

## Exhibit A

### Bend Code and Development Code Update February 21, 2018

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.

Staff comments are ***bold and italicized***

**These notations are not intended to be included in the Code text**

In the Bend Code replace the terms *Bend Area General Plan*, *Bend General Plan* and *General Plan* with *Bend Comprehensive Plan*.

In the Bend Development Code, replace all *home occupations* with *home businesses*.

## BEND CODE

### Chapter 9.50

#### SIGNS

##### 9.50.030 Definitions.

\*\*\*

**Multiple-Faced Primary Freestanding Sign** means a Primary freestanding sign with three or more separate sign cabinets, or one or more sign cabinets with three or more separate sign panels, designed to allow replaceable copy without altering the sign. Alteration is as defined in Section 9.50.030 Definitions.



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#### 9.50.060 Temporary Signs.

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C. The following temporary signs are allowed if a sign permit is obtained:

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### **3. Portable Signs.**

- a. One nonilluminated portable sign may be up to six square feet in area with a maximum height of four feet and a maximum width of two feet.
- b. The portable sign may be displayed on a site for a maximum of 90 days per calendar year. ***(Amended by the City Council on February 7, 2018.)***
- c. Not more than two temporary portable sign registrations can be issued per site per year.

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#### 9.50.190 Nonconforming Sign.

- A. Any sign lawfully existing or lawfully permitted and constructed within the time allowed by the sign permit but which is made nonconforming by adoption or amendment of this chapter is a nonconforming sign.
- B. Nonconforming signs ~~shall~~ must be removed or brought into compliance if any of the following occurs:
  1. The sign or sign structure is moved, removed, replaced or structurally altered unless the moving is required by the City or other public entity to accommodate a public project. Changes in removable faces or panels are not structural alterations.
    - a. Exception: When a nonconforming sign is damaged by causes beyond the control of the owner, the sign may be rebuilt to the same size and height, using the same types of original material. ***(City Council supported leaving the exception in on February 7, 2018.)***
  2. The use of the property where the sign is located changes to a different use. For purposes of this section, a change in use includes situations in which services or goods offered or provided on the property are ~~totally~~ changed.
    - a. Exception: When a nonconforming Multiple-Faced Primary Freestanding Sign is located on a developed site where there are three or more separate uses the copy may be changed without losing the nonconforming right unless and until the sign is moved, removed, replaced or altered.

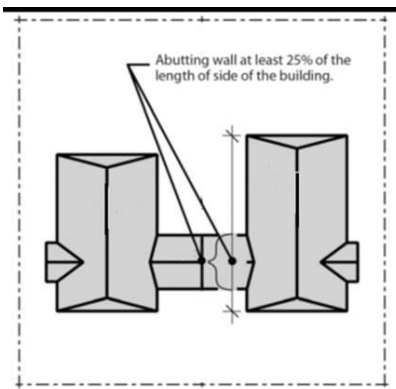
## DEVELOPMENT CODE

### Chapter 1.2

#### DEFINITIONS

**Attached building** means any building that is connected to another building by a common wall that is fully enclosed for at least 25 percent of the length of the side of both buildings. ~~(Described “attached” for accessory structures, ADUs and townhomes in their respective sections in BDC 3.6, Special Standards and Regulations for Certain Uses.)~~

*Delete Graphic*



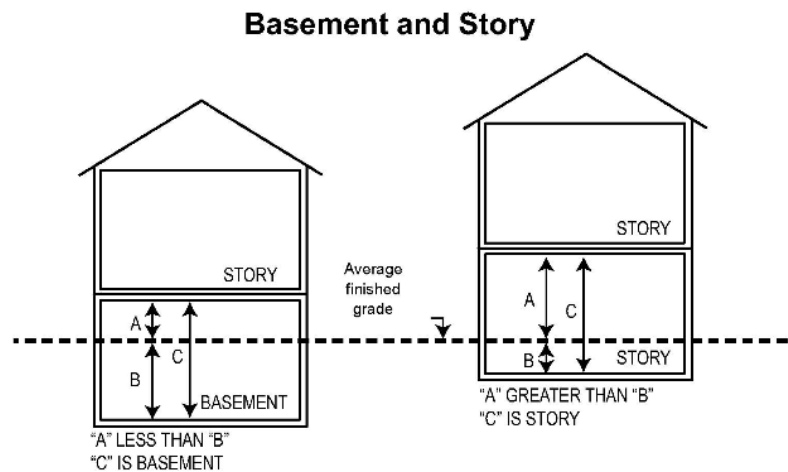
**Attic** means the unfinished space between the ceiling assembly and the roof assembly. (2014 Oregon Residential Specialty Code)

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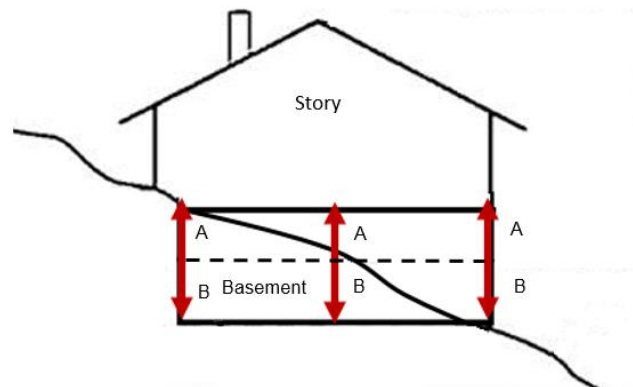
**Automobile wrecking** means the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts. ~~Two or more than~~ two dismantled, obsolete or inoperable motor vehicles or parts thereof on one lot ~~shall~~ constitutes a wrecking yard. *(Consistent with how City enforces automobile wrecking.)*

\*\*\*

**Basement** means any livable area space of a building not including a crawlspace that is wholly or partly below average finished grade when the vertical distance from average finished grade to floor is greater than the vertical distance from average finished grade to ceiling measured at a minimum of three points on all sides as shown on the following figures. A basement ~~shall~~ is not be counted as a story. *(Proposed revision and new exhibit adds clarity.)*



**Add exhibit**



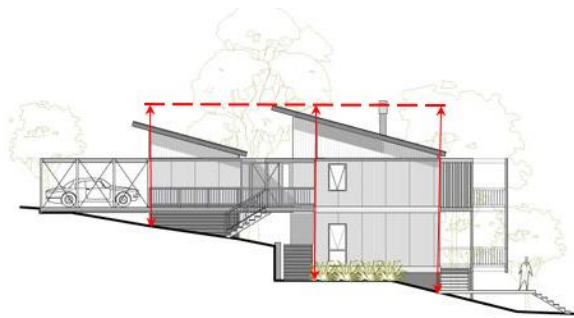
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**Bath, full bath** means a bathroom that contains a toilet, sink, and shower and/or bathtub and/or steam shower.  
*(Need for ADU and accessory structure regulations)*

**Bath, half bath** means a bathroom that contains a toilet and a sink. Half baths with floor area greater than 45 square feet that could accommodate a bathtub and/or shower and/or steam shower are considered as having a “Rough-in” for a full bath. *(Need for ADU and accessory structure regulations)*

\*\*\*

**Building height** means the average maximum vertical height of ~~an enclosed~~ a building or structure measured at a minimum of three points ~~from finished grade along each building elevation as shown on the following figure~~ along each building elevation from finished grade to the highest point on the building or structure. The “highest point” means peak of roof for a building with a sloping roof or the top of the roof coping for a flat roof. Architectural elements that do not add floor area to a ~~an enclosed~~ building or structure such as chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including minimum screening necessary to conceal mechanical roof equipment), and unenclosed decks and porches are not considered part of the height of a building or structure. For property located in the Water Overlay Zone (WOZ), see BDC 2.7.650(E)(4). *(Proposed revision adds clarity.)*



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**Cargo containers** means standardized reusable vessels that were originally designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods or commodities, and are capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device.

\*\*\*

**Duplex** means ~~one building with~~ two dwelling units on one lot or parcel. For permitting purposes, units may be ~~detached or attached~~ vertically or horizontally or detached. *(Consistent with current practice.)*

\*\*\*

**Dwelling unit** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking (limited to one kitchen only) and sanitation (full bathroom).

\*\*\*

**Floor area** means the area measured in feet included in surrounding walls 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. **(Revisions are consistent with building codes.)**

**Floor area ratio (FAR)** 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.

\*\*\*

**Home ~~occupation~~ business** means a small ~~commercial-revenue-producing~~ use owned and/or operated by a resident of the home business site. A home business is conducted entirely within a dwelling, or an approved accessory structure, operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit, which is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and which complies with the conditions of BDC Chapters 2.1, Residential Districts and 3.6, Special Standards and Regulations for Certain Uses.

\*\*\*

**Infill, residential** means:

1) ~~‡~~The development of up to three dwellings on land that is zoned for residential use where at least 75 percent of the abutting ~~parcels~~ properties have a structure but not counting any abutting ~~parcel~~ property ~~that is too small for a residence or any parcel~~ that is large enough that it can be divided into four or more lots or is currently developed with multifamily residential as an outright use.

2) ~~“Residential infill” also refers to a~~ A situation in which a home ~~single-family dwelling~~ is removed to make way for up to three new dwellings (e.g., a house, manufactured home single-family dwelling, duplex, or attached house triplex).

3) “Residential infill” ~~shall not refer to~~ does not the development of one dwelling on apply to land that is large enough that it can be divided into four or more lots consistent with the minimum lot size of the zoning district.

\*\*\*

**Kitchen** means any area designed or used for preparation or cooking of food, and including any of the following: a sink larger than 18 inches by 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. ***(Need this for dwelling unit, accessory structure and ADU regulations.)***

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**Livable space** means the gross space of a dwelling unit(s) utilized for living, sleeping, eating, cooking, and sanitation. ***(Need this for accessory structures and residential MDS)***

\*\*\*

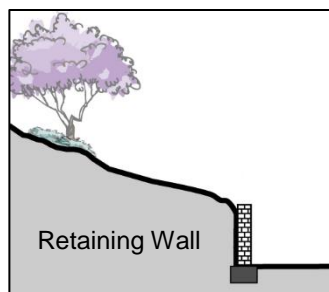
**Non-resident employee** means an employee, business partner, co-owner, or other person affiliated with a home business, who does not live at the site, but who visits the site as part of the home business. ***(Need for home business section in BDC 3.6.200.N.)***

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**Primary** means the largest or most substantial element on the property, as in “primary” use, residence, entrance, etc. ~~All other similar elements are secondary in size or importance.~~

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**Retaining Wall** means a vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site. ***(Need this for 3.2.500 Fences and Retaining Walls)***



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**Tandem parking** means the parking of a motor vehicle behind another, such that a vehicle needs to be moved in order to move the other vehicle. *(Need for ADUs, home businesses and STRs).*

\*\*\*

**Triplex** means ~~one building with~~ three dwelling units on one lot or parcel. For permitting purposes, units may be attached vertically or horizontally or detached. *(Consistent with current practice.)*

\*\*\*

**Use, Primary.** An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. The primary use usually occupies more than 50 percent of the gross floor area of a building or consists of more than 50 percent of a development, but floor area percentage may not be determinative of primary use on its own.

**Use, Secondary.** Any approved use of land or a structure that is incidental and subordinate to the primary use, and located in the same building or in the same development area as the primary use. Secondary uses do not occur or exist in the absence of at least one primary use. Secondary uses are not accessory uses, except as otherwise provided in this code.

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**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 1.5 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. *(Need for dwelling unit and accessory structure regulations.)*

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## Chapter 2.1

### RESIDENTIAL DISTRICTS



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## 2.1.200 Permitted Land Use.

