

ORDINANCE NO. NS- 2195

AN ORDINANCE AMENDING PORTIONS OF TITLES 1, 2 & 3 OF THE BEND DEVELOPMENT CODE

Findings:

- A. The City of Bend initiated the application on October 18, 2012. Timely and sufficient notice pursuant to Section 4.1.515 of the Development Code was provided.
- B. On December 10, 2012, the Bend Planning Commission held a public hearing to accept testimony on the request. At the conclusion of the hearing on January 14, 2013, the Commission voted to recommend the proposed text amendments be approved by the City Council.
- C. Notice of the Council's public hearing on March 6, 2013 was mailed to all interested parties and recognized neighborhood associations on February 11, 2013. A notice of the hearing was also published in the Bend Bulletin on February 13, 2013.
- D. The Bend City Council held a public hearing on March 6, 2013 to accept evidence and consider the Planning Commission's affirmative recommendation. The public hearing was continued to March 20, 2013. The City Council found that the text amendments satisfy the criteria for approval contained at Section 4.6.200 of the Bend Development Code.
- E. These general findings are further supported by specific findings of fact contained in Exhibit B of this ordinance related to the Bend Development Code, which are incorporated into these findings.

Based on these findings, the City of Bend ordains as follows:


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

First Reading: March 20, 2013.

Second reading and adoption by roll call vote: April 3, 2013.

YES: Councilor Jodie Barram
Councilor Scott Ramsay
Councilor Doug Knight
Councilor Victor Chudowsky

NO: Mayor Jim Clinton,
Councilor Mark Capell
Councilor Sally Russell



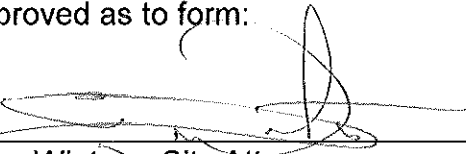
Jim Clinton, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary Winters, City Attorney

EXHIBIT A

Development Code Tune-Up Package #6 City Council Public Hearing Draft

Public Hearing Date: March 6, 2013

Prepared by:
City of Bend Planning Division

Note:

Text in underlined typeface is proposed to be added.

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

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

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

Chapter 1.2 Definitions

Kennel means any premises where four or more dogs, cats, or other small domestic animals are kept commercially or primarily for profit, except animal breeding facilities, veterinary clinics and animal hospitals.

Production office means an office use that employs large numbers of persons that are performing similar functions in shifts such as a call center or an insurance claims center.

Redemption center. An indoor retail facility approved by the Oregon Liquor Control Commission facilitating the return of empty beverage containers and serving dealers of beverages, where any person may return empty beverage containers and receive payment of the refund value of such beverage containers.

**Table 1.2.100
Summary of Development Application Types**

Development Application	Type I*	Type II*	Type III	Type IV
Change of Use – Site Conforms to All Existing Standards	X			
Condo Plat/Condo Change of Use	X			
Design Review CB Zone - Minor Façade Change	X			
Design Review - Minor Alteration	X			
Final Plat - Partition or Subdivision	X			
Home Occupation Type I (Minor)	X			
Keeping of Farm Animal Permit	X			
Lot of Record Verification	X			
Minimum Development Standards	X			
Property Line Adjustment	X			
Site Plan - Mini (ADU, Duplex, 2nd Dwelling)	X			
Site Plan Minor Alteration	X			
Temporary Use	X			
Vacation Home Rental	X			
Cemetery Subdivision		X		
Change of Use – Site Does Not Conform to All Existing Standards		X		
Conditional Use Permit		X		
Declaratory Ruling- Administrative Decision		X		
Design Review CB Zone - Track 1		X		
Design Review Deschutes River, Administrative		X		
Design Review for New Construction/Major Alterations		X		
Home Occupation Type II (Major)		X		
Partition (Tentative Plan)		X		
Planned Unit Development (PUD) Modification		X		
Residential Compatibility Exception, Administrative		X		
Site Plan Major Alteration		X		
Site Plan New Development		X		

Solar Access Permit		X		
Solar Shade Exemption		X		
Subdivision (Tentative Plan)		X		
Surface Mining Permit		X		
Temporary Permit		X		
Duplex or Triplex Review		X		
Variance (Class A, B, C)		X		
Waiver of Standards		X		
Declaratory Ruling - Hearings Officer or Planning Commission			X	
Design Review CB Zone - Track 2			X	
Deschutes River Design Review - Planning Commission Hearing			X	
Master Development Plan or Special Planned District			X	
MR Zone Review - Facilities or Master			X	
Residential Compatibility Exception, Hearings Officer			X	
River Setback Exception			X	
Zone Change			X	
General Plan Map Amendment				X
General Plan Text Amendment				X
Refinement Plan/Development Agreement per ORS Chapter 94				X
Urban Growth Boundary (UGB) Expansion				X

*Unless elevated by the Community Development Director as authorized in Chapter 4.1.

