

Exhibit A
Development Code Update

Draft: September 19, 2018

Prepared by:

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***

Amend any reference in the Bend Development Code from 2.1.300(G) to 2.1.300(H)

Chapter 1.2
DEFINITIONS

Bay window means a windowed enclosure that projects from an exterior wall and is at least 18 inches above the adjoining finished floor as measured to the lowest horizontal plane of the projection. A wall projection that provides additional floor or seating area or storage is considered a cantilever as defined in this section.



Building footprint means the outline of a building (excluding exterior materials and wall sheathing), including cantilevered areas.

Cantilever means a projecting portion of a building without a foundation which provides additional floor or seating area or storage within the interior of a building. A cantilever is distinct from a Bay Window, which does not provide additional floor or seating area or storage.



Eave means a projecting overhang four feet or less at the lower border of a roof and extending from a primary wall or support.

Lot coverage means all areas of a lot or parcel covered by buildings (as defined by ~~foundation perimeters~~ building footprints) and other structures with surfaces greater than 18 inches above the finished grade, excluding ~~covered but unenclosed porches and uncovered decks~~ unenclosed covered or uncovered porches, patios, decks, balconies or stoops up to five percent of the total lot area. ~~Lot coverage is not a yard requirement. Eaves are not included in lot coverage.~~ **(Building footprints includes cantilevered areas.)**

Setback means the minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall, building footprint or other element of a building or structure as defined herein. Note: Where a public access easement abuts the street or alley in lieu of right-of-way, the interior easement line ~~shall~~ becomes an assumed property boundary for the purposes of setbacks. **(Building footprints include cantilevered areas.)**

Chapter 2.1 RESIDENTIAL DISTRICTS

Sections:

- 2.1.100 Purpose, Applicability and Location.**
- 2.1.200 Permitted Land Use.**
- 2.1.300 Building Setbacks.**
- 2.1.400 Building Mass and Scale.**
- 2.1.500 Lot Area and Dimensions.**
- 2.1.600 Residential Density.**
- 2.1.700 Maximum Lot Coverage.**
- 2.1.800 Building Height.**
- 2.1.900 Architectural Design Standards.**
- 2.1.1000 Multifamily Residential Districts (RM, RH).**
- 2.1.1100 ~~Repeated.~~ Other Design Standards.**

2.1.300 Building Setbacks.

~~A.—Purpose. Building setbacks provide private outdoor living space, building separation for fire protection/security, building maintenance, and sunlight and air circulation. The building setback standards encourage placement of residences close to the street for public safety and neighborhood security.~~

~~B.—Setback Standards. The setback is measured from the building facade or structure, to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following pages, apply to primary structures as well as accessory structures. A variance is required in accordance with BDC Chapter 5.1, Variances, to modify any setback standard.~~

~~C.—Front Yard Setbacks.~~

~~1.—RL, SR 2 1/2 and UAR Districts.~~

~~a.—A minimum front yard setback of 20 feet is required for buildings or structures, except on corner lots within a platted subdivision, one front yard setback can be 10 feet; provided, that the garage is set back a minimum of 20 feet from the front property line.~~

~~b.—Exception.~~

i. ~~An uncovered deck or unenclosed, covered porch with a maximum floor height of 18 inches may be within 10 feet of the front property line.~~

2. ~~RS, RM-10, RM, and RH Districts.~~

a. ~~A minimum front yard setback of 10 feet is required; provided, that the garage is set back a minimum of 20 feet from the front property line.~~

b. ~~Garages and carports shall be accessed from alleys where practical, otherwise garages with street access shall be set back a minimum of 20 feet from the front property line. In this instance, the term **practical** shall mean that there is an existing or platted alley that could be used "as is" or improved to provide access.~~

c. ~~Exceptions.~~

i. ~~An uncovered deck or unenclosed, covered porch not exceeding 18 inches in height may be within six feet of the front property line, as long as it does not encroach into a public utility easement.~~

ii. ~~When garages on corner lots are accessed from an alley the front setback for the garage side wall may be a minimum of 10 feet from the front property line. In this case, the garage must have at least two windows in the side wall facing the street that are a minimum of two feet by three feet each. The garage structure must comply with the clear vision standards in BDC 3.1.500.~~

iii. ~~Lots with Double Frontage. The front yards abutting an arterial or collector street shall be a minimum of 20 feet for all structures.~~