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**Table 2.1.200 – Permitted and Conditional Uses**

Land Use	SR 2 1/2	RL	RS	RM-10	RM	RH	UAR
<del>*Home occupation Business (Type I/Type II Class A/Class B/Class C)</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>	<del>P/C</del>

*(Added by the City Council on February 7, 2018)*

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## 2.1.300 Building Setbacks.

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### F. General Setback Exceptions.

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3. ~~Open decks and similar structures not exceeding 18 inches in height may encroach into the front yard setbacks by no more than six feet, subject to the front yard setback provisions in Table 2.1.300. Walls and fences may be placed on property lines, subject to the standards in BDC 3.2.500, Fences and Walls.~~  
***(Conflicts with 2.1.300(C)(2)(c)(i) which requires a six foot setback.)***

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## 2.1.400 Building Mass and Scale. *(Revised to be consistent with FAR for ADUs and accessory structures.)*

### A. ~~Floor Area Ratio Applicability.~~ Floor area ratio ~~shall apply~~ies 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 or less in size and are adjacent abut to a subdivision platted prior to December 1998 where the any adjoining abutting lot development has a 0.5 FAR or less is 6,000 square feet or less.
- B. ~~Building construction may not exceed 0.50 FAR (50 percent) of the total lot area. The areas of a building subject to this development standard shall include the following:~~
1. ~~Floor area as defined in BDC Chapter 1.2, Definitions. For garages, see subsection (B)(2) of this section.~~
  2. ~~Only garage floor area that exceeds 480 square feet in size on lots or parcels 4,000 square feet or greater and only garage floor area that exceeds 325 square feet in size for lots or parcels less than 4,000 square feet. The first 480 square feet or 325 square feet, respectively, of the garage are excluded from floor area.~~

Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, shall must not exceed 0.55 0.60 for all buildings on site, cumulatively.

- C. Exceptions to FAR.
1. Attached single-family townhomes without an accessory dwelling unit.
  2. For, ~~S~~single-family detached dwellings with an accessory dwelling unit and attached single-family townhomes with an accessory dwelling unit, ~~S~~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(G), Residential Compatibility Standards.

\*\*\*

## **2.1.600 Residential Density.**

A. Residential Density Standard. The following density standards apply to all new development in all of the Residential Districts, except as specified in subsection (B) of this section. The density standards shown in Table 2.1.600 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Bend Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a Master Planned Development). ~~Duplex and triplex lots used to comply with the density standard shall be so designated on the final partition or subdivision plat.~~

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## **2.1.800 Building Height.**

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B. Exceptions to Maximum Building Height Standard.

- ~~1. Chimneys, bell towers, steeples and roof equipment (including minimum screening necessary to conceal mechanical roof equipment).~~
- ~~2. Flag poles and similar features that are not intended for human occupancy may be considered exceptions to the maximum building height subject to an application for height variance in accordance with BDC Chapter 5.1. **(Repeats revised definition for Building Height)**~~
3. 1. An increase in building height not to exceed 10 feet above the height of the underlying zone may be allowed for multifamily housing when the additional units gained by the height increase are affordable housing units in conformance with BDC 3.6.200(C).

\*\*\*

## **2.1.1000 Multifamily Residential Districts (RM, RH).**

- A. Purpose/Intent Statement. The Medium and High Density Residential Districts are intended to provide land for a mix of attached and multifamily housing types in locations that are convenient to service commercial uses and future transit opportunities.
- B. Development Standards for ~~Large-Scale~~ Multifamily Developments in the RM and RH Districts. In addition to the site development standards in BDC Chapter 4.2, the following standards ~~shall~~ apply to multifamily

developments of ~~20~~ four units or more, unless otherwise stated: **(Code has requirements for duplexes and triplexes and for 20 or more units and nothing for 4-19 units.)**

1. Common Open Space. In addition to the required setback yards, a minimum of 10 percent of the site area ~~shall~~ must be designated and permanently reserved as usable common open space in all large-scale (20 units or more) multiple-family developments, unless a credit in subsection (1)(a) of this section is approved. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Bend Comprehensive Plan may be counted toward meeting the common open space requirements. **-(Affordable Housing Advisory Committee recommended deleting this requirement. Planning Commission recommended a credit towards open space if located within ¼ mile of a public park.)**

- a. Credit for proximity to a park. A common open space credit of 50% may be granted when the development is located within one-quarter mile walking distance 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. **(The City Council added "...that does not cross an arterial or collector street" on February 7, 2018.)**

2. Private Open Space. Private open space areas ~~shall~~ are ~~be~~ required for ground-floor and upper-floor housing units through compliance with all of the following standards:

- a. Ground-floor housing units ~~shall~~ must have ~~front or rear~~ patios or decks at least four feet deep and measuring at least 48 square feet. **Ground-floor housing** means the housing unit entrance (front or rear) is within five feet of the finished ground elevation, after grading and landscaping;
  - b. A minimum of 50 percent of all upper-floor housing units ~~shall~~ must have balconies or porches at least four feet deep and measuring at least 48 square feet. **Upper-floor housing** means housing units that are more than five feet above the finished grade, after grading and landscaping; and
  - c. Ground-floor private open space areas ~~shall~~ must not be located ~~next to yard setbacks for property lines shared with single-family residences, or within 12 feet of trash receptacles, parking and maneuvering areas, and driveways.~~ **(Private open space should be allowed in these areas.)**

3. Trash Receptacles. Trash receptacles ~~shall~~ must not be located ~~next to yard~~ within setbacks for property lines shared with single-family residences and ~~shall~~ 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. Receptacles ~~shall~~ must be located for easy access by trash pick-up vehicles.

~~4. Inner Courtyard. When an inner courtyard is proposed, the courtyard providing access to double-row dwelling groups shall be a minimum of 20 feet in width.~~

~~4. Storage Facilities. Each unit must have a secure enclosed storage area with a minimum floor area of three feet by four feet and a minimum interior height of seven feet. The storage area must be accessed separate from the dwelling unit (e.g., attached to decks and patios) or may be located in a garage provided that it does not interfere with required vehicle parking (9X20 feet). Storage must not be located within the setbacks. (Deleted by the City Council on February 7, 2018.)~~

- C. Housing Mix Standards in the RM District. In order to ensure a mix of housing types that meets the City's overall housing needs, in addition to minimum and maximum density standards in BDC 2.1.600, at least 50 percent of the total housing units in residential developments on any property or combination of properties between three acres and 20 acres in the RM District ~~shall~~ must be two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units. The standards of BDC 4.5.200(E) apply to properties of 20 acres in size and greater.

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## Chapter 2.3

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

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#### 2.3.300 Development Standards.

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- B. Height. All buildings in the Mixed-Use Districts ~~shall~~ must comply with the height standards contained in Table 2.3.300, except as described below or in compliance with a variance approval.

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~~3. Building Height Step-Backs in the MU Zoning District.~~

- a. ~~Where portions of a building's street-facing facade are higher than 45 feet, 60 percent of the street-facing facades higher than 45 feet must step back one foot from the street-facing property line for every one foot that the building exceeds 45 feet in height, with a minimum step-back of 10 feet and a maximum step-back of 15 feet. The required step-back may be reduced by one foot for each foot below the 45-foot height level that the step-back begins, e.g., for a building that begins its step-back at the 35-foot height level (10 feet below what is required) the required step-back can be reduced by 10 feet. **(Recommend deleting because this section encourages buildings to be further back from the sidewalk. This also requires structural design that is more expensive to build.)**~~
- b. ~~A reduction to the building height step-backs can be made for buildings that designate 25 percent of all residential units as affordable housing units (defined as 100 percent of the area median income). In those cases, where portions of a building are higher than 45 feet, 60 percent of the street-facing facades higher than 45 feet must step back one foot from the street-facing property line for every one foot that the building exceeds 45 feet in height, with a minimum step-back of five feet and a maximum step-back of 10 feet. **(Delete since step backs are no longer required).**~~

3.4. Building Height Step-Backs Abutting a Residentially Designated District. In the ME, MU, and MN Zoning Districts, portions of the building subject to subsection (B) of this section that exceed 35 feet in height or the height limit of the abutting residentially designated district, whichever is greater, shall step back one foot from side or rear lot lines abutting a residentially designated district for each foot the building height exceeds 35 feet or the height limit of the abutting residentially designated district.

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## Chapter 2.4

### INDUSTRIAL ZONING DISTRICTS (IG, IL)

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#### 2.4.300 Permitted and Conditional Uses.

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**Table 2.4.300 – Permitted and Conditional Uses**

Land Use	IG	IL
<b>Commercial</b>		
Mini-storage warehouse	N-P	C-P

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## Chapter 2.7 SPECIAL PLANNED DISTRICTS

### Article II. NorthWest Crossing Overlay Zone

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#### 2.7.320 Districts.

E. Residential Cluster Overlay District.

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#### 4. Development Standards and Site Requirements for Cluster Housing Developments.

##### a. Site Requirements.

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- ii. ~~Minimum lot size within the NorthWest Crossing Cluster Housing Overlay District is 2,000 square feet.~~ There is no minimum lot size for cluster housing developments.

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- vi. Rear yard setbacks shall be a minimum of ~~40~~ 5 feet.

\*\*\*

##### c. Required Open Space.

##### i. Shared Open Space.

- (A) Shall provide a centrally located, focal area for the cluster housing development.

(B) Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.

(C) Shall abut at least 50 percent of the cottages.

(D) ~~Shall have 75 percent of the open space area abut structures on at least two sides.~~ Each cottage must be connected to the shared open space by a pedestrian pathway.

(E) Shall be within 75 feet walking distance of each cottage.

(F) Common parking areas are not counted in the shared open space area requirements.

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#### **I. Industrial Employment Overlay District.**

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2. Uses Permitted. The following uses are permitted in the Industrial Employment Overlay District subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review.

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- j. ~~Automobile and truck~~ Motorized and non-motorized vehicle-repair, service and sales, provided wholly within an enclosed building.

\*\*\*

- r. Public buildings and public utility structures and yards. ***(Relocated from conditional uses)***

- s. Fitness facility or health center, to include child care for patrons only, showers, spa, bathrooms, related offices, related retail for exercise clothing and equipment and sale of refreshments.  
***(Relocated from conditional uses)***

- t. Veterinary clinics

- ~~3. Conditional Uses. Uses subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.~~

- ~~a. Public buildings and public utility structures and yards.~~

- ~~b. Fitness facility or health center, to include child care for patrons only, showers, spa, bathrooms, related offices, related retail for exercise clothing and equipment and sale of refreshments.~~ ***(These***



*are the only two conditional uses in the Industrial Employment Overlay District. They have been relocated to permitted uses above)*

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## Article VII. Murphy Crossing Refinement Plan

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### 2.7.820 Districts.

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B. District Location. The locations of the zoning overlay districts are depicted on the adopted Murphy Crossing Master Development Plan map and as described below.

**Table 2.7.820.B**

Zoning Overlay District (Zone)	Location and Characteristics
Multifamily Residential (RM)	The RM overlay located within the central plan area provides a transition between the new standard density single-family homes and the more intense commercial development along the easterly portion of the refinement plan area. <u>RM development is also located at the north and south ends of the plan area along the Parkway.</u> -The density range <del>within the central core shall be 40-</del> <u>is 7.3</u> to 21.7 units per gross acre. <del>RM development is also located at the north and south ends of the plan area along the Parkway. The density range within these areas shall be 7.3 to 15 units per gross acre.</del> <b>(Consistent with new RM zoning. Also helps comply with a 2013 agreement with ODOT and several property owners for the southern properties.)</b>

\*\*\*

D. Special Development Standards. In addition to the development standards outlined in the City's Development Code, the following standards shall apply as indicated.

