

Exhibit A
Development Code Update
November 6, 2019
Prepared by: Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strike through~~ 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***

DRAFT
Chapter 1.2
DEFINITIONS

~~**Commercial node** means one or more lots of parcels not exceeding a total area of one-half acre, excluding road rights-of-way, located at the intersection of a local street and another local or collector street.~~

Cottage cluster relates to the configuration of cottages. A cluster is a grouping of four to 12 cottage dwellings arranged on a development site around or ~~adjacent to~~ abutting usable open space. A cottage housing development may contain more than one cluster. See BDC 4.5.500, Cottage Housing Development. (***Adjacent means abutting or directly across the street right-of-way***)

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

Frontage means that portion of a parcel or lot of property that abuts a dedicated public street or highway or an approved private street or shared court private access drive. (***For Shared Courts.***)

Home business means a small revenue-producing use owned and/or operated by a resident of the home business site. A home business is 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 (UAR, ~~SR~~ 2-1/2, RL, RS, RM-10, RM, RH), and 3.6, Special Standards and Regulations for Certain Uses.

Infill development means the development of vacant, bypassed lands located in an area that is mainly developed.

Neighborhood commercial means certain types of small-scale neighborhood commercial uses identified in BDC Table 2.1.200 Permitted Land Uses that serve the neighborhood ~~as allowed in the Residential Districts.~~ See BDC Chapter 2.1.

Residential care home, also defined in ORS as “residential facility,” means a residential treatment or training home, a residential facility or an adult foster home that provides residential care alone or in conjunction with treatment, training or both for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements ~~shall are~~ not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. “Residential care home” also includes any group home for persons with a disability, regardless of the number of residents, protected from zoning discrimination under the Fair Housing Act. ***(Needed to comply with the Fair Housing Act.)***

Shared court means an infill development with dwelling units on separate lots that may front onto a courtyard-like private access drive designed to accommodate – within the same circulation space – access for pedestrians and vehicles to abutting properties. ***(Infill means the development of vacant, bypassed lands located in an area that is mainly developed.)***

Street or road means a public or private thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley or shared court private access drive, which affords access to two or more parcels

of abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

The eight types of streets are:

1. **Arterial** means a restricted access street of substantial continuity which is primarily a traffic artery for intercommunication among large areas, and so designated by the City of Bend. These include principal, major and minor arterials.
2. **Collector** means a restricted access street supplementary to the arterial street system used or intended to be used principally for the movement of traffic, bicyclists, and pedestrians between arterials and local streets. These include major collectors.
3. **Cul-de-sac** means a short street having one end open to traffic and terminated by a circular vehicle turnaround. Cul-de-sacs ~~shall~~ must include partial cul-de-sac bulbs or “eyebrows” designed and developed according to City standards.
4. **Expressway** means a major highway with limited access that is designed for fast travel.
5. **Frontage road** means a minor street parallel ~~and adjacent~~ to a major arterial providing access to abutting properties, but protected from through traffic. (Adjacent means “**Adjacent** means abutting or located directly across a street right-of-way.”
6. **Local** means a street intended primarily for access to abutting properties.
7. **Mid-block lane** means a narrow, limited use roadway facility usually used to access a limited number of dwelling units, similar to an alley in design. See BDC 4.3.700, Infill Development Options.
8. **T-courts** means a private street less than or equal to 150 feet in length that has one end open to traffic and is terminated by a rectangular or “hammerhead” vehicle turnaround.

Tract, private/public means a piece of land in an approved partition or subdivision that is set aside from the created lots or parcels for dedication to the public, a homeowners association, or other entity (e.g., for open space, future development, recreation facilities, sensitive lands, private streets or private alleys, shared court private access drives, or other similar purposes).

Title 2 LAND USE DISTRICTS

Chapters:

- 2.0 Land Use District Administration
- 2.1 Residential Districts (UAR, ~~SR 2-1/2~~, RL, RS, RM-10, RM, RH)
- 2.2 Commercial Zoning Districts (CB, CC, CL, CG)
- 2.3 Mixed-Use Zoning Districts (ME, MR, PO, MU, and MN)
- 2.4 Industrial Zoning Districts (IG, IL)
- 2.5 Surface Mining Zoning District (SM)
- 2.6 Public Facilities Zoning District (PF)
- 2.7 Special Planned Districts, Refinement Plans, Area Plans and Master Plans
- 2.8 Urbanizable Area District (UA)

Chapter 2.1 RESIDENTIAL DISTRICTS (UAR, ~~SR 2-1/2~~, RL, RS, RM-10, RM, RH)

Sections:

- 2.1.100 Purpose, Applicability and Location.
- 2.1.200 Permitted and Conditional Land-Uses.
- 2.1.300 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 Other Design Standards.

Chapter 2.0 LAND USE DISTRICT ADMINISTRATION

2.0.100 Classification of Land Use Districts

All areas within the urban growth boundary of the City of Bend are divided into land use districts. The use of each lot, parcel and tract of land is limited to the uses permitted by the applicable land use district. The applicable land use district ~~shall be~~ is determined based on the Zoning Map, and the provisions of this chapter. The following table lists the land use districts within this code:

Table 2.0.100 – Classification of Land Use Districts

Land Use Districts
RESIDENTIAL DISTRICTS, CHAPTER 2.1
Area Reserve District (UAR)
Suburban Low Density Residential (SR-2 1/2)
Low Density Residential (RL)
Standard Density Residential (RS)
Medium-10 Density Residential (RM-10)
Medium Density Residential (RM)
High Density Residential (RH)
<i>(Other classification of land use districts in the existing Table have been omitted because they remain unchanged)</i>

2.1.100 Purpose, Applicability and Location.

A. Purpose. Residential Districts are intended to promote the livability, stability, safety and improvement of the City of Bend's neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.

- Provide for compatible building and site design at an appropriate neighborhood scale which reflects the neighborhood character.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.

B. Applicability. This chapter applies to all development in the Urban Area Reserve District (UAR), ~~Residential Suburban Low Density (SR 2 1/2)~~, Low Density Residential District (RL), Standard Density Residential District (RS), Medium-10 Density Residential District (RM-10), Medium Density Residential District (RM), and High Density Residential District (RH). These districts are identified on the City's official Zoning Map. Properties designated within each district that contain additional standards ~~shall~~ must comply with the provisions of the applicable district, except as may be modified by this section. Properties within a designated Historic District ~~shall~~ must comply with the provisions of BC Chapter 10.20.

Table 2.1.100

Zone District Characteristics

Zone District	Location and Characteristics
Urban Area Reserve (UAR)	The Urban Area Reserve District is a holding zone for urban development. The maximum residential density for the district is 1 dwelling unit per 10 gross acres.
Suburban Low Density Residential (SR 2 1/2)	Areas with the Suburban Low Density Residential zoning reflect the existing development patterns and the presence of community water systems located on the perimeter of the City intended for urban redevelopment. The maximum density in the district is 1 unit per 2.5 gross acres. (There isn't any SR 2 ½ in the city)
Low Density Residential (RL)	The Low Density Residential District consists of large urban residential lots that are served with a community water system and DEQ permitted community or municipal sewer systems. The residential density range in this district is 1.1 to 4.0 dwelling units per gross acre.

Table 2.1.100

Zone District Characteristics

Zone District	Location and Characteristics
Standard Density Residential (RS)	The Standard Density Residential District is intended to provide opportunities for a wide variety of residential housing types at the most common residential densities in places where community sewer and water services are available. The residential density range in this district is 4.0 to 7.3 dwelling units per gross acre.
Medium-10 Density Residential (RM-10)	The Medium-10 Density Residential District is intended to provide opportunities for manufactured home park development and a variety of single- and multifamily residential housing types. The density range in this district is 6.0 to 10.0 dwelling units per gross acre.
Medium Density Residential (RM)	The Medium Density Residential District is intended to provide primarily for the development of multifamily residential in areas where sewer and water service are available. The residential density range in the district is 7.3 to 21.7 units per gross acre and shall <u>must</u> provide a transitional use area between other Residential Districts and other less restrictive areas.
High Density Residential (RH)	The High Density Residential District is intended to provide land for primarily high density multifamily residential in locations close to shopping and services, transportation and public open space. The density range of the district is 21.7 to 43.0 units per gross acre and shall <u>must</u> provide a transitional use area between other Residential Districts and other less restrictive areas.

2.1.200 Permitted Land and Conditional Uses.

- A. Permitted Uses. The land uses listed in Table 2.1.200 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.1.200, land uses that are incidental and subordinate to a permitted use and land uses that are approved as “similar” to those in

Table 2.1.200 may be permitted. The land uses identified with a “C” in Table 2.1.200 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4 Conditional Use Permits.

- B. Determination of Similar Land Use. Similar use determinations ~~shall~~ must be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.
- C. Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, except as otherwise specified in this section.

1. Existing single-family detached housing, single-family courtyard housing, and manufactured home parks that were lawfully established in their current location prior to the adoption of this code ~~shall be~~ are treated as permitted uses in the RH Zone unless originally approved through a conditional use permit, in which case they ~~shall~~ must remain subject to any applicable conditions of approval. Such uses are not subject to BDC Chapter 5.2 unless otherwise nonconforming.

Table 2.1.200 – Permitted and Conditional Uses

Delete SR 2 ½ column because there isn't any SR 2 ½

Land Use	SR 2 1/2	RL	RS	RM-10	RM	RH	UAR
Residential							
Single-family detached housing	P	P	P	P	P	N	P
*Single-family courtyard housing	N	C/P**	P	P	P	N	C
*Accessory dwelling units (ADUs)	P	P	P	P	P	P	P
*Manufactured homes on individual lots	P	P	P	P	P	N	P

*Manufactured home park	N	C	C	P	P	N	N
*Attached single-family townhomes	N	N/P**	P	P	P	P	N
*Two- and three-family housing	-						
• Duplex when located on a corner lot	N	P	P	P	P	P	N
• Duplex on other lot or parcel	N	C/P**	P	P	P	P	N
• Triplex	N	C/P**	P	P	P	P	N
Multifamily residential (more than 3 units)	N	N/P**	N/P**	P	P	P	N
*Timeshare unit	N	N	C	C	C	C	N
*Neighborhood Commercial (See 3.6.300.J)							
Child care facility (13 or more children)	N	<u>C/N***</u>	<u>P/N***</u>	<u>P/N***</u>	P	P	N
*Food and beverage services less than 2,000 square feet (with or without alcohol) excluding automobile-dependent and automobile-oriented, drive-in, and drive-	N	<u>C/N***</u>	<u>C/N***</u>	<u>C/N***</u>	<u>C/P***</u>	P	N

through uses (<i>This is repetitive of the prohibited uses listed in 3.6.300.J.1.b)</i>							
Laundromats and dry cleaners	N	C/N***	C/N***	P/N***	P	P	N
Retail goods sales and services	N	C/N***	C/N***	P/N***	P	P	N
Personal services (e.g., barber shops, salons, similar uses)	N	C/N***	P/N***	P/N***	P	P	N
Repair services, conducted entirely within building; excluding vehicle repair, small engine repair and similar services	N	C/N***	C/N***	C/N***	C/P***	C/P***	N
<u>Offices and Clinics</u>		C/N***	C/N***	P/N***	P	P	N
Mixed-use building	N	C/N***	C/N***	P/N***	P	P	N
<i>(Miscellaneous Uses from the existing Table have been omitted because they remain unchanged)</i>							

Key to Districts:

UAR = Urban Area Reserve

RL = Low Density Residential

RS = Standard Density Residential

RM = Medium Density Residential

RM-10 = Medium-10 Density Residential

RH = High Density Residential

Key to Permitted Uses

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

N = Not Permitted

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

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

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

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

2.1.300 Setbacks.

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 or specified in this code.

2.1.500 Lot Area and Dimensions.

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	Exceptions
Single-Family Detached Housing; Manufactured Homes	UAR	Minimum area: 10 acres	Minimum width: 300 ft. min. average lot width with	No exceptions permitted

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	Exceptions
on Lots (See BDC 3.6.200(E)); Residential Care Homes and Facilities (See BDC 3.6.200(J))			a min. street frontage of 150 ft.	
	RL	Minimum area: 10,000 sq. ft. with approved septic or sewer system	Minimum width: 400 ft. min. average lot width with a min. street frontage of 50 ft. Minimum lot depth: 100 ft.	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line Flag lot or parcel minimum width: 20 15 ft. min. at front property line. See BDC 4.3.700, Infill Development Options Zero lot line minimum width: 20 ft., see BDC 3.6.200(A), Courtyard Housing Mid-block infill <u>development</u> , see BDC 4.3.700, Infill Development Options <u>Shared courts</u> , See BDC 4.3.700 Corner lots or parcels must be at least five feet more in width than the
	RS	Minimum area: 4,000 sq. ft.	Minimum width: 40 ft. at front property line	
	RM-10	Minimum area: 4,000 sq. ft.	Minimum lot depth: 50 ft.	
	RM	Minimum area: 2,500 sq. ft.	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.	
	RH	Not applicable	Not applicable	

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	Exceptions
				minimum lot width required in the zone
Two- and Three-Family Housing (duplex/triplex) See BDC 3.6.200(H)	UAR	Not applicable	Not applicable	Bulb of a cul-de-sac
	RL	Minimum area: 20,000 sq. ft. with approved septic or sewer system	Minimum lot width: 100 ft. <u>average 50 ft.</u> Minimum lot depth: 100 ft.	minimum width: 30 ft. min. at the front property line <u>except for townhomes</u> Flag lot or parcel minimum width: 20 <u>15</u> ft.
	RS	Minimum area – duplex: 6,000 sq. ft. Minimum area – triplex: 9,000 sq. ft.	Minimum width: 40 ft. at front property line Minimum lot depth: 50 ft.	min. at front property line. See BDC 4.3.700, Infill Development Options Mid-block infill <u>development</u> , see BDC 4.3.700, Infill Development Options
	RM-10	Minimum area – duplex: 6,000 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 <u>Shared courts, See BDC</u>
	RM	None	Minimum width: 30 ft. at the front property line	<u>4.3.700</u>
	RH	None	Minimum lot depth: 50 ft.	

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

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

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. Multifamily residential;
2. Public and institutional buildings in Residential Zones;
3. ~~Neighborhood commercial;~~
4. ~~Mixed-use buildings in Residential Zones;~~ and **(The only way to do mixed use in a residential zone is through neighborhood commercial.)**
5. ~~3.~~ All other types of permitted/conditional nonresidential use buildings listed in BDC Table 2.1.200 when built in a Residential Zone.
 - a. Exemption. Neighborhood Commercial uses listed in BDC Table 2.1.200.

Chapter 2.7

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

Article III. Dean Swift Refinement Plan Development Standards

2.7.400 Dean Swift Refinement Plan Development Standards

- B. Use Standards. The special standards of the Dean Swift Refinement Plan area ~~shall supersede~~ the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone ~~shall~~ apply.

1. Modified RM Residential Overlay.

- d. Sub-area "D" is located north of Bear Creek Road between Dean Swift Road and the north/south extension of "C" Street. ~~This area shall be developed with multifamily housing.~~ The development characteristics of sub-area "D" are as follows:

- The residential density range for this sub-area is 12 units to 17 units per acre.

- The ~~predominant allowable~~ housing types ~~shall be~~ are attached single-family townhomes and multifamily buildings not to exceed six units per building.
- Attached single-family townhomes and multifamily buildings must not exceed six dwelling units.
- The maximum building height is 40 feet.
- The maximum lot coverage is 45 percent.

Article IV. Medical District Overlay Zone

2.7.530 Development Standards.

B. Lot Requirements. The following lot requirements ~~shall~~ must be observed:

7. Lot Coverage. ~~For single-family dwellings, two- and three-family housing, and multiple-family housing the lot coverage shall be a maximum of 50 percent.~~ The following maximum lot coverage standards apply to all development within the MDOZ:

Lot Coverage

Zone	Maximum Lot Coverage
<u>Medium Density Residential (RM)</u>	<u>50% for lots or parcels with single-family detached dwelling unit(s).</u> <u>60% for lots or parcels with single-family attached townhomes, duplexes, triplexes and multifamily.</u> <u>For any other use there is no maximum lot coverage.</u>
<u>High Density Residential (RH)</u>	<u>None</u>
<u>Convenience Commercial (CC) District</u>	<u>None</u>

~~For any other use there shall be no maximum lot coverage.~~

2.7.550 Architectural Design Standards.

The design standards are intended to provide detailed human-scale design to preserve the character of the area and surrounding neighborhoods while allowing flexibility to develop a variety of building types.

C. Outdoor and rooftop mechanical equipment as well as trash cans/dumpsters must be architecturally screened from view. Heating, ventilation and air conditioning units must have a noise attenuating barrier to protect adjacent Residential Districts from mechanical noise.

Article XI. Juniper Ridge Overlay Zone

2.7.2030 Employment Sub-District.

Table 2.7.2030.A Permitted Land Uses

Land Use	Employment Sub-District
<u>Publicly owned buildings such as City Hall, County courthouse, administrative buildings, library, museum, fire station, public safety training facilities, and similar structures, but excluding correctional facilities</u>	<u>P</u>
<u>Government facilities where the public is generally not received (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)</u>	<u>P</u>
<i>(Other uses from the existing Table have been omitted because they remain unchanged)</i>	

Key to Permitted Uses

P = Permitted

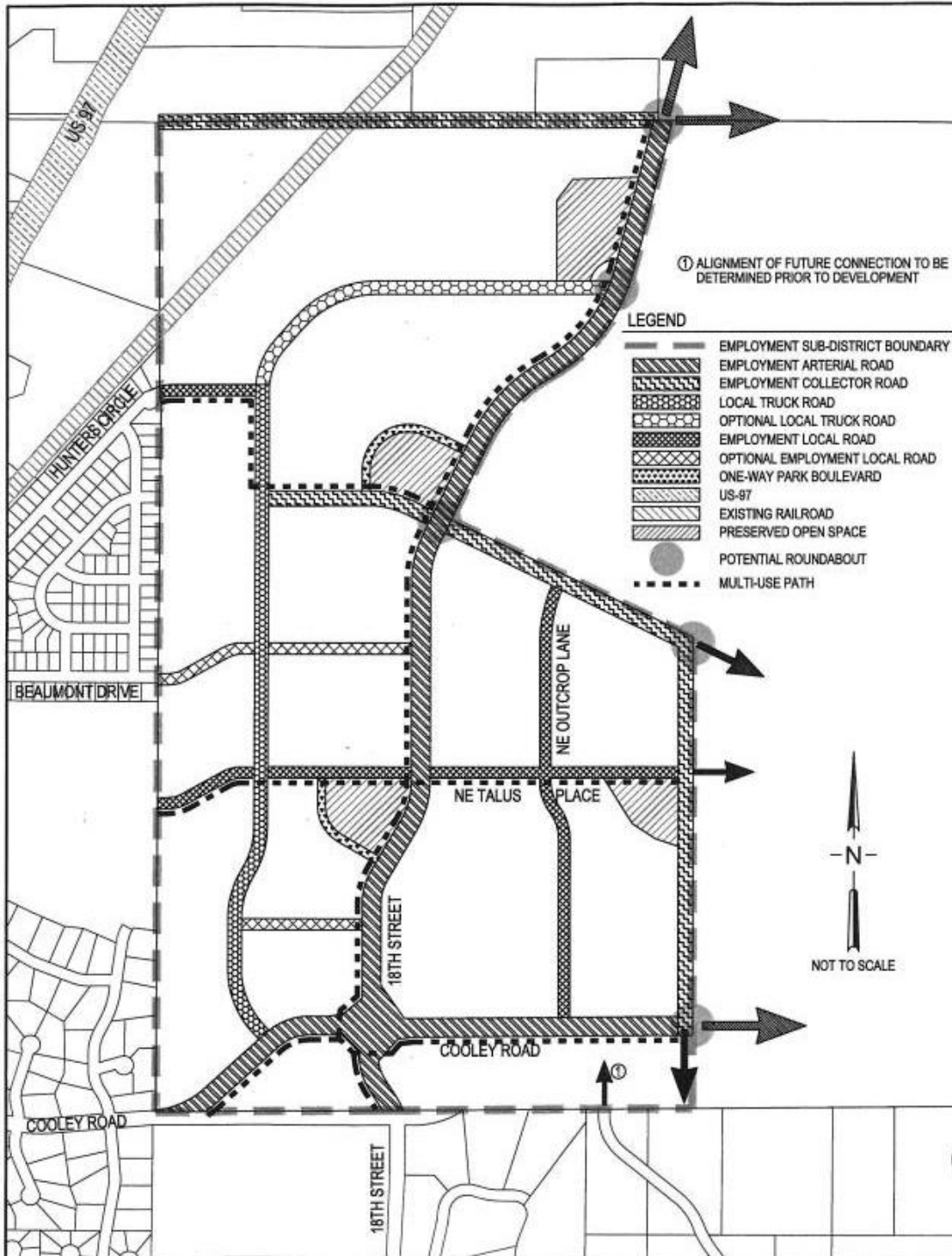
C = Conditional Use

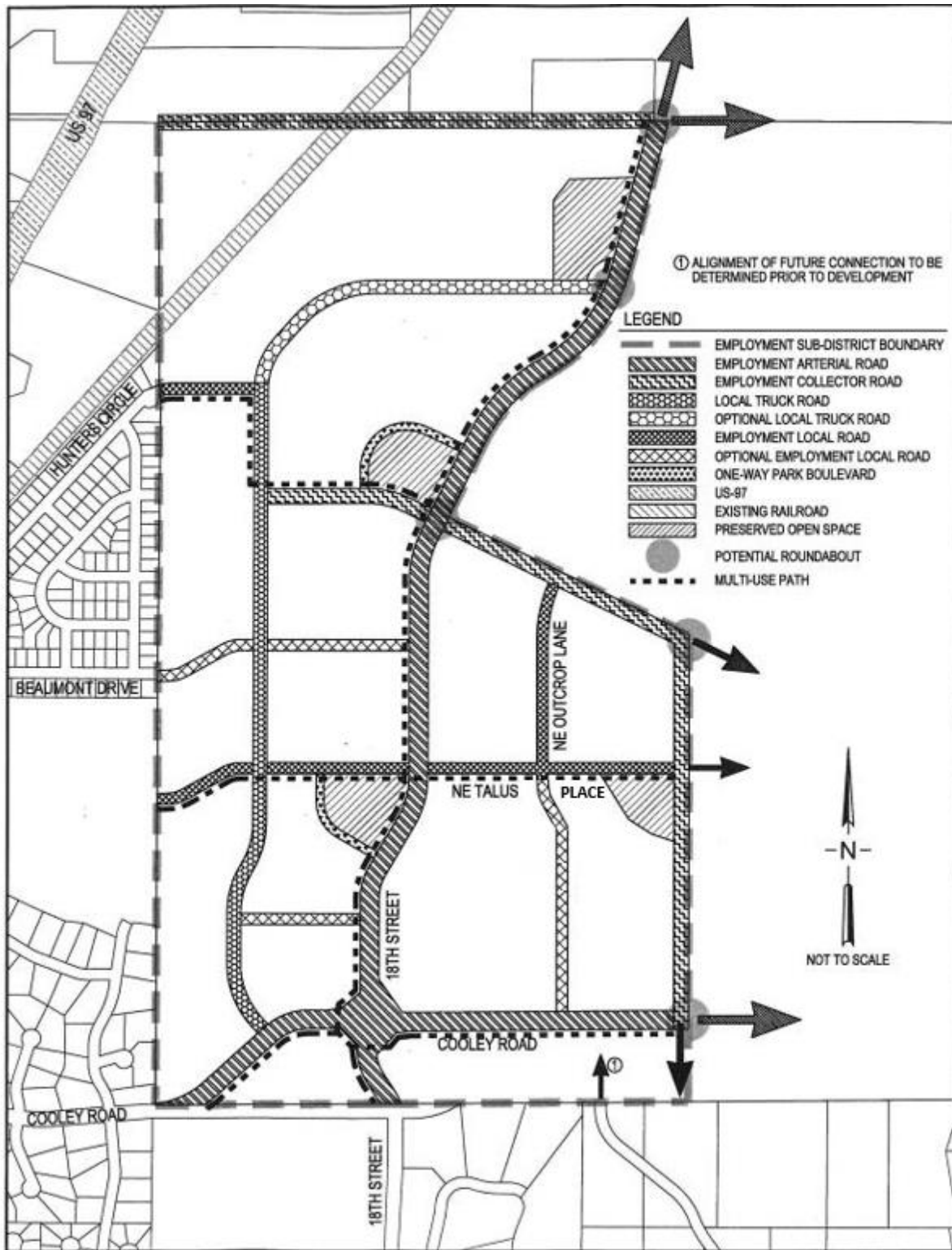
* In conformance with BDC 2.4.800, Special Development Standards.

Figure 2.7.2030.B

Employment Sub-District Transportation Plan Map

(Delete the following map and replace it with map below it.)





Chapter 3.1 LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

3.1.200 Lot, Parcel and Block Design

C. General Requirements for Lots and Parcels.

1. Depth and width of new lots or parcels ~~shall~~ must meet the minimum standards specified for the zoning district. Where no minimum standards are specified, the depth and width ~~shall~~ must be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

4. Each lot or parcel ~~shall~~ must abut upon a street other than an alley for the minimum width required for lots or parcels in the zone, except:
 - a. For lots or parcels fronting on the bulb of a cul-de-sac, the minimum frontage ~~shall be~~ is 30 feet, except for townhomes;
 - b. For approved flag lots or parcels, the minimum frontage ~~shall be 20~~ is 15 feet;
 - c. For lots or parcels in zero lot line developments, the minimum frontage ~~shall be~~ is 20 feet; and
 - d. In zones where a minimum frontage width is not specified, the minimum frontage ~~shall be~~ is 50 feet.

3.1.300 Multi-Modal Access and Circulation.

- A. Purpose. The purpose of this section is to ensure safe, accessible, direct and convenient multi-modal circulation by developing an on-street and off-street system of access corridors and public sidewalks throughout the City.

B. On-Site Pedestrian Facilities. For all developments except single-family, ~~and duplex dwellings on their own lot or parcel, and shared courts,~~ pedestrian access and connectivity ~~shall~~ must meet the following standards:

1. Pedestrian ways ~~shall~~ must:

- a. Connect all building entrances within the development to one another.
- b. Connect all parking areas, storage areas, recreational facilities, common areas (as applicable), and ~~adjacent~~ abutting development to the building's entrances and exits.
- c. Extend throughout the development site, and connect to all future phases of development, ~~adjacent~~ abutting trails, public parks and open space areas whenever possible as described in subsection (C) of this section, Off-Site Multi-Modal Facilities.
- d. Connect or stub to ~~adjacent~~ abutting streets and private property, in intervals no greater than the block perimeter standards.
- e. Provide pedestrian facilities within developments that are safe, accessible, reasonably direct and convenient connections between primary building entrances and all ~~adjacent~~ abutting streets, based on the following:
 - i. Convenient and Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
 - ii. Safe. Bicycling and pedestrian routes that are free from hazards and safely designed by ensuring no hidden corners, sight-obscuring fences, dense vegetation or other unsafe conditions.
 - iii. Accessible. All pedestrian access routes ~~shall~~ must comply with all applicable accessibility requirements.
 - iv. Primary Entrance Connection. A pedestrian access route ~~shall~~ must be constructed to connect the primary entrance of each building to the ~~adjacent~~ abutting streets. For commercial, industrial, mixed-use, public, and institutional building entrances, the **primary entrance** is the main public entrance to the building. In the case where no public entrance exists, connections ~~shall~~ must be provided to each employee entrance. For multifamily and

triplex dwellings, the “primary entrance” is the front door (i.e., oriented toward the street). For buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling and be accessible.

3.1.400 Vehicular Access Management.

F. Access Management Requirements. Access to the street system ~~shall~~ must meet the following standards:

1. ~~Except as authorized under subsection (F)(4) of this section, l~~ots and parcels in all zones and all uses ~~shall~~ may have one access point, except as authorized in BDC 3.1.400.F.4. - Single-family dwellings on corner lots at the intersection of two local streets may have one access point per frontage. When a property has more than one permitted street access, the City Engineer may require existing accesses to be closed and replaced with curbing, sidewalks/pathways, and landscaping, in accordance with the provisions of this Code and the City Standards and Specifications.
2. If a lot or parcel has frontage on two or more streets of different street classifications, the property ~~shall~~ must access the street with the lowest classification.
3. For lots or parcels abutting an alley, access may be required to be taken from the alley. Outside of the Downtown Wall Street/Bond Street couplet, the City Engineer may determine that an alley is not an adequate roadway for primary access if both of the following criteria are met:
 - a. The alley does not provide adequate or sufficient access to the proposed development; and
 - b. Access to the higher classification roadway will be safe.
4. Additional Access Points.
 - a. Single-Family Detached Dwellings may have an additional access point in compliance with the following:
 - i. Corner lots or parcels at the intersection of two local streets may have one access point per frontage. The accesses must be the maximum distance achievable from the intersection and not adversely impact traffic or safety or the City Engineer may determine a second access is not allowed.
 - ii. Lots or parcels on a local street that are not corner lots and have a frontage of 80 feet or wider may have two access points. The accesses must be separated by a minimum of 10-feet as measured between the edge of the approaches. The second access must not adversely impact the operations of the transportation system.

- iii. Alley access may be allowed when the lot or parcel has an existing permitted street access.
If the required on-site parking is provided off the alley, the City Engineer may require the
street access to be closed and replaced with curbing, sidewalks/pathways, and landscaping,
in accordance with the provisions of this Code and the City Standards and Specifications.
- b. Single-Family Attached Townhomes, Duplexes and Triplexes, see BDC 3.6, Special Standards
and Regulations for Certain Uses.
- c. All other uses. An additional access point may be allowed when it is demonstrated that the
 additional access improves on-site circulation, and does not adversely impact the operations of
 the transportation system. If the second access point is only available to an arterial or collector
 roadway, the City may require one or more of these conditions of approval:
 - i. ~~a-~~ Locating the access the maximum distance achievable from an intersection or from the
 closest driveway(s) on the same side of the street;
 - ii. ~~b-~~ ~~Installation of turn restrictions limiting access to right-in and right-out when the new access~~
~~would be located within 200 feet of an existing or planned traffic signal or roundabout and no~~
~~left turn lane exists to accommodate left turn storage on the arterial or collector;~~
Right in right out access may be required within 300' of a signalized intersection or
roundabout. If adequate 95% queuing and turn pocket transition lengths are determined not to
exceed the proposed point of entry, the City Engineer may grant access exceptions. (City
Engineering requested this.)
 - iii. ~~c-~~ Establishing a shared access with an adjoining property when possible; and/or
 - iv. ~~d-~~ Establishing a cross access easement with an adjoining property when possible.

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. Except for BDC 4.3.700(A) Mid-Block Lanes and BDC 4.3.700(D) Shared Courts,
Street trees must be planted for developments subject to BDC 3.6.200(H), Duplex and Triplex Development,
BDC 4.2.500, Site Plan Review, and BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line
Adjustments, for residential land divisions. Where sidewalks are being constructed with a development the

street trees must not be planted until the sidewalks are completed. Street trees must conform to the following standards and guidelines: ***(Added by the Planning Commission on September 23, 2019)***

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 are limited to the following list. Exceptions may be granted by the Planning Director.

3.2.500 Fences and Retaining Walls.

C. Fences.

1. Residential Districts.

a. Fences located in the front setback must not exceed three and one-half feet in height, ~~except decorative arbors, gates, and similar features which must not exceed six feet in length.~~

b. Exceptions.

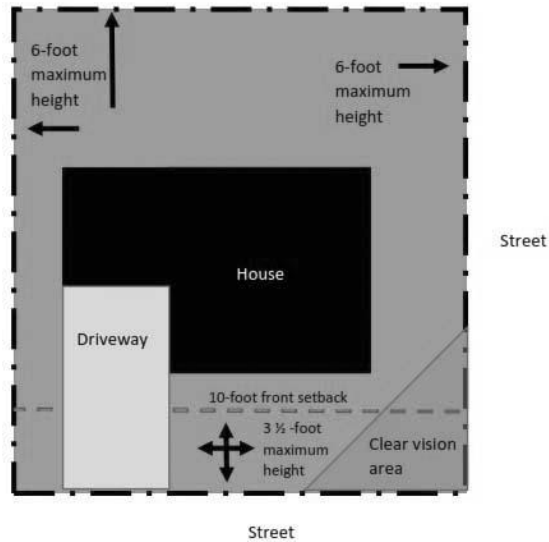
i. On corner lots, as illustrated in Figure 3.2.500.B, only one front setback area restriction applies relative to the three and one-half feet fence height restriction. The fence along the nonfront designated area must not exceed six feet in height from the area subject to the front setback to the rear property line.

ii. On through lots the three and one-half feet fence height restriction only applies to the front setback which includes the front entrance to the dwelling unit. The fence along the nonfront designated area must not exceed six feet in height.

iii. Decorative arbors, gates, and similar features must not exceed six feet in length.

iv. Fences located in the front setback must not exceed four feet in height for child care facilities and registered or certified family child care homes.

Figure 3.2.500.B Fence Example



Chapter 3.3 VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) ~~shall be~~ is determined based on the standards in this section.

- A. Off-Street Parking Requirements. The number of required off-street vehicle parking spaces ~~shall be~~ is determined in accordance with the following standards. 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). In applying the exceptions and reductions listed in subsections (B), (C), and (D) of this section, reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces ~~shall be~~ is rounded down to the nearest whole number.

Table 3.3.300

Required Off-Street Vehicle Parking Spaces

Use	Minimum Requirement
Residential	
Accessory dwelling unit	4 space per unit <u>None.</u> (Consistent with HB 2001)
<i>(Other uses from the existing Table have been omitted because they remain unchanged)</i>	

**Chapter 3.6
SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES**

Delete SR 2 ½

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~~ abutting 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~~ once unless the area under the stairs is part of the ADU floor plan, in which case, the stairs are counted twice. (***Provides clarity to when stairs are counted twice.***)

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.~~ None. (***Consistent with HB 2001***)

E. Manufactured Homes on Individual Lots. Manufactured homes are permitted on individual lots, subject to a building permit compliance with the following design standards, ~~consistent with ORS 197.307(5).~~ The following standards do not apply to units that existed on lots within the City prior to the effective date of the ordinance codified in this code.

- ~~1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;~~
- ~~2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees);~~
- ~~3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood appearance siding is considered "superior" to metal siding and roofing);~~
- ~~4. Garages and Carports. The manufactured home shall have a garage or carport constructed of like materials;~~
- ~~5. Thermal Envelope. The manufactured home shall must be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;~~

The manufactured home must be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code. (**Consistent with ORS 197.307**)

2. ~~6.~~ Placement. The manufactured home ~~shall~~ must be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than ~~46~~ 12 inches above grade, and complying with the minimum set-up standards of the adopted State Administrative Rules for Manufactured Dwellings. Where the building site has a sloped grade, no more than ~~46~~ 12 inches of the enclosing material ~~shall~~ can be exposed on the uphill side of the foundation skirt; and (**Consistent with ORS 197.307**)
3. ~~7.~~ Skirting. The foundation area of the manufactured home ~~shall~~ must be fully skirted;
4. ~~8.~~ Historic Districts. The manufactured home ~~shall~~ must not be located in a designated historic district.

3.6.300 Nonresidential Uses.

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.~~

- ~~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.~~

- ~~3. Lot Location and Size Standard. Within the Residential Districts, new neighborhood commercial nodes shall be limited to lots that comply with the following location and size standards:~~

- a. ~~Corner lots at an intersection of a local street and another local or collector street.~~
- b. ~~The combined area of the lot to be developed and all adjacent lots approved for or developed with a neighborhood commercial use may not exceed one-half acre in size.~~
- c. ~~Neighborhood commercial nodes shall be no closer than one-fourth mile from an existing Commercial District or another existing neighborhood commercial node. For purposes of this code, **existing** shall mean established, approved, or in process/submitted for approval.~~

4. ~~Node Development. A **commercial node** is defined as one or more lot(s) or parcel(s) not exceeding a total area of one-half acre, excluding road rights-of-way, located at the intersection of a local street and another local or collector street. A neighborhood commercial node may consist of multiple lots including interior lots when the following conditions exist:~~

- a. ~~Neighborhood commercial development exists on a corner lot or will be established prior to or concurrent with the interior lot development; and~~
- b. ~~The interior lot adjoins a corner lot developed with a neighborhood commercial use or another interior lot or lots that adjoin a corner lot development with a neighborhood commercial use; and~~
- c. ~~The combined frontage for lots used for existing and proposed neighborhood commercial uses along any one street frontage shall not exceed 150 feet.~~

5. ~~Exceptions to the above location criteria may be granted if the following apply:~~

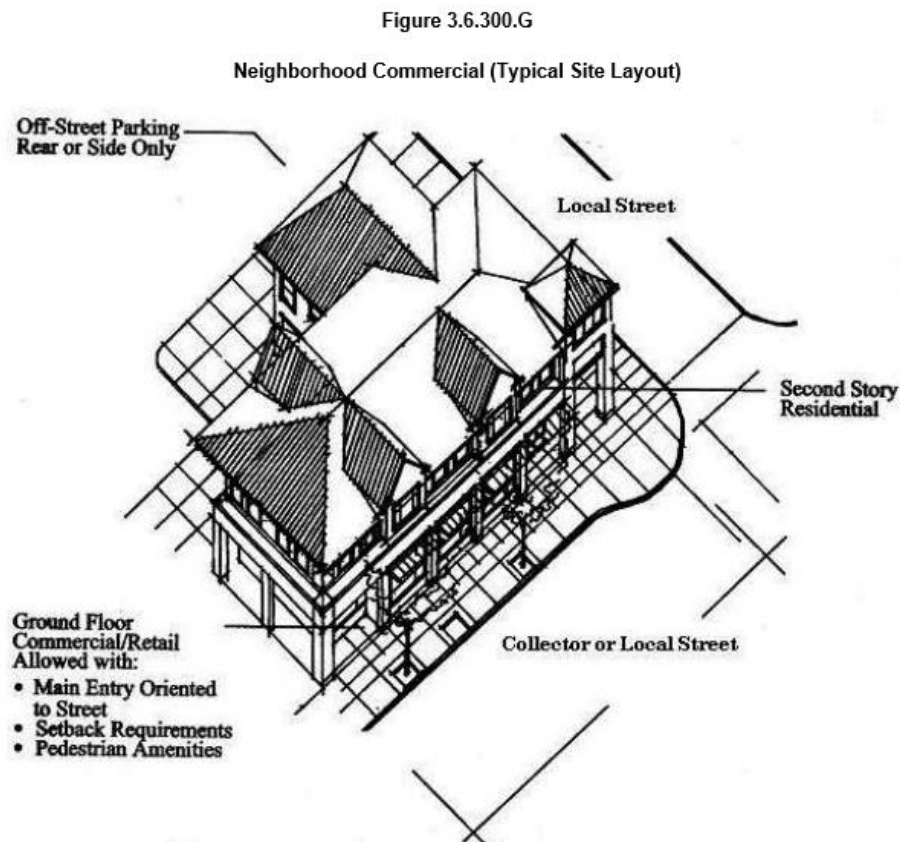
- a. ~~It can be documented that the historic use of the property was previously commercial.~~

6. ~~Building Design Standard. All new neighborhood commercial buildings, building additions, and existing buildings proposed for conversion to a neighborhood commercial use shall be subject to the architectural design standards in BDC 2.1.900, except existing buildings constructed prior to the date of adoption of this code shall be exempt from the architectural design standards. For the purpose of this code, the term **constructed** means the date of issuance of a building permit for structural construction or alteration of a building.~~

7. ~~Building Setbacks. All new neighborhood commercial buildings shall have a maximum front yard building setback of 10 feet, notwithstanding the underlying zone requirements.~~

8. ~~Floor Area Standard. The maximum total commercial floor area shall not exceed 5,000 square feet total per neighborhood commercial node and shall be limited to a maximum ground floor area of 3,000 square feet per user. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., areas with less than seven and one-half feet of vertical clearance). Floor area dedicated to residential use within a mixed-use building shall not be counted toward the calculation of commercial floor area.~~

9. ~~Hours of Operation. Commercial uses shall not exceed the following hours of operation: 7:00 a.m. to 10:00 p.m. In addition, live entertainment shall be prohibited.~~



10. ~~Parking. Off-street parking is optional for neighborhood commercial uses located where on-street parking is available adjacent to the neighborhood commercial site, except for food service uses. Parking for food service uses shall be subject to the standards in BDC Chapter 3.3, Vehicle Parking,~~

~~Loading and Bicycle Parking. Off-street parking for neighborhood commercial uses is subject to the following criteria:~~

- ~~a. Off-street parking, driveways and other vehicular use and circulation areas shall not be placed between a building and the street.~~
- ~~b. Where off-street parking is adjacent to a street, the parking and maneuvering area shall be separated from the right-of-way by a three-foot minimum landscape planter.~~
- ~~c. In no instance shall there be more than six off-street parking spaces per site.~~

J. Neighborhood Commercial Sites. Neighborhood commercial sites within the Residential Districts are intended to provide pedestrian-friendly access to goods and services convenient to nearby residents, encourage affordable mixed-use housing types, and provide a compatible transition between commercial and residential uses. In addition to new neighborhood commercial sites, this subsection also recognizes and seeks to preserve long standing historical commercial uses that have served the neighborhood.

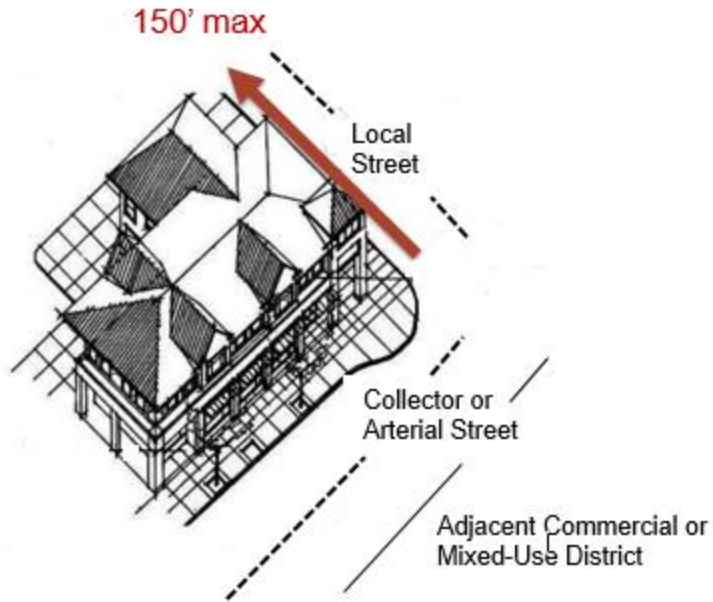
Neighborhood commercial sites must comply with the following standards, except buildings and associated sites constructed prior to the date of adoption of this Code and with a documented history of a neighborhood commercial use may be exempt from certain standards as specified in this subsection. A determination of whether the site was historically a commercial use may be based on any of the following:

- Listings in telephone, business, and Polk directories.
- Advertisements in dated publications; e.g., trade magazines.
- Building, land use, sign or development permits.
- Deschutes County Historical Museum records.
- Historical uses do not include office uses that were approved with a conditional use permit.

1. Permitted and Conditional Uses.

- a. Permitted and Conditional Uses. Residential and Neighborhood Commercial uses listed in BDC Table 2.1.200, Permitted and Conditional Uses in compliance with the corresponding zoning district.
- b. Prohibited Uses.
 - i. Automobile-oriented and automobile-dependent uses.

- ii. Marijuana businesses.
- 2. Neighborhood Commercial Site Standards. Neighborhood commercial sites must comply with the following standards:
 - a. Neighborhood commercial sites are limited to one of the following:
 - i. Sites greater than ¼ mile from a Commercial Comprehensive Plan map designation, Mixed-Use Comprehensive Plan map designation and neighborhood commercial site, and located on a corner at an intersection; or
 - ii. In the RM and RH Zones, sites located on a corner at an intersection and adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation; or
 - iii. In the RM and RH Zones, sites with frontage on an arterial or collector street, and adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation.
 - b. Corner Neighborhood Commercial Site Development Standards.
 - i. Corner neighborhood commercial sites may be located on multiple abutting properties including interior properties when they abut a corner property developed, or will be developed, with a neighborhood commercial use or historical commercial use.
 - ii. No portion of the street facing elevation which contains a neighborhood commercial use can be located more than 150 feet from the property corner at the intersection.
 - (A) Exemption. The street facing elevation for a neighborhood commercial use may exceed 150 feet along street frontages which abut an arterial or collector street and are adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation.



- c. The area of the neighborhood commercial site to be developed and all abutting properties approved for or developed with a neighborhood commercial use must not exceed the following:
 - i. One-half acre in size for neighborhood commercial sites located ¼ mile or greater from a Commercial or Mixed-Use Comprehensive Plan map designation.
 - ii. One acre in size for neighborhood commercial sites located adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation. ***(Added by the Planning Commission on September 23, 2019)***
 - d. Exceptions to the above standards may be granted if it can be documented that the historic use of the site was previously a commercial use.
3. Design Standards.
- a. Ground-floor Windows. Ground-floor windows of the street wall of a nonresidential use must be installed for at least 50 percent of the length of the street wall and have an area equal to 60 percent of the ground-floor wall area of the street wall. Ground-floor wall area includes all wall areas up to 10 feet above finished grade. Windows are required to be transparent to foster both a physical and visual connection between activities in the building and pedestrian activities on the street. Buildings constructed prior to the date of adoption of this Code are exempt. ***(The City Council exempted buildings construction prior to the date of adoption of this code on October 16, 2019.)***

- b. Front Door. At least one main front door entrance to the neighborhood commercial use must orient to an abutting street.
- 4. Building Setbacks. All new neighborhood commercial buildings must have a maximum front setback of 10 feet, notwithstanding the applicable zone requirements. Buildings constructed prior to the date of adoption of this Code are exempt from the building setback requirements.
- 5. Residential Dwelling Density Standard. All new neighborhood commercial sites adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation must meet the minimum residential dwelling density of the zoning district. Buildings and associated sites constructed prior to the date of adoption of this Code, and with a documented history of a neighborhood commercial use, are exempt from the residential density requirements.
- 6. Parking Standard.
 - a. The following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Unless otherwise stated here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.
 - i. Neighborhood commercial sites located ¼ mile or greater from a Commercial or Mixed-Use Comprehensive Plan map designation must comply with the following:
 - (A) Neighborhood Commercial Uses. Off-street parking is optional where abutting on-street parking is available, except for food and beverage services. Where abutting on-street parking is not available or the use is for food and/or beverage services, parking must comply with the requirements in subsection (J)(6)(a)(ii)(A).
 - (B) Residential Uses. 1 space per dwelling unit. Tandem parking is permitted when the spaces are assigned to the same unit.
 - (C) Short-Term Rentals. See BDC 3.6.500(H), Parking.
 - ii. Neighborhood commercial sites located adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation must comply with the following:
 - (A) Neighborhood Commercial Uses. 1 space per 500 square feet of gross floor area, except food and/or beverage services is 1 space per 200 square feet of gross floor area. **(The City Council revised the restaurant parking requirement on October 16, 2019.)**
 - (B) Residential Uses. 1 space per dwelling unit. Tandem parking is permitted when the spaces are assigned to the same unit.
 - (C) Short-Term Rentals. See BDC 3.6.500(H), Parking.

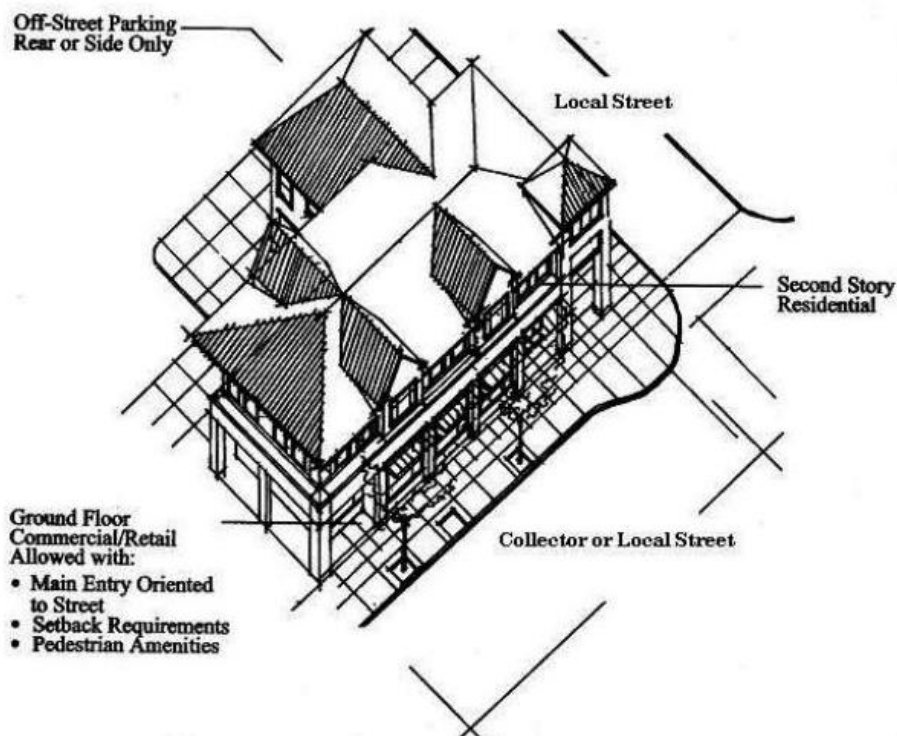
- (D) The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement, except for short-term rentals.
- b. Off-street parking, driveways, and other vehicular use and circulation areas cannot be placed between a building and the street.
- c. Exemption. Buildings and associated sites constructed prior to the date of adoption of this Code, and with a documented history of a commercial use, are exempt from the parking requirements.
7. Building Height. All new neighborhood commercial use buildings must not exceed the maximum building height allowed in the zoning district. For maximum building height exceptions for Affordable Housing, see BDC 3.6.200(C).
8. Lot Coverage. None.
9. Floor Area Ratio. None.
10. Mechanical Equipment and Trash Receptacles. Outdoor and rooftop mechanical equipment as well as trash receptacles must be architecturally screened from view. Heating, ventilation and air conditioning units must have a noise attenuating barrier to protect abutting Residential Districts from mechanical noise.
11. Landscape Buffer.
- a. A landscape buffer is required along the side and rear property lines between nonresidential uses and any abutting stand-alone residential uses in the Residential Comprehensive Plan map designations. Conformance with the buffering standard is achieved when one of the following options is met, unless exempted.
- i. A landscape buffer is provided and is no less than 10 feet wide.
- ii. A landscape buffer is provided and is no less than five feet wide. Except for in the front setback, the landscape buffer must be located next to a solid wall or fence that is no less than six feet in height.
- iii. Exemption. A landscape buffer is not required for side or rear property lines when the abutting properties are under common ownership.
- b. A landscape buffer is not in addition to (may overlap with) the side and rear setbacks.
- c. The landscape buffer must provide trees, shrubs and ground cover. The buffer may contain pedestrian seating at least five feet from the abutting property line. The buffer may 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.

12. Hours of Operation. Neighborhood commercial uses must not exceed the following hours of operation: 7:00 a.m. to 10:00 p.m. Live entertainment outside of an enclosed building is prohibited. ***(The Planning Commission deleted “Live entertainment outside of an enclosed building is prohibited” on September 23, 2019. The City Council approved keeping the prohibition on October 16, 2019.)***

Delete Figure below

Figure 3.6.300.G

Neighborhood Commercial (Typical Site Layout)

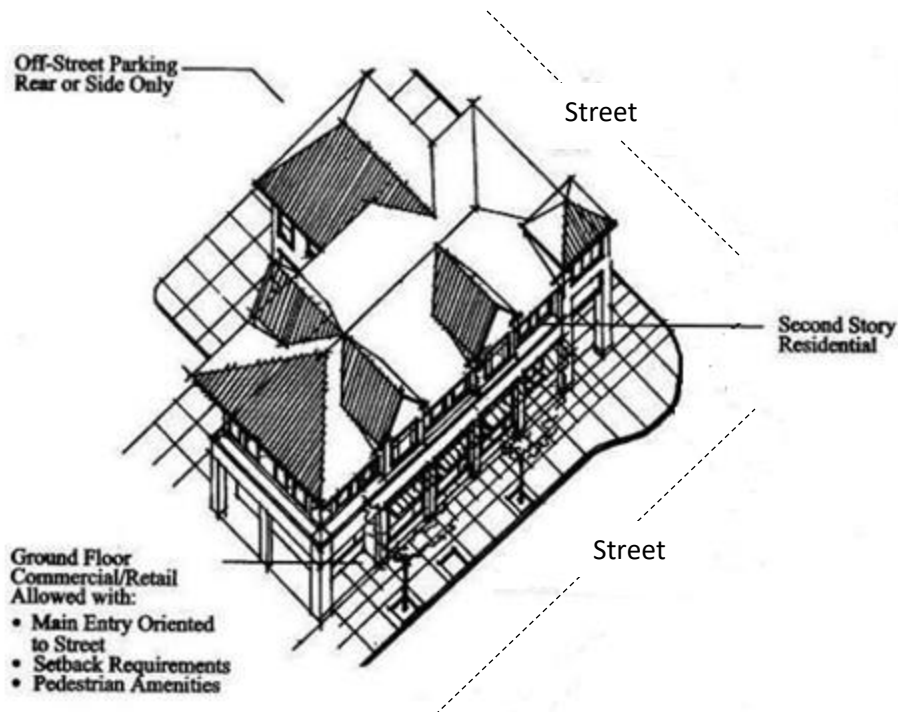


Update with figure below

Figure 3.6.300.G

Neighborhood Commercial (Typical Site Layout)

Add Figure below



Chapter 4.3

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

4.7.300 Infill Development Options.

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

- A. Mid-Block Development. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown in Figure 4.3.700.A. Mid-block lanes are public right-of-way or private access ways and utility easements that provide an opportunity for the redevelopment of underutilized and oversized residential lots. Mid-block lanes must be required when existing lot depths are

150 feet or greater and the surrounding pattern of development will facilitate mid-block lane development.
Lots with a depth less than 150 feet may develop using flag lots.

Figure 4.3.700.A

(Replace following figure with figure below it)

Mid-Block Infill

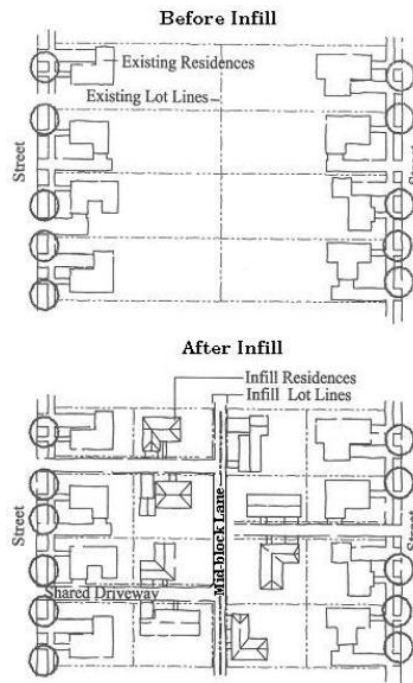
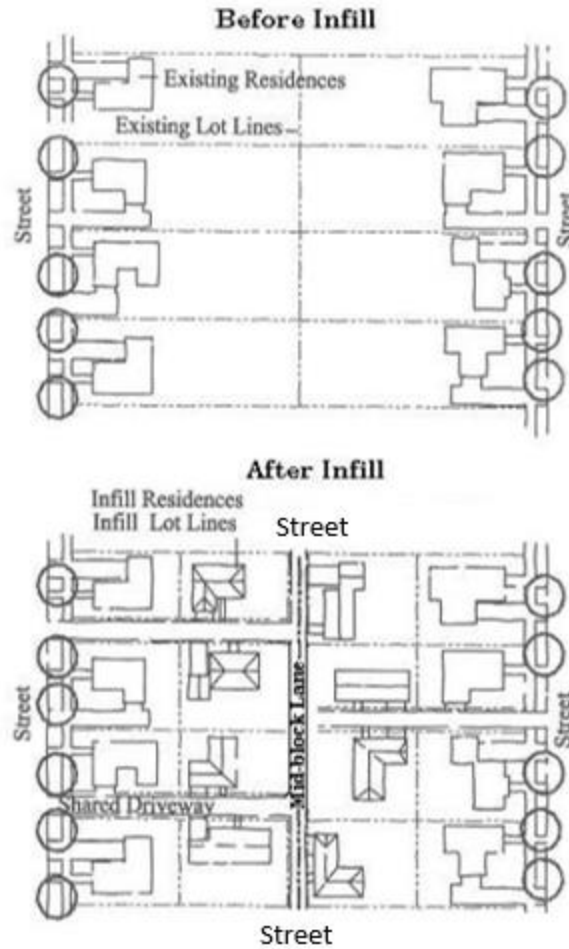


Figure 4.3.700.A

Mid-Block Infill



1. Eligibility for Mid-Block Lanes. To determine if an existing area is eligible for mid-block lane development, the following criteria must be met before applying the mid-block lane standards:
 - a. Minimum lot area: twice that required by the underlying zone.
 - b. Minimum lot width: 20 feet wider than the width required by the underlying zone.
 - c. Minimum lot depth: 150 feet.

- d. Maximum lot size: ~~0.5~~ 10 acres including adjacent properties under common ownership. **(0.5 acres is not practical to do a mid-block lane development.)**

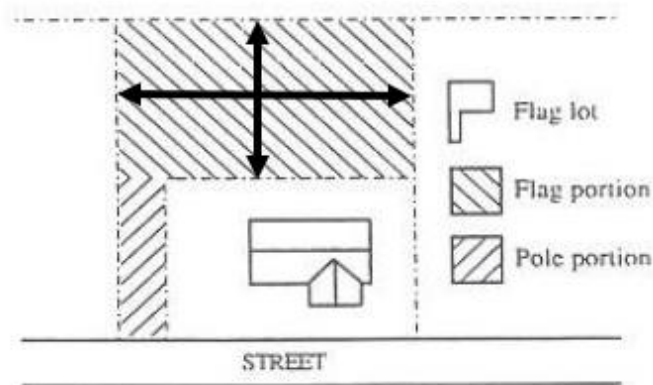
4. Maximum Shared Driveway and Mid-Block Lane Length. The maximum shared driveway length is subject to requirements of the Uniform Fire Code, but must not exceed 150 feet, without connecting to a mid-block lane. The length of a mid-block lane must not exceed ~~300~~ 600 feet between intersections of a public street. The mid-block lane and shared driveway access must be constructed to meet the Oregon Fire Code and the Fire Department emergency access standards and required turning radius for emergency vehicles.

7. Mid-block lanes do not satisfy the standards of BDC 3.1.200(D), Street Connectivity and Formation of Blocks. **(Added by the Planning Commission on September 23, 2019)**

B. Flag Lots

1. Eligibility for Flag Lots. Flag lots may be created only when mid-block lanes cannot be extended to serve future redevelopment. Flag lot development is not permitted on collector or arterial streets. To determine if an existing lot is eligible for flag lot development, the following criteria must be met:
- a. ~~Minimum lot area: twice that required by the underlying zone.~~
 - b. ~~Minimum lot width: 20 feet wider than the width required by the underlying zone.~~
2. Development Standards. Flag lots must comply with the following standards:
- a. The minimum lot frontage and pole for a flag lot must be ~~20~~ 15 feet. ~~A 20-foot-wide flag lot driveway may serve no more than two parcels or lots (the front parent parcel and the flag lot) and no more than four dwelling units, including accessory dwelling units. A shared drive serving more than one lot must have a reciprocal access and maintenance easement recorded for all lots.~~

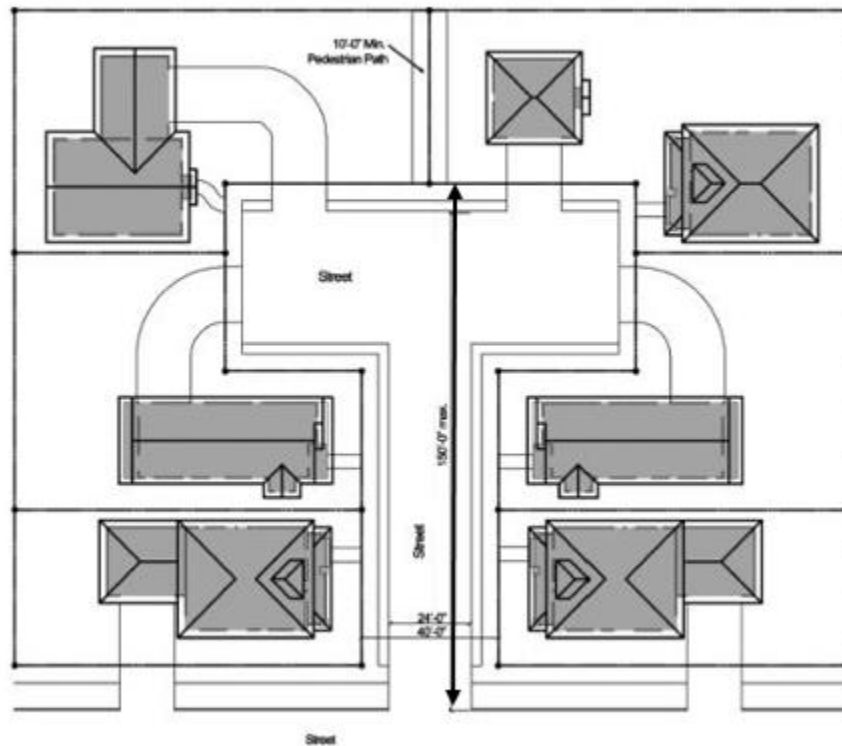
- ~~i. Exception: A 30-foot wide shared flag lot driveway may be developed between two adjoining properties and can serve a maximum of four lots and no more than two dwelling units per lot, including accessory dwelling units.~~
- b. When a shared driveway serves two or more properties, the shared driveway width must be a minimum of 20 feet. The shared driveway must have a reciprocal access and maintenance easement recorded for all lots.
- c. There must be no more than two abutting flag poles.
- ~~d. No fence, structure or other obstacle may be placed within the shared driveway alignment.~~
- e. ~~Residential lots created as flag lots are subject to floor area ratio (FAR) in conformance with BDC 2.1.400. For the purpose of calculating FAR the flag pole area of the lot is not counted.~~
- ~~d. Flag lot development is not permitted on collector or arterial streets.~~
- f. Lot width and depth is measured at the midpoint of opposite lot lines of the flag portion of the lot. For the purposes of flag lots, lot width and depth may be measured in either direction.
- g. The lot lines in the flag portion are either side or rear lots lines.



- C. T-Courts. T-courts are ~~short private streets~~ intended to facilitate **infill development** and redevelopment of properties when no other development alternative exists. ~~Residential lots created by "T-court" development~~

~~are subject to floor area ratio (FAR) in conformance with BDC 2.1.400.~~ In addition, T-court development must comply with the following development standards:

1. T-Courts must be private streets. Minimum access way width must be 40 feet and must be recorded as an easement or a tract. The access width must include public or private utility easements as needed. ***(Provides clarity since they are not built to standard.)***
2. Minimum pavement width must be 24 feet.
3. ~~Maximum length of the T-court must be 150 feet from the centerline of the intersecting street to the centerline of the T-court.~~ The maximum length of the T-court is 150 feet from the property line of the private tract or easement to the end of the T- court.
4. No parking is allowed within the T-court. "No Parking" signs are required and must be maintained.
5. A pedestrian pathway must be provided at the "T" to abutting streets or where appropriate to connect to adjoining development. If the pedestrian pathway connects to abutting streets, a public access easement must be recorded on the property.
6. The "T" Court must only provide access to lots and parcels that have frontage on the "T" Court.
7. Residential lots and parcels created by "T-court" development are subject to floor area ratio (FAR) in conformance with BDC 2.1.400. ***(Relocated from purpose statement.)***



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

1. Applicability. Shared courts are permitted in RM and RH Zoning Districts and in the Mixed-Use Zoning Districts where standalone residential uses are permitted in BDC Table 2.3.200, Permitted and Conditional Uses. Where the regulations of this section are not specific, the standards of the relevant zoning district prevail.
2. Permitted and Conditional Uses:
 - a. RM and RH Zoning Districts. Residential uses listed in BDC Table 2.1.200, Permitted and Conditional Uses in compliance with the corresponding zoning district.
 - b. Mixed-Use Zoning Districts. Standalone residential uses permitted in BDC Table 2.3.200, Permitted and Conditional Uses in compliance with the corresponding zoning district.
3. Development Site.
 - a. Must not exceed one 1.1 acres. (Amended by the Planning Commission on September 23, 2019)

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

4. Shared Court Lots and Parcels.

a. No minimum lot size.

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

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

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

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

5. Private Access Drive.

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

b. Minimum access width and pavement width must be 24 feet, unless the Oregon Fire Code requires wider widths (i.e., aerial access and fire hydrant placement) and must be recorded as a tract. ~~Instead of a sidewalk area that is separate from vehicle areas, a private access drive must be constructed of brick, pavers, stone, colored or stamped pervious or impervious pavement, colored or stamped asphalt, or scored or colored concrete to clearly indicate that the entire private access drive is intended for pedestrians as well as vehicles. Asphalt is permitted within the private access drive not to exceed 25 percent of the area of the private access drive.~~ Sidewalks are not required for the private access drive. **(The Planning Commission added "... colored or stamped pervious or impervious pavement, colored or stamped asphalt..." on September 23, 2019. The City Council deleted the surface material requirement for the private access drive on October 16, 2019.)**

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

6. Public Utility Easement

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

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

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

8. Off -Street Parking.

- a. Dwelling Units: See BDC Table 3.3.300, Required Off-Street Parking Spaces. Required parking spaces may be provided in tandem on a driveway.
- b. Guest parking: 0.25 spaces per dwelling unit. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.
- c. No parking is allowed within the private access drive. "No Parking" signs are required and must be maintained.

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

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

9. Design Standards.

a. Front Door.

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

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

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

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

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

b. ~~Attached dwelling units abutting a street must include offsets along the street at least every thirty feet. Building offsets must step the building wall back or forward at least four feet. Attached dwelling units abutting a street must include offsets along the street at least every thirty feet for each story. Offsets must step an enclosed building wall back or forward at least two feet and the offset must be a minimum width of four feet.~~ ***(Amended by the Planning Commission on September 23, 2019)***

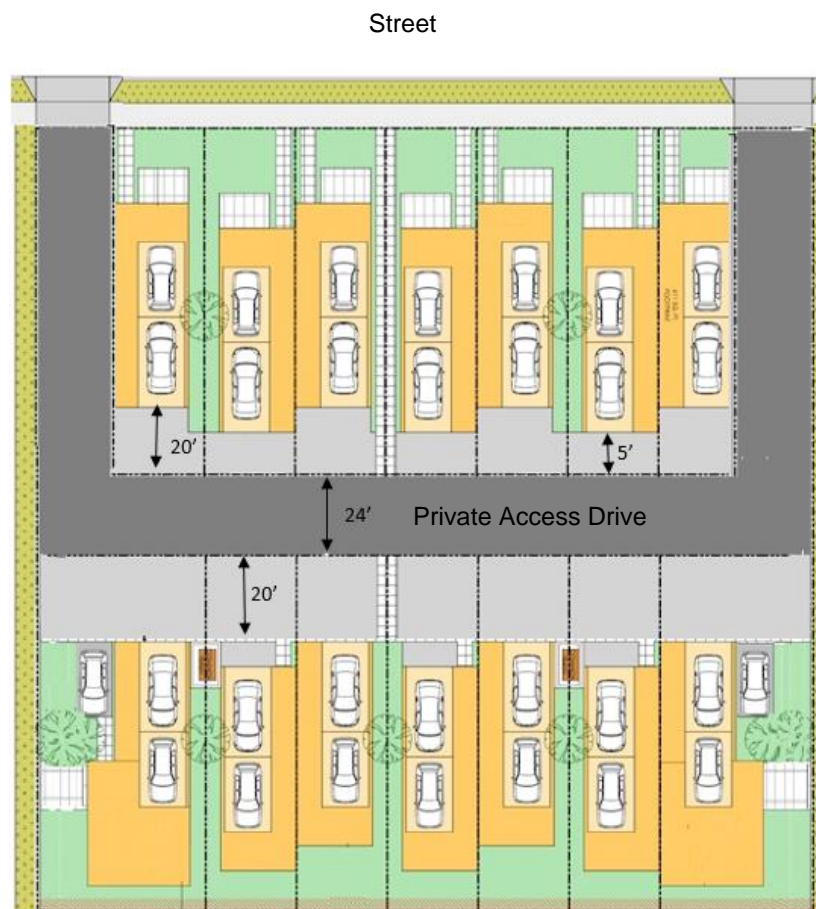
10. BDC 3.6.200(D) does not apply to shared court developments.

11. Trash Receptacles. Each dwelling unit must provide an enclosure area for trash and recycling or a common receptacle area must be provided. The trash receptacle area may be located in a garage;

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

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

Figure 4.3.700.D (conceptual)



Chapter 4.5 MASTER PLANNING AND DEVELOPMENT ALTERNATIVES

4.5.200 Community Master Plan.

B. Applicability.

1. Community master plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.
2. Community master plans are required for any property or combination of adjacent properties under common ownership totaling 20 acres or larger ~~at the date of adoption of this code,~~ unless exempted below.

C. Review Process.

2. Minor Community Master Plans. Minor community master plans are processed as follows:
 - a. Step 1. The approval of a minor community master plan (Type II process).
 - b. Step 2. Upon approval of the minor community master plan, and prior to the commencement of Step 3, the applicant must submit a final minor community master plan to the City in an electronic format specified by the City. The final minor community master plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. ~~The minor community master plan denotation for the subject site will be shown on the Zoning Map. The denotation on the Zoning Map may be added or removed administratively by staff upon approval or withdrawal of the minor community master plan.~~
 - c. Step 3. The approval of a land division(s) and/or Site Plan Review application(s) (Type II process).

D. Community Master Plan Approval Criteria.

3. Major Community Master Plan. In addition to the approval criteria in subsection (D)(1) of this section the City may approve, approve with conditions, or deny a proposed major community master plan application based on meeting all of the following criteria:
 - a. The community master plan land uses and densities must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning is proposed as part of the master plan application, the master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section. Any other changes to the plan designations and density/housing numbers, or other changes to the Comprehensive Plan Map designations require a Comprehensive Plan and zoning map amendment to be processed concurrently in accordance with BDC Chapter 4.6, Land Use District Map and Text Amendments.

4.5.300 Institutional Master Plan.

C. Review Process.

1. Minor Institutional Master Plans. Minor institutional master plans are processed as follows:
 - a. Step 1. The approval of a minor institutional master plan (Type II process).
 - b. Step 2. Upon approval of the minor institutional master plan, and prior to the commencement of Step 3, the applicant must submit a final minor institutional master plan to the City in an electronic format specified by the City. The final minor institutional master plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. ~~The minor~~

~~institutional master plan denotation for the subject site will be shown on the Zoning Map. The denotation on the Zoning Map may be added or removed administratively by staff upon approval or withdrawal of the minor institutional master plan.~~

- c. Step 3. The approval of a land division(s) and/or site plan review application(s) (Type II process).

- E. Approval Criteria. The City may approve, approve with conditions, or deny the proposed institutional master plan application based on meeting all of the following criteria:

1. The proposed land uses within the institutional master plan must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning are proposed as part of the major institutional master plan application, the major institutional master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage consistent with the allocations prescribed by the existing plan designations. Any other changes to the Comprehensive Plan Map designations require a Comprehensive Plan and zoning map amendment to be processed concurrently in accordance with BDC Chapter 4.6, Land Use District Map and Text Amendments.

4.5.400 Employment Master Plans.

- C. Review Process.

1. Minor Employment Master Plans. Minor employment master plans are processed as follows:
 - a. Step 1. The approval of a minor employment master plan (Type II process).
 - b. Step 2. Upon approval of the minor employment master plan, and prior to the commencement of Step 3, the applicant must submit a final minor employment master plan to the City in an electronic format specified by the City. The final minor employment master plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. ~~The minor employment master plan denotation for the subject site will be shown on the Zoning Map. The~~

~~denotation on the Zoning Map may be added or removed administratively by staff upon approval or withdrawal of the minor employment master plan.~~

- c. Step 3. The approval of a land division(s) and/or site plan review application(s) (Type II process).

- D. Approval Criteria. The City may approve, approve with conditions, or deny the proposed employment master plan application based on meeting all of the following criteria:

1. The proposed land uses within the employment master plan must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning are proposed as part of a major employment master plan application, the major employment master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage consistent with the allocations prescribed by the existing plan designations. Any other changes to the Comprehensive Plan Map designations require a Comprehensive Plan and zoning map amendment to be processed concurrently in accordance with BDC Chapter 4.6, Land Use District Map and Text Amendments.

4.5.500 Cottage Housing Development

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

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

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

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

- C. Density. ~~For the purpose of this section, density is calculated as gross units per acre.~~

1. Minimum Density.

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

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

3. Maximum Density Calculation. RS, RM-10 and RM density calculation is based on the following floor area: (Amended by the City Council on October 18, 2019)

- a. Dwelling units 400-600 square feet or smaller: 0.25 of a dwelling unit. (Amended by the City Council on October 18, 2019)
- b. Dwelling units 401-601 to 800 1,200 square feet: 0.50 of a dwelling unit. (Amended by the Planning Commission on September 23, 2019 and the City Council on October 18, 2019)
- c. ~~Dwelling units 801 to 1,200 square feet: 0.75 of a dwelling unit. (Deleted by the Planning Commission on September 23, 2019)~~

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

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

- E. Existing Uses. On a site to be used for a CHD, existing detached single-family dwellings, which may become nonconforming with respect to the standards of this section, ~~shall be~~ are permitted to remain, but the extent of the nonconformity may not be increased. The nonconforming dwelling units ~~shall~~ must be included in the maximum permitted cottage density.
- F. Lot Coverage and Floor Area.
1. There is no maximum lot coverage for cottage housing developments.
 2. There is no minimum lot size for cottage housing developments.
 3. The maximum floor area per dwelling unit ~~without an attached garage is 1,100~~ 1,200 square feet. ~~A dwelling unit with an attached garage shall have a maximum floor area of 1,200 square feet including the garage. Garages are not included in the calculation of the total floor area.~~ The maximum floor area is defined as the area included within the surrounding walls of a cottage building on all levels.
- G. Setbacks and Building Separation. Because CHDs are a unique type of development, setbacks are measured differently than for a traditional development. The exterior boundary of the CHD development area is considered to be the edge of the development area for the purposes of calculating perimeter setbacks from surrounding properties. For buildings on lots within the CHD, the separation between other on-site buildings are measured, not the distances to interior property lines, unless setbacks from property lines are necessary to meet the building code (interior setbacks).
- ~~1. Exterior Setbacks. All buildings within a CHD shall be set back 10 feet from the exterior boundary of the CHD.~~
 - ~~2. Interior Building Separation. There shall must be a minimum separation of six feet between the eaves of the cottages. On cottage sides with a main entrance, the minimum separation shall must be 10 feet. Structures other than cottages shall must meet minimum building code setback requirements.~~
1. Perimeter Setbacks.
 - a. The minimum front setback is 10 feet.
 - b. The minimum setback from all other exterior boundary property lines is 5 feet.
 2. Interior Building Separation.

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

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

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

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

1. Provide a total of 400 square feet of private open space that includes a minimum of 200 square feet of contiguous usable open space adjacent to each cottage with no dimension less than 10 feet. ~~Front porches~~ Covered entries and uncovered patios and decks required in subsection 4.5.500(J)(2) are not included in the private open space calculation.

~~2. No more than 50 percent of the private open space can be within an unenclosed covered patio.~~

J. Development Standards.

1. At least 50 percent of the cottages ~~shall~~ must be oriented around and have their main entrance facing the common open space.
2. ~~Each cottage shall have a covered entry of at least 80 square feet with a minimum dimension of six feet on any side.~~ Each cottage must include a covered entry and/or an uncovered patio or deck. Cottages that abut the common open space must orient the covered entry and/or uncovered patio or deck to the common open space. Conformance with these standards are achieved when each cottage includes one of the following: **(Amended by the City Council on October 16, 2019)**
 - a. A covered entry of at least 80 square feet with a minimum dimension of six feet on any side;
 - b. An uncovered patio or deck of at least 80 square feet with a minimum dimension of six feet on any side. ~~The area must be enclosed with a fence, wall or similar structure not to exceed three and one-half feet in height, except decorative arbors, gates, and similar features which must not exceed six feet in length. A landscape buffer no less than three feet in width must be provided between the uncovered patio or deck and the common open space or the abutting street. When the cottage abuts the common open space, a landscape buffer no less than three feet in width must be provided between the uncovered patio or deck and the common open space. The buffer must include a fence, wall or similar structure not to exceed three and one-half feet in height, except decorative arbors, gates, and similar features which must not exceed six feet in length;~~ or **(Amended by the City Council on October 16, 2019)**
 - c. A combination of 4.5.500 (J)(2)(a) and (b) that is at least 80 square feet with a minimum dimension of six feet on any side of the covered entry and uncovered patio or deck. **(Added by the Planning Commission on September 23, 2019)**
3. Pedestrian pathways in compliance with BDC 3.1.300(B) must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the subdivision tentative plan or site plan and be part of the common areas/tracts.

4. Individual detached garages cannot exceed 450 square feet of floor area and no more than 18 feet in height. Only one garage is allowed per cottage.
 5. Accessory dwelling units ~~shall~~ are not ~~be~~ permitted in cottage housing developments (CHDs).
 6. Accessory structures for common usage are allowed in the common open space areas. Other accessory structures (except garages) are prohibited.
- K. Parking. Parking for CHDs ~~shall~~ must be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking ~~shall~~ must meet the following standards:
1. Parking may be located within an enclosed garage, carport or unenclosed parking space.
 2. Parking may be located in common tracts if intended to be shared by the entire CHD in groups of not more than five adjoining spaces separated by at least four feet of landscaping. An enclosed garage or carport intended to be shared by the entire CHD ~~shall~~ must not exceed 1,200 square feet in size.
 3. ~~Parking shall not be located in the exterior setback and must be screened from public streets and adjacent residential uses by a 10-foot landscape buffer containing landscaping and/or architectural screening.~~
- Parking must not be located in the perimeter setbacks and must be screened from public streets and adjacent residential uses by a landscape buffer containing landscaping and/or architectural screening.
The width of the landscape buffer is the same width as the perimeter setbacks.
4. Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.
 5. Off-street parking requirements ~~shall be~~ are calculated based on the number of bedrooms per cottage unit:

One bedroom: Minimum one space.

Two bedrooms: Minimum 1.5 spaces.

Three or more bedrooms: Minimum two spaces.
 6. All parking ~~shall~~ must provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.

- L. Frontage Requirements. Individual cottage lots created as part of a CHD subdivision are not required to have frontage on a public or private street. However, the development ~~parcel shall~~ site must have the minimum frontage on a public or private street as required by the underlying zone.
- M. Public Utilities. All lots ~~shall~~ must be served by individual services from a private or public distribution main. Any deviations from City standards need to be approved by the City Engineer. All individual service lines that cross property ~~shall~~ must be placed in an easement.
- N. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a cottage housing development, set of conditions, covenants and restrictions (CC&Rs) for the cottage housing development ~~shall~~ must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowner's association that will provide for maintenance of all common areas in the cottage housing development.

Chapter 5.2

NONCONFORMING USES AND DEVELOPMENTS

Sections:

5.2.100 Nonconforming Uses.

5.2.200 Nonconforming Structures.

5.2.100 Nonconforming Uses.

Where, at the time of adoption of this code, a use of land exists that would not be permitted by the regulations imposed by this code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. Expansion Prohibited. No such nonconforming use ~~shall~~ can be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this code. No additional structure, building or sign ~~shall~~ can be constructed on the lot in connection with such nonconforming use of land.

- B. Location. No such nonconforming use ~~shall~~ can be moved in whole or in part to any portion of its lot, or any other lot, other than that occupied by such use at the effective date of adoption or amendment of this code, unless such move would bring the use into conformance with this code.
- C. Discontinuation or Abandonment. The nonconforming use of land ~~shall~~ must not be discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
1. On the date when the use of land is physically vacated;
 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
 4. On the date a request for final reading of water and power meters is made to the applicable utility districts.
- D. Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of the land ~~shall~~ must conform to the applicable standards and criteria specified by this code for the land use district in which such land is located.
- E. Nonconforming street access connections that exist prior to the adoption of this code and that do not conform with standards in BDC Chapter 3.1 ~~shall~~ must be brought into compliance when the following conditions exist:
1. When a new access permit is requested for the subject property; ~~or~~
 2. When a building permit or land use application is submitted that results in an increase of trip generation by 20 percent ~~and~~ or 100 average daily trips (ADT);
 3. When the structure being served by the nonconforming street access is demolished or destroyed by any means to an extent more than 80 percent of its current assessed value or where at least 80 percent of the structure's square footage is removed or destroyed; or
 4. When the property is subject to Site Plan Review, a land division or a Conditional Use Permit.

5.2.200 Nonconforming Structures.

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

A. ~~Enlargement or~~ Alteration.

~~1. If the owner or occupant wishes to enlarge or alter an existing nonconforming structure in a manner which would increase the nonconformity, they shall apply for a Conditional Use Permit under BDC Chapter 4.4.~~

~~2.~~ 1. If an applicant proposes to reduce the nonconformity of the structure, the application ~~shall~~ must be reviewed using the applicable review process ~~(either Development Review or Architectural Design Review)~~ in BDC Chapter 4.2, Minimum Development Standards Review (MDS), Site Plan Review and Design Review. (Renamed for consistency.)

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

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