Courts. Shared courts must comply with the following standards:

1. Applicability. Shared courts are permitted in RM and RH Zoning Districts and in the Mixed-Use Zoning Districts where standalone residential uses are permitted in Table 2.3.200, Permitted and Conditional Uses.
2. Permitted and Conditional Uses.

- a. RM and RH Zoning Districts. Residential uses listed in Table 2.1.200, Permitted and Conditional Uses, in compliance with the corresponding zoning district.
 - b. Mixed-Use Zoning Districts. Standalone residential uses permitted in Table 2.3.200, Permitted and Conditional Uses, in compliance with the corresponding zoning district.
3. Development Site.
- a. Must not exceed 1.1 acres.
 - b. Must comply with the minimum frontage requirements of the underlying zone.
4. Shared Court Lots and Parcels.
- a. No minimum lot size.
 - b. The private access drive provides frontage for the interior lots or parcels. Property lines abutting the private access drive are considered front property lines.
 - c. The setbacks of the underlying zoning district apply except the following front setbacks apply to property lines abutting the private access drive:
 - i. The minimum front setback is five feet for enclosed livable spaces.
 - ii. Garage entrances accessing the private access drive must be set back at either five feet from the property line, or a minimum of 20 feet from the property line. If the garage entrance is set back five feet from the property line, it may not be located closer to the front property line than the ground floor enclosed livable space of the dwelling unit. See Figure 4.3.700.D.
5. Private Access Drive.
- a. Vehicular access must be from the private access drive. For purposes of this subsection, a private access drive provides vehicular access to dwelling units and off-street parking areas within the shared court and is not a street or road. The access must not extend to abutting properties.
 - b. Minimum access width and pavement width must be 24 feet, unless the Oregon Fire Code requires wider widths (i.e., aerial access and fire hydrant placement) and must be recorded as a

tract and include a public access easement. (This subsection was amended by requiring a public access easement.)

- c. For private access drives that dead end, the maximum length permitted is 150 feet from the nearest curb or edge of pavement to the end of the shared court.
- d. Except for corner development sites, private access drives must not allow through movement of vehicles to different streets unless allowed by the City Engineer, which may impose additional conditions of approval or design requirements.
- e. A pedestrian pathway must be provided at the end of the private access drive when it would connect to abutting streets or where appropriate to other developments. If the pedestrian pathway connects to abutting streets, a public access easement must be recorded on the property.

6. Public Utility Easement.

- a. A minimum three-foot-wide public utility easement must be provided on each side of the private access drive when public utilities are proposed to serve the lots. The City Engineer and/or the public franchise utilities may require wider utility easements.

7. City of Bend Water and Sewer Utilities. Conformance is achieved when one of the following options is met:

- a. Utilities are located in the private access drive and include a public sewer main and private water laterals; or
- b. Utilities are located in the private access drive and all utilities are public.
- c. All public mains must be within a public utility easement in conformance with the City of Bend Standards and Specifications.

8. Off-Street Parking.

- a. Dwelling Units: See Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Required parking spaces may be provided in tandem.
- b. Guest parking: 0.25 spaces per dwelling unit. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

- c. No parking is allowed within the private access drive. "No Parking" signs are required and must be maintained.
- d. Common off-street parking, including guest parking, may abut the private access drive when located outside of the minimum required dimensions of the private access drive. The off-street parking must be located in a common tract and the homeowners' association must be responsible for enforcing this requirement.
- e. Parking is prohibited between the street and the dwelling units.

9. Design Standards.

a. Front Door.

- i. Dwelling units that abut a street must have the front door entrance oriented toward the street frontage. A three-foot or wider path that is physically separated from the private access drive must be provided from the sidewalk to the front door.
- ii. Dwelling units that are on the interior of the shared court development must have the front door entrance oriented toward the private access drive or open to a porch covered by either a roof or living space. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:
 - (A) Meet a minimum area of 20 square feet;
 - (B) Meet a minimum depth of four feet; and
 - (C) Have an entry that faces the private access drive.

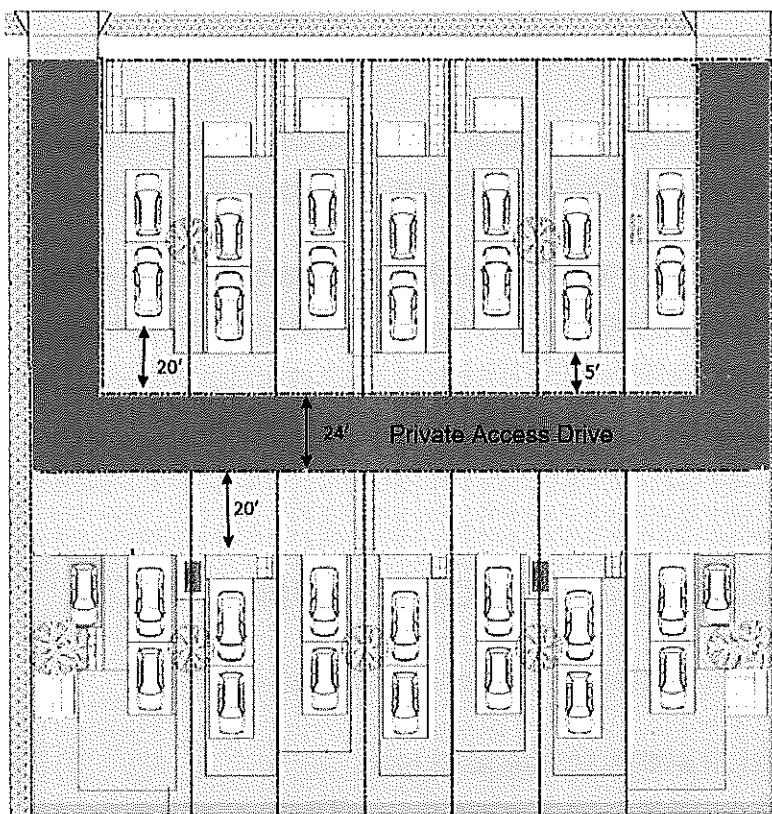
10. BDC 3.6.200(D) does not apply to shared court developments.

11. Trash Receptacles. Each dwelling unit must provide an enclosure area for trash and recycling or a common receptacle area must be provided. The trash receptacle area may be located in a garage; provided, that it does not interfere with required vehicle parking (nine feet by 20 feet). A common receptacle must not be located within setbacks from property lines shared with existing residential developments and must be screened on at least three sides with a solid fence or wall of not less than six feet in height. Receptacles must be located for easy access by trash pick-up vehicles.

12. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a shared court development, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas including the private access drive and common off-street parking areas in the development.

Figure 3.8.400.D (Conceptual)

Street



3.8.500 Cottage Housing Development (This section was relocated from BDC 4.5.500, Cottage Housing Development.)

A. Purpose. The purpose of this section is to:

1. Provide a housing type that responds to differing household sizes and ages (e.g., retirees, small families, single-person households), and offers opportunities for affordability;
2. Provide opportunities for small, single-family dwellings in several residential zoning districts by creating special land division and on-site development regulations that allow this type of use;
3. Encourage creation of usable open space for residents of the development through flexibility in density and development standards;
4. Support growth management through efficient use of urban residential land; and
5. Provide regulations to ensure compatibility with surrounding uses.

B. Applicability. Cottage housing developments are allowed in the following districts: Standard Density Residential (RS), Medium Density Residential (RM) and Medium-10 Residential (RM-10).

The procedures and criteria of BDC Chapter 4.3 apply to cottage housing subdivisions. If a cottage housing development is proposed with multiple units on an individual lot, site plan and design review apply in accordance with the procedures of BDC Chapter 4.2. All cottage housing developments are reviewed through a Type II process.

C. Density.

1. Minimum Density. The minimum density for CHDs is as follows:
 - a. RS and RM-10 Districts: four dwelling units per gross acre.
 - b. RM District: 12 dwelling units per gross acre.
2. Maximum Density. The maximum density must not exceed that of the relevant zoning district.
3. Maximum Density Calculation. RS, RM-10 and RM density calculation is based on the following floor area:
 - a. Dwelling units 600 square feet or smaller: 0.25 of a dwelling unit.
 - b. Dwelling units 601 to 1,200 square feet: 0.50 of a dwelling unit.

4. Exception to Density Maximums. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.

D. Development Area. Cottage housing developments must contain a minimum of four and a maximum of 12 cottages arranged in a cluster. A cottage housing development may contain more than one cluster.

E. Existing Uses. On a site to be used for a CHD, existing detached single-family dwellings, which may become nonconforming with respect to the standards of this section, are permitted to remain, but the extent of the nonconformity may not be increased. The nonconforming dwelling units must be included in the maximum permitted cottage density.

F. Lot Coverage and Floor Area.

1. There is no maximum lot coverage for cottage housing developments.

2. There is no minimum lot size for cottage housing developments.

3. The maximum floor area per dwelling unit is 1,200 square feet. Garages are not included in the calculation of the total floor area. The maximum floor area is defined as the area included within the surrounding walls of a cottage building on all levels.

G. Setbacks and Building Separation. Because CHDs are a unique type of development, setbacks are measured differently than for a traditional development. The exterior boundary of the CHD development area is considered to be the edge of the development area for the purposes of calculating perimeter setbacks from surrounding properties. For buildings on lots within the CHD, the separation between other on-site buildings is measured, not the distances to interior property lines, unless setbacks from property lines are necessary to meet the building code (interior setbacks).

1. Perimeter Setbacks.

a. The minimum front setback is 10 feet.

b. The minimum setback from all other exterior boundary property lines is five feet.

2. Interior Building Separation.

- a. There must be a minimum separation of six feet between the eaves of the cottages. On cottage sides with a main entrance, the minimum separation is 10 feet. Structures other than cottages must meet minimum building code setback requirements.

H. Required Common Open Space. Common open space is intended to be an amenity shared by all residents of the cottage housing development.