**Table 2.7.820.D**

<b>Standard</b>	<b>RS Single-Family</b>	<b>RM Multifamily</b>	<b>ME Mixed-Use</b>	<b>CG General Commercial</b>
Density	2-3 <u>4</u> – 7.3 units/gross acre	7.3 – 21.7 units/gross acre (special location standards for density apply, see Table 2.7.820.B)		

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## **Article XI. Juniper Ridge Overlay Zone**

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### **I. Development Standards.**

**Table 2.7.2030.C Development Standards**

Maximum Building Height	65 feet
Minimum Front Yard Setback	10 feet
Maximum Front Setback on Primary Street Frontage	30 feet
Minimum Primary Street Frontage	50 feet
Minimum Side Yard Setback	40- <u>0</u> feet (100 feet when abutting a Residential Zone)
Minimum Rear Yard Setback	45- <u>0</u> feet (100 feet when abutting a Residential Zone)
Maximum Building Coverage	50 percent of total lot area

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## Article XIV. Bend Central District

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### 2.7.3210 Applicability

A. Applicability. In addition to the provisions of the underlying zone, the standards and requirements of this section apply to lands within the BCD boundary as depicted on Figure 2.7.3210. These provisions modify existing standards of the Bend Development Code by applying requirements, limiting allowable uses, or allowing exceptions to general regulations. Where there is a conflict between the provisions of the ~~Bend Central District~~ BCD and those of the underlying zone or other portions of the Development Code, the provisions of this ~~refinement plan~~ District shall will control.

### 2.7.3220 Land Uses.

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Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
Offices and Clinics	P	P	L (see subsection (D)(3) of this section)	P
Production businesses (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios)	P	<del>C</del> <u>P</u>	<del>C</del> <u>L</u> (see subsection (D)(3) of this section)	<del>C</del> <u>P</u>

*(Added by the City Council on February 7, 2018)*

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

\*\*\*

D. Limitations. The following limitations apply to those uses identified as “L” in Table 2.7.3220.

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3. Offices and Clinics and Production Businesses. Offices and clinics and production businesses must not exceed 15,000 square feet per business. ***(Added by the City Council on February 7, 2018)***

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## **2.7.3230 Development Standards.**

A. The following table provides numerical development standards within the BCD.

Building setback standards apply to any new buildings and any building expansion, including primary structures and accessory structures. Setbacks provide opportunity for pedestrian amenities; building separation for fire protection and building maintenance; sunlight and air circulation; noise buffering; and visual separation. ~~Building setbacks are measured from the building foundation to the respective property line.~~ ***(Conflicts with the definition and how setbacks are measured.)***

**Table 2.7.3230**

**Development Standards in the Bend Central District by Subdistrict**

<b>Standards</b>	<b>1st /2nd Street</b>	<b>3rd Street</b>	<b>4th Street</b>	<b>South</b>
<b>Rear and side yard setback</b>	<del>None or 10 feet (see subsection (C) of this section)</del>	<del>None or 10 feet (see subsection (C) of this section)</del>	None or 10 feet (see subsection (C) of this section)	<del>None or 10 feet (see subsection (C) of this section)</del>

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Notes:

1. In all subdistricts, the first five feet of setback will be a dedicated ~~pedestrian~~ public access easement and will be developed according to the applicable cross-section for the fronting street.
2. Equipment used for small scale alternative energy production does not count towards maximum building heights.

\*\*\*

C. Rear and Side Yard Setback.

1. There is no rear or side yard setback required, except when abutting a Residential Zone that is located outside of the BCD. In such cases, the rear or side yard setback is 10 feet for all portions of the building 35 feet in height or less. Step-backs or other architectural features such as vertical breaks, balconies, bays or stories within gable roofs are required for portions of a building that exceeds 35 feet in height or the height limit of the abutting residentially designated district, whichever is greater.
2. When a public alley abuts a side or rear yard of property, the width of the alley can be included in the additional ~~setback~~ stepback calculation as described in subsections (1) ~~and (2)~~ of this section for the purpose of offsetting the impacts of the building height over 35 feet. The alley does not eliminate the required 10-foot building setback if applicable.

D. Multiple Frontage Lots. For buildings on sites with more than one frontage or through lots, the ~~minimum~~ maximum front yard setbacks ~~standards~~ in Table 2.7.3230 ~~shall be applied~~ apply as follows.

1. For corner lots with two frontages, the maximum setback ~~standards indicated in Table 2.7.3230 shall be applied~~ applies to all both street frontages.
2. For through lots with two frontages, the maximum setback ~~standards indicated in Table 2.7.3230 shall be applied~~ applies to only one of the frontages; provided, that where the abutting streets are of different street classification, the maximum setback ~~standard shall be applied~~ applies to the street with the higher classification.
3. For properties with three or more frontages, the maximum setback ~~must be met on~~ applies to two abutting contiguous frontages. Where the streets are of different street classifications, one of the maximum setbacks must apply to the street with the highest classification.

\*\*\*

F. Buffering. A 10-foot-wide landscape buffer is required along the side and rear property lines between nonresidential uses and any adjacent Residential Zones that are located outside of the BCD. The buffer is not in addition to (may overlap with) the side and rear setbacks required in subsection (B) of this section. The buffer shall provide landscaping to screen parking, service and delivery areas and walls without windows or entries. The buffer may contain passive outdoor seating but must not contain trash receptacles or storage of equipment,

materials, vehicles, etc. The landscaping standards in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls, provide other buffering requirements where applicable.

#### **2.7.3240 Design Standards.**

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B. Single-Use Residential Buildings. Single-use residential buildings including duplexes, triplexes and multifamily are also subject to the provisions in BDC 2.1.900 and 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. ***(If revisions are made to the open space requirement in BDC 2.1.1000.B.1., then revise this section for consistency.)***

C. Awnings, marquees, balconies, overhangs, fabric tensile structures, building appendages, or other projections may extend into the front setback and public access easement.

#### **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. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.

1. The minimum number of required off-street vehicle parking spaces is established below. Unless otherwise provided 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 this section by more than 50 percent. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes).
  - a. Residential uses: one space per unit. Tandem parking is permitted when the spaces are assigned to the same unit.
  - b. Commercial uses:
    - i. Retail or restaurant uses totaling less than 5,000 square feet of floor area: none.

- ii. Retail or restaurant uses in excess of 5,000 square feet or more of floor area: one space per 1,000 square feet of gross floor area in excess of 5,000 square feet.
  - iii. The maximum for retail or restaurants is 150% of one per 1,000 square feet of gross floor area.
  - c. Entertainment uses: Determined by conditional use.
  - d. Hotel/motel: one space per room.
  - e. Office uses: one and one-half spaces per 1,000 square feet of floor area.
  - f. Light industrial/manufacturing uses: 0.7 spaces per 1,000 square feet of floor area.
  - g. Public and institutional uses, government uses: one and one-half spaces per 1,000 square feet of floor area.
2. Mixed-Use Developments. If more than one type of land use occupies a single structure or ~~parcel of land property~~ with no single use occupying more than 80 percent of the total square feet of the building, the ~~total requirements for~~ minimum off-street automobile parking ~~shall be~~ is 75 percent of the sum of the requirements for all uses.
  3. The total number of required vehicle parking spaces for an industrial, commercial, or office use may be reduced by up to 10 percent in exchange for providing on-site public open space/green space at the following ratio: one vehicle parking space per 500 square feet of public open space/green space. This reduction is in addition to any reductions taken under BDC 3.3.300(D).
  4. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.

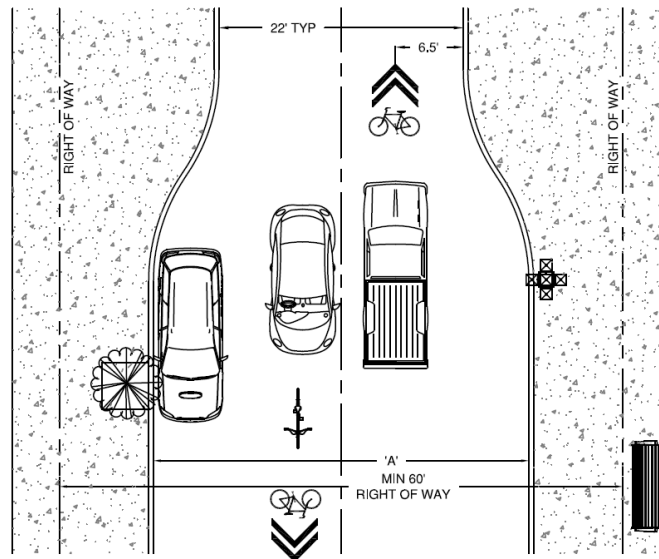
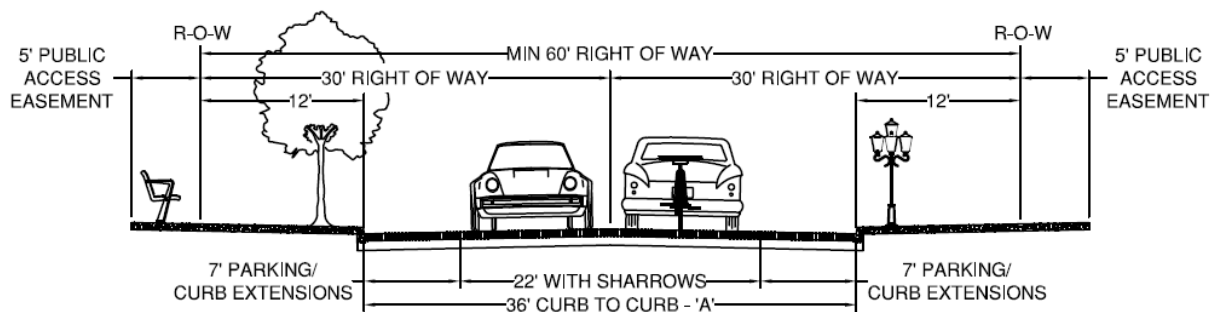
## **2.7.3260 Special Street Standards.**

- A. The BCD considered special street standards for streets inside the District ~~the refinement plan area~~. The intent of the special street standards is to develop complete streets that enable safe travel for all modes of travel including transit, motorists, pedestrians, cyclists and freight users. On-street parking, bicycle ~~lanes~~ facilities and wider sidewalks were identified as elements necessary for safe travel. ~~Below is a typical concept cross-section.~~ The following special street standards supersede the standards in BDC 3.4.200(F).

1. Figure 2.7.3260.A applies to 2<sup>nd</sup> Street north and south of Greenwood Avenue, 4<sup>th</sup> Street south of Greenwood Avenue and to all local streets in the BCD. Any of these blocks that are currently narrower than 36 feet wide must be widened to 36 feet.

Exception: Any block of 2<sup>nd</sup> Street that is currently 40 feet wide may remain 40 feet wide and use the 40 foot wide cross-section provided for in Figure 2.7.3260.B.