D. ~~Rear Yard Setbacks.~~

1. ~~RL, SR 2 1/2 and UAR Districts. The minimum rear yard setback shall be 20 feet for buildings or structures, except in the RL Zone on corner lots within a platted subdivision, the minimum rear yard setback can be 10 feet.~~

2. ~~RS. The minimum rear yard shall be five feet.~~

3. ~~RM-10, RM and RH Districts.~~

a. ~~For single family detached dwellings, the rear yard setbacks for the RS Zone shall apply.~~

b. ~~For other buildings or structures, the minimum rear yard setback shall be five feet except, when abutting the RS Zone or an existing single-family home, the rear yard setback shall increase one-half foot for each foot by which the building height exceeds 20 feet.~~

Table 2.1.300 – Typical Residential District Setbacks

-	Front	Rear	*Side
UAR	10 ft./20 ft.	20 ft.	10 ft.
SR 2 1/2	10 ft./20 ft.	20 ft.	10 ft.
RL	10 ft./20 ft.	10 ft./20 ft.	10 ft.
RS	10 ft., except garages shall be set back 20 ft.	5 ft. minimum	*3 ft./5 ft. minimum
RM 10, RM and RH	10 ft., except garages shall be set back 20 ft.	5 ft. minimum. Rear yard shall increase 0.5 ft. for each foot by which the building height exceeds 20 ft. when abutting the RS Zone or existing single-family housing.	5 ft. minimum. The sum of the side yard shall increase 0.5 ft. for each foot by which the building height exceeds 20 ft. when abutting the RS Zone or existing single- family housing

* ~~Special setbacks for certain features as permitted in this section and BDC 3.6.200 (special standards for residential uses).~~

E. ~~Side Yard Setbacks.~~

1. ~~RL, SR 2 1/2 and UAR Districts. The minimum side yard setback shall be 10 feet.~~

2. ~~RS Districts. The minimum side yard shall be five feet.~~

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

~~3.—RM-10, RM and RH Districts. The minimum side yard setbacks shall be five feet, except when abutting the RS Zone or an existing single family home, the sum of the side yard setback shall increase one-half foot for each foot by which the building height exceeds 20 feet, unless otherwise exempted in subsection (F) of this section.~~

~~F.—General Setback Exceptions.~~

~~1.—Where an existing alley is 20 feet or less in width, the setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.~~

~~2.—The following architectural features are allowed to encroach into the required setback yards by no more than two feet provided a minimum setback of three feet is provided from the property boundary: eaves, chimneys, bay windows, overhangs, canopies, porches, and similar architectural features. This is not to be construed as prohibiting open uncovered porches or stoops not exceeding 18 inches in height and not approaching closer than 18 inches to any side or rear lot line.~~

~~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.~~

~~4.—Fences and walls within front yards shall comply with the clear vision standards in BDC 3.1.500.~~

~~5.—Attached Single-Family Townhome Development Standard. Interior side yard setbacks are zero feet. Street corner front yard setbacks shall comply with subsection (C) of this section, except as necessary to comply with the clear vision standards in BDC 3.1.500.~~

~~6.—Single family homes in multifamily zoning districts shall apply the setback standards of the RS Zone.~~

~~7.—The following uses are prohibited within all yard setbacks: satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects, unless screened for visual and noise abatement by a solid enclosure two feet higher than the object/use being screened. In no instance shall these uses be allowed within the front yard setbacks.~~

~~8.—On-site surface water drainage shall be retained on the lot of origin and not trespass onto the public right-of-way or private property including roof drainage.~~