Chapter 2.2 Commercial Zoning Districts (CBD, CC, CL, CG)

Sections:

2.2.100	Purpose and Applicability.
2.2.200	Applicability and Location Zoning District Locations and Characteristics.
2.2.300	Permitted and Conditional Land Uses.
2.2.400	Building Development Standards.
2.2.500	Building Setbacks.
2.2.500 600	Block Site Layout and Building Orientation.
2.2.700	Building Height.
2.2.600 800	Commercial Design Review Standards.
2.2.700 900	Pedestrian Amenities.
2.2.800 1000	Development and Design Standards for the CB Zone.

2.2.100 Purpose and Applicability.

A. Purpose and Applicability. This chapter Chapter applies to all development in the Central Business District (CBD), Convenience Commercial District (CC), Limited Commercial District (CL) and the General Commercial District (CG). Collectively, these districts are the City's Commercial Zoning Districts. The purpose of these zoning districts is to:

- Allow a mixture of complimentary land uses that may include housing, retail, offices, commercial services, and civic uses, to create economic and social vitality and to encourage the linking of vehicle trips reduce vehicle miles traveled;
- Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;

- Provide flexibility in the location and design of new developments and redevelopment to anticipate changes in the marketplace;
- Reinforce streets as public places that encourage pedestrian and bicycle travel;
- Provide roadway and pedestrian connections to residential areas;
- Provide transitions between high traffic streets and neighborhoods;
- Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking;
- Facilitate development (land use mix, density and design) that supports public transit, where applicable;
- Provide appropriate locations and design standards for automobile- and truck- dependent uses;
- Provide both formal and informal community gathering places;
- Maintain a distinct storefront character that identifies the Central Business District;
- Connect the Convenience Commercial District to neighborhoods and other employment areas; and
- Provide visitor accommodations and tourism amenities.

2.2.200 ~~Applicability and Location~~ Zoning District Locations and Characteristics

Zone District Locations and Characteristics	
Zone District	Location and Characteristics
Central Business District (CBD)	The Central Business District encompasses the historic downtown and central business district that has commercial and/or mixed-use development with a storefront character.
Convenience Commercial District (CC)	The Convenience Commercial District is adjacent and connected to the residential district(s) it is intended to serve. Convenience Commercial uses are larger in scale and area than neighborhood commercial uses and provide for frequent shopping and service needs of nearby residents. <u>The zone is intended to provide locations for a wide range of small and medium sized businesses and services as a convenience to the neighboring residential areas.</u> New Convenience Commercial nodes shall develop as commercial centers rather than a commercial strip and be limited in size up to 5 acres.
Limited Commercial District (CL)	The Limited Commercial District provides for a wide range of retail, service, and tourist commercial uses in the community along highways or in new commercial centers.
General Commercial District (CG)	The General Commercial District provides a broad mixing of commercial uses that have large site requirements, are oriented to <u>the highway higher classification roadways</u> and provide services to <u>the entire city and surrounding area traveling public.</u>

2.2.300 Permitted and Conditional Land Uses.

A. Permitted and Conditional Uses. The land uses listed in Table 2.2.300 are allowed in the Commercial Districts as designated, subject to the provisions of this Chapter Code. Only land uses Uses that are specifically listed in Table 2.2.300, and land uses that are similar - approved as "similar" to those in Table 2.2.300, may be are permitted or conditionally allowed. The land uses identified with a "C" in Table 2.3.200 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling. *A similar use determination can be made as part of a Site Plan Review decision or as a separate declaratory ruling.*

Table 2.2.300 - Permitted and Conditional Land Uses.

Land Use	CBD	*CC	CL	CG
Residential				
Existing Residential uses-use	P	P	P	P
*New Residential uses use as part of a mixed-use development	P	P	P	P
*Temporary Housing	C	N	C	C
Commercial				
Retail Sales and Service (non-automobile dependent/oriented)				
- building footprint less than 50,000 square feet	P	P	P	P
- building footprint greater than 50,000 square feet	P	NC	P	P
Retail Sales and Service (*automobile dependent)	N	C	P	P
Retail Sales and Service (*automobile oriented)	C	C	P	P
Restaurants/Food Services				
- with *drive-through 300 sq ft or less	C	C	P	P
- without drive through	P	P	P	P
Restaurants/Food Services				
- without drive-through	P	P	P	P
Offices and Clinics	P	P	P	P
Production Office Businesses (e.g. IT support, Radio/Television Broadcast)	N	N	C	P
Convention Centers/Meeting Rooms	C	N	P	P
Lodging (hotels, motels, *bed and breakfast inns, *vacation rentals, boarding houses)	P	P	P	P
Hospitals	N	N	P	P
Commercial and Public Parking	P	P	P	P
Commercial Storage				
- enclosed in building and on an upper story	C	P	P	P
- not enclosed in building	N	N	P	P
- enclosed in building on ground floor (i.e., mini-storage)	N	N	C	P