1. Provide a centrally located open space area for the cottage housing development and have cottages abutting at least two sides.
2. Contain a minimum of 400 square feet per cottage.
3. At least 50 percent of the cottages must abut a common open space.
4. Each cottage must be connected to the common open space by a pedestrian pathway.
5. Areas such as utility vaults, perimeter setbacks and common parking areas and driveways are not counted in the common open space requirements.
6. Common open space may contain an ASI or drainage swale area, provided the area is usable open space.
7. Required common open space must be provided at ground level in a contiguous commonly owned tract with an easement indicating that it benefits all lots in the CHD.
8. Common open space must have a minimum average width of 20 feet.
9. The common open space areas must be constructed and landscaped prior to filing a final plat or, in the case of a site plan, construction and landscaping will be tied to final occupancy of the first cottage.
10. The common open space must be recorded as a perpetual open space to benefit all residents of the cottage housing development prior to filing a final plat or prior to obtaining a building permit.

I. Required Private Open Space. Private open space adjacent to each cottage is intended for the exclusive use by the cottage resident.

1. Provide a total of 400 square feet of private open space that includes a minimum of 200 square feet of contiguous usable open space adjacent to each cottage with no dimension less than 10 feet. Covered

entries and uncovered patios and decks in excess of the required 80 square feet in subsection (J)(2) of this section may be included in the private open space calculation.

J. Development Standards.

1. At least 50 percent of the cottages must be oriented around and have their main entrance facing the common open space.
2. Each cottage must include a covered entry and/or an uncovered patio or deck. Cottages that abut the common open space must orient the covered entry and/or uncovered patio or deck to the common open space. Conformance with these standards are achieved when each cottage includes one of the following:
 - a. A covered entry of at least 80 square feet with a minimum dimension of six feet on any side;
 - b. An uncovered patio or deck of at least 80 square feet with a minimum dimension of six feet on any side. When the cottage abuts the common open space, a landscape buffer no less than three feet in width must be provided between the uncovered patio or deck and the common open space. The buffer must include a fence, wall or similar structure not to exceed three and one-half feet in height, except decorative arbors, gates, and similar features which must not exceed six feet in length; or
 - c. A combination of subsections (J)(2)(a) and (b) of this section that is at least 80 square feet with a minimum dimension of six feet on any side of the covered entry and uncovered patio or deck.
3. Pedestrian pathways in compliance with BDC 3.1.300(B) must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the subdivision tentative plan or site plan and be part of the common areas/tracts.
4. Individual detached garages cannot exceed 450 square feet of floor area and no more than 18 feet in height. Only one garage is allowed per cottage.
5. Accessory dwelling units are not permitted in cottage housing developments (CHDs).
6. Accessory structures for common usage are allowed in the common open space areas. Other accessory structures (except garages) are prohibited.

K. Parking. Parking for CHDs must be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking must meet the following standards:

1. Parking may be located within an enclosed garage, carport or unenclosed parking space.
2. Parking may be located in common tracts if intended to be shared by the entire CHD in groups of not more than five adjoining spaces separated by at least four feet of landscaping. An enclosed garage or carport intended to be shared by the entire CHD must not exceed 1,200 square feet in size.
3. Parking must not be located in the perimeter setbacks and must be screened from public streets and adjacent residential uses by a landscape buffer containing landscaping and/or architectural screening. The width of the landscape buffer is the same width as the perimeter setbacks.
4. Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.
5. Off-street parking requirements are calculated based on the number of bedrooms per cottage unit:
One bedroom: Minimum one space.
Two bedrooms: Minimum 1.5 spaces.
Three or more bedrooms: Minimum two spaces.
6. All parking must provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.

L. Frontage Requirements. Individual cottage lots created as part of a CHD subdivision are not required to have frontage on a public or private street. However, the development site must have the minimum frontage on a public or private street as required by the underlying zone.

M. Public Utilities. All lots must be served by individual services from a private or public distribution main. Any deviations from City standards must be approved by the City Engineer. Private services, franchise, sewer and water, must not cross property lines unless there is no means of providing private service laterals from a distribution main, as approved by the City Engineer. Where private services are permitted to cross property lines, the services must be placed in an easement.

N. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a cottage housing development, set of conditions, covenants and

restrictions (CC&Rs) for the cottage housing development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas in the cottage housing development.

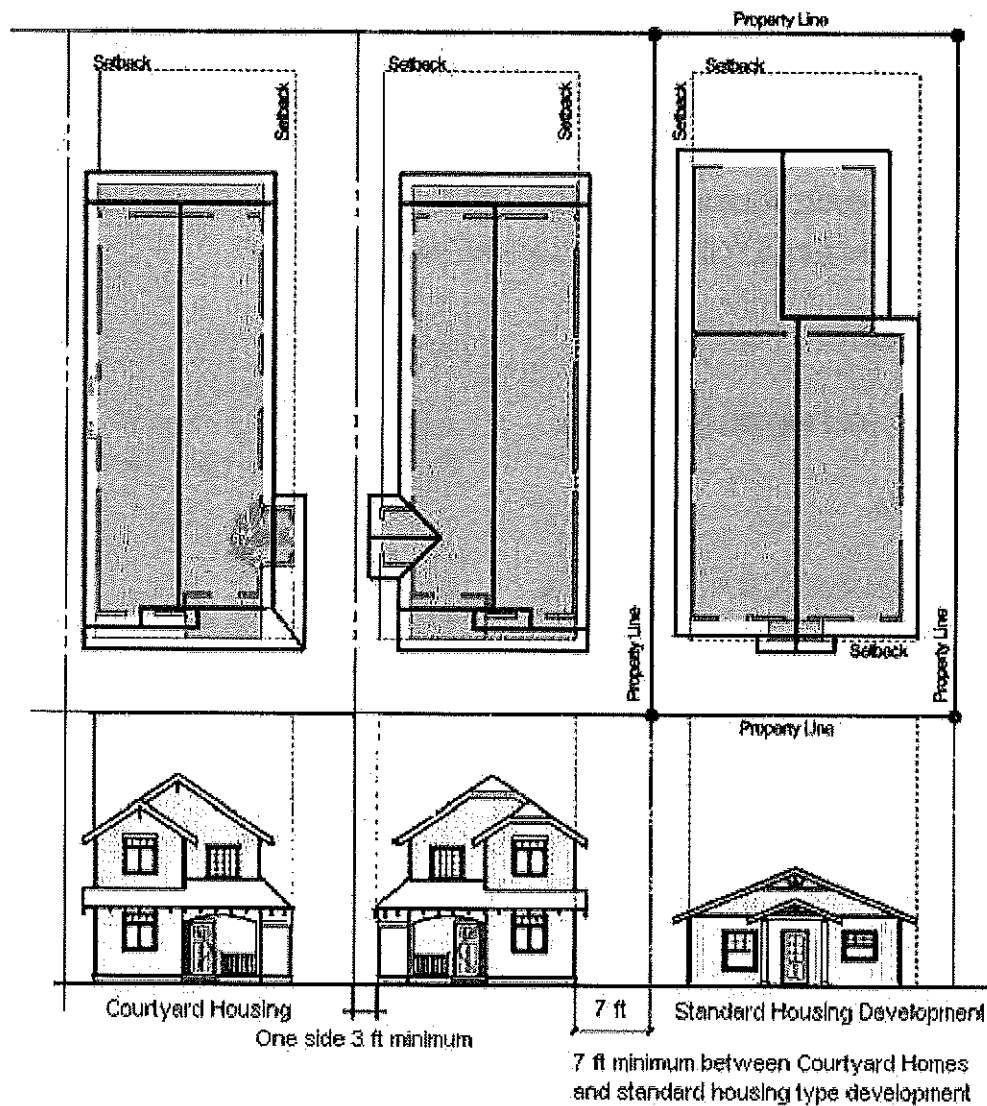
3.8.600 Courtyard Housing. *(This section was relocated from BDC 3.6.200.A, Courtyard Housing. This section includes minor revisions.)*

A. Courtyard Housing.

1. Applicability. Courtyard housing developments are allowed in the following districts: Standard Density Residential (RS), Medium Density Residential (RM) and Medium-10 Residential (RM-10). Courtyard housing is a conditional use permit in the Low Density Residential (RL) District unless permitted through a master plan in BCD Chapter 4.5, Master Planning.
2. Permitted Uses.
 - a. Single-family detached dwelling units.
 - b. Duplexes.
 - c. Accessory dwelling units and structures.
3. The following standards are intended to promote compatibility and privacy between abutting buildings and allow for building maintenance:
 - a. Detached courtyard houses on individual lots and parcels are subject to the standards of the underlying zoning district, except that the three-foot minimum side setback is required on one side of a typical lot as shown in Figure 3.8.600.A.
 - b. Setbacks Abutting a Non-Courtyard Development. When a courtyard house shares a side property line with a non-courtyard house (including vacant lots), the courtyard building must be set back from the common property line by a minimum of seven feet;
 - c. Construction and Maintenance Easement. Prior to building permit approval, the applicant must submit a copy of a recorded easement for every courtyard house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement must stipulate that no fence or other obstruction must be placed in a manner that would prevent maintenance of structures on the subject lot;

- d. Buffering. The building placement, landscaping, and/or design of windows must provide a buffer for the occupants of abutting courtyard lots. For example, this standard is met by placing ground-floor windows (along the courtyard setback) where views are directed into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted glass or other window covering that obscures any view to the interior but allows light into the interior. This standard does not apply to abutting non courtyard lots.