**Figure 2.7.3260.A**

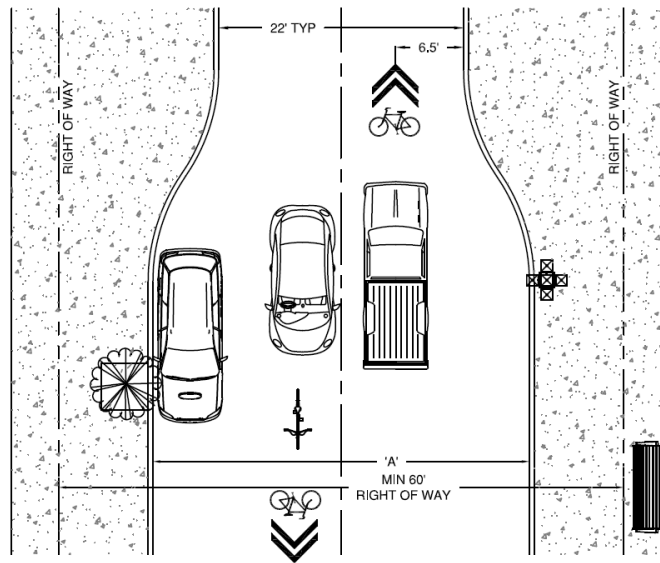
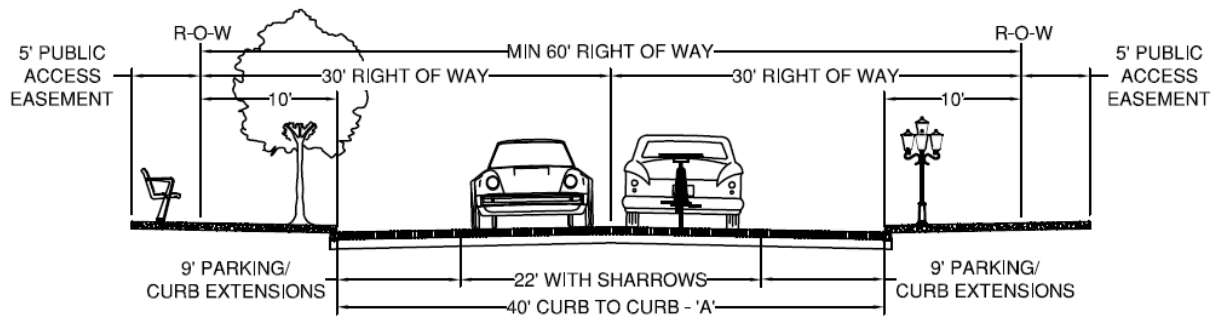


Note: Sharrows are not required on local streets.

2. Figure 2.7.3260.B applies to 4<sup>th</sup> Street north of Greenwood Avenue.

**Figure 2.7.3260.B**





**Delete figure below**  
**Figure 2.7.3260**  
**Street Design Concept for 2nd/4th Streets**



~~These special street standards will be developed as part of the City's Transportation System Plan (TSP). Until the special standards are available, the Transportation Improvement Standards of BDC Chapter 3.4 must apply in the BCD.~~

- B. To accomplish new streets, additional street widths and street improvements envisioned for the BCD the following requirements ~~shall~~ apply.
1. The required five-foot front ~~yard~~ setback along all street frontages must be dedicated as a public access easement with site plan approval. This is in addition to any additional right-of-way that may be required by BDC Chapter 3.4.

\*\*\*

### Chapter 3.1

#### LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

\*\*\*

##### 3.1.500 Clear Vision Areas.

- A. Purpose. Clear vision areas are established to ensure that obstructions do not infringe on the sight lines needed by motorists, pedestrians, bicyclists and others approaching potential conflict points at intersections.
- B. Applicability. In all zones except the CB Zone, clear vision areas as described below and illustrated in Figures 3.1.500.A and 3.1.500.B ~~shall~~ must be established at the intersection of two streets, an alley and a street, a driveway and a street or a street and a railroad right-of-way in order to provide adequate vision of conflicting traffic movements as well as street signs. These standards are applicable to public and private streets, alleys and mid-block lanes, and driveways.
- ~~C. Standards. The clear vision areas extend across the corner of private property from one street to another. The two legs of the clear vision triangle defining the private property portion of the triangle are each measured 20 feet back from the point of intersection of the two corner lot lines, special setback line or access easement line (where lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection). Additional clear vision area may be required at intersections, particularly those intersections with acute angles, as directed by the City Engineer, upon finding that additional sight distance is required (i.e., due to roadway alignment, etc.).~~

~~There shall be no fence, wall, vehicular parking, landscaping, building, structure, or any other obstruction to vision other than a street sign post, pole (e.g., power, signal, or luminaire pole) or tree trunk (clear of branches or foliage) within the clear vision area between the height of two feet and eight feet above the level of the curb. In cut sections, embankments shall be graded to comply with these requirements.~~

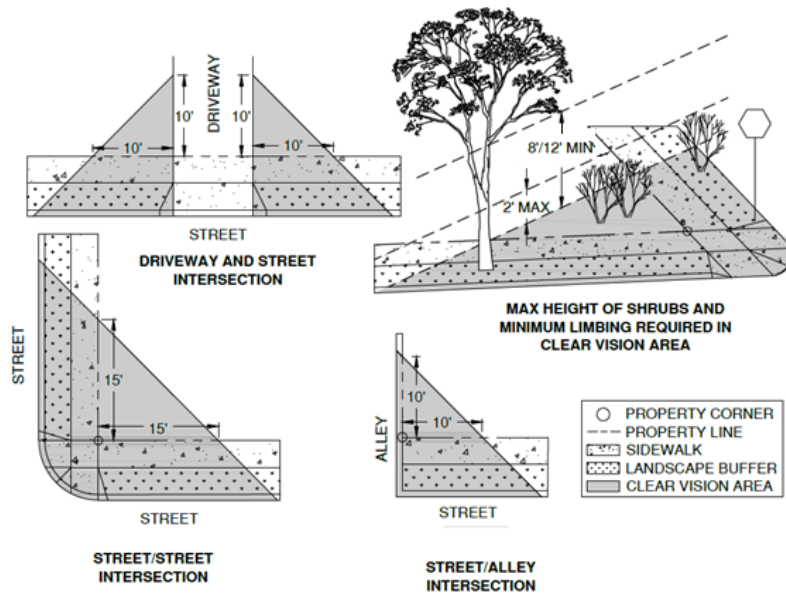
~~D.—Exceptions.~~

- ~~1.— In all zones, at the intersection of an alley and a street or a driveway and a street, the minimum length of the two legs of the clear vision triangle defining the private property portion shall be 10 feet.~~
- ~~2.— In all Commercial Zones, except the CB Zone, at the intersection of an alley and a street or a driveway and a street the minimum length of each of the two legs shall be 15 feet.~~
- ~~3.— In the CB Zone, the clear vision area does not apply.~~

C. The following standards apply to clear vision areas:

1. The clear vision area is in the shape of a triangle and extends across the corner of private property to the face of curb at the street or alley as shown in Figure 3.1.500.A. The two legs of the clear vision triangle are each measured from the point of intersection of the two corner lot lines, special setback lines, or access easement lines. Where lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection. Measurements along a driveway are taken at the edge of pavement.

**Figure 3.1.500.A**



2. The following measurements define the clear vision areas:

**Table 3.1.500.B**

<u>Intersection at a Street and the following:</u>	<u>Minimum Distance of Triangle Side</u>
<u>Street</u>	<u>15 feet</u>
<u>Alley</u>	<u>10 feet</u>
<u>Driveway</u>	<u>10 feet</u>
<u>Railroad</u>	<u>15</u>

3. Unless exempted below, there must be no fence, wall, vehicular parking, sign, building, structure, or any other obstruction to vision within the clear vision area between the height of two feet and eight feet above the top of the curb. In cut sections, embankments must be graded to comply with these requirements. Shrubs or foliage must not exceed two feet in height. Existing trees must be limbed to a minimum of 8'-0" above the top of curb or 12'-0" above adjacent bike lanes. New trees are not permitted within the clear vision area.

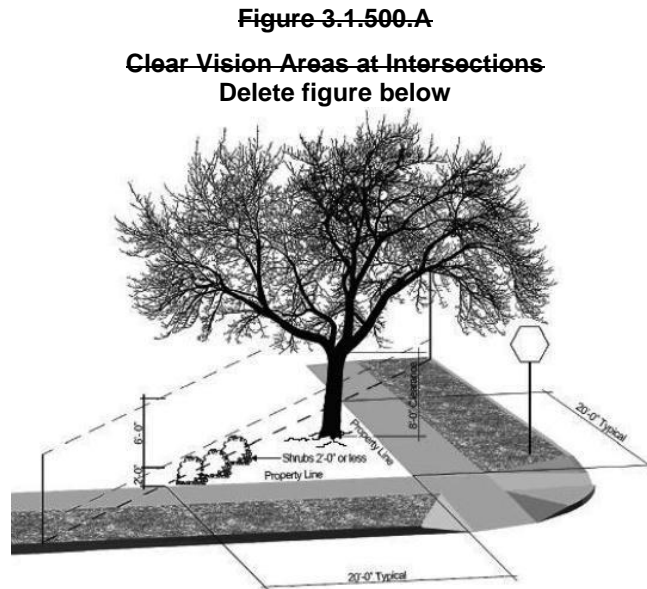
a. Exemptions.

- Street sign, post or pole (e.g., power, signal, or luminaire pole)
- Any private post or pole eight inches or less in diameter (width or length).

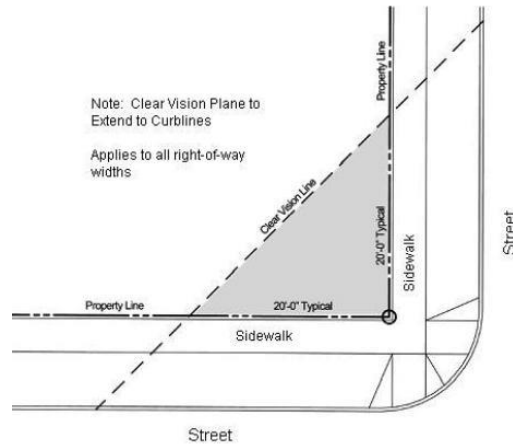
4. Driveway approaches and driveways are not permitted within the clear vision area. On-street parking is not permitted within 20 feet of an accessible ramp or within 10 feet of a driveway approach.

5. Additional clear vision areas may be required as directed by the City Engineer.

D. The City Engineer may modify the clear vision area requirements upon written request by the applicant if, in the City Engineer's determination, that the construction within this triangle will not adversely impact traffic or pedestrian safety. Reasons for the modification(s) are limited to special circumstances such as the existence of available right-of-way in excess of city standards, curb extensions, or unique traffic flow (one-way). ***(Put in an exception for curb tight sidewalks so that the City Engineer may allow measurements to be taken from back of sidewalk.)***



**Figure 3.1.500.B**  
**Clear Vision Areas at Intersections**  
**Delete figure below**



## Chapter 3.2

### LANDSCAPING, STREET TREES, FENCES AND WALLS

\*\*\*

#### 3.2.400 Street Trees.

This section sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. Street trees ~~shall~~ must be planted for all developments ~~that are~~ subject to BDC 4.2.500 Site Development Plan Review, BDC 3.6.200(H) Duplex and Triplex Development, and BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments for residential land divisions. ~~Requirements for street tree planting and tree wells are provided herein. Planting along unimproved streets shall be deferred until the construction of curbs and sidewalks. Such deferrals shall be secured with a bond or cash deposit acceptable to the City. Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed.~~ Street trees ~~shall~~ must conform to the following standards and guidelines: *(The requirement above implements a new Comprehensive Plan Policy 5-33 in Chapter 5, Housing, which states, "All new developments shall include trees in the road right of way, as practical, in the planter strip between the curb and sidewalk." Section 3.6.200.H already requires street trees so this is a cross reference).*

- A. City of Bend Approved Tree List. The City has developed a list of desirable trees for planting along streets in three size classes: low, medium and tall. ~~Choices of trees shall be~~ are limited to the following list. Exceptions may be granted by the Planning Director.

Street trees ~~shall~~ must be those species suitable for the location in which they are placed. Typically, trees with a hardiness rating for zones 1 through 5 will survive in Central Oregon as long as irrigation is provided.