Entertainment and Recreation - enclosed in building (e.g., theater, fitness facility)	P	P	P	P
- not enclosed (e.g., amusement, outdoor arena)	N	N	C	P
<u>Daycare</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Time Share Units ownership option - not a use</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Redemption Center</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>
Trailer Park / Campground	N	N	C	C
Mortuary	N	N	P	P
Wholesale Sales (more than 75% of sales are wholesale)	N	N	P	P
Veterinary Clinic (small animal)	C	P	P	P
*Mixed Use (residential with commercial/civic/industrial) Mixed-use developments shall be subject to the use limitations prescribed for the respective individual uses	P	P	P	P
Public and Institutional				
Government - point of service intended to serve the entire city (e.g., city hall, main library, main post office, main Department of Motor Vehicles service center)	P	N	P	P
Government – branch service intended to serve a portion of the city	P	P	P	P
Parks and Open Space	P	P	P	P
Schools -- *pre-school, daycare, and primary, secondary -- colleges, and vocational schools	P P	P N	P P	P P
*Clubs and Places of Worship	<u>C</u> <u>P</u>	C	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>
*Utilities (above ground)	P	P	P	P
Industrial				
*Manufacturing and Production - greater than 5,000 sq. ft. - less than 5,000 sq. ft. with retail outlet	N P	N P	C P	N P
Warehouse	N	N	P	P
Transportation, Freight and Distribution	N	N	C	P
Industrial Service (e.g., cleaning, repair)	N	N	P	P
Manufactured Home Sales	N	N	C	P
Lumber / Building Supplies	N	N	C	P
*Hydroelectric facilities	C	N	C	C
Miscellaneous Uses				
Wireless and Broadcast Communication Facilities	See BDC Chapter 3.7			

Key to Permitted Uses

P = Permitted, subject to BDC Chapter 4.4

N = Not Permitted

C = Conditional Use

Conditional Uses are subject to Conditional Use permit standards in BDC Chapter 4.4.

* Special Standards for Certain Uses subject to BDC Chapter 3.6

Note: The CC zone limits the size of uses within the zone. See BDC 3.6.300(J)

2.2.400 Building Development Standards.

The following table provides the general numerical development standards within the Commercial Districts. Additional standards are contained in Subsections A, B and C, below. ~~for each requirement follow within a separate sub-section of this Chapter.~~

**Table 2.2.400
Commercial Zoning District Development Standards**

STANDARD	CBD	CC	CL	CG
Minimum Front Yard Setback - see notes (1)(3) below	<u>0²*None</u>	<u>0²*None</u>	<u>10²*feet</u>	<u>10²*feet</u>
Maximum Front Yard Setback - see notes (1)(3) below and BDC 2.2.400(C).	<u>10²*</u>	<u>10²*</u>	<u>10/80²*</u>	<u>10/80²*</u>
<ul style="list-style-type: none"> • <u>From street with on-street parking</u> • <u>From street without on-street parking</u> 	<u>10 Feet</u>	<u>10 Feet</u>	<u>10 Feet</u>	<u>10 Feet</u>
	<u>10 Feet</u>	<u>80 Feet</u>	<u>80 Feet</u>	<u>80 Feet</u>
Minimum Rear Yard Setbacks	<u>0²None</u>	<u>0²None</u>	<u>0²None</u>	<u>0²None</u>
Minimum Side Yard Setbacks	<u>0²None</u>	<u>0²None</u>	<u>0²None</u>	<u>0²None</u>
Maximum Lot Coverage	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
Maximum Building Height -see note (2) below	<u>35² feet to 70² feet</u> Subject to the provisions of BDC 2.2.8001000	<u>35² feet</u> Except within 100 feet of the Deschutes River <u>where height may be further limited subject to WOZ Review</u>	<u>55² feet</u> Except within 100 feet of the Deschutes River <u>where height may be further limited subject to WOZ Review</u>	<u>55² feet</u> Except within 100 feet of the Deschutes River <u>where height may be further limited subject to WOZ Review</u>
Minimum Building Footprint Floor Area Ratio	<u>Floor Area Ratio of 2:1</u>	<u>None</u>	<u>None</u>	<u>None</u>
Maximum Building Footprint - see note (2) below and BDC 2.4.400(C).	<u>None</u>	<u>35,000-15,000 sq. ft. for single tenant</u> <u>50,000 / sq. ft. for multi-tenant</u> <u>35,000 sq. ft. for grocery store</u>	<u>None</u>	<u>None</u>

* See Notes

(1) Subject to Site Design Review, BDC Chapter 4.1, and special setback standards, BDC 2.2.500 the Special Setback Standards of BDC Chapter 3.4 and the Site Layout and Building Orientation Standards of BDC 2.2.500.