Figure 3.8.600.A – Courtyard Housing



3.8.700 Zero Lot Line Developments (This is a new development alternative.)

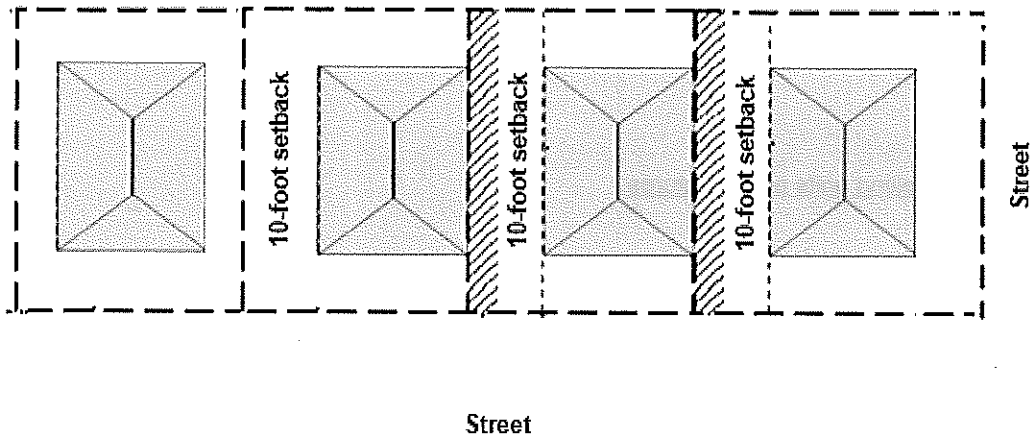
- A. Applicability. Zero lot line developments are allowed in the following districts: Standard Density Residential (RS), Medium Density Residential (RM) and Medium-10 Residential (RM-10).

B. Permitted Uses.

1. Single-family detached dwelling units.
2. Duplexes.
3. Accessory dwelling units and structures.

C. A zero lot line dwelling unit may be permitted in conformance with the following requirements:

1. The lot or parcel abutting the zero side setback must be, at the time of initial construction, under the same ownership; or the zero lot line dwelling unit must be within a land division specifically developed for zero lot line dwelling units, thereby ensuring that the zero setback will not adversely impact abutting property owners.
2. Side Setbacks.
 - a. A zero lot line dwelling unit may deviate from the required side setback by being located on one side property line.
 - b. The side setback from the lot line located opposite of the zero lot line is 10 feet, except small dwelling unit developments may have a six foot setback.
 - c. The side setback reduction does not apply to the setbacks abutting lots or parcels that are not part of the zero lot line development.
3. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along a zero lot line will be allowed.
4. Easements. An easement related to maintenance and drainage of at least five feet in width must be provided on the lot or parcel abutting the zero lot line property line which, with the exception of walls and/or fences, must be kept clear of structures. The easement must not include utilities. This easement must be shown on the final plat and incorporated into each deed transferring title on the property.



 5-foot easement

3.8.800 Urban Dwelling Developments (*Placeholder*)

Chapter 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

4.2.400 Minimum Development Standards Review.

- A. Minimum Development Standards Review for Single-Family Detached Dwellings, Single-Family Attached Townhomes, Accessory Dwelling Units and Duplex Dwellings.

3. Approval Criteria. The Review Authority must approve, approve with conditions, or deny an application for Minimum Development Standards Review based upon the criteria listed below.
 - a. The proposed land use is a permitted or conditionally permitted use in the zoning district.
 - b. In addition to the standards below, conditionally permitted uses require approval of a Conditional Use Permit and must meet the criteria in BDC 4.4.400.

c. The following standards are met:

- i. The land use, building/yard setback, lot area, lot dimensions, density, lot coverage, building height, design review standards and other applicable standards of the underlying zoning district are met.
- ii. Single-family attached townhomes, accessory dwelling units and duplexes must comply with the corresponding standards of BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.
- iii. Where available, public water and sewer mains must be extended through the length of the property frontage with services provided to the dwelling unit(s).
- iv. Street and Alley Improvements for all uses other than ADUs.

(A) Full street and/or alley improvements must be constructed along the frontages of the property when an improved street and/or alley has been built to the property line unless the Development Services Director grants a waiver of this requirement under BDC 3.4.150, Waiver and Modification of Public Improvement Standards. When a street and/or alley has been built to the property line and is not constructed to City standards, an alternative design may be approved by the City Engineer to match existing improvements. In this case, a waiver under BDC 3.4.150 is not required. The Development Services Director may grant a waiver of this requirement under BDC 3.4.150. In such cases, an agreement to not remonstrate against the formation of a local improvement district must be recorded against the property; however, a waiver must be processed as a Type II process.

(B) For properties over one acre in size where future division of the property is allowable, street and/or alley improvements are not required if any portion of the dwelling is located more than 300 feet from an improved street or alley. In such cases, an agreement to not remonstrate against the formation of a local improvement district must be recorded against the property.

~~(C) Street improvements are not required for accessory dwelling units.~~

- v. Sidewalk Improvements for all uses other than ADUs.

(A) When an existing public sidewalk exists within 600 feet of the front property line on the same side of the street of any of the frontages, sidewalks must be constructed along all frontage(s) of the site. A corner lot or parcel has two or more front property lines and frontages. ~~Sidewalks are not required for accessory dwelling units.~~

(B) Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk subject to BDC 3.4.160, Payment in Lieu of Sidewalk Construction. ~~A payment in lieu of constructing a sidewalk is not required for accessory dwelling units.~~

vi. Driveways and required parking areas must be paved with asphalt, concrete or comparable surfacing; a durable nonpaving material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality. Gravel is not allowed. Driveway apron design and location must conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways. If a driveway is existing and no changes are proposed to the existing driveway and/or existing parking, then driveway and apron improvements are not required for an ADU.

vii. Uses must comply with the corresponding standards of BDC Chapter 3.8, Development Alternatives.

B. Minimum Development Standards Review for All Other Uses.

3. Approval Criteria. The Review Authority shall approve, approve with conditions, or deny an application for Minimum Development Standards Review based upon the criteria listed below.

c. The following standards are met:

vii. ~~Uses shall~~ must comply with the corresponding standards of BDC Chapter 3.6, Special Standards and Regulations for Certain Uses and BDC Chapter 3.8, Development Alternatives.

4.2.600 Design Review

C. Design Review Approval Criteria. The Review Authority shall approve, approve with conditions, or deny an application for Design Review based upon all relevant design standards contained in BDC Title 2 and applicable sections of BDC Chapter 3.6, Special Standards and Regulations for Certain Uses and BDC Chapter 3.8, Development Alternatives.

Chapter 4.3 SUBDIVISIONS, PARTITIONS, REPLATS AND PROPERTY LINE ADJUSTMENTS, AND INFILL DEVELOPMENT OPTIONS

Sections:

4.3.100 Purpose and Applicability.

4.3.200 General Requirements.

4.3.300 Tentative Plan.

4.3.400 Final Plat.

4.3.500 Replats.

4.3.600 Property Line Adjustments.

~~4.3.700 Infill Development Options.~~ *(Relocated to the new BDC 3.8, Development Alternatives)*

4.3.300 Tentative Plan

D. Development Options. If the subject property and the surrounding area are eligible for Mid-block Development, the proposed development plan design must enable the future development of Mid-block Development, as allowed by BDC-4.3.700, 3.8.400(A) Infill Development Options, for the adjoining properties.

4.3.700 Infill Development Options.

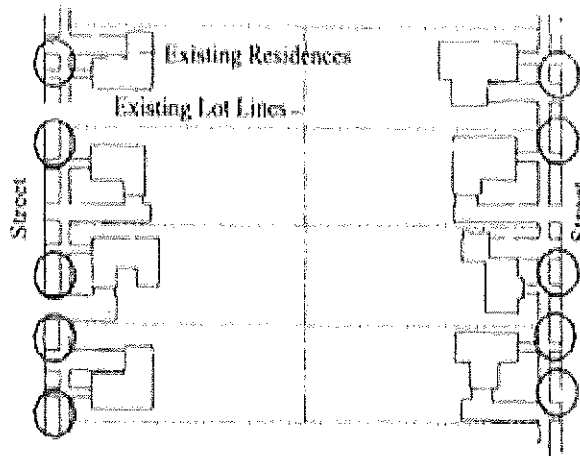
~~Small vacant or underdeveloped properties overlooked by traditional development patterns can become economically viable development. Some lots in existing residential areas may have standard widths but may be unusually deep compared to other properties in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill development, as defined in BDC Chapter 1.2, Definitions, may be developed as "flag lots," "mid-block developments," "T courts," or "shared courts," in compliance with the following:~~

~~A. Mid-Block Development. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown in Figure 4.3.700.A. Mid-block lanes are public right-of-way or private access ways and utility easements that provide an opportunity for the redevelopment of underutilized and oversized residential lots. Mid-block lanes must be required when existing lot depths are 150 feet or greater and the surrounding pattern of development will facilitate mid-block lane development. Lots with a depth less than 150 feet may develop using flag lots.~~

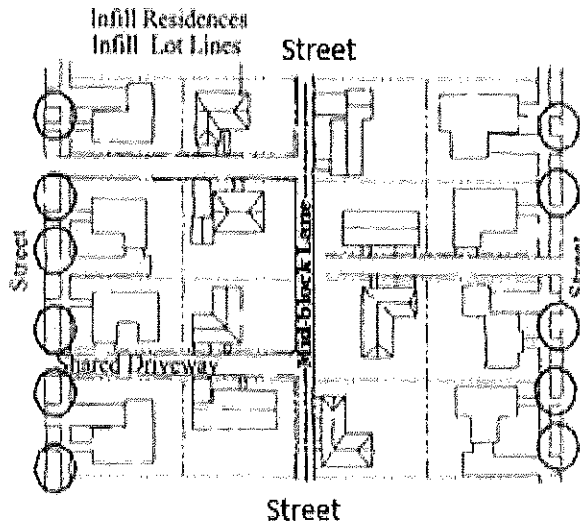
Figure 4.3.700.A

Mid-Block Infill

Before Infill



After Infill



1.—Eligibility for Mid-Block Lanes. To determine if an existing area is eligible for mid-block lane development, the following criteria must be met before applying the mid-block lane standards:

- a.— Minimum lot area: twice that required by the underlying zone.
- b.— Minimum lot width: 20 feet wider than the width required by the underlying zone.
- c.— Minimum lot depth: 150 feet.
- d.— Maximum lot size: 10 acres including adjacent properties under common ownership.