- A. **Purpose.** Setbacks provide private outdoor living space, building separation for fire protection/security, building maintenance, and sunlight and air circulation. The setback standards encourage placement of residences close to the street for public safety and neighborhood security.
- B. **Setback Standards.** The following setback standards apply to all structures, except as otherwise provided by this section.
- C. **Front Setbacks.**
1. RL and UAR Districts. The minimum front setback is 20 feet.
Exception. On corner lots within a platted subdivision, one front setback may be 10 feet provided, that the garage and/or carport is set back a minimum of 20 feet.
 2. RS, RM-10, RM, and RH Districts. The minimum front setback is 10 feet. Garages and carports must be accessed from alleys where practical, otherwise garages and carports with street access must be set back a minimum of 20 feet from the front property line. In this instance, the term **practical** means that there is an existing or platted alley that could be used in its current condition or improved to provide access.
 3. Where streets with insufficient right-of-way abut the site, special setbacks apply in conformance with BDC 3.4.200(J), Special Setbacks.
- D. **Rear Setbacks.**
1. RL and UAR Districts. The minimum rear setback is 20 feet.
Exception. In the RL Zone on corner lots within a platted subdivision, the minimum rear setback is 10 feet.
 2. RS, RM-10, RM and RH Districts. The minimum rear setback is five feet. When a multifamily residential or non-residential uses abut a detached single-family dwelling unit in the RS District, the rear setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.
- E. **Side Setbacks.**
1. RL and UAR Districts. The minimum side setback is 10 feet.
 2. RS, RM-10, RM and RH Districts. The minimum side setback is five feet. When multifamily residential or non-residential uses abut a detached single-family dwelling unit in the RS District, the side setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.
Exception: For development in conformance with the provisions of BDC 3.6.200(A) for courtyard housing, a three-foot minimum side setback is permitted.

Table 2.1.300 – Typical Residential District Setbacks

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

* Special setbacks for certain features as permitted in this section and BDC 3.6.200. (Special standards for residential uses).

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

F. Setback Exceptions.

1. **Alley.** Where an existing alley is less than 20 feet in width, the setback abutting the alley must be increased to provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.
2. **Attached Single-Family Townhomes.** Interior side setbacks are zero feet.
3. **Clear Vision Areas.** All structures must comply with this section, except as necessary to comply with BDC 3.1.500, Clear Vision Areas.
4. **Bridges.** Bridges that form the driveway or pedestrian access from the abutting street or alley are permitted in the setbacks.
5. **Architectural Features.** Except as prohibited in subsection (F)(6), the following architectural features are allowed to encroach into the front, side and rear setbacks by no more than two feet provided a minimum setback of three feet is provided from the property line: eaves, chimneys including fireplace

enclosures and chimney chases, bay windows up to eight feet in width, window wells, and similar architectural features.

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

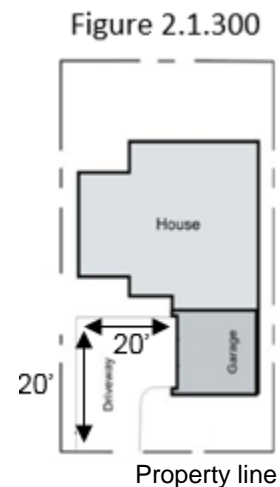
a. RL and UAR

- i. An unenclosed covered or uncovered porch, patio, deck or stoop with a maximum floor height not exceeding 18 inches may be set back a minimum of 10 feet, as long as it does not encroach into a public utility easement. No portion of the structure can encroach closer than 10 feet including the architectural features in Subsection (F)(5).

b. RS, RM, RM 10 and RH

- i. An unenclosed covered or uncovered porch, patio, deck or stoop with a maximum floor height not exceeding 18 inches may be setback a minimum of six feet from the front property line, as long as it does not encroach into a public utility easement. No portion of the structure can encroach closer than six feet to the front property line including the architectural features in Subsection (F)(5). (No more two foot encroachments.)

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



- c. Stairs, ramps and landings that are not roofed or enclosed above or below the steps may be in the front setback when they follow the grade.

7. **Side and Rear Setbacks.** The following may encroach into the side and rear setback in the UAR, RL, RS, RM, RM 10 and RH:

- a. An uncovered porch, patio, deck or stoop located above finished grade with a maximum floor height not exceeding 18 inches must be set back a minimum of 18 inches from the side and rear property lines, as long as it does not encroach into a public utility easement.
- b. Uncovered patios at finished grade are exempt from setbacks as long as it does not encroach into a public utility easement.

G. Prohibited in Setbacks. The following are prohibited, unless stated otherwise, within the following setbacks:

1. Front setbacks. Satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects.
2. Side and rear setbacks.
 - a. Satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects, unless screened for visual and noise abatement by a solid enclosure two feet higher than the object/use being screened.