(2) Building heights may be increased subject to a Variance, BDC Chapter 5.1.

(3) Subject to the Block Layout standards, see Section 2.2.600.

(2) See BDC 2.2.400(C)

2.2.500 Building Setbacks.

A. Setbacks. In some of the Commercial Districts, buildings are placed close to the street to ~~help~~ create a vibrant pedestrian environment, to slow traffic, provide a storefront character to the street, support future transit service, and encourage walking. The setback standards are flexible to encourage public

spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for walkable Commercial Districts.

The setback standards apply to both primary structures and accessory structures. The standards may be modified only by approval of a variance, in accordance with Chapter 5.1; Variances.

A. Applicability.

1. Applicability. Except as modified by this section and BDC 2.2.600; Block Layout and Building Orientation, the setback standards contained in Table 2.2.400 above shall apply to all new and expanded commercial and mixed-use construction and expansions of existing buildings within the Commercial Districts.
2. Maximum Setback Calculation. Where more than one building is proposed on a site, conformance with the maximum setback standard is achieved when no less than ~~40%~~ ^{50%}¹ of the site's frontage on a public or private street is occupied by ~~a building or~~ one or more buildings that conform with the building setback and orientation standards of this Chapter herein. The maximum setback standard may be increased as necessary when an approved usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or a public square with seating) is provided between the building and front property line. *(See also BDC 2.2.600 800, Commercial Design Review Standards, and BDC 2.2.700 900, Pedestrian Amenities, for related building entrance standards.)*

B. Front Yard Setbacks.

4.3. Front yard setbacks.

- a. General standards. See Table 2.2.400, Commercial Zoning District Development Standards.
2. b. Double frontage/ Multiple frontage and corner lots. For buildings on lots sites with more than one street frontage or through lots, the minimum front yard setback standards in Table 2.2.400 shall be applied to all street frontages. The However, the maximum setback standard shall be applied to only one of the frontages. Where the abutting streets are of different classifications, the maximum setback standard shall be applied to the higher classification of street.
3. c. Exception to front yard setbacks. This exception applies to all commercial zones except the CB zone.
 - a. ~~For buildings on corner lots at the intersection of two arterial streets, the maximum front yard setback standard specified in Table 2.2.400 shall be met for one frontage and for the other frontage, a maximum setback of 160 feet shall be allowed. Off street parking, driveways and other vehicular use and circulation areas may be placed between a building and the 10 foot wide required landscape setback adjacent to the street where the 160 foot maximum setback option is applied.~~

¹ Comments were submitted that 50% is too high of a standard to practically meet because of landscaping and parking requirements.

ib. In the CL, CC and CG zones, when the street fronting the development does not allow on-street parking, the maximum front yard setback of 80 feet shall apply.

ii. ~~Other special~~ Where streets with insufficient right of way abut the site, special setbacks may apply in conformance with BDC 3.4.200(J), Special Setbacks.

~~C. Rear Yard Setbacks.~~

~~4.~~ Rear yard setbacks.

- a. There is no minimum rear yard setback ~~required (i.e., 0 feet)~~, except that buildings shall conform to the clear vision standards in BDC 3.1.500.
- 2 b. Building transition standards in conformance with this subsection (E) of this section, Transition Standards, shall apply when abutting a Residential Zone.
- 3 c. The applicable fire and building codes for attached structures, firewalls, and related requirements shall apply.

~~D. Side Yard Setbacks.~~

~~5.~~ Side yard setbacks.

- 1 a. There is no minimum side yard setback ~~required (i.e., 0 feet)~~, except that buildings shall conform to the clear vision standards in BDC 3.1.500.
- 2 b. Building transition standards in conformance with this subsection (E) of this section, Transition Standards, shall apply when abutting a Residential Zone.
- 3 c. The applicable fire and building codes for attached structures, firewalls, and related requirements shall apply.

~~E. Transition Standards.~~

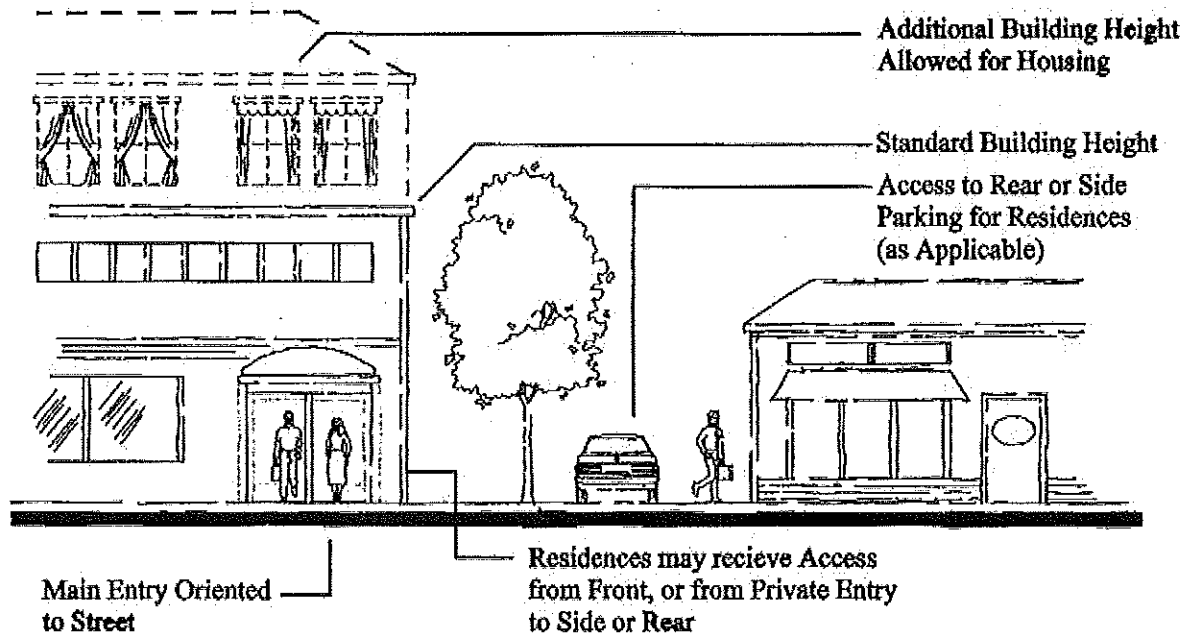
~~6.~~ Transition Standards.

- ~~1. The development of commercial buildings and other non~~
 - a. Non-residential buildings abutting a Residential Zone shall be set back a minimum of 10 feet from the Residential Zone. The minimum setback distance for any portion of a commercial, mixed-use, or non-residential use building exceeding 25 feet in height shall increase one (1) foot for each additional foot of building height over 25 feet.
 2. b. A landscape buffer of no less than five (5) feet is required along ~~the adjacent residential zoned properties abutting Residential Zone.~~ The landscape buffer, to the extent practical, shall provide both a visual and auditory buffer that includes trees, shrubs and ground cover.
 3. c. When uses other than a building (i.e.; parking, driveway, storage, loading) ~~abut~~ are built to the edge of the required minimum setback, buffering in addition to the minimum landscaping (i.e. fencing or wall) may be required ~~subject to site development approval as a condition of Site Plan Review approval~~ to mitigate the impacts on the abutting Residential Zone adjacent residential zoned properties.

B. Height. All buildings in the Commercial Districts shall comply with the height standards contained in Table 2.2.400 unless excepted below or in compliance with a Variance approval.

1. Residential Exception. The maximum height may be increased by 10 feet above the maximum allowed height when residential uses are provided above the ground floor (“vertical mixed use”), except for buildings along the west side of Brooks Street where the maximum building height is 35 feet regardless of use. The building height increase for residential uses applies only if the top floor is residential and does not apply to buildings that have Variance approval to exceed the permitted height. *Moved from 2.2.700.*

Figure 2.2.400 – Building Height Diagram (Residential Exception)



C. Convenience Commercial Development Standards. The purpose of this Subsection is to provide special development standards for the development of new uses within the CC Zone. The zone is intended to provide locations for a wide range of small and medium sized businesses and services as a convenience to surrounding residents. The CC Zone has the following limitation on uses:

1. Maximum Building Size. Except as provided in subsections 2 and 3 of this section, the maximum size for any building in the CC Zone is 15,000 square feet of floor area, unless a larger floor area is approved through a Conditional Use Permit.
2. Exceptions to Maximum Building Size:
 - i. Grocery Stores 35,000 square feet in size or less are permitted.
 - ii. All buildings located in a CC Zone that are located along a street classified as a major collector or higher may have a building floor area up to 25% of the total lot area.

3. Multi-tenant buildings or developments shall be restricted to a maximum of 15,000 square feet of gross floor area per tenant. The maximum building size for multi-tenant buildings is 50,000 square feet, unless a larger area is approved through a Conditional Use Permit. A tenant is defined as an independent operator unrelated to other tenants within the multi-tenant building or development. Revised in response to stakeholder comments and moved from Chapter 3.6 so that all relevant commercial standards are in this Chapter.

2.2.500 600 Block Site Layout and Building Orientation.

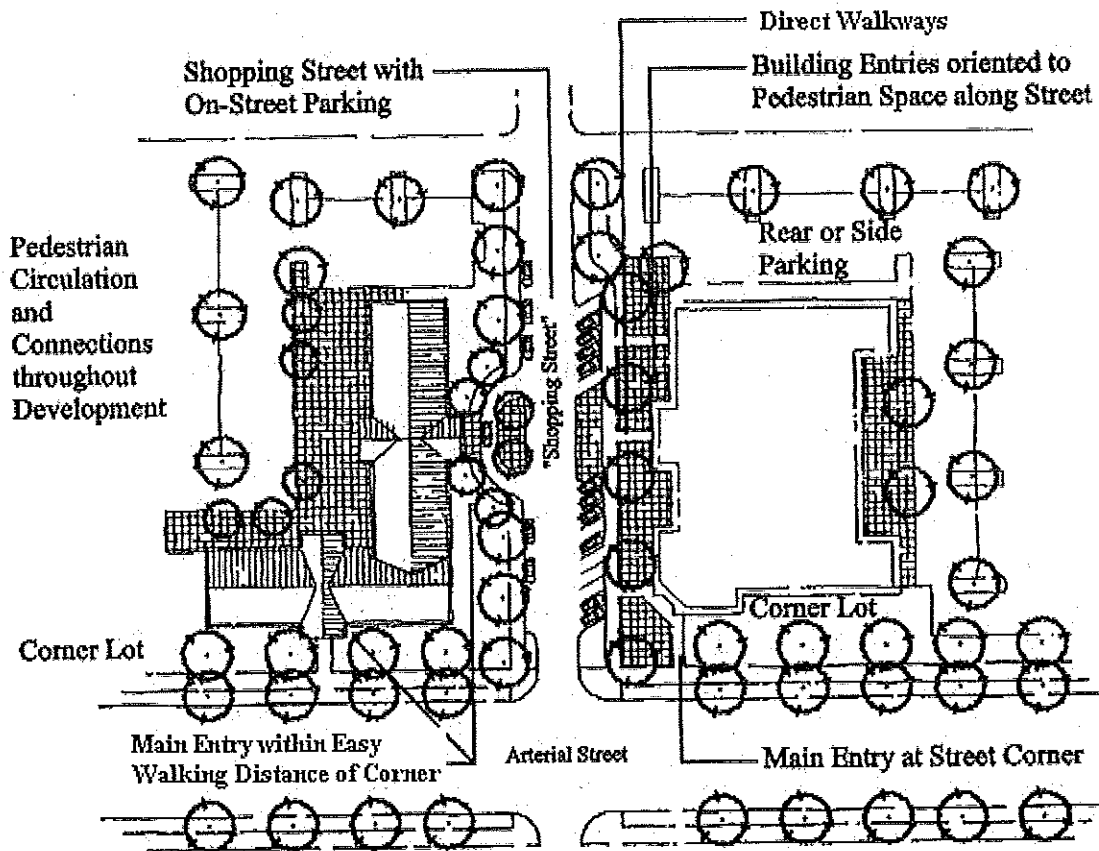
A. Purpose. ~~Block~~ These site layout and building orientation standards are is intended to promote a walkable, storefront character in certain areas of the City, and to facilitate walking, bicycling, and transit use in the other commercial districts, by forming short blocks. The standards, as listed in Table 2.2.400, above, compliment the front yard setback standards in Section 2.2.500; Building Setbacks.

B.A. Applicability. This Section applies to new land divisions and developments that are subject to site development review Site Plan Review in any of the Commercial Districts, Mixed Employment District and Professional Office District.

C.B. ~~Block Layout Standard~~ Exterior Site Layout. In addition to meeting the access, circulation and lot design standards of Chapter 3.1, new commercial developments shall comply with the following standards:

1. ~~New land divisions and developments shall have a block length consistent with the block length standards established in Chapter 3.1.200; Lot and Block Design.~~
2. ~~Pedestrian walkways shall be provided from the street right-of-way to buildings, as necessary, to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking in conformance with BDC Chapter 3.1; Access, Circulation and Lot Design.~~
- 3.1. ~~Provide usable~~ Usable pedestrian space shall be provided. Usable pedestrian space means a plaza or extra-wide pathway/sidewalk near one or more building entrances. Each development shall provide street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal streets or drives.
- 4.2. Where multiple building development is contemplated on parcels or lots 10 acres or greater in size, at least one private or public street shall be designed to meet the specifications of a local street and be designed as a "shopping street." A "shopping street" shall include the following elements:
 - buildings placed at the sidewalk along the shopping street,
 - wide sidewalks (e.g., 8-15 feet wide),
 - on-street parking,
 - street trees in tree wells,
 - pedestrian-scale lighting,
 - weather protection and similar pedestrian amenities.

Figure 2.2.500.A 600B - "Shopping Street" (Typical)



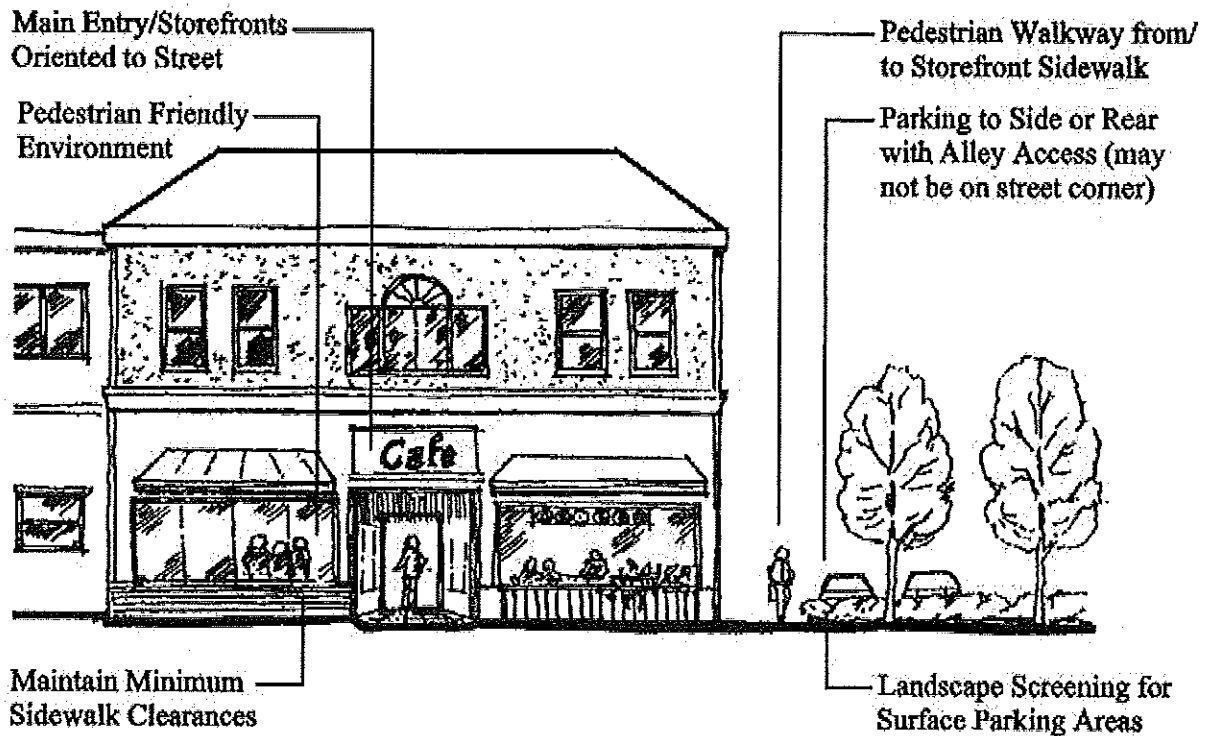
D.C. Building Orientation Standards. Developments within all Commercial Districts shall be oriented to a street where practical. The building orientation standard is met when all of the following criteria standards are met:

1. When parking is permitted on the street fronting the development, the front yard maximum setback of 10 feet shall apply.
2. Except in the CB and CC zones, when the street fronting the development does not allow on-street parking, the maximum front yard setback of 80 feet shall apply.
3. On corner lots, the front yard setback specified in subsection C(1) of this section shall be met for both street frontages unless otherwise exempted in BDC 2.2.500(B), Building Setbacks.
Subsections 1, 2, and 3 are covered in, or conflict with, the building setbacks in BDC 2.2.400.
4. Buildings shall have an entrance(s) visible or oriented to (facing) a street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have an entrance facing a side yard when a convenient and direct pedestrian walkway is provided between the building entrance and the street right-of-way.

5.2. Exceptions:

Developments in conformance with subsection (B)(4) (C)(2) of this section as illustrated in Figure 2.2.600.B 2.2.500.A, "Shopping Street" layout do not need to comply with the building orientation standards.