2.— Driveway and Lane Width. For the purpose of this code, a **shared driveway** is defined as an access driveway providing access from a local public street to no more than four dwelling units including

accessory dwellings. The minimum width of all shared driveways must be 20 feet. For the purpose of this code the definition of a ~~shared lane or mid-block lane~~ is a narrow private or public street providing lot frontage and access for rear lot development. The minimum improved width of a mid-block lane must be 28 feet. The minimum shared driveway and lane widths shall be observed except as required by the Uniform Fire Code or by the City Standards and Specifications when public utilities are present.

3.—~~Dedication of Shared Driveways and Mid-Block Lanes.~~ The shared driveways and mid-block lanes must meet the standards for private streets, per BDC Chapter 3.4, Public Improvement Standards. The property owner must record a public access easement, a minimum of 20 feet in width for a shared driveway and 28 feet in width for a mid-block lane. Where the shared driveway or mid-block lane is shared across a property line, a portion of the easement (i.e., 10 to 14 feet) from each property sharing a shared driveway or mid-block lane for vehicle access similar to an alley must be granted. Dedication, as applicable, must be so indicated on the face of the subdivision or partition plat.

4.—~~Maximum Shared Driveway and Mid-Block Lane Length.~~ The maximum shared driveway length is subject to requirements of the Uniform Fire Code, but must not exceed 150 feet, without connecting to a mid-block lane. The length of a mid-block lane must not exceed 600 feet between intersections of a public street. The mid-block lane and shared driveway access must be constructed to meet Oregon Fire Code and Fire Department emergency access standards and required turning radius for emergency vehicles.

5.—~~Future Street Plans.~~ Building placement and alignment of shared driveways and lanes must be designed so that future street connections can be made as surrounding properties develop.

6.—~~Lot Development.~~ Residential lots created by mid-block lane development must be subject to floor area ratio (FAR) in conformance with BDC 2.1.400.

7.—~~Mid-block lanes do not satisfy the standards of BDC 3.1.200(D), Street Connectivity and Formation of Blocks.~~

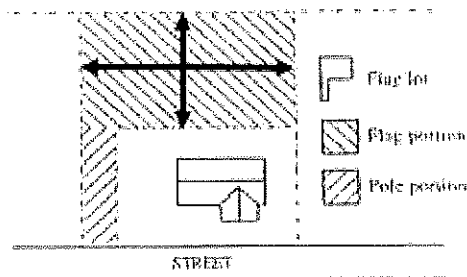
B.—~~Flag Lots.~~

1.—~~Eligibility for Flag Lots.~~ Flag lots may be created only when mid-block lanes cannot be extended to serve future redevelopment. Flag lot development is not permitted on collector or arterial streets.

2.—~~Development Standards.~~ Flag lots must comply with the following standards:

- a. The minimum lot frontage and pole for a flag lot must be 15 feet.
- b. When a shared driveway serves two or more properties, the shared driveway width must be a minimum of 20 feet. The shared driveway must have a reciprocal access and maintenance easement recorded for all lots.
- c. There must be no more than two abutting flag poles.
- d. No fence, structure or other obstacle may be placed within the shared driveway alignment.
- e. Residential lots created as flag lots are subject to floor area ratio (FAR) in conformance with BDC 2.1.400. For calculating FAR the flag pole area of the lot is not counted.
- f. Lot width and depth is measured at the midpoint of opposite lot lines of the flag portion of the lot. For the purposes of flag lots, lot width and depth may be measured in either direction.
- g. The lot lines in the flag portion are either side or rear lot lines.

Figure 4.3.700.B

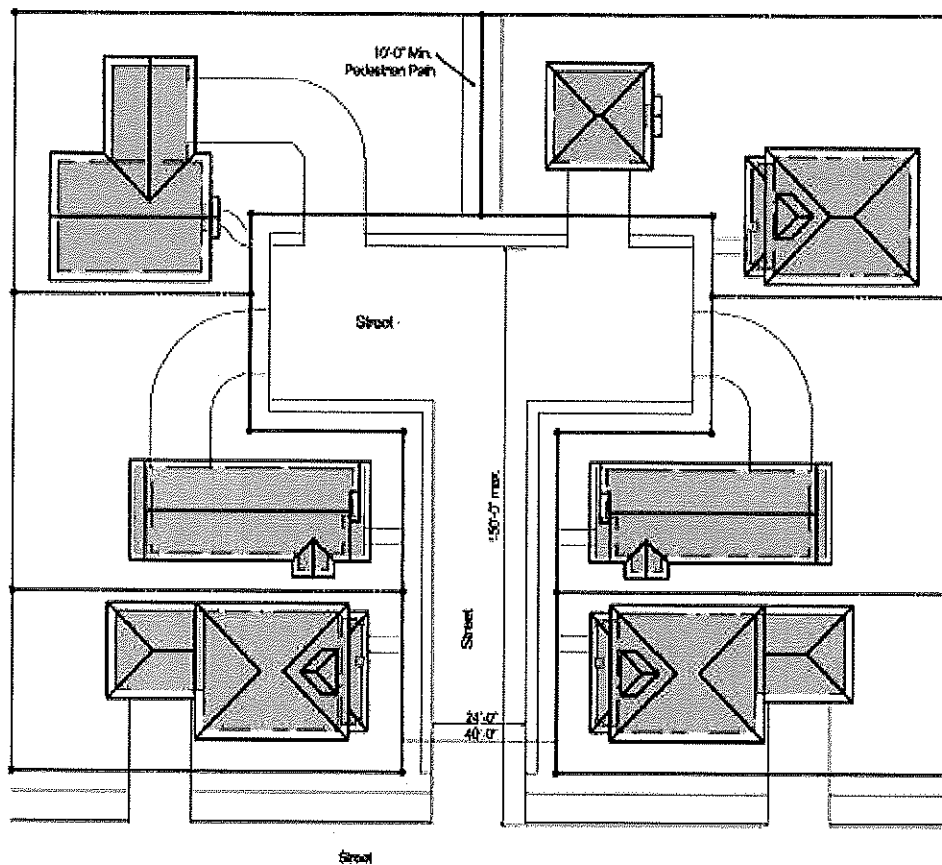


C. T-Courts. T-courts are intended to facilitate **infill development** and redevelopment of properties when no other development alternative exists. In addition, T-court development must comply with the following development standards:

1. T-courts must be private streets. Minimum access way width must be 40 feet and must be recorded as an easement or a tract. The access width must include public or private utility easements as needed.
2. Minimum pavement width must be 24 feet.

3. The maximum length of the T court is 150 feet from the property line of the private tract or easement to the end of the T court.
4. No parking is allowed within the T court. "No Parking" signs are required and must be maintained.
5. A pedestrian pathway must be provided at the "T" to abutting streets or where appropriate to connect to adjoining development. If the pedestrian pathway connects to abutting streets, a public access easement must be recorded on the property.
6. The "T" Court must only provide access to lots and parcels that have frontage on the "T" Court.
7. Residential lots and parcels created by "T court" development are subject to floor area ratio (FAR) in conformance with BDC 2.1.400.

Figure 4.3.700.C



D. Shared Courts. Shared courts must comply with the following standards:

1. ~~Applicability. Shared courts are permitted in RM and RH Zoning Districts and in the Mixed-Use Zoning Districts where standalone residential uses are permitted in Table 2.3.200, Permitted and Conditional Uses. Where the regulations of this section are not specific, the standards of the relevant zoning district prevail.~~

2. ~~Permitted and Conditional Uses.~~

a. ~~RM and RH Zoning Districts. Residential uses listed in Table 2.1.200, Permitted and Conditional Uses, in compliance with the corresponding zoning district.~~

b. ~~Mixed-Use Zoning Districts. Standalone residential uses permitted in Table 2.3.200, Permitted and Conditional Uses, in compliance with the corresponding zoning district.~~

3. ~~Development Site.~~

a. ~~Must not exceed 1.1 acres.~~

b. ~~Must comply with the minimum frontage requirements of the underlying zone.~~

4. ~~Shared Court Lots and Parcels.~~

a. ~~No minimum lot size.~~

b. ~~The private access drive provides frontage for the interior lots or parcels. Property lines abutting the private access drive are considered front property lines.~~

c. ~~The setbacks of the underlying zoning district apply except the following front setbacks apply to property lines abutting the private access drive:~~

i. ~~The minimum front setback is five feet for enclosed livable spaces.~~

ii. ~~Garage entrances accessing the private access drive must be set back at five feet from the edge of the property line, or set back a minimum of 20 feet from the property line. If the garage entrance is set back five feet from the property line, it may not be located closer to the front property line than the enclosed livable space of the dwelling unit. See Figure 4.3.700.D.~~

5. ~~Private Access Drive.~~

a.—Vehicular access must be from the private access drive. For purposes of this subsection, a private access drive provides vehicular access to dwelling units and off-street parking areas within the shared court and is not a street or road. The access must not extend to abutting properties.

b.—Minimum access width and pavement width must be 24 feet, unless the Oregon Fire Code requires wider widths (i.e., aerial access and fire hydrant placement) and must be recorded as a tract.

c.—For private access drives that dead-end, the maximum length permitted is 150 feet from the nearest curb or edge of pavement to the end of the shared court.

d.—Except for corner development sites, private access drives must not allow through movement of vehicles to different streets unless allowed by the City Engineer, which may impose additional conditions of approval or design requirements.

e.—A pedestrian pathway must be provided at the end of the private access drive when it would connect to abutting streets or where appropriate to other developments. If the pedestrian pathway connects to abutting streets, a public access easement must be recorded on the property.

6.—Public Utility Easement.

a.—A minimum three-foot-wide public utility easement must be provided on each side of the private access drive when public utilities are proposed to serve the lots. The City Engineer may require wider utility easements.

7.—City of Bend Water and Sewer Utilities. Conformance is achieved when one of the following options is met:

a.—Utilities are located in the private access drive and include a public sewer main and private water laterals; or

b.—Utilities are located in the private access drive and all utilities are public.

c.—All public mains must be within a public utility easement in conformance with the City of Bend Standards and Specifications.