3. Balconies.

~~G.~~ **H. Residential Compatibility Standards.**

3. Development Standards. The following development standards shall apply to the new lots and new parcels that abut the protected property described in subsection (G)(2) of this section;

- a. Lot Area and Setbacks.
 - i. Minimum lot area of 5,000 square feet to 5,999 square feet with a minimum 35-foot setback abutting the protected property; or
 - ii. Minimum lot area of 6,000 square feet or greater with a minimum 30-foot setback abutting the protected property.
- b. The following are exceptions to the setback requirements:
 - i. Eaves, chimneys, bay windows, canopies, porches, and similar architectural features may encroach into the required setback by no more than two feet.
 - ii. Uncovered decks and similar structures not exceeding 18 inches in height may encroach into the required setback by no more than 20 feet.
 - iii. Accessory structures that do not require a building permit shall have a minimum setback of five feet.
 - iv. Walls and fences may be placed on property lines subject to the standards in BDC 3.2.500, Fences and Walls.

v. Existing structures located on the new lots or parcels. Additions to existing structures that occur after the new lot or parcel is platted are not exempt.

vi. Development on the new lots or parcels that occurs at any time after the abutting protected property is divided into one or more lots or parcels of less than 20,000 square feet may use the zoning district setbacks.

4. Exemptions. New lots or new parcels are exempt from the residential compatibility standards when one or more of the following conditions exist at the time the land division application is submitted;

a. The existing primary dwelling unit on the abutting protected property is located more than 100 feet from the protected property line.

b. When the abutting protected property is developed with a nonresidential use or the abutting residential use is a higher density than that of the proposed development. For example: a manufactured home park.

c. When the abutting protected property is vacant. For the purpose of this code section, "vacant" shall mean a property without a dwelling unit.

d. Where the abutting protected property has ~~submitted for~~ an active land division application or valid land division approval.

e. When the abutting protected property was created by a land division application submitted after September 16, 2015.

2.1.400 Building Mass and Scale.

C. Exceptions to FAR.

1. Attached single-family townhomes without an accessory dwelling unit.

2. For single-family detached dwellings with an accessory dwelling unit and attached single-family townhomes with an accessory dwelling unit, see BDC 3.6.200(B), Accessory Dwelling Unit (ADU), for FAR.

3. Accessory structures less than 10 feet in height and 200 square feet in area.
4. Lots and parcels subject to BDC 2.1.300(GH), Residential Compatibility Standards.

2.1.500 Lot Area and Dimensions.

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. ~~Exceptions to these standards may be approved subject to master planned development approval (see BDC Chapter 4.5).~~ For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with BDC 2.1.600, Residential Density. Lot Area and Dimensions Exceptions for affordable housing, see BDC 3.6.200(C).

**Table
2.1.500
Lot Areas and Dimensions in the Residential Districts By Housing
Type and Zone**

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

RL	Minimum area: 10,000 sq. ft. with approved septic or sewer system	Minimum width: 100 ft. min. average lot width with a min. street frontage of 50 ft. except on approved cul-de-sac lot frontage may be reduced to 30 ft; flag lots and lots served by private lanes are subject to BDC 4.5.200. Minimum lot depth: 100 ft, except in conformance with BDC 4.5.200.	<u>Bulb of a cul-de-sac minimum width: 30 ft. min at the front property line.</u> <u>Flag lot or parcel minimum width: 20 ft. min. at front property line. See BDC 4.3.700 Infill Development Options.</u> <u>Zero lot line minimum width: 20 ft., See BDC 3.6.200.A</u> <u>Courtyard Housing.</u> <u>Mid-block Infill, see BDC 4.3.700 Infill Development Options.</u> <u>Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone.</u>
RS	Minimum area: 4,000 sq. ft.	Minimum width: 40 ft. at front property line, except for flag lots and lots served by private lanes (see BDC 4.5.200)	
RM-10	Minimum area: 4,000 sq. ft.	Minimum lot depth: 80 50 ft, except in conformance with BDC 4.5.200.	
RM	Minimum area: 2,500 sq. ft.	Minimum width: 30 ft <u>at the front property line.</u> , except for flag lots and lots served by private lanes (see BDC 4.5.200). Minimum lot depth: 80 50 ft, except in conformance with BDC 4.5.200.	
RH	Not Applicable	Not Applicable	