Figure 2.2.500.B 600C - Building Orientation (Typical)



2.2.700 — Building Height

All buildings in the Commercial Districts, shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character:

- A. **Maximum Height.** The building heights shall comply with the building heights designated in Table 2.2.400; Commercial District Development Standards. The maximum height may be increased by 10 feet above the maximum allowed height when housing is provided above the ground floor ("vertical mixed use"), except for buildings along the west side of Brooks Street where the maximum building height is 35 feet regardless of use. The building height increase for housing shall apply only to that portion of the building that contains housing and will not apply to buildings that have already received a Variance to exceed the permitted height. *Moved to BDC 2.2.400.*

Figure 2.2.700 – Building Height Diagram (Credit for Housing)

2.2.600 800 Commercial Design Review Standards.

A. Purpose and Applicability. The Commercial Design Review standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of architectural building styles. ~~Also see~~ These design standards are in addition to the standards related to commercial development in BDC Chapters 3.2, Landscaping, Street Trees, Fences and Walls and BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

B. Applicability. BDC 4.2.300, Design Review, contains the procedural requirements that pertain to this section.

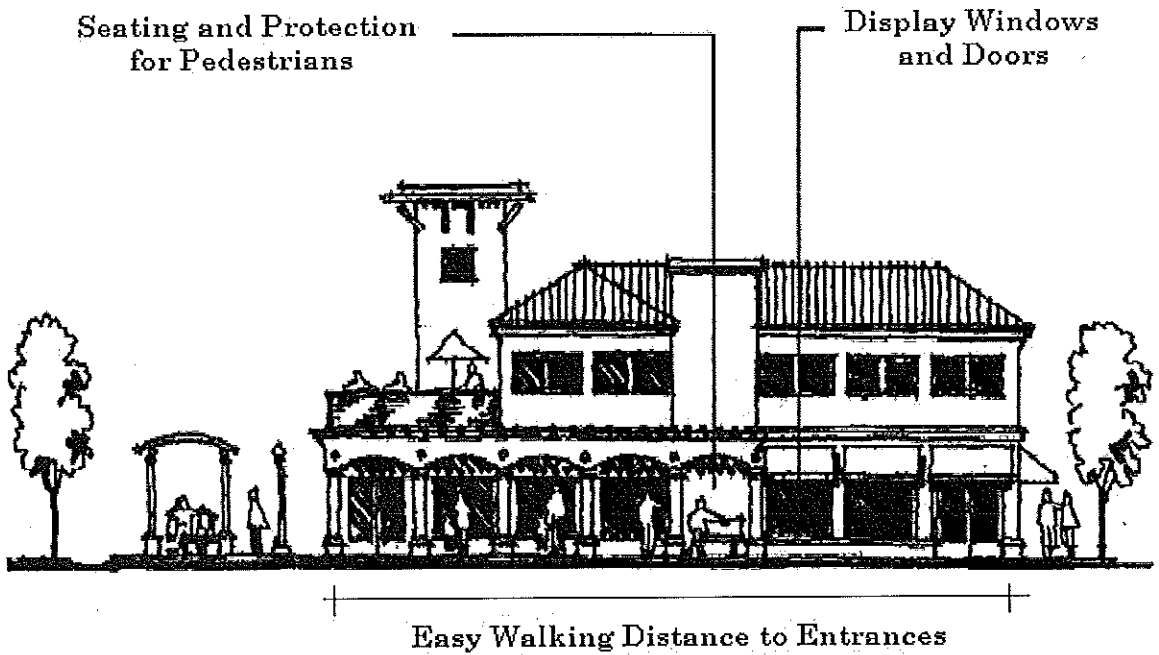
B.C. Standards. The For developments subject to design review, the following standards shall be met. A design feature used to comply with one standard may be used to comply with another standard.

1. Residential Building Design Review. All residential buildings subject to design review shall comply with the Residential District design guidelines, as listed in BDC 2.1.900800, Architectural Design Standards, and not the Commercial Design Review standards of this Section.
2. Commercial Design Review. For all commercial buildings subject to Commercial Design Review, all of the following standards ~~(a-j)~~ shall apply:
 - a. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using the installation of a combination of architectural features and a variety of building materials and landscaping near the walls. Landscaping should be planted adjacent to the walls. Walls that can be viewed from public streets shall be designed with windows totaling a minimum of 10% of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.
 - b. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the review authority.
 - c. In addition, a portion of the on-site landscaping shall ~~abut~~ be planted adjacent to the walls of a building so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements are in Chapter 3.2; Landscaping, Street Trees, Fences and Walls of this Code.
 - d. The predominant building materials should be ~~materials that are~~ characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

- e. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops however; a maