

**Exhibit A**  
**Bend Comprehensive Plan and Development Code Update**  
December 19, 2018  
Prepared by: Planning Division

Note:

Text in underlined typeface is proposed to be added

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

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

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

**Bend Comprehensive Plan**

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**Chapter 5: Housing**

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**POLICIES**

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**Residential Development**

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

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

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

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

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## Bend Development Code

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### Chapter 1.2

#### DEFINITIONS

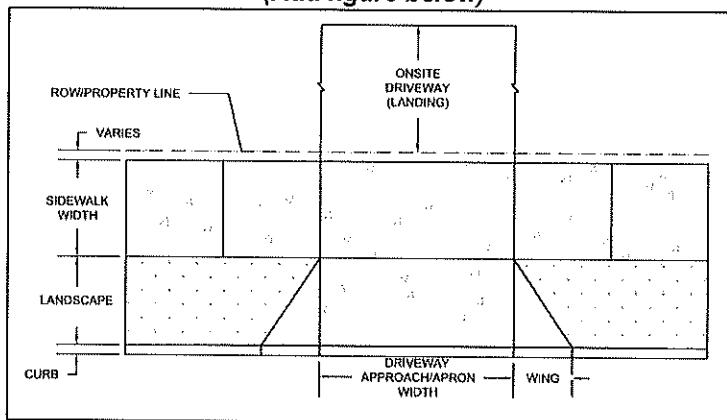
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**Building height** means the average maximum vertical height of an enclosed building or structure measured at a minimum of three equidistant points as shown on the following figure along each building elevation from finished grade to the highest point 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 an enclosed building or structure, such as parapet walls, chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including minimum screening necessary to conceal mechanical roof equipment including elevator shafts and staircases for rooftop access), 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).

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**Driveway apron/approach** means the edge of a driveway where it abuts a public way, usually constructed of concrete.

*(Add figure below)*



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**Grade, existing** means the existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of the site.

**Grade, finished** means the grade measured within two feet from the foundation wall of the building or structure where the elevation of the surface of the ground does not exceed two feet above or below the existing grade. For sloping sites exceeding 12 percent slope, the finished grade shall not exceed four feet above or below the existing grade unless the finished grade has been set through a grading and/or drainage plan approved by the City. The term "finished grade" may also mean existing grade when no terrain alteration is proposed. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevation(s) for any other purpose, shall not be considered finished grade.

**Grade** means the vertical location of the ground surface. **Existing grade** means the existing condition of the elevation of the ground surface or the natural grade prior to grading, placement of fill, or the excavation or removal of earth from the site. **Rough grade** means the stage at which the grade substantially conforms, in an unfinished state, to an approved clearing and grading plan. **Finished grade** means the final grade of the site after all clearing and grading has been completed that conforms to an approved clearing and grading plan. (*Consistent with Title 16*)

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**Infill, residential** means:

1. The development of up to three dwellings on land that is zoned-designated for residential use where at least 75 percent of the abutting properties have a structure but not counting any abutting property that is large enough that it can be divided into four or more lots or is currently developed with multifamily residential.
2. A situation in which a single-family dwelling is removed to make way for up to three new dwellings (e.g., a single-family dwelling, duplex, or triplex).
3. "Residential infill" does not apply to land that is large enough that it can be divided into four or more lots consistent with the minimum lot size of the zoning district.

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**Refinement Plan** means a more detailed plan than a Comprehensive Plan and applies to a specific geographic area. Refinement Plans are located in BDC Chapter BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

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**Special planned districts** means detailed plans such as master plans, master planned developments, overlay districts and refinement plans. Special planned districts are located in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

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**Timeshare unit** means (1) a dwelling unit, mobile home, lot or parcel whose ownership is divided into periods of time under any arrangement, plan, scheme, or device, whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or otherwise, where a purchaser, in exchange for consideration, receives a right to use the dwelling unit, lot, or parcel for a period of time less than a full year during any given year, but not necessarily for consecutive years, which extends for a period of more than three years; or (2) a dwelling unit, mobile home, lot or parcel created into interests sold under an agreement to be subsequently divided or created into interests for the purpose of sale or lease or other similar arrangement as set out in subsection (1) of this definition, whether immediate or future, into 11 or more undivided interests or 11 or more other interests, or any other similar arrangement of interests in the dwelling unit, lot or parcel. (City does not regulate timeshare units)

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**Transportation Mitigation Plan** means an adopted plan for an area in the City that contains alternate transportation designs and functionality standards. A Transportation Mitigation Plan is typically adopted into this code as part of an Special Area Plan or Master Plan Development.

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## Title 2

### LAND USE DISTRICTS

#### Chapters:

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#### **2.7 Special Planned Districts, Refinement Plans, Area Plans and Master Plans**

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#### Chapter 2.1

#### RESIDENTIAL DISTRICTS

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### **2.1.500 Lot Area and Dimensions.**

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

**Table 2.1.500**

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

<b>Two- and Three-Family Housing (duplex/triplex)</b> <b>See BDC 3.6.200.H</b>	RS	Minimum area – duplex: 8,000 <u>6,000</u> sq. ft.  Minimum area – triplex: 10,000 <u>9,000</u> sq. ft.	Minimum width: 40 ft. at front property line  Minimum lot depth: 50 ft.	Bulb of a cul-de-sac  minimum width: 30 ft. min at the front property line.  Flag lot or parcel minimum width: 20 ft. min. at front property line. See BDC 4.3.700 Infill Development Options.  Mid-block Infill, see BDC 4.3.700 Infill Development Options.
	RM-10	Minimum area – duplex: <u>7,000-6,000</u> sq. ft.  Minimum area – triplex: 9,000 sq. ft.		Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone.

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### **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 subdivision or Master Planned Development). For new subdivision applications, the gross density must not exceed the maximum units per acre for the respective zoning district.

**Table 2.1.600 Residential Densities**

Residential Zone	Density Range
Urban Area Reserve (UAR10)	1 unit/10 gross acres
Suburban Low Density Residential (SR 2 1/2)	1 unit/2.5 gross acres- ( <i>There isn't any SR 2 1/2 in the city</i> )
Low Density Residential (RL)	1.1 – 4.0 units/gross acre
Standard Density Residential (RS)	4.0 – 7.3 units/gross acre
Medium Density Residential (RM-10)	6.0 – 10.0 units/gross acre
Medium Density Residential (RM)	7.3 – 21.7 units/gross acre
High Density Residential (RH)	21.7 – 43 units/gross acre

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

1. Residential care homes/facilities.
2. Accessory dwelling units (ADUs).
3. Bed and breakfast inns.
4. Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
5. Buildings that are listed in the Inventory of Historic Sites within the Bend Area Comprehensive Plan Exhibit "A" or buildings designated on the Historic National Landmarks Register.
6. Manufactured home parks within the RS Zone are exempt from the maximum density standards of the zone; provided, that the standards of BDC 3.6.200(G) are met.

7. Replacement, renovation, or expansion of existing dwelling unit(s) in any zone provided the number of dwelling units does not change.
8. Development on a vacant lot or parcel consistent with an approved land division, except tracts identified for future phases.
9. Residential infill, as defined in BDC Chapter 1.2, is exempt from minimum, but not maximum, density standards.
10. Partitions on properties that are large enough to be divided into four or more lots are exempt from minimum density standards; provided, that the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.
11. Duplexes and triplexes are exempt from the maximum density standards in the areas designated RS in the Bend Comprehensive Plan Map, except when lots are created as part of a new subdivision application.

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#### **2.1.900 Architectural Design Standards.**

- A. Purpose. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles for certain types of residential development.
- B. Applicability. This section applies to all of the following types of buildings:
  1. Duplexes and triplexes; (Consistent with Comprehensive Plan Policy 9-8, The city values design review for all development in the community with the exception of single-family houses, duplexes and triplexes.)
    1. Multifamily residential;
    2. Public and institutional buildings in Residential Zones;
    3. Neighborhood commercial;
    4. Mixed-use buildings in Residential Zones; and
    5. All other types of permitted/conditional nonresidential use buildings listed in Table 2.1.200 when built in a Residential Zone.

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

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### **2.7.100 Special Planned Districts, Refinement Plans, Area Plans and Master Plans.**

Special ~~Planned~~ Districts, Refinement Plans, Area Plans and Master Plans describe in more detail the type of development planned for a specific area than is typically found in a Comprehensive Plan, zone map, or public facilities plan. A Special ~~Planned~~ District, Refinement Plan or Area Plan may be initiated by the City Council at its own initiative in compliance with BDC Chapter 4.1, Development Review and Procedures, and BDC Chapter 4.6, Land Use District Map and Text Amendments and the Area Plan policies contained in Chapter 11 of the Comprehensive Plan (Type IV process), or at the request of property owners in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives, and BDC Chapter 4.6, Land Use District Map and Text Amendments (Type III process).

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## **Chapter 3.1**

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

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#### **3.1.400 Vehicular Access Management**

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H. Driveway Widths. Driveway openings (or curb cuts) ~~shall~~must be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). When obtaining access to off-street parking areas backing onto a public street ~~shall~~is not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or when backing into an alley for all uses if adequate backing distance is provided. The following standards provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single-family ~~detached dwelling units, two-family, and three-family residential uses~~ ~~shall~~must have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads; however, the driveway opening or connection to the street ~~shall~~cannot be wider than 24 feet. For townhomes, see BDC 3.6.200(D).

Single-Family Attached Townhomes and for duplexes and triplexes, see BDC 3.6.200 (H), Duplex and Triplex Development.

2. Multifamily developments ~~shall~~must have a minimum driveway opening width of 20 feet, and a maximum width of 30 feet. The dimension may exceed 30 feet if the City Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
3. Other Uses. Access widths for all other uses ~~shall~~must be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces ~~shall~~must conform to the parking area standards in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. Driveway aprons serving industrial uses and heavy commercial uses may be as wide as 35 feet.
4. Driveway Aprons. Driveway aprons ~~shall~~must be installed between the street and the private drive. Driveway apron design and location ~~shall~~must conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways.

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## Chapter 3.6

### SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

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#### **3.6.200 Residential Uses.**

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- D. Single-Family Attached Townhomes. Single-family attached housing (townhome units on individual lots) 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.

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3. Street Access Developments. Townhomes receiving access directly from a public or private street 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. Garage Door. The maximum allowable apron and driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage door width per unit facing the street is 50 percent of the total building width.
- b. Two adjacent garages must share one driveway when individual driveways would otherwise be separated by less than 20 feet. When a driveway serves more than one lot, the developer must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
- b. Driveway Approaches. Townhomes may have a maximum of one driveway approach and must comply with the following:
  - i. Townhomes with frontages on streets of different classifications must access the street with the lowest classification.
  - ii. The total width of shared driveway approaches must not exceed 32 feet. When a driveway serves more than one lot, the developer must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
  - iii. Driveway approaches on local streets may be separated in compliance with the following:
    - (A) Approaches must be separated by a minimum of seven feet; and
    - (B) Approaches must not exceed 16 feet in width.
  - iv. Clear vision standards do not apply between driveway approaches for townhomes on local streets. All other standards in BDC 3.1.500, Clear Vision Areas apply.
  - v. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 3.1.400(F)(3).

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

- 1. The side setbacks shall be as required in BDC 2.1.300, Building Setbacks, for the appropriate zoning district. (Required in BDC Chapter 2.1, Residential Districts)

2. Front and rear setbacks shall be as required in BDC 2.1.300, Building Setbacks, for the appropriate zoning district. *(Required in BDC Chapter 2.1, Residential Districts)*

1. 3. There shall must be a minimum of 15 percent of the site landscaped in conformance with BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls. Existing natural landscaping can count as part of the landscape requirement if protected and preserved during construction.
2. 4. Street trees shall must be planted in conformance with BDC 3.2.400, Street Trees.
3. 5. The applicant shall must provide usable open space or an exterior patio, balcony or deck consistent with the following:

Dwelling Units	Usable Open Space	Exterior Patio, <u>Balcony</u> or Deck
1 and 2 bedroom units	200 square feet per unit	100 square feet per unit
3 bedroom units or larger	300 square feet per unit	150 square feet per unit

- a. All usable open space areas that are comprised of lawn shall must be irrigated with an underground irrigation system.
- b. An exterior patio, balcony or deck to meet the requirements of this subsection will not be counted as part of the landscape requirement.
4. Each unit 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 must be accessible from the exterior of the dwelling unit, have a minimum interior height of seven feet, and be no less than two feet in length in any direction. The storage area may be split into two areas as long as no area is less than 20 square feet and no dimension is less than two feet, except the height which is a minimum of seven feet. The storage area may be located in a garage; provided, that it does not interfere with required vehicle parking (nine feet by 20 feet). Storage must not be located within the setbacks.
5. 7. Each unit shall must provide an enclosure area for trash and recycling. This area is in addition to subsection 3.6.200(H)(4).

6. 8. Detached dwelling units shall must be a minimum of six feet apart as measured between their building footprints.
7. Floor Area Ratio. In the RS District, 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. Duplexes or triplexes created by remodeling an existing single-family detached dwelling without expanding the existing floor area.
    - iii. Lots created after January 18, 2019, that are not adjacent to existing RS designated properties.  
*(Added by the City Council on December 5, 2018)*
8. Driveway Approach. Duplexes may have a maximum of two driveway approaches and a triplex may have a maximum of three driveway approaches in compliance with the following:
  - a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (H)(8)(c).
  - b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.
  - c. In addition, lots or parcels with more than one frontage must comply with the following:
    - i. Lots or parcels must access the street with the lowest classification.
    - ii. Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. The City Engineer will determine which frontage may have one driveway approach when lots or parcels only have frontages on collector streets or only on arterial streets.
    - iii. Lots or parcels with frontages only on local streets must comply with the following:
      - (A) Duplexes may have two driveway approaches not exceeding 32 feet in total width on one frontage or one maximum 16 foot wide driveway approach per frontage.
      - (B) Triplexes may have three driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16 foot wide driveway approach on one other frontage.

- e. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 3.1.400(F)(3).

9. Garage Door Standards.

- a. The maximum combined garage door width facing the street is 50 percent of the total building width.
- b. In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line than the longest street-facing wall of the dwelling unit that encloses livable space, except that:
  - i. If there is a covered front porch, the garage or carport can extend up to five feet in front of the enclosed livable space, but no further than the front of the porch.
  - ii. A garage or carport may extend up to ten feet in front of the enclosed livable space if there is enclosed livable space or a covered balcony above at least a portion of the garage or carport.
- c. Exemptions to Garage Door Standards.
  - i. Existing garages legally constructed prior to January 18, 2019. (Date this will go into effect)
  - ii. When the side or rear wall of the garage faces the street provided the standards of BDC 2.1.300(F)(6)(b)(ii) are met.
  - iii. Lots created after January 18, 2019, that are not adjacent to existing residentially designated properties. (Added by the City Council on December 5, 2018)

10. Orientation Standards.

- a. At least one front door entrance to a dwelling unit must orientate to an abutting street or open to a porch covered by either a roof or living space. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:
  - i. Meet a minimum area of 20 square feet;
  - ii. Meet a minimum depth of 4 feet; and
  - iii. Have an entry that faces a street.

For properties with more than one frontage, the applicant may choose which frontage to meet this standard. (Only require one entrance to face street. Corner lots may not be feasible to have doors face each street due to topography.)
- b. Exemptions to Orientation Standards.

- i. Duplexes or triplexes created by remodeling an existing single-family detached dwelling without expanding the existing floor area.
- ii. Lots created after January 18, 2019, that are not adjacent to existing residentially designated properties. (Added by the City Council on December 5, 2018)

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## Chapter 4.2

### MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

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#### 4.2.400 Minimum Development Standards Review.

- A. Minimum Development Standards Review for Single-Family Detached Dwellings, Single-Family Attached Townhomes, Accessory Dwelling Units and Duplex Dwellings.
  1. Applicability. This section applies to the construction of a new single-family detached dwelling, single-family attached townhome, accessory dwelling unit or duplex dwelling. Dwellings are also considered new if new construction is equal to or greater than 50 percent of the square footage of the existing dwelling (including partial to full demolition replaced with new square footage).
  2. Exemptions. The following are not subject to this section:
    - a. Single-family detached dwellings that have existing full utility and full street frontage infrastructure are exempt.
    - b. Single-family attached dwellings that have existing full utility and full street frontage infrastructure, and have vehicular access from an alley.

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