Two- and Three-Family Housing (duplex/triplex) <u>See BDC 3.6.200.H</u>	UAR	Not Applicable	Not Applicable	<u>Bulb of a cul-de-sac minimum width: 30 ft. min at the front property line.</u> <u>Flag lot or parcel minimum width: 20 ft. min. at front property line. See BDC 4.3.700 Infill Development Options.</u> <u>Mid-block Infill, see BDC 4.3.700 Infill Development Options.</u> <u>Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone.</u>
	RL	Minimum area: 20,000 sq. ft. with approved septic or sewer system	Minimum lot width: 100 ft. average Minimum lot depth: 100 ft.	
	RS	Minimum area – duplex: 8,000 sq. ft. Minimum area – triplex: 10,000 sq. ft.	Minimum width: 40 ft. at front property line, except for flag lots and lots served by private lanes. (see BDC 4.5.200)	
	RM-10	Minimum area – duplex: 7,000 sq. ft. Minimum area – triplex: 9,000 sq. ft.	Minimum lot depth: 80 50 ft.	
	RM	None	Minimum width: 30 ft. <u>at the front property line.</u> Minimum lot depth: 80 50 ft.	
	RH	None	Minimum width: 30 ft. Minimum lot depth: 60 ft.	
Single-Family Attached Housing (townhomes) <u>See BDC 3.6.200.D</u>	UAR	Not Applicable	Not Applicable	
	RL* RS, RM-10	Minimum area: 2,000 sq. ft. for each unit	Minimum width: 20 ft. at front property line <u>for interior townhome lots and 25 feet at front property line for exterior townhome lots, except for flag lots and lots served by private lanes (see BDC 4.5.200)</u> Minimum lot depth: 80 50 ft.	

	RM	Minimum area: 1,600 sq. ft. for each unit	Minimum width: 20 ft. at front property line Minimum lot depth: 80 ft.
	RH	Minimum area: 1,200 sq. ft. for each unit	Minimum width: 20 ft. at front property line Minimum lot depth: 60 ft.
Multifamily Housing (more than 3 units)	UAR	Not Applicable	Not Applicable
	RL*, RS*, RM-10	Minimum area: 4,000 sq. ft. for each unit	Minimum width: 30 ft. at front property line. Minimum lot depth: 80 50 ft.
	RM, RH	None	

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

2.1.600 Residential Density.

- D. Density Bonus for Affordable Housing. See BDC 3.6.200(C). ***(Reorganized to include all affordable housing incentives in 3.6.200.C)*** ~~As an incentive to create affordable housing, the maximum densities provided in Table 2.1.600 may be increased when a developer provides “affordable housing” as part of a proposed development in conformance with BDC 3.6.200(C). The density increase is based on the percentage of affordable housing units within the proposed development. Any development that receives the density bonus shall be deemed an “affordable housing development.” The table below provides the corresponding percent of increase. In no case may the density bonus exceed 150 percent of the existing residential zone.~~

Table 2.1.600A – Density Bonus

Percentage of Units That Are Affordable:	Density for Development, by Percentage, of Existing Maximum Density Range:
10%	1.1
20%	1.2
30%	1.3
40%	1.4
50%	1.5

~~When calculating the number of additional units, fractional units are rounded up to the next whole unit.~~

2.1.700 Maximum Lot Coverage.

- A. Maximum Lot Coverage. The following maximum lot coverage standards ~~shall~~ apply to all development within the Residential Districts as follows:

Table 2.1.700

Residential Lot Coverage

(Revised to make it clear that lot coverage applies to accessory structures)

Residential Zone	Lot Coverage
Low Density Residential (RL)	35%
Standard Density Residential (RS), <u>Medium-10 Density Residential (RM-10)</u> , and <u>Medium Density Residential (RM)</u>	50% for <u>lots or parcels with single-story homes dwelling unit(s) and single-story accessory structures.</u> 35-45% for all other uses <u>lots or parcels</u>

	<u>Exception. 60% for lots or parcels with attached single-family townhomes, duplexes, triplexes and multifamily in the RM District</u>
Medium 10 Density Residential (RM-10)	50% for single-story homes 35% for all other uses
Medium Density Residential (RM)	40%
High Density Residential (RH)	None

~~B. Lot Coverage Defined. **Lot coverage** is defined as all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 18 inches above the finished grade, excluding unenclosed covered porches and uncovered decks up to five percent of the total lot area. **(Repeats definition)**~~

~~C. Lot Coverage Compliance. Compliance with other sections of this code may preclude development of the maximum allowed lot coverage for some land uses.~~

~~B. ~~D.~~ Lot Coverage Exception for Affordable Housing. See BDC 3.6.200(C). For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with BDC 3.6.200(C), the entire development may develop with a 50 percent lot coverage. **(Reorganized to include all affordable housing incentives in 3.6.200.C)**~~

2.1.800 Building Height.

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

- A. Standard. The following building heights ~~shall be observed unless a greater height is approved through a variance in conformance with BDC Chapter 5.1, Variances, or approved as part of a Master Planned Development in conformance with BDC Chapter 4.5.~~ apply to all development within the Residential District:
1. Buildings within the UAR, RL, RS, RM-10 and RM Districts ~~shall~~ may be no more than 30 feet in height.
 2. Buildings within the RM Zone on lots and parcels created after December 1998 ~~shall~~ may be no more than 35 feet in height.

3. Buildings within the RH Districts may be no more than 45 feet in height.

~~B. Exceptions to Maximum Building Height Standard. Exceptions to Maximum Building Height Standard for Affordable Housing. See BDC 3.6.200.C. 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).~~ **(Reorganized to include all affordable housing incentives in 3.6.200.C)**

~~C. Method of Measurement. Building height is measured as the average maximum vertical height of a building or structure measured at a minimum of three points from finished grade along each building elevation. Architectural elements that do not add floor area to a building or structure, as indicated above in subsection (B) of this section, are not considered part of the height of a building or structure.~~ **(Repeats definition.)**

2.1.1100 Other Design Standards.

A. On-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.

B. Development must comply with BDC 3.5.200, Outdoor Lighting Standards and BDC 3.5.400, Solar Standards.

C. Garages and carports must be accessed from alleys where practical. In this instance, the term **practical** means that there is an existing or platted alley that could be used in its current condition or improved to provide access.

Chapter 2.3

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

2.3.200 Permitted and Conditional Uses.

Table 2.3.200

Permitted and Conditional Uses

Land Use	ME	MR	PO	MU	MN
Residential					
<u>Accessory Dwelling Units (ADU)*</u> <i>(Need to list ADUs as a permitted or limited use since single-family detached dwellings and townhomes are either a permitted or limited use.)</i>	<u>L [see subsection (C)(1) of this section]</u>	<u>P</u>	<u>L [see subsection (C)(1) of this section]</u>	<u>P</u>	<u>P</u>

**Chapter 2.6
PUBLIC FACILITIES ZONING DISTRICT (PF)**

2.6.300 Development Standards.

Development standards provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. ~~Building setbacks are measured from the building foundation to the respective property line. (*Delete to be consistent with definition.*)~~

**Chapter 3.3
VEHICLE PARKING, LOADING AND BICYCLE PARKING**

3.3.300 Vehicle Parking Standards for On-Site Requirements.

D. Exceptions and Special Standards for Parking.

1. Exceptions for Required Parking.

- d. The parking requirement for affordable ~~housing~~ dwelling units in conformance with BDC 3.6.200(C) is one on-site parking space per affordable ~~housing~~ dwelling unit.

Chapter 3.6 SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.200 Residential Uses.

- 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:

3. ADU Size.

- a. An ADU on a property that is 6,000 square feet or less must not exceed 600 square feet of floor area.
- b. An ADU on a property that is greater than 6,000 square feet 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.
- 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 or if the accessory structure provides at least one allocated parking space for the ADU.
- 4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.
 - a. Exemptions to FAR.
 - i. Accessory structures less than 10 feet in height and 200 square feet in area.
 - ii. FAR does not apply to a property when the ADU is proposed to be located in a structure legally constructed prior to April 1, 2016.
 - iii. Property not designated residential in the Bend Comprehensive Plan.

C. Affordable Housing Strategies. ~~Through the adoption of two resolutions by the City Council (Resolutions 2423 and 2428),~~ [†]The City of Bend provides an incentive program to developers to assist in the development of affordable housing.

- 1. For the purposes of the incentive program, the City defines affordable housing as housing with a sales price or rental amount that is within the means of a household that may occupy moderate- and low-income housing, meeting one of the thresholds defined in subsections (C)(1)(a) and (b) of this section.
 - a. In the case of dwelling units for sale, “affordable” means housing in which the mortgage, amortized interest, taxes, insurance, and condominium or association fees, if any, constitute no more than 30 percent of such gross annual household income for a family at 80 percent of the area median income, based upon most recent HUD income limits for the Bend Metropolitan Statistical Area (Bend MSA).
 - b. In the case of dwelling units for rent, “affordable” means housing for which the rent and utilities constitute no more than 30 percent of such gross annual household income for a family at 60 percent of the area median income, based upon most recent HUD income limits for the Bend Metropolitan Statistical Area (Bend MSA).

2. In association with the land use review process, and prior to the issuance of a building permit for any units in an affordable housing development, the owner ~~shall~~ must enter into an affordable housing development agreement with the City. The development agreement ~~shall~~ must set forth the commitments and obligations of the City and the owner, including, as necessary, conditions to ensure the completion of affordable housing in the development.
3. The owner ~~shall~~ must execute any and all documents deemed necessary by the City in a form to be established by the City Attorney, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable housing units in accordance with this section.
4. Developments in compliance with 3.6.200(C)(1) may be eligible for t~~The following are the developer incentives adopted by the City unless otherwise specified:~~
 - ~~a. Expedited review and permitting processing. (**Expedited review is based on a SOP, which sets times that are not established in the code.**)~~
 - ~~b. Planning and building fee exemptions up to \$10,000 per project. (**Fees should be in the Fee Resolution.**)~~
 - ~~c. System development charge (SDC) deferrals. (**SDC regulations are not land use so they should not be in the BDC.**)~~
 - a. d. Allow a density bonus when developing affordable housing units. Density Bonus. A developer may be eligible for a density bonus when a percentage of the proposed dwelling units are affordable. The percentage of affordable units is based on the maximum number of dwelling units that would be allowed under the Comprehensive Plan designation for the subject site. The corresponding density bonus in Table 3.6.200C is an increase in dwelling units over the maximum residential density that can be rented or sold as affordable units or at market rate.

The maximum density must be calculated in compliance with BDC 2.1.600(C)(1). For purposes of calculating maximum density, fractional units are rounded down to the next whole unit. For purposes of calculating the number of affordable units and density bonus units, fractional units are rounded up to the next whole unit.

For example, a 10,000 square foot lot designated RH is permitted nine units (maximum density is rounded down). Of the nine units, the developer proposes 20% of the units to be affordable (9 units * 20% = 1.8 units, which is rounded up to two units). Therefore, of the nine units, two must be affordable. Since the applicant is proposing 20% of the units as affordable, the developer may receive a corresponding density bonus of 20% (9 units * 20%= 1.8 units, which is rounded up to two additional units). Therefore, the proposed project may have eleven units, two of which must be affordable.

Table 3.6.200.C - Density Bonus (Relocated from BDC 2.1.600 and revised)

<u>Percent of Affordable Units Based on Maximum Density</u>	<u>Density Bonus</u>
<u>5%</u>	<u>5%</u>
<u>10%</u>	<u>10%</u>
<u>20%</u>	<u>20%</u>
<u>30%</u>	<u>30%</u>
<u>40%</u>	<u>40%</u>
<u>50%</u>	<u>50 %</u>

- b. e. Allow a 10-foot building height bonus for multifamily housing when affordable housing units are gained. (See BDC 2.1.800.) **Building Height Incentive.** 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. (Relocated from 2.1.800.B.1)
- c. **Lot Coverage Exception.** For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with BDC 3.6.200.C.1, the entire development may develop with a 50 percent lot coverage. (Relocated from 2.1.700.D)
- d. **Lot Area and Dimensions Exception.** For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with BDC 3.6.200.C.1, the required lot area and dimensions for the proposed lots or parcels may be reduced up to 20 percent for the entire residential development. For affordable housing developments where less than 50 percent of the dwelling units are deemed affordable in conformance with BDC

3.6.200.C.1, the required lot area and dimensions for the proposed affordable housing dwelling unit's lots or parcels may be reduced up to 20 percent. ***(New. If they get a density bonus, then they may need to reduce lot area to get more lots.)***

- e. **Parking Requirement Reduction.** The parking requirement for affordable dwelling units is one on-site parking space per affordable dwelling unit. ***(Also located in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.)***

3.6.500 Short-Term Rentals.

E. Concentration Limits. There must be at least 250 feet of separation between properties zoned SR 2 1/2, RL, RS, RM, RH, and MR outside of the Old Mill District boundary (noted as Type II in Figure 3.6.500.C) 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 Type II short-term rental application or permit.