8.—Off-Street Parking.

a. ~~Dwelling Units: See Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Required parking spaces may be provided in tandem on a driveway.~~

b. ~~Guest parking: 0.25 spaces per dwelling unit. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~

c. ~~No parking is allowed within the private access drive. "No Parking" signs are required and must be maintained.~~

d. ~~Common off-street parking, including guest parking, may abut the private access drive when located outside of the minimum required dimensions of the private access drive. The off-street parking must be located in a common tract and the homeowners' association must be responsible for enforcing this requirement.~~

e. ~~Parking is prohibited between the street and the dwelling units.~~

9. ~~Design Standards:~~

a. ~~Front Door:~~

i. ~~Dwelling units that abut a street must have the front door entrance oriented toward the street frontage. A three-foot or wider path that is physically separated from the private access drive must be provided from the sidewalk to the front door.~~

ii. ~~Dwelling units that are on the interior of the shared court development must have the front door entrance oriented toward the private access drive or open to a porch covered by either a roof or living space. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:~~

(A) ~~Meet a minimum area of 20 square feet;~~

(B) ~~Meet a minimum depth of four feet; and~~

(C) ~~Have an entry that faces the private access drive.~~

b. ~~Attached dwelling units abutting a street must include offsets along the street at least every 30 feet for each story. Offsets must step an enclosed building wall back or forward at least two feet and the offset must be a minimum width of four feet.~~

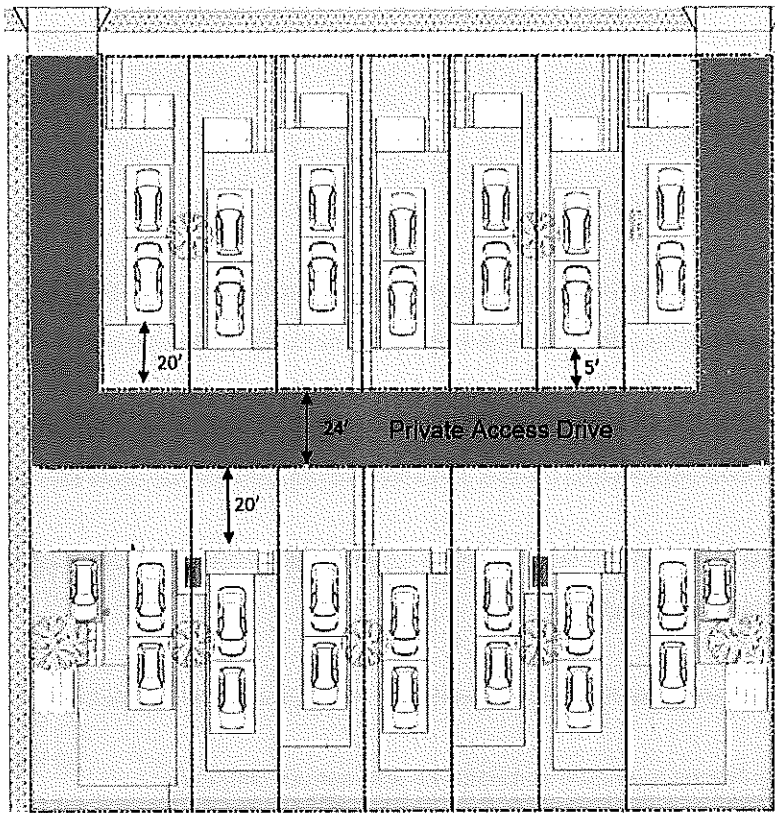
~~10. —BDC 3.6.200(D) does not apply to shared court developments.~~

~~11. —Trash Receptacles. Each dwelling unit must provide an enclosure area for trash and recycling or a common receptacle area must be provided. The trash receptacle area may be located in a garage; provided, that it does not interfere with required vehicle parking (nine feet by 20 feet). A common receptacle must not be located within setbacks from property lines shared with existing residential developments and must be screened on at least three sides with a solid fence or wall of not less than six feet in height. Receptacles must be located for easy access by trash pick-up vehicles.~~

~~12. —Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a shared court development, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas including the private access drive and common off-street parking areas in the development.~~

Delete figure

Figure 4.3.700.D (Conceptual)
Street



Chapter 4.5

MASTER PLANNING AND DEVELOPMENT ALTERNATIVES

Sections:

4.5.100 Master Plan General Provisions.

4.5.200 Community Master Plan.

4.5.300 Institutional Master Plan.

4.5.400 Employment Master Plans.

4.5.500 Cottage Housing Development. (Relocated to the new BDC 3.8, Development Alternatives)

4.5.500 Cottage Housing Development

A. Purpose. The purpose of this section is to:

1. Provide a housing type that responds to differing household sizes and ages (e.g., retirees, small families, single-person households), and offers opportunities for affordability;
2. Provide opportunities for small, single-family dwellings in several residential zoning districts by creating special land division and on-site development regulations that allow this type of use;
3. Encourage creation of usable open space for residents of the development through flexibility in density and development standards;
4. Support growth management through efficient use of urban residential land; and
5. Provide regulations to ensure compatibility with surrounding uses.

B. Applicability. Cottage housing developments are allowed in the following districts: Standard Density Residential (RS), Medium Density Residential (RM) and Medium-10 Residential (RM-10). Where the regulations of this section are not specific, the standards of the relevant zoning district prevail.

The procedures and criteria of BDC Chapter 4.3 apply to cottage housing subdivisions. If a cottage housing development is proposed with multiple units on an individual lot, site plan and design review apply in accordance with the procedures of BDC Chapter 4.2. All cottage housing developments are reviewed through a Type II process.

C. Density.

1. Minimum Density. The minimum density for CHDs is as follows:

- a. RS and RM-10 Districts: four dwelling units per gross acre.
- b. RM District: 12 dwelling units per gross acre.

2. Maximum Density. The maximum density must not exceed that of the relevant zoning district.

~~3.— Maximum Density Calculation. RS, RM-10 and RM density calculation is based on the following floor area:~~

~~a.— Dwelling units 600 square feet or smaller: 0.25 of a dwelling unit.~~

~~b.— Dwelling units 601 to 1,200 square feet: 0.50 of a dwelling unit.~~

~~4.— Exception to Density Maximums. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.~~

~~D.— Development Area. Cottage housing developments must contain a minimum of four and a maximum of 12 cottages arranged in a cluster. A cottage housing development may contain more than one cluster.~~

~~E.— Existing Uses. On a site to be used for a CHD, existing detached single family dwellings, which may become nonconforming with respect to the standards of this section, are permitted to remain, but the extent of the nonconformity may not be increased. The nonconforming dwelling units must be included in the maximum permitted cottage density.~~

~~F.— Lot Coverage and Floor Area.~~

~~1.— There is no maximum lot coverage for cottage housing developments.~~

~~2.— There is no minimum lot size for cottage housing developments.~~

~~3.— The maximum floor area per dwelling unit is 1,200 square feet. Garages are not included in the calculation of the total floor area. The maximum floor area is defined as the area included within the surrounding walls of a cottage building on all levels.~~

~~G.— Setbacks and Building Separation. Because CHDs are a unique type of development, setbacks are measured differently than for a traditional development. The exterior boundary of the CHD development area is considered to be the edge of the development area for the purposes of calculating perimeter setbacks from surrounding properties. For buildings on lots within the CHD, the separation between other on-site buildings is measured, not the distances to interior property lines, unless setbacks from property lines are necessary to meet the building code (interior setbacks).~~

~~4.— Perimeter Setbacks.~~

~~a.— The minimum front setback is 10 feet.~~

b. ~~The minimum setback from all other exterior boundary property lines is five feet.~~

2. ~~Interior Building Separation.~~

a. ~~There must be a minimum separation of six feet between the eaves of the cottages. On cottage sides with a main entrance, the minimum separation is 10 feet. Structures other than cottages must meet minimum building code setback requirements.~~

H. ~~Required Common Open Space. Common open space is intended to be an amenity shared by all residents of the cottage housing development.~~

1. ~~Provide a centrally located open space area for the cottage housing development and have cottages abutting at least two sides.~~

2. ~~Contain a minimum of 400 square feet per cottage.~~

3. ~~At least 50 percent of the cottages must abut a common open space.~~

4. ~~Each cottage must be connected to the common by a pedestrian pathway.~~

5. ~~Areas such as utility vaults, perimeter setbacks and common parking areas and driveways are not counted in the common open space requirements.~~

6. ~~Common open space may contain an ASI or drainage swale area, provided the area is usable open space.~~

7. ~~Required common open space must be provided at ground level in a contiguous commonly owned tract with an easement indicating that it benefits all lots in the CHD.~~

8. ~~Common open space must have a minimum average width of 20 feet.~~

9. ~~The common open space areas must be constructed and landscaped prior to filing a final plat or, in the case of a site plan, construction and landscaping will be tied to final occupancy of the first cottage.~~

10. ~~The common open space must be recorded as a perpetual open space to benefit all residents of the cottage housing development prior to filing a final plat or prior to obtaining a building permit.~~

I. ~~Required Private Open Space. Private open space adjacent to each cottage is intended for the exclusive use by the cottage resident.~~

~~1. Provide a total of 400 square feet of private open space that includes a minimum of 200 square feet of contiguous usable open space adjacent to each cottage with no dimension less than 10 feet. Covered entries and uncovered patios and decks required in subsection (J)(2) of this section are not included in the private open space calculation.~~

~~J.—Development Standards:~~

~~1. At least 50 percent of the cottages must be oriented around and have their main entrance facing the common open space.~~

~~2. Each cottage must include a covered entry and/or an uncovered patio or deck. Cottages that abut the common open space must orient the covered entry and/or uncovered patio or deck to the common open space. Conformance with these standards are achieved when each cottage includes one of the following:~~

~~a. A covered entry of at least 80 square feet with a minimum dimension of six feet on any side;~~

~~b. An uncovered patio or deck of at least 80 square feet with a minimum dimension of six feet on any side. When the cottage abuts the common open space, a landscape buffer no less than three feet in width must be provided between the uncovered patio or deck and the common open space. The buffer must include a fence, wall or similar structure not to exceed three and one-half feet in height, except decorative arbors, gates, and similar features which must not exceed six feet in length; or~~

~~c. A combination of subsections (J)(2)(a) and (b) of this section that is at least 80 square feet with a minimum dimension of six feet on any side of the covered entry and uncovered patio or deck.~~

~~3. Pedestrian pathways in compliance with BDC 3.1.300(B) must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the subdivision tentative plan or site plan and be part of the common areas/tracts.~~

~~4. Individual detached garages cannot exceed 450 square feet of floor area and no more than 18 feet in height. Only one garage is allowed per cottage.~~

~~5. Accessory dwelling units are not permitted in cottage housing developments (CHDs).~~

~~6.—Accessory structures for common usage are allowed in the common open space areas. Other accessory structures (except garages) are prohibited.~~

~~K.—Parking. Parking for CHDs must be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking must meet the following standards:~~

~~1.—Parking may be located within an enclosed garage, carport or unenclosed parking space.~~

~~2.—Parking may be located in common tracts if intended to be shared by the entire CHD in groups of not more than five adjoining spaces separated by at least four feet of landscaping. An enclosed garage or carport intended to be shared by the entire CHD must not exceed 1,200 square feet in size.~~

~~3.—Parking must not be located in the perimeter setbacks and must be screened from public streets and adjacent residential uses by a landscape buffer containing landscaping and/or architectural screening. The width of the landscape buffer is the same width as the perimeter setbacks.~~

~~4.—Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.~~

~~5.—Off-street parking requirements are calculated based on the number of bedrooms per cottage unit:~~

~~One bedroom: Minimum one space.~~

~~Two bedrooms: Minimum 1.5 spaces.~~

~~Three or more bedrooms: Minimum two spaces.~~

~~6.—All parking must provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.~~

~~L.—Frontage Requirements. Individual cottage lots created as part of a CHD subdivision are not required to have frontage on a public or private street. However, the development site must have the minimum frontage on a public or private street as required by the underlying zone.~~

~~M.—Public Utilities. All lots must be served by individual services from a private or public distribution main. Any deviations from City standards need to be approved by the City Engineer. All individual service lines that cross property must be placed in an easement.~~

~~N. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a cottage housing development, set of conditions, covenants and restrictions (CC&Rs) for the cottage housing development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas in the cottage housing development.~~

Chapter 5.2

NONCONFORMING USES AND DEVELOPMENT

5.2.200 Nonconforming Structures

Where a structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure, and the structure was lawful when constructed, the structure may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

A. Alteration.

1. If an applicant proposes to reduce the nonconformity of the structure, the application must be reviewed using the applicable review process in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

B. Reconstruction after Destruction. Should a nonconforming structure or the nonconforming portion of a structure be destroyed by any means to an extent more than 80 percent of its current assessed value or where at least 80 percent of the structure's square footage is destroyed, it must be reconstructed only in conformity with all of the Development Code.

C. Location. Should such development be moved for any reason and by any distance, either within or outside the site on which it was established, it must thereafter conform to all of the regulations of the Bend Development Code.

**EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PZ 20-0526**

I. PROCEDURAL FINDINGS:

(1) PUBLIC NOTICE AND COMMENTS. Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on July 7, 2020. A notice of the August 24, 2020, Planning Commission public hearing was printed in the Bend Bulletin on August 2, 2020, and was mailed to the neighborhood associations on July 31, 2020. A notice of the October 7, 2020, City Council public hearing was printed in the Bend Bulletin on September 13, 2020, and was mailed to the neighborhood associations on September 11, 2020. Staff emailed the amendments to the HB 2001 Stakeholder Advisory Group and to the Bend Development Code Update Group and to people who have expressed an interest in the amendments on June 18, 2020 for feedback.

(2) PROPOSAL: Bend Development Code amendments to Chapters 1.2 Definitions, 2.1 Residential Districts, 2.2 Commercial Zoning Districts, 2.3 Mixed-Use Zoning Districts, 2.7 Special Planned Districts, Refinement Plans, Area Plans and Master Plans, 3.2 Landscaping, Street Trees, Fences and Walls, 3.3 Vehicle Parking, Loading and Bicycle Parking, 3.4 Public Improvement Standards, 3.6 Special Standards and Regulations for Certain Uses, 3.8 Development Alternatives, 4.2 Minimum Development Standards Review, Site Plan Review and Design Review, 4.3 Subdivisions, Partitions, Replats and Property Line Adjustments, and Infill Development Options, 4.5 Master Planning and Development Alternatives, and 5.2 Nonconforming Uses and Development.

II. CRITERIA OF APPROVAL:

- (1) The Bend Comprehensive Plan
- (2) Bend Development Code
 - (a) Chapter 4.6, Land Use District Map and Text Amendments; Section 4.6.200(B), Criteria for Legislative Amendments

III. APPLICABLE PROCEDURES:

- (1) Bend Development Code
 - (a) Chapter 4.1, Land Use Review and Procedures

IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The recommended amendments to the text of the BDC involve broad public policy rather than application to an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be based on all of the following criteria:

1. The request is consistent with the applicable State land use law;

FINDING: The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning and Goal 10: Housing.

Goal 1, Citizen Involvement, is satisfied by following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

FINDING: In November 2019, the Planning Commission, in its role as the City's Citizen Involvement committee (CCI), approved a HB 2001 Stakeholder Advisory Group to assist staff with Bend Development Code amendments that comply with the requirements of HB 2001 and implement City Council's goal of increasing housing. The HB 2001 Stakeholder Advisory Group includes a representative from the City Council, Planning Commission, Affordable Housing Advisory Committee (AHAC), and Neighborhood Leadership Alliance (NLA). The Group also includes developers, architects and designers, and a representative from the Central Oregon Builders Association and Central Oregon Landwatch. Additional members of the public also

attended including a member of a neighborhood association and staff from 1,000 Friends of Oregon. The HB 2001 Stakeholder Advisory Group held meetings on January 15, 2020, January 30, 2020, and February 25, 2020, to draft the amendments. A fourth meeting was scheduled for March 17, 2020; however due to COVID-19, the meeting was cancelled.

On March 25, 2020, staff emailed the draft for micro-units and small dwelling unit developments to the HB 2001 Stakeholder Advisory Group for their review. On June 18, 2020, staff emailed the package of amendments to the HB 2001 Stakeholder Advisory Group, to the BDC Update Group and to people who have expressed an interest in the amendments for their feedback. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District. On July 31, 2020, a notice was mailed to the neighborhood association.

On August 10, 2020, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the amendments. Minor revisions to the draft were made based on the feedback received.

On August 24, 2020, the Planning Commission held a public hearing and recommended approval of the BDC update with the additional amendments identified in Exhibit A.

Therefore, Goal 1 has been met.

Goal 2, Land Use Planning, requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC as a basis for the decisions and actions related to the new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

HB2001 was passed in the 2019 Oregon Legislature to help provide current and future Oregonians with more housing choices. Specifically, the bill requires:

- Duplexes “on each lot or parcel zoned for residential use that allow for the development of detached single family dwellings”, and
- Triplexes, quadplexes, cottage clusters, and townhomes “in areas zoned for residential use that allow for the development of detached single family dwellings”.

Jurisdictions subject to HB2001 may regulate siting and design of middle housing required to be permitted, provided that the regulations do not, individually or cumulatively, discourage the development of middle housing types through unreasonable cost or delay.

In addition to the requirements of HB 2001, the City Council has a goal of increasing the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

- Permitting 3,000 units with the target of 1,170 single family units, 390 single family attached units and 1,440 multi-family units by 06/30/2021.

As part of the goal, the Council has a strategy to “Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public investment leveraging private development, City policy and procedural adjustments.” To implement this strategy the Council has identified a need to audit the Bend Development Code to identify barriers in constructing needed housing, including mobility and parking standards. In addition, the Council has a strategy to “Explore alternative housing types and necessary funding sources.” To implement this strategy the Council wants to adopt policies for alternative housing models, such as four-plexes, tiny homes and single room occupancies. The City Council’s goals and strategies align with the requirements of HB 2001.

The proposed amendments to Table 2.1.200 and 2.1.500 are consistent with HB 2001 which states the following:

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) “All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

The amendments will allow duplexes in the RL District and reduce the minimum lot size for duplexes in the RL District from 20,000 square feet to 10,000 square feet and in the RS and RM-10 District from 6,000 square feet to 4,000 square feet to be the same lot size for a single-family detached dwelling.

The amendments create micro unit developments, small dwelling unit developments and zero lot line developments which implement Council's goal and strategy to provide alternative housing types. Typically, a micro-unit consists of a one-room living space designed to include seating, a bed, a bathroom, storage, and a food preparation area, with private and/or common space and a shared kitchen. Living small can be a solution for a range of demographics: young professionals, empty nesters, retirees, long-distance commuters, and young couples. Small dwelling unit developments will allow single-family detached dwelling units, ADUs and duplexes on significantly reduced lot sizes. Small dwelling unit developments offer a new pathway to small, affordable units that are likely to be owner-occupied, which are in high demand. Zero lot line development will allow single-family detached dwelling units, duplexes and accessory dwelling units to be constructed with a zero side setback while maintaining a 10-foot setback on the other side (except small dwelling unit developments would require a 6-foot setback). This concept is intended to provide more usable yard area and provide development flexibility.

The amendments are needed to help increase the number of different types of dwelling units that are built in Bend which would help meet Bend's housing needs and Council's goal and strategies. Therefore, the amendments are justified and needed, and compliance with Goal 2 is maintained.

Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

Goal 6, Air, Water and Land Resources Quality is not applicable because the City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

Goal 7, Areas Subject to Natural Hazards is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

Goal 8, Recreational Needs requires the City to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. This goal is not applicable

as the amendments have no effect on the availability of or access to recreational opportunities.

Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. This goal is not applicable as the amendments have no effect on economic development and economic growth.

Goal 10, Housing, requires provisions to provide for the housing needs of citizens of the state.

FINDING: According to the Bend Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

In addition, the City Council has a goal to increase the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

- Permitting 3,000 units with the target of 1170 single family units, 390 single family attached units and 1440 multi-family units by June 30, 2019.

As part of the goal, the Council has a strategy to "Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public investment leveraging private development, City policy and procedural adjustments." To implement this strategy the Council has identified a need to audit the Bend Development Code to identify barriers in constructing needed housing, including mobility and parking standards.

Consistent with HB 2001, the amendments will allow duplexes in the RL District and reduce the minimum lot size for duplexes in the RL District from 20,000 square feet to 10,000 square feet and in the RS and RM-10 District from 6,000 square feet to 4,000 square feet to be the same lot size for a single-family detached dwelling.

The amendments create micro unit developments, small dwelling unit developments and zero lot line developments which implement Council's goal and strategy to provide alternative housing types. Typically, a micro-unit consists of a one-room living space designed to include seating, a bed, a bathroom, storage, and a food preparation area,

with private and/or common space and a shared kitchen. Living small can be a solution for a range of demographics: young professionals, empty nesters, retirees, long-distance commuters, and young couples. Small dwelling unit developments will allow single-family detached dwelling units, ADUs and duplexes on significantly reduced lot sizes. Small dwelling unit developments offer a new pathway to small, affordable units that are likely to be owner-occupied, which are in high demand. Zero lot line development will allow single-family detached dwelling units, duplexes and accessory dwelling units to be constructed with a zero side setback while maintaining a 10-foot setback on the other side (except small dwelling unit developments would require a 6-foot setback). This concept is intended to provide more usable yard area and provide development flexibility.

The proposed amendments provide opportunities to build needed housing that was identified in the Bend Housing Needs Analysis acknowledged in the December 2016 Urban Growth Boundary Expansion. The amendments will provide a variety of housing options including Micro-Unit Developments and Small Dwelling Unit Developments that can be developed in existing neighborhoods and new residential areas and they support the changing demographics and lifestyles of Bend's current and future residents.

These types of developments will help implement the Council's goal of permitting 3,000 units by June 30, 2021, and help meet the needs identified in the Housing Needs Analysis.

Therefore, compliance with Goal 10 is maintained.

Goal 11, Public Facilities and Services, requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained.

Goal 12, Transportation, requires the City to provide and encourage a safe and convenient and economic transportation system. The amendments are not site specific and therefore do not affect the functional classification of any street. The amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the amendments do not cause a "significant effect" under ORS 660-012-0060. Therefore, compliance with Goal 12 is maintained.

Goal 13, Energy Conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability.

Goal 14, Urbanization, requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The amendments do not encourage sprawl or lower than targeted

densities, or uncoordinated development. The management of the City's land use inventories is unaffected by these amendments and therefore, the City's long standing acknowledgment of compliance with Goal 14 is maintained.

Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the BDC amendments.

Based on the above discussion, the amendments to the BDC are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law.

Because the code amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no other applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;

FINDING: The "goals" established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The "goals" are generally carried out through "policies," which are statements of public policy. The following Goals and Policies are applicable:

**Chapter 1: Plan Management and Citizen Involvement
Goals:**

- **Create Housing Options and Affordability.** Bend residents have access to a variety of high quality housing options, including housing affordable to people with a range of incomes and housing suitable to seniors, families, people with special needs, and others. Housing design is innovative and energy efficient.
- **Create Clear and Consistent Implementing Ordinances.** Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

FINDING: The City Council has a goal to increase the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

- Permitting 3,000 units with the target of 1170 single family units, 390 single family attached units and 1440 multi-family units by 06/30/2021.

As part of the goal, the Council has a strategy to "Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public

investment leveraging private development, City policy and procedural adjustments.” To implement this strategy the Council has identified a need to audit the Bend Development Code to identify barriers in constructing needed housing, including mobility and parking standards. The amendments are the latest effort to implement the Council’s goal and the Comprehensive Plan Goals.

The code update implements the Comprehensive Plan through effective, clear and consistent language that reflects the intent of the vision.

Policies

Citizen Involvement

1-15. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.

1-16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

FINDING: In November 2019, the Planning Commission, in its role as the City’s Citizen Involvement committee (CCI), approved a HB 2001 Stakeholder Advisory Group to assist staff with Bend Development Code amendments that comply with the requirements of HB 2001 and implement City Council’s goal of increasing housing. The HB 2001 Stakeholder Advisory Group includes a representative from the City Council, Planning Commission, Affordable Housing Advisory Committee (AHAC), and Neighborhood Leadership Alliance (NLA). The Group also includes developers, architects and designers, and a representative from the Central Oregon Builders Association and Central Oregon Landwatch. Additional members of the public also attended including a member of a neighborhood association and staff from 1,000 Friends of Oregon. The HB 2001 Stakeholder Advisory Group held meetings on January 15, 2020, January 30, 2020, and February 25, 2020, to draft the amendments. A fourth meeting was scheduled for March 17, 2020; however due to COVID-19, the meeting was cancelled.

On March 25, 2020, staff emailed the draft for micro-units and small dwelling unit developments to the Stakeholder Group. On June 18, 2020, staff emailed the package of amendments to the Stakeholder Group, to the BDC Update Group and to people who have expressed an interest in the amendments for their feedback. On July 31, 2020, a notice was mailed to the neighborhood association.

On August 10, 2020, the Planning Commission held a work session and discussed the amendments. In addition to the Planning Commissioners, there were representatives from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership

Alliance (NLA) and Bend Economic Development Advisory Board (BEDAB) that participated in the work session.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCDD) on July 7, 2020. A notice of the August 24, 2020, Planning Commission public hearing was printed in the Bend Bulletin on August 2, 2020, and was mailed to the neighborhood associations on July 31, 2020. On August 24, 2020, the Planning Commission held a public hearing and recommended approval of the BDC update with the additional amendments identified in Exhibit A.

Therefore, compliance with Chapter 1 has been met.

Chapter 5: Housing and Residential Lands

Goals:

- Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.
- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

FINDING: The amendments offer a variety of living styles and housing options including micro-unit developments and small dwelling unit developments.

Micro-Units can provide housing for a range of demographics such as young professionals, empty nesters, retirees, long-distance commuters, and young couples. Residents are willing to trade square footage for a convenient location; who live alone or have minimal possessions; and who spend the majority of time at work or socializing outside of their micro-unit.

Small Dwelling Unit Developments offer a new pathway to small, affordable units including single-family detached dwellings, ADUs and duplexes that may be owner-occupied, which are in high demand.

Policies

Housing Mix, Density, and Affordability

5-4. The City will apply plan designations, zoning districts and development code regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis.

FINDING: The BDC amendments will help implement a mix of housing indicated in the adopted Housing Needs Analysis by allowing more flexible development standards for duplexes and creating micro-unit developments, small dwelling unit developments and zero lot line developments.

5-5 The main purpose of maximum densities shown on the Plan Map is to maintain proper relationships between proposed public facilities and services and population distribution. One purpose of minimum densities is to assure efficiency of land use, particularly for larger sites. Another is to encourage development of housing in locations and at densities that support healthy, accessible, and affordable housing choices.

FINDING: As used in the BDC, density means a measurement of the number of dwelling units in relationship to a specified amount of land. Although the City of Bend uses individual dwelling units as a measurement, it doesn't measure the size of the units. Large single family detached dwelling units may take up the same amount of space as several smaller dwelling units, resulting in similar levels of FAR (Floor area ratio means a measurement of building density calculated by dividing the gross enclosed floor area of a building measured to the external face of the external walls by the land area of the development.) Based on this, the amendments allow an increase in density for micro-unit developments and small dwelling unit developments based on the following:

Micro-Unit Developments

The maximum density must not exceed that of the relevant zoning district and is based on the following calculation:

1. *Four micro-units equal one dwelling unit. Fractional units are rounded up.*
 - a. *Exception to Density Maximums. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.*

Small Dwelling Unit Developments

1. *Maximum Density Calculation. RS, RM-10 and RM density calculation is based on the following floor area rounded up to the nearest quarter:*
 - a. *Dwelling units 600 square feet or smaller: 0.25 of a dwelling unit.*
 - b. *Dwelling units 601 to 800 square feet: 0.50 of a dwelling unit.*
 - c. *Exception to Density Maximums.*
 - i. *When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.*
 - ii. *The maximum density standards do not apply to ADUs.*

5-7 The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones, consistent with the density ranges and housing types allowed in the zones. This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are

commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density”.

FINDING: The summary of key findings about housing affordability in the Housing Needs Analysis states that the decreases in housing affordability for homeowners shows an increased need for less costly smaller single-family detached housing, both smaller lots and smaller units, such as cottages or cluster housing, and for townhouses. Demand for owner-occupied multifamily housing, such as garden apartments or urban condominiums, may increase, especially in walkable areas with access to services. These types of more affordable owner-occupied units are the types likely to be preferred by some downsizing baby Boomers and Millennials, especially as the first houses for Millennials.

The amendments create Small Dwelling Unit Developments for single-family detached dwelling units, ADUs and duplexes on significantly reduced lot sizes. A small dwelling unit development allows a reduced lot size from 4,000 square feet to 1,500 square feet in the RS and RM-10 Districts and a reduced lot size from 2,500 square feet to 1,500 square feet in the RM District.

The maximum floor area for any dwelling unit is 800 square feet, except accessory dwelling units (ADU) must not exceed 600 square feet. When two dwelling units are developed onsite (i.e., a duplex or a single-family detached dwelling unit with an ADU) the maximum total floor area permitted for all dwelling units is 1,200 square feet, cumulatively. For example, a site may include an 800 square foot single-family detached dwelling unit and a 400 square foot ADU for a total of 1,200 square feet. In no case can the total square footage of all dwelling units onsite exceed 1,200 square feet, cumulatively.

Small Dwelling Unit Developments offer a new pathway to small, affordable units that are likely to be owner-occupied, which are in high demand.

5-8 The City will apply innovative and flexible zoning tools to support a mix of housing types and densities.

FINDING: The amendments create micro unit developments, small dwelling unit developments and zero lot line developments which support a mix of housing types and densities. Typically, a micro-unit consists of a one-room living space designed to include seating, a bed, a bathroom, storage, and a food preparation area, with private and/or common space and a shared kitchen. The maximum square footage for a micro-unit is 400 square feet, except an accessible unit may be up to 450 square feet. Living small can be a solution for a range of demographics: young professionals, empty nesters, retirees, long-distance commuters, and young couples.

The amendments create Small Dwelling Unit Developments for single-family detached dwelling units, ADUs and duplexes on significantly reduced lot sizes. Small Dwelling

Unit Developments offer a new pathway to small, affordable units that are likely to be owner-occupied, which are in high demand. The maximum floor area for any dwelling unit is 800 square feet, except accessory dwelling units (ADU) must not exceed 600 square feet. When two dwelling units are developed onsite (i.e., a duplex or a single-family detached dwelling unit with an ADU) the maximum total floor area permitted for all dwelling units is 1,200 square feet, cumulatively.

Since micro-units and small dwelling units are restricted in size, the maximum densities are based on the following calculations:

Micro-Unit Developments

The maximum density must not exceed that of the relevant zoning district and is based on the following calculation:

2. *Four micro-units equal one dwelling unit. Fractional units are rounded up.*
 - a. *Exception to Density Maximums. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.*

Small Dwelling Unit Developments

2. *Maximum Density Calculation. RS, RM-10 and RM density calculation is based on the following floor area round up to the nearest quarter:*
 - d. *Dwelling units 600 square feet or smaller: 0.25 of a dwelling unit.*
 - e. *Dwelling units 601 to 800 square feet: 0.50 of a dwelling unit.*
 - f. *Exception to Density Maximums.*
 - i. *When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.*
 - ii. *The maximum density standards do not apply to ADUs.*

Zero lot line development will allow single-family detached dwelling units, duplexes and accessory dwelling units to be constructed with a zero side setback while maintaining a 10-foot setback on the other side (except small dwelling unit developments would require a 6-foot setback). This concept is intended to provide more usable yard area and provide development flexibility.

The amendments include allowing development of duplexes on 10,000 square foot lots in the RL District and 4,000 square foot lots in the RS and RM-10 District in existing platted subdivisions without calculating density on a lot-by-lot basis. Density in new subdivisions will continue to be averaged and reviewed by staff during the land use process to ensure that even with the smaller lot sizes, density will not exceed the maximums.

The amendments provide flexibility to the existing standards and will help support a mix of housing types and densities.

5-17 The City will monitor parking needs for residential uses and set parking requirements to the lowest standards that will meet the community's needs in order to reduce land utilized for parking, reduce the cost of housing development, and encourage a more walkable development pattern.

FINDING: Due to the small square footages for the micro-units and small dwelling units, the amendments include the following parking requirements for Micro-Unit Developments and Small Dwelling Unit Developments.

Micro-Unit Developments

- RS, RM and RH: Minimum 1 space per micro-unit
Exception: Micro-Unit Developments located within a quarter of a mile (1,320 feet as the crow flies) of a transit route may provide 0.5 parking spaces per micro-unit.
- Mixed Use Districts and Commercial Districts and Bend Central District: Minimum 0.5 spaces per micro-unit.
- The maximum is 150 percent of one per micro-unit.

Small Dwelling Unit Developments

- Minimum 1 space per dwelling unit.

The amendments reduce the land needed for parking which helps reduce the cost of the development and encourages a more walkable development pattern.

Residential Compatibility

5-31 Residential areas will offer a wide variety of housing types in locations best suited to a range of housing types, needs and preferences.

FINDING: The amendments allow micro unit developments in the RS District as part of a neighborhood commercial site and in the RM and RH Districts and small dwelling unit developments and zero lot line developments in the RS, RM and RM-10 zoning districts.

The amendments will permit duplexes in the RL District and reduce the minimum lot size for duplexes in the RL, RS and RM-10 Districts to be the same size lot as a single-family detached dwelling. In the RL District the lot size will be reduced from 20,000 square feet to 10,000 square feet and in the RS and RM-10 District from 6,000 square feet to 4,000 square feet.

Residential Development

5-59 The City will support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis and the planned residential densities citywide specified in the Bend Comprehensive Plan.

As used in the BDC, density means a measurement of the number of dwelling units in relationship to a specified amount of land. Although the City of Bend uses individual dwelling units as a measurement, it doesn't measure the size of the units. Large single family detached dwelling units may take up the same amount of space as several smaller dwelling units, resulting in similar levels of FAR (Floor area ratio means a measurement of building density calculated by dividing the gross enclosed floor area of a building measured to the external face of the external walls by the land area of the development.)

The maximum square footage for a micro-unit is 400 square feet, except an accessible unit may be up to 450 square feet. For small dwelling unit developments, the maximum floor area for any dwelling unit is 800 square feet, except accessory dwelling units (ADU) must not exceed 600 square feet. When two dwelling units are developed onsite (i.e., a duplex or a single-family detached dwelling unit with an ADU) the maximum total floor area permitted for all dwelling units is 1,200 square feet, cumulatively. Therefore due to the small sizes of the micro-units and small dwelling units, the amendments allow an increase in density for micro-units and small dwelling unit developments based on the following:

Micro-Unit Developments

The maximum density must not exceed that of the relevant zoning district and is based on the following calculation:

1. *Four micro-units equal one dwelling unit. Fractional units are rounded up.*
 - a. *Exception to Density Maximums. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.*

Small Dwelling Unit Developments

1. *Maximum Density Calculation. RS, RM-10 and RM density calculation is based on the following floor area rounded up to the nearest quarter:*
 - a. *Dwelling units 600 square feet or smaller: 0.25 of a dwelling unit.*
 - b. *Dwelling units 601 to 800 square feet: 0.50 of a dwelling unit.*
 - c. *Exception to Density Maximums.*
 - i. *When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.*
 - ii. *The maximum density standards do not apply to ADUs.*

The amendments include allowing development of duplexes on 10,000 square foot lots in the RL District and 4,000 square foot lots in the RS and RM-10 District in existing platted subdivisions without calculating density on a lot-by-lot basis. Density in new subdivisions will continue to be averaged and reviewed by staff during the land use

process to ensure that even with the smaller lot sizes, density will not exceed the maximums.

Therefore, the amendments support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis and the planned residential densities citywide specified in the Bend Comprehensive Plan.

5-60 The City will promote a mix of housing types in areas zoned Standard Density Residential (RS) District through clear and objective standards to assure that development integrates with existing neighborhoods in which it is permitted.

FINDING: The amendments promote a mix of housing types including duplexes and small dwelling unit developments in the RS District and micro-units as part of neighborhood commercial site in the RS District. The amendments are clear and objective.

5-61 The City will support zoning standards that encourage residential siting of duplexes and triplexes in the Standard Density Residential (RS) District while maintaining the general overall density citywide consistent with the Bend Comprehensive Plan.

FINDING: The proposed amendments include allowing development of duplexes on 4,000 square foot lots in existing platted subdivisions without calculating density on a lot-by-lot basis in the RS District. Density in new subdivisions will continue to be averaged and reviewed by staff during the land use process to ensure that even with the smaller lot sizes, density will not exceed the maximums.

5-62 The City will create minimum lot sizes for duplexes and triplexes in the Standard Density Residential (RS) District that help achieve the mix of housing identified in the adopted Housing Needs Analysis and the planned residential densities citywide as specified in the Bend Comprehensive Plan.

FINDING: Consistent with HB 2001, the proposed amendments will reduce the minimum lot size for duplexes in the RS District to be the same size lot as a single-family detached dwelling. The BDC amendments will encourage the development of more duplexes and help meet the needs identified in the Housing Needs Analysis.

The amendments satisfy Chapter 5 since they will help keep our neighborhoods livable by offering a variety of living styles and choices (i.e., duplexes, micro-unit developments, small dwelling unit developments and zero lot line developments) and they provide housing options that accommodate varied housing needs of citizens with open space and a sense of community (i.e., micro-units) and they promote flexibility in development standards to balance the need for more efficient use of residential land. The amendments are clear and objective.

Chapter 7: Transportation Systems

7-39 Bicycle parking facilities shall be provided at all new multifamily residential, commercial, industrial, recreational, and institutional facilities, major transit stops, all transit stations and park and ride lots. The City shall support a “Bikes on Transit” program and work to increase the number of bicyclists using transit.

FINDING: The amendments include the following bicycle parking requirements for micro-unit developments.

Use	Requirement
Multifamily dwellings <u>and</u> <u>micro-units</u> with 4 units or more:	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

Chapter 9: Community Appearance

Policies

9-8 The city values design review for all development in the community with the exception of single-family houses, duplexes and tri-plexes.

FINDING: Micro-unit developments include design standards for garage doors to reduce the prominence of the garage and orientation standards that require at least one front door entrance of the development to be orientated to an abutting street or open to a porch covered by either a roof or enclosed floor area. Small Dwelling Unit Developments include garage door standards to reduce the prominence of the garage.

Therefore, the amendments satisfy Chapter 9.

Based on the findings stated above, staff concludes that the amendments are consistent with the applicable Bend Comprehensive Plan Goals and Policies.

3. The applicant can demonstrate a public need or benefit for the proposed amendment.

FINDING: The amendments will help contribute to more dwelling units being built which would provide identified needed housing and meet the Council's goal of providing an additional 3,000 units by 06/30/2021. There is a public need and benefit for the amendments since they will increase development of needed housing identified in the Housing Needs Analysis.

Therefore, the amendments to the BDC meet this criterion.

4.6.500 Record of Amendments.

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

FINDING: In the event the BDC text amendments are adopted by ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the BDC available to the public on the City's website.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: The new text amends the BDC which is a functional component of the Bend Comprehensive Plan and is an amendment to a land use regulation as noted in OAR 660-012-0060. The amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations that result in the generation of additional vehicle trips; therefore, the amendments will have no measurable impacts on the amount of traffic on the existing transportation system. Because of this, the text amendments do not cause a "significant effect" under ORS 660-012-0060.

V. CONCLUSIONS:

Based on the above Findings, the BDC amendments meet all applicable criteria for adoption.

VI. RECOMMENDATION:

The Planning Commission recommends approval of the BDC update to the City Council as amended by the Planning Commission on August 24, 2020.