Approved tree species include:

<b>1. Trees with Low Mature Tree Height (25 feet or less), for use in areas under power lines or in small planting areas <u>less than 4 feet in width</u>:</b>	
Amur Maple/Acer ginnala	Hawthorn/Crataegus ‘variety’
Canada Red Cherry/Prunus virginiana ‘Shubert’	Japanese Lilac Tree/Syringa reticulata
Eastern Redbud/Cercis canadensis	Serviceberry/Amelanchier
Flowering Crabapple/Malus ‘variety’ <u>(choose fruitless varieties)</u>	
<b>2. Trees with Medium Mature Tree Height (30 to 45 feet):</b>	
American Hornbeam/Carpinus caroliniana	Hedge Maple/Acer campestre
Callery Pear/Pyrus calleryana	Mountain Ash/Sorbus acuparia ‘variety’
<u>Hackberry/Celtis occidentalis ‘variety’</u>	
<b>3. Tall Mature Tree Height (50 feet or larger) <u>to be used along collector and arterial streets to create a canopy over the roadway</u>:</b>	
Green Ash/Fraxinus pennsylvanica	Pin Oak/Quercus palustris
Honey Locust/Gleditsia tricanthos ‘variety’	Red Maple/Acer rubrum ‘variety’
Littleleaf Linden/Tilia cordata	Red Oak/Quercus rubra
Norway Maple/Acer platanoides ‘variety’	Pin Oak/Quercus palustris
<del>Green Ash/Fraxinus pennsylvanica</del> <u>Green Beech/Fagus sylvatica</u>	
<b>4. Other Tree Species: <u>Multi-trunk and weeping varieties are not appropriate as street trees.</u> The Review Authority may approve other tree species as necessary to achieve the purposes of this code.</b>	
<b>5. Where the City has adopted a Street Tree Master Plan, those trees identified in the master plan <del>shall</del> <u>must</u> be used.</b>	

- B. Growth Characteristics. Trees ~~shall~~ must be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

\*\*\*

- C. Caliper Size. The minimum caliper size at planting ~~shall~~ must be two and one-half inches DBH (diameter at breast height, or measured at four feet above ground), ~~based on the American Association of Nurserymen Standards.~~ If the required caliper is not available as demonstrated by letters submitted by three different local nurseries, the Planning Director/Review Authority may accept ~~replacement trees with an extended maintenance guarantee of two additional years depending on substituted size~~ a smaller caliper tree no less than one and one half inches. ***(Developers are having a hard time finding 2.5" caliper trees.)***
- D. Spacing and Location. Street trees ~~shall~~ must be planted within existing and proposed planting strips, or in City-approved sidewalk tree wells on streets without planting strips. Where the landscape strip and/or sidewalk is not wide enough to accommodate street trees the Planning Director may allow the street trees to be planted within five feet from the back of the sidewalk. ~~Where practical, small stature trees shall~~ must be planted no closer to the curb or sidewalk than three feet, medium trees – three feet and large trees – four feet. Root barriers may be required with street tree planting to protect the City's curb and sidewalk. Street tree spacing ~~shall~~ must be based upon the type of tree(s) selected and the canopy size at maturity. Small canopy trees and columnar shaped trees ~~shall~~ must be planted no further than ~~30~~ 25 feet apart; medium and large canopy trees ~~shall~~ must be planted no further than ~~40~~ 35 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. A random spacing of street trees may be approved for the equivalent number of trees required for the length of the frontage. Street trees must be planted no closer than 35 feet from a stop sign.
- E. Sidewalk Tree Wells. Street trees planted within sidewalk tree wells ~~shall~~ must be installed with a City-approved tree grate.
- F. Soil Preparation, Planting and Care. The developer ~~shall be~~ is responsible for planting street trees, including, but not limited to, soil preparation, ground cover material, staking, and irrigation. The developer ~~shall~~ is also ~~be~~ responsible for tree care (pruning, watering, fertilization, and replacement as necessary) ~~during the first year~~ for a minimum of one full growing season after planting unless an extended maintenance time is required. ***(We need to make sure that an actively growing tree will winter over and return to a vigorous growing state. So if someone plants a tree in May 2017 the full growing season would be from May 2017 through the fall of 2018.)***



- G. Assurances. ~~The City shall require~~ If the street trees are not otherwise covered by a maintenance bond for public infrastructure, then the Planning Director may require the owner/developer to provide a performance and maintenance bond in an amount equal to 120 percent of the actual cost to purchase, plant and maintain for a minimum of one full growing season, to ensure the planting of the tree(s) and care during the first year after planting.
- H. Utility Easements. All street trees ~~shall~~ must be placed outside utility easements unless the utilities can be placed in a conduit for maintenance. If the existing parking/planter strip contains such easements and is not wide enough to also accommodate street trees, the street tree location requirement in subsection (D) of this section may be adjusted as approved by the Planning Director.

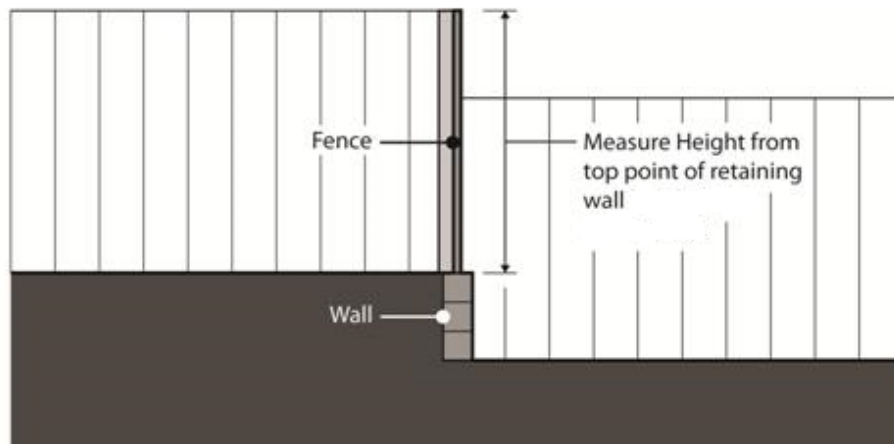
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### **3.2.500 Fences and Retaining Walls.**

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

- A. The City may require installation of fences and retaining walls as a condition of development approval.
- B. All fences and retaining walls, regardless of district or location, shall comply with the following requirements:
1. The allowable height ~~shall~~ must be measured from the lowest grade at the base of the fence or retaining wall unless stated otherwise. Posts, trellises, lattice and any other material placed on top of the fence is considered to be part of the fence when measuring the overall height. As illustrated in Figure 3.2.500.A, when a fence is placed atop a retaining wall, the height of the fence is determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.

**Figure 3.2.500.A**



2. Fences to be built as required buffers shall comply with BDC 3.2.300.
3. Fences and retaining walls shall comply with the clear vision area standards of BDC 3.1.500.
4. Retaining walls ~~that are over four feet in height measured from the bottom of the footing to the top of the wall, or if under four feet in height and support a surcharge,~~ may require a building permit and/or approved engineered plans.
5. Fences over seven feet in height require a building permit and/or approved engineered plans.
6. Fences and retaining walls may be placed on property lines. ***(Relocated from residential setback section)***

#### C. Fences.

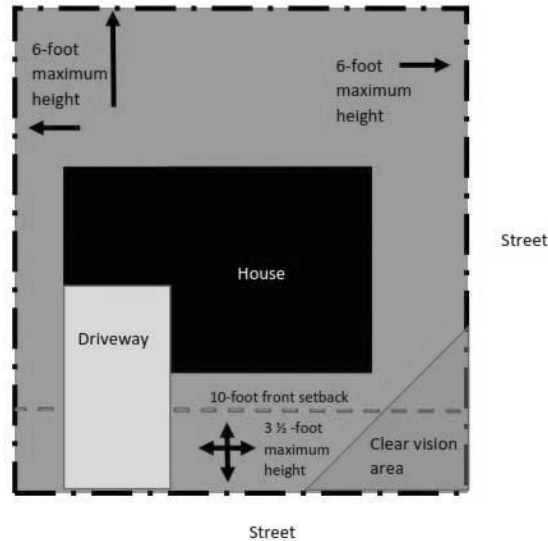
##### 1. Residential Districts.

- a. ~~In Residential Districts fences shall not exceed six feet in height. Fences located in the front setback area between the front of the house and the adjacent street shall~~ must not exceed three and one-half feet in height, except decorative arbors, gates, and similar features which ~~shall~~ must not exceed six feet in length. ***(Remove reference to "house" since this section applies to all uses in the residential districts, not just a house.)***
- b. On corner lots as illustrated in Figure 3.2.500.B, only one front setback area restriction ~~shall apply~~ applies relative to the three and one-half feet fence height restriction. The fence along the nonfront

~~area designated side area shall must~~ not exceed six feet in height from the area subject to the front setback to the rear property line.

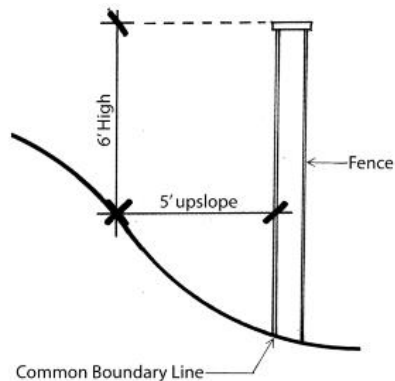
~~Fences shall be comprised of wood, vinyl, metal, masonry or other material that is able to be painted and/or maintained in structurally sound condition.~~

**Figure 1 3.2.500.B Fence Example**



- c. ~~In Residential Districts, fences shall must~~ not exceed six feet in height in the side and rear setbacks. If there is a grade difference between two sites which would make a six foot high fence inadequate to provide for privacy, such fence must be no higher than six feet above the highest grade within five feet of the common boundary line, as illustrated in Figure 3.2.500.C.

**Figure 3.2.500.C**



d. Barbed wire and razor wire fencing is prohibited.

2. ~~D.~~ In all other districts fences shall not exceed eight feet in height.

3. ~~E.~~ The following fences ~~shall~~ are ~~be~~ exempt from these standards, except for the requirement to comply with the clear vision area standards in BDC 3.1.500 and any applicable building code requirements:

a. Any security fencing around a public or quasi-public utility facility.

b. Fences related to a park or approved recreational facility or a school athletic use including (but not necessarily limited to) tennis courts, driving ranges and ball fields.

c. Any fence exempted under subsection ~~(E)(1)~~ (C)(3)(a) and ~~(b)(2)~~ of this subsection that is in excess of 20 feet in height requires a Conditional Use Permit.

D. ~~F.~~ Retaining Walls.

1. The maximum allowable height of retaining walls is six feet, ~~as measured from the lowest grade at the base of the retaining wall,~~ with the following exceptions:

a. Retaining walls and terraced walls may exceed six feet when permitted as part of a Site Plan Review or land division approval.

### Chapter 3.3

#### VEHICLE PARKING, LOADING AND BICYCLE PARKING

\*\*\*

##### 3.3.300 Vehicle Parking Standards for On-Site Requirements.

\*\*\*

Table 3.3.300

#### Required Off-Street Vehicle Parking Spaces Vehicle parking

Use	Minimum Requirement
Short-term rentals	<del>1 space per bedroom</del> See BDC 3.6.500(H)

\*\*\*

#### B. Credit for On-Street Parking.

1. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 50 percent of the requirement, except as specified in subsections (B)(1)(a) and (b) of this section.
  - a. Uses within the CB Zone shall not receive credit for on-street parking, but have the option to pay a fee in lieu of providing off-street parking per BDC 3.3.200.
  - b. For uses within the MU and MN Zones and in the Bend Central District, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.

\*\*\*

### Chapter 3.4

#### PUBLIC IMPROVEMENT STANDARDS

- 3.4.100 Purpose and Authority.
- 3.4.150 Waiver and Modification of Public Improvement Standards.
- 3.4.200 Transportation Improvement Standards.
- 3.4.300 Public Use Areas.
- 3.4.400 Sanitary Sewer and Water Service Improvements.
- 3.4.500 Storm Drainage Improvements.
- 3.4.600 Utilities.
- 3.4.700 Easements.
- 3.4.800 Construction Plan Approval and Assurances.
- 3.4.900 Installation.

\*\*\*

#### 3.4.200 Transportation Improvement Standards.

\*\*\*

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths defined in Street Improvement Standards Tables A through E. Additional right-of-way may be required at intersections to accommodate intersection widening and roundabouts.

\*\*\*

3. Exceptions to Minimum Rights-of-Way Standards.

- a. Where opposite sides of the street are designated on the Bend Comprehensive Plan with different land use zones, the zone with the greater requirement for right-of-way dedication and pavement width will govern both sides of the street.

**Table A: Improvement Standards for Dedicated Public Roadways in Residential Zones**

**(UAR, RL, RS, RM-10, RM and RH)**

<b>Street Classification</b>	<b>Minimum Right-of-Way</b>	<b>Minimum Pavement Width</b>	<b>Planter Strips</b>	<b>Max. Grade (3)</b>	<b>Sidewalks Both Sides</b>	<b>Bike Lanes</b>	<b>Curbs</b>
Principal Arterial (2)	100'	76'	5'	6%	Yes	Yes	Yes
Major Arterial	100'	76'	5'	6%	Yes	Yes	Yes
Minor Arterial	100'	56'	5'	6%	Yes	Yes	Yes
Major Collector	80'	56'	5'	8%	6'	Yes	Yes
Local Street RM or RH	60'	36'	5'	10%	6'	No	Yes
Local Street (1) UAR, RL, RS, RM-10	60'	24'/28'/32'	5'	10%	5'	No	Yes
Cul-de-sac all Residential Zones	60'	24'	5'	10%	5'	No	Yes
Alley	20'	20'	No	10%	None	No	No

Requirements:

1. Local Streets:

\*\*\*

b. 28-foot-wide street – Parking allowed on one side in alternating parking bays (parking bays shall alternate from side to side of the street to provide parking from both directions, and shall be eight feet wide and meet City of Bend Standards and Specifications).

\*\*\*

**Table E: Improvement Standards for Dedicated Public Roadways on Hillsides**

<b>Street Classification</b>	<b>Minimum Right-of-Way</b>	<b>Minimum Pavement Width</b>	<b>Max. Grade</b>	<b>Sidewalks Both Sides Curb Tight</b>	<b>Bike Lanes</b>	<b>Curbs</b>
Minor Arterial (All Zones)	100'	36'	8%	6'	Yes	Yes
Major Collector (All Zones)	80'	36'	8%	6'	Yes	Yes
Local: RM or RH Parking Both Sides	60'	36'	10%	6'	No	Yes
Local: RS	60'	24'/28'/32' (3)	10%	5'	No	Yes
Local Cul-De-Sac	60'	24'/28'/32' (3)	10%	5'	No	Yes
Alley	20'	20'	10%	None	No	No

Requirements:

1. Hillside street standards apply to those portions of streets constructed on existing slopes exceeding 15 percent.
2. Planter strips are not required on those portions of the street that qualify for hillside standards.
3. Local Streets:

\*\*\*

b. 28-foot-wide street – Parking allowed on one side ~~in alternating parking bays (Parking bays shall alternate from side to side of the street to provide parking from both directions, and shall be eight feet wide and meet City of Bend Standards and Specifications).~~

\*\*\*

J. Special Setbacks.

1. Purpose. The purpose of this subsection is to ensure that adequate rights-of-way will be available for the appropriate street improvements as the City grows and that there will be no conflicts with the built environment.
2. Applicability. The special setback standards shall be applied to any lot or parcel that abuts a public right-of-way.

Exception. The special setback standards do not apply to intersections or streets that are already constructed consistent with the Bend Urban Area Transportation System Plan (TSP) including streets identified by the TSP as “not being authorized for lane expansion”.

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L. Sidewalks, Planter Strips, Curbs, Bicycle Lanes. Sidewalks, planter strips, curbs and bicycle lanes ~~shall~~must be installed in conformance with the applicable provisions of the Bend Urban Area Transportation System Plan, the Bend Comprehensive Plan, City of Bend Standards and Specifications and the following standards:

1. The planter strip distance is measured from the face of the curb to the inside edge of the sidewalk.
2. Sidewalks ~~shall~~must be separated from the street by a planter strip and placed at the property line, where practicable, or as otherwise directed by the City Engineer.
3. In areas with high pedestrian volumes, the City Engineer may approve a minimum 10-foot-wide sidewalk, curb tight, with street trees in tree wells and/or landscape planters.
4. Bicycle lanes ~~shall~~must be constructed on all collector and arterial streets unless otherwise designated.
5. Planter strips are not required on T-courts.



6. Where practical, sidewalks ~~shall~~must be allowed to meander around existing trees in conformance with the requirements of the Americans with Disabilities Act.
7. All public and private streets ~~shall~~must have sidewalks and curbs unless the City Engineer approves a request for a payment in lieu of installing a sidewalk subject to BDC 3.4.160 Payment in Lieu of Sidewalk Construction.

## Chapter 3.6

### SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

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#### 3.6.200 Residential Uses.

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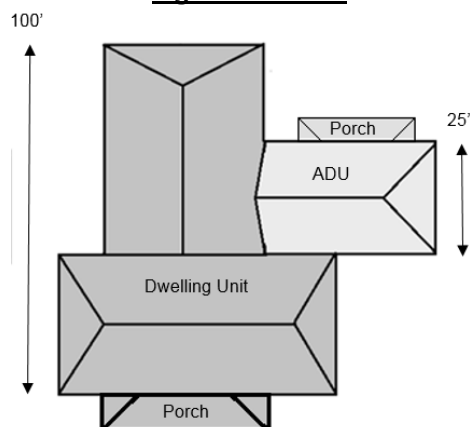
- B. **Accessory Dwelling Unit (ADU).** An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-family dwelling unit as the primary use. The ADU may be attached, detached, or within a portion of an existing dwelling unit. The maximum density standards do not apply 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 adjacent land uses. ADUs must comply with the following standards in addition to the standards of the applicable zoning district:
1. ~~Permitted Accessory Dwelling Unit (ADU).~~ An ADU may only be permitted on a lots or parcels with a single-family detached dwelling, or a single-family attached townhome, or a manufactured home.
  2. ~~Number of Unit~~ADUs. A maximum of one ADU is allowed per lot or parcel.
  3. ADU Size.
    - a. An ADU on a property that is 6,000 square feet or less ~~shall~~ must not exceed 600 square feet of floor area.
    - b. An ADU on a property that is greater than 6,000 square feet ~~shall~~ must not exceed 800 square feet of floor area.
    - 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 twice. ***(Added by City Council on February 7, 2018.)***

d. Exception to ADU size.

- i. Accessory structures attached to an ADU (e.g., garages and storage areas) do not count towards the maximum floor area if they are not accessible from the interior of the ADU. ***(Require storage areas that have an interior access from the ADU to count towards square footage maximums)***.
4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, ~~shall~~ must not exceed ~~0.55~~ 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. ***(Recognizes existing structures prior to ADU code update in 2016)***
5. Building Height. ~~The building height of a detached ADU must not exceed 25 feet, or the building height of the primary dwelling unit, whichever is less. A detached ADU must not exceed 25 feet in height. In order to consider the ADU to be attached to the primary dwelling unit, it must be attached by one of the following options as illustrated in Figure 3.6.200.B. The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks or stoops.~~
  - a. The ADU must share a common wall for at least 25 percent of the length of the primary dwelling unit; or
  - b. The entire length of one elevation of the ADU must be attached to the primary dwelling unit.

**Figure 3.6.200.B**



Exemption to building height. The building height does not apply when the ADU is proposed to be located in a structure legally constructed prior to April 1, 2016. **(Recognizes existing structures prior to ADU code update in 2016)**

6. Parking. One parking space must be provided on site for the ADU in addition to the parking required for the primary dwelling unit. Required parking spaces for the ADU and primary dwelling unit may be provided in tandem on a driveway. ~~A tandem arrangement consists of one car behind the other.~~ **(Added definition for tandem.)**
7. Design Standards. A second story ADU over 600 square feet, abutting a SR 2 1/2, RL or RS property with a residential development, must comply with the following:
  - a. Exterior doorways and outdoor living spaces (e.g., balconies or decks) on the second story and exterior staircases ~~must be set back a minimum of 10 feet from an~~ not be located in a side or rear yard abutting a SR 2 1/2, RL or RS property with a residential development unless they are set back a minimum of 10 feet from the side or rear property line, or they must be oriented towards the interior of the property or an abutting alley. **(Proposed revision is easier to understand and clarifies that this requirement is not applicable if located next to a non-residential use).**
8. Detached ADUs. A detached ADU must be a minimum of six feet apart from the primary single-family dwelling unit as measured between their building footprints, unless exempted below.
  - a. Exemption. Does not apply when the primary single-family dwelling unit was legally constructed prior to April 1, 2016 and the ADU is proposed to be located in a detached structure legally constructed prior to April 1, 2016. **(Recognizes existing structures prior to ADU code update in 2016)**
9. Process. ADUs are subject to BDC 4.2.400, Minimum Development Standards Review.

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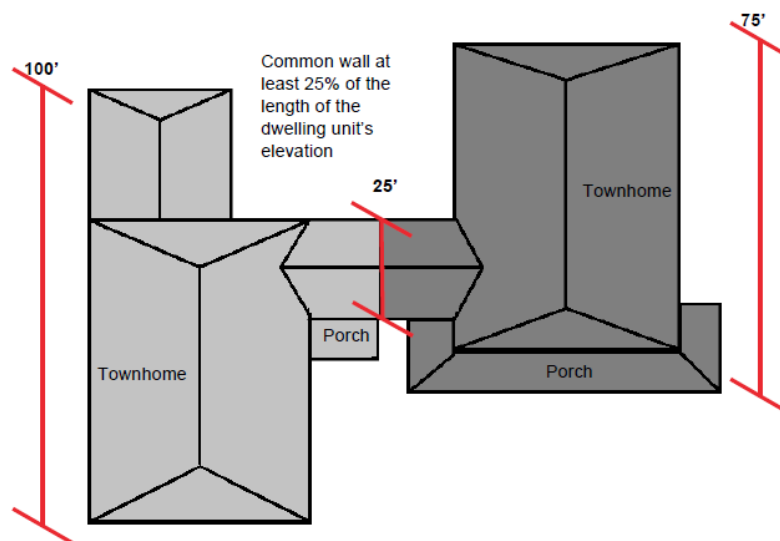
**D. Single-Family Attached Townhomes.** Single-family attached housing (townhome units on individual lots) ~~shall~~ must comply with the standards in subsections (D)(1) through (4) of this section. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Building Mass Supplemental Standard. Within the RS and RM-10 Districts, the number and width of consecutively attached townhomes (i.e., with attached walls at property line) ~~shall~~ must not exceed four

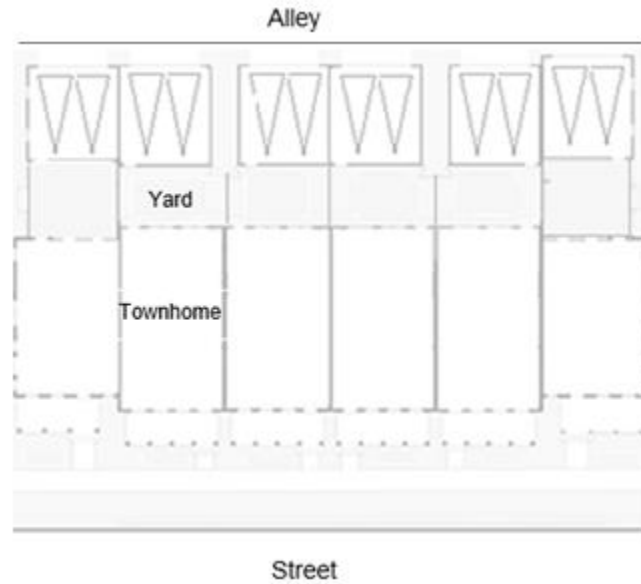
units. Within the RM and RH Districts the number and width of consecutively attached townhome units shall ~~are~~ not be restricted. For purpose of this section, a single-family attached townhome means a dwelling unit, located on its own lot, sharing one or more common walls with one or more dwelling units. As shown in Figure 3.6.200.D.1 the common wall must be fully enclosed and shared for at least 25 percent of the length of each dwelling unit's enclosed elevation, not including uncovered or open, covered porches, patios, decks or stoops. The common wall may be any wall of the dwelling unit, including the wall of an attached garage. As shown on Figure 3.6.200.D.2, attached single-family townhomes may have detached garages or ADUs that share a common wall between the two lots or parcels.

**Figure 3.6.200.D.1**

**Add figures below**



**Figure 3.6.200.D.2**



2. Alley Access Developments. Townhome developments and subdivisions (four or more lots) ~~shall~~ must receive vehicle access only from a rear alley, except when existing development patterns or topography make construction of an alley impractical (see subsection (D)(3) of this section for standards for street access developments). Alley(s) ~~shall~~ must be created at the time of subdivision approval, in accordance with BDC Chapters 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.4, Public Improvement Standards, and 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments. As necessary, ~~the City shall require~~ dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) is required to implement the standards in BDC 3.1.300, Multi-Modal Access and Circulation.
3. Street Access Developments. Townhomes receiving access directly from a public or private street ~~shall~~ must comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.
  - ~~a. When garages or carports face the street, the garage or opening shall set back a minimum of 20 feet from the property line fronting the street. (This is repetitive of setback requirements in BDC 2.1.300 Building Setbacks.)~~
  - ~~a-b.~~ The maximum allowable apron and driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit facing the street is 50 percent of the total building width.

~~b.-c.~~ Two adjacent garages ~~shall~~ must share one driveway when individual driveways would otherwise be separated by less than 20 feet (~~i.e., the width of one on-street parking space~~). When a driveway serves more than one lot, the developer ~~shall~~ must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

4. Areas Owned in Common. Common Areas ~~shall~~ must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions ~~shall~~ must be recorded and provided to the City prior to issuance of a building permit.

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

\*\*\*

6. Each unit ~~shall~~ must provide a minimum of 60 square feet of enclosed storage area with a minimum interior height of seven feet for outdoor equipment, lawn chairs, barbecues, bicycles, etc. The storage area may be located in a garage provided that it does not interfere with required vehicle parking (9X20 feet). Storage ~~shall~~ must not be located within the setbacks.

\*\*\*

- M. ~~Timeshare Units. The purpose of this section is to establish standards for timeshare units in the applicable zoning districts in this code. (~~***The City does not regulate property ownership such as timeshare units.***~~)~~

- ~~1. Density. The density for a timeshare development shall be within the density range of the underlying zoning.~~
- ~~2. Landscaping. Timeshare operations are commercial in nature and shall be permanently landscaped and maintained, respecting the character of a residential area. In addition, the following requirements shall be met:~~

- a. ~~If outdoor recreation facilities are provided as part of the timeshare development, the outdoor facilities shall be screened for both sound and visual impacts.~~
  - b. ~~All vehicle parking, maintenance facilities and trash receptacles shall be screened from view by adjoining residential properties.~~
  - c. ~~On-site lighting needs shall be residential in character and shall comply with the provisions of BDC 3.5.200, Outdoor Lighting Standards.~~
3. ~~Unit Use. No structure shall be utilized for timeshare unless all the units in that structure are used for that purpose.~~
4. ~~The Hearings Body may require bond(s) to assure installation and maintenance of landscaping, parking and facilities required for buffering. It may also require that an adequate mechanism will exist, such as an owners association, which will assure maintenance of the buffer.~~

***(Relocated accessory uses and structures from BDC 3.6.300.D to this section since it applies to residential uses. Proposed revisions add additional restrictions, height and size requirements, and FAR.)***

**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, green houses and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see BDC 3.6.200(B). Accessory structures must comply with all of the following standards in addition to the standards of the applicable zoning district:

1. Primary Use Required. An accessory structure or use may only be permitted on a lot or parcel after the primary use is established. The accessory use must be a permitted use in the zoning district.
2. Restrictions.
  - a. A half bathroom and/or a wet bar may not be installed within an accessory structure unless the property owner signs a City of Bend compliance form stating that the structure will not be used as a dwelling unit.
  - b. A kitchen is not allowed.
  - c. A full bathroom is not allowed.

3. Floor Area. The maximum floor area of an accessory structure in a Residential Zoning District must not exceed 1,500 square feet. *(Previous version states, "The maximum floor area of the accessory structure in a Residential Zoning District shall not exceed 1,500 square feet or 65 percent of the total floor area of the primary structure, whichever is less". The proposed text still includes the maximum size limit. To control the massing the text below proposes a new FAR requirement. This is consistent with the FAR requirement for ADUs.)*

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.

5. Building Height. The building height of a detached accessory structure must not exceed 25 feet. In order to consider the accessory structure to be attached to the primary dwelling unit, it must be attached by one of the following options and there must be an opening that allows for internal access through livable space to the primary portion of the dwelling unit:

a. The accessory structure must share a common wall for at least 25 percent of the length of the primary dwelling unit; or

b. The entire length of one elevation of the accessory structure must be attached to the primary dwelling unit.

The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks or stoops.

~~**N.—Home Occupations.** 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 residence. There are two types of home occupation uses.~~

~~1.—Type I. Is subject to the Type I procedures outlined in BDC Chapter 4.1, Development Review and Procedures. A Type I home occupation is intended to have minimal impact to the existing neighborhood and shall meet the following operational criteria:~~

~~a.—The primary use of the property is residential.~~



~~b. Only one nonresident employee and the residents of the home shall participate in the home occupation.~~

~~c. The home occupation shall be restricted to lawfully built, enclosed structures not to exceed 25 percent of the total floor area per residential unit and be conducted in such a manner as not to give an outward appearance of a business.~~

~~d. The home occupation shall not result in any alterations or additions to a structure that will change its primary use or building code occupancy classification.~~

~~e. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.~~

~~f. There shall be no deliveries other than those normally associated with a single dwelling unit. Commercial vehicle deliveries shall not be made during the hours of 6:00 p.m. to 7:00 a.m.~~

~~**Normal deliveries** means that the home occupation shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. These deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 7:00 a.m. and 6:00 p.m.~~

~~g. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8:00 a.m. to 6:00 p.m. Monday through Friday.~~

~~2. Type II. A Type II home occupation exceeds the standards for a Type I home occupation and is subject to a Conditional Use Permit as described in BDC Chapter 4.4, Conditional Use Permits. In addition to the Type I requirements, a Type II home occupation shall also meet the following operational criteria:~~

~~a. The primary use of the property is residential.~~

~~b. In addition to the residents of the home, up to three nonresident employees may participate in the home occupation.~~

~~c. The home occupation site can accommodate parking for the total number of employees and customers on site.~~

~~d. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.~~

~~e. No outdoor storage or display is allowed.~~

~~f. There shall be no deliveries other than those normally associated with a single-family dwelling. Commercial vehicle deliveries shall not be made during the hours of 6:00 p.m. to 7:00 a.m.~~

~~g. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8:00 a.m. to 6:00 p.m. Monday through Friday.~~

### ~~3. Prohibited Home Occupation Uses.~~

~~a. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, State or Federal standards, or that can be detected beyond the property line, is prohibited.~~

~~b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed.~~

~~c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:~~

~~i. Ambulance service;~~

~~ii. Animal hospital, veterinary services, kennels or animal boarding;~~

~~iii. Auto and other vehicle repair, including auto painting;~~

~~iv. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on site.~~

~~d. Marijuana businesses.~~

~~4. Enforcement. The Planning Official or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during~~

~~normal business hours, and with reasonable notice. Code violations shall be processed in accordance with BDC Chapter 1.3, Enforcement.~~

**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 Section 3.6.200(N)(1)(d).
- 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 primary use or Building Code occupancy classification.
- f. A maximum of two personal motor vehicles and/or trailers owned or leased by the residents and used in conjunction with a home business may be parked outdoors. Any additional motor vehicles and/or trailers utilized for a home business must be parked inside a lawfully built, enclosed structure. The motor vehicles must not exceed 14,000 pounds GVW. No commercial motor vehicle as defined in ORS 801.208 is permitted as part of a home business.
- g. One non-illuminated wall or window sign limited to two square feet in area and located on or below the first story at a maximum height of 14 feet is permitted. No other building or freestanding signs as exempted in BC 9.50.050 are permitted.
- h. The home business must not involve any use prohibited under 3.6.200(N)(6).
- i. The home business must not produce radio or TV interference, glare, dust, vibration, smoke or odor beyond allowable levels as determined by local, State or Federal standards or that can be detected beyond the property line.

- j. The home business must comply with the daytime and nighttime noise levels set by the Bend Code 5.50.020, as measured at the property line.
- 2. **Class A Home Business.** A Class A home business is one where the residents use their home as a place of work and no nonresident employees nor clients/customers come to the site. Class A home businesses also provide an opportunity for the residents to use their home as a business address but not as a place of work, for professions where the work is performed on-line or done at other locations.
  - a. Review Procedure. Class A home businesses are considered permitted accessory uses. No land use approval is required.
  - b. A Class A home business is intended to have no or negligible impact to the existing neighborhood and must meet the general standards of 3.6.200(N)(1) above and the following standards:
    - i. Only the residents of the dwelling unit participate in the home business on site.
    - ii. No nonresident employees nor clients/customers come to the home business site.
    - iii. There are no restriction on business hours.
    - iv. There is no outward indication of business activity.
    - v. No more than 25% of the dwelling unit, including the floor area of garages, accessory structures and an ADU, may be utilized for all home business uses.
- 3. **Class B Home Business.** A Class B home business is one where the residents use their home as a place of work and involves a limited number of nonresident employees and/or clients or customers coming to the site.
  - a. Review Procedure. A Class B home business is subject to the Type I procedures outlined in BDC Chapter 4.1, Development Review and Procedures.
  - b. A Class B home business is intended to have minimal impact to the existing neighborhood and must meet the general standards of 3.6.200(N)(1) above and the following standards:
    - i. Only the residents of the home and one nonresident employee can participate in the home business. Off-site employees are permitted.
    - ii. Clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.
    - iii. The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.
    - iv. No more than 25% of the dwelling unit, including the floor area of garages, accessory structures and an ADU, may be utilized for all home business uses.

- v. A Class B home business is not permitted on a site with a Type II short-term rental.
- 4. **Class C Home Business.** A Class C home business is one where the residents use their home as a place of work and the scope of the business activities exceeds the standards for a Class B home business.
  - a. Review Procedure. A Class C home business is subject to the Type II procedures outlined in BDC Chapter 4.1, Development Review and Procedures.
  - b. A Class C home business is intended to have minimal impact to the existing neighborhood and must meet the general operational standards of 3.6.200(N)(1) above and the following standards:
    - i. Only the residents of the home and up to three nonresident employees can participate in the home business. Off-site employees are permitted.
    - ii. Clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.
    - iii. The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.
  - iv. A Class C home business is not permitted on a site with a Type II short-term rental.
- 5. **Exemptions.** Garage, yard, or estate sales not to exceed three consecutive days three times per calendar year.
- 6. **Prohibited Uses.** The following uses are prohibited as home businesses:
  - a. Any business utilizing the residence as a headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
  - b. On-site retail sales, except that the sale of items that are incidental to a permitted Class B or C home business are allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by art or craft instructors, computer software by computer consultants, and similar incidental items for sale by a home business are allowed.
  - c. Ambulance service.
  - d. Animal hospital, veterinary services, kennels or daytime or overnight animal boarding.
  - e. Any business involving repair, reconditioning, after-market modification or customization, sales or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on site.
  - f. Marijuana businesses.
- 7. **Enforcement.** The Planning Director or designee may visit and inspect the site of a home business in accordance with this chapter periodically to ensure compliance with all applicable regulations, during

normal business hours, and with reasonable notice. Code violations will be processed in accordance with BDC Chapter 1.3, Enforcement.

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### **3.6.300 Nonresidential Uses.**

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*(Moved to 3.6.200.M. above since it pertains to residential uses. Revisions are proposed.)*

~~D. Accessory Uses and Structures. Accessory uses and structures are those of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, green houses and similar structures not intended for habitation by people. (This section does not apply to accessory dwellings. For standards applicable to accessory dwellings see BDC 3.6.200(B).) Accessory uses and structures are allowed subject to Site Development Review for all permitted land uses within the Commercial and Industrial Districts except the CB Zone and are permitted outright in conformance with the provisions of BDC Chapter 2.1. All accessory structures shall obtain a building permit if required and comply with all of the following development standards:~~

- ~~1. Primary Use Required. An accessory structure or use shall not be allowed on a lot before an allowed primary use is established.~~
- ~~2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No accessory use or structure shall encroach into the public right-of-way without an approved revocable permit.~~
- ~~3. Compliance with Land Division Standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.~~
- ~~4. Floor Area. The maximum floor area of the accessory structure in a Residential Zoning District shall not exceed 1,500 square feet or 65 percent of the total floor area of the primary structure, whichever is less.~~
- ~~5. Building Height. The building height of a detached accessory structure in a Residential Zoning District on a lot or parcel at least 15,000 square feet in area shall not exceed 25 feet. The building height of a detached accessory structure in a Residential Zoning District on a lot or parcel less than 15,000 square~~

~~feet in area shall not exceed 25 feet or the height of the primary structure, whichever is less, unless approved as a Conditional Use Permit.~~

~~6. Setback Standards. Accessory structures shall comply with the setback standards of the underlying zone.~~

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#### J. Neighborhood Commercial Uses.

1. Neighborhood commercial uses within the Residential Districts are intended to provide for the location of small businesses and services in a residential section of the City for the convenience of nearby residents; also to recognize existing uses of this type within the City. Neighborhood commercial uses are designed to provide land for small-scale commercial uses that are compatible with adjacent residential development. All neighborhood commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between neighborhood commercial and residential uses.
2. ~~Uses Not Permitted. Automobile-oriented and automobile-dependent uses and marijuana businesses are expressly prohibited.~~

a. Permitted Uses. Neighborhood Commercial uses listed in BDC Table 2.1.200, Permitted and Conditional Uses.

b. Prohibited Uses. Automobile-oriented and automobile-dependent uses and marijuana businesses.

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#### 3.6.400 Temporary Uses.

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- D. Temporary Building. A temporary building such as a trailer, cargo container, or prefabricated building may be used as a temporary commercial or industrial office or space associated with the primary use on a property. Temporary buildings are subject to temporary use permit review and must meet all of the following standards:
  1. The site is developed with a primary use or the primary use is under construction.
  2. The temporary ~~trailer or building shall~~ must be located within the boundaries of the property on which the primary use is located (temporary buildings used during construction of the primary use may be located off site, but must be a reasonable distance from the primary use).

3. Ingress and egress meet the applicable requirements of BDC Chapter 3.1.
4. There is adequate parking for the temporary and primary uses as required by BDC Chapter 3.3.
5. The temporary building complies with applicable building codes.
6. The use can be adequately served by sewer or septic system and water, if applicable.
7. All locational standards for structures in the applicable zoning district are met (e.g., setbacks, height and lot coverage).
8. The length of time that the temporary building will be used ~~shall~~ must not exceed 12 months. When a temporary permit expires, the applicant or owner ~~shall~~ must remove the temporary building from the site.
9. ~~Trailers~~ Temporary buildings used for construction purposes are allowed on a site ~~when a building is under construction~~ and do not need a temporary use permit; however, they must be removed 30 days after the final inspection is complete.

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### **3.6.500 Short-Term Rentals.**

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C. Review Type. Short-term rentals are permitted subject to the following permit processes, provided all other requirements of this section are met:

1. Other than as provided in subsection (C)(2) of this section, short-term rentals within commercial zoning districts (CL, CG, CC, CB, CN), the Mixed Employment Zone (ME), the Mixed-Use Urban Zone (MU), the Mixed-Use Neighborhood Zone (MN), and the Mixed-Use Riverfront Zone (MR) within the Old Mill District boundary (noted as Type I in Figure 3.6.500.C) ~~shall be~~ are:
  - a. Processed as a Type I application.
  - b. ~~These STRs shall be e~~Exempt from the concentration limits in subsection (E) of this section.

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3. Infrequent ~~S~~short-term rentals that are available for rent fewer than 30 days total per calendar year ~~shall be~~ are:
  - a. Processed as a Type I application.
  - b. Exempt from the concentration limits for short-term rentals in subsection (E) of this section.



- c. Limited to no more than four rental periods per calendar year.

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5. Owner-occupied short-term rentals ~~shall be~~ are:

- a. Processed as a Type I application.
- b. Exempt from the concentration limits for short-term rentals in subsection (E) of this section.
- c. ~~Unless otherwise specified, all other standards within this section for short-term rentals shall apply to owner-occupied short-term rentals.~~ **(Relocated to “e” below)**
- c. Limited to renting up to two rooms to overnight guests for a period fewer than 30 consecutive days.  
The owner must occupy the dwelling unit during the overnight rental period. Only part of the dwelling unit is used for rental purposes. The room(s) for rent cannot include rooms within a detached or attached accessory dwelling unit or accessory structure where there is no internal access to the dwelling unit. ***(This is the definition for owner-occupied short-term rental in BDC 1.2, Definitions. The definition includes standards that belong in this section. Also clarified that the rooms for rent cannot be in an ADU or accessory structure unless there is internal access to the dwelling unit.)***
- d. Not permitted to have a kitchen or a wet bar in the room for rent.
- e. Subject to all other standards within this section for short-term rentals unless otherwise specified.

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- E. Concentration Limits. There ~~shall~~ must be at least 250 feet of separation between properties zoned SR2-1/2, RL, RS, RM, RH<sub>1</sub> and MR outside of the Old Mill District boundary (noted as Type II in Figure 3.6.500.C), ~~with a permitted short-term rental~~ measured radially from the property boundary of the subject property as determined by the City of Bend Development Services Director or designee, which have a valid short term rental permit.

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- G. Occupancy. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons. For

owner-occupied short-term rentals, the occupancy shall be two persons per rented bedroom, in addition to the long term residents of the dwelling.

H. Parking. ~~One parking space per bedroom is required,~~ the following parking standards are required, in accordance with BDC Chapter 3.3:

1. The parking requirement for STRs is one space per bedroom. In the case of an owner-occupied STR, the parking requirement is either one space per bedroom or two spaces for the owners occupying the dwelling unit plus one space per approved STR bedroom, whichever is less.
2. Each on-site parking space is required to be a minimum of 20 feet deep by 9 feet wide. Parking spaces may be in a garage or in an otherwise approved parking space on the property, such as a driveway, provided the parking dimension for the spaces are met. New parking spaces are required to be paved and cannot be gravel. The entirety of the parking space must be accommodated on-site such that the space does not cross over the property line. Tandem parking is allowed.
3. ~~4-~~ If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage ~~shall must be~~ submitted to show the garage is available for parking. The garage ~~shall must~~ continually be available for guest parking as long as the STR permit is valid.
4. Where on-street parking abutting the site is allowed, up to 50 percent of the required parking may be met with approved on-street parking spaces in accordance with BDC 3.3.300.B.

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## **Chapter 4.1**

### **DEVELOPMENT REVIEW AND PROCEDURES**

#### **4.1.1325 Modification of Approval.**

- A. An approval may be modified at any time after a decision becomes final.
- B. Modification Review Procedures.
  1. A modification that does not have significant additional impacts on surrounding properties must be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.

2. A modification that has significant additional impacts on surrounding properties must be reviewed under all criteria applicable to the entire approval and may, at the discretion of the City, require the filing of a new application.
  3. A modification must not be considered to have significant additional impacts on surrounding properties if the identified impacts could be addressed under the applicable provisions of this code at the time of future development (e.g., a future site plan review or conditional use permit application).
  4. A modification that is a new proposal must be filed as a new application.
- C. An application for a modification of a Type I approval must be processed as a Type I application. All other modifications must be processed as a Type II application unless elevated to a Type III process by the Development Services Director.
- D. The original approval time limitation is governed by BDC 4.1.1310.
- E. Modifications of development approvals must meet the approval criteria required in ~~this section~~ subsection (B) of this section in the appropriate corresponding section of this code (e.g., modification of a site plan review approval is subject to BDC Chapter 4.2; modification of a conditional use permit is subject to BDC Chapter 4.4, modification of a master plan ~~or PUD~~ or special planned district is subject to the applicable sections in BDC Chapter 4.5). For modifications of a master plan, PUD or special planned district approved under land use regulations in place prior to April 14, 2017; see BDC 4.1.1325 (F).
- F. Modifications of a master plan, PUD or special planned district approved under land use regulations in place prior to April 14, 2017 must meet the approval criteria required in subsection (B) of this section in one of the following sections in BDC Chapter 4.5, Master Planning and Development Alternatives:
1. The modification of a master plan, PUD or special planned district that is primarily for residential uses is subject to the applicable approval criteria in BDC Chapter 4.5.200(D).
  2. The modification of a master plan, PUD or special planned district that is primarily for institutional uses is subject to the applicable approval criteria in BDC Chapter 4.5.300(E).
  3. The modification of a master plan, PUD or special planned district that is primarily for employment uses is subject to the applicable approval criteria in BDC Chapter 4.5.400(D).

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#### 4.1.1600 Summary of Development Application Types.

There are four types of procedures: Type I, II, III, and IV. Table 4.1.1600 lists the City's development applications and their required types of procedure(s).

**Table 4.1.1600**

#### **Summary of Development Application Types**

<b>Development Application</b>	<b>Type I*</b>	<b>Type II*</b>	<b>Type III</b>	<b>Type IV</b>
<del>Home Occupation Business Type I</del> <del>(Minor) Class B</del>	X	–	–	–
<del>Home Occupation Business Type II</del> <del>(Major) Class C</del>		X		–

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### **Chapter 4.5 MASTER PLANNING AND DEVELOPMENT ALTERNATIVES**

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#### **4.5.100 Master Plan General Provisions.**

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#### **F. Modifications to Approved Master Plans, PUDs and Special Planned Districts.**

1. The following modifications to a master plan, PUD or Special Planned District may be approved with a land division or with an application in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review, and Design Review, unless the Development Services Director elevates the application to the Planning Commission for hearing as a Type III application.

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3. All other changes for a minor master plan require a modification of master plan approval, in conformance with BDC Chapter 4.1.1325, Modifications of Approval, ~~Development Review and Procedures~~. All other

~~changes for a major master plan require a modification of master plan approval, in conformance with BDC Chapter 4.6, Land Use District Map and Text Amendments.~~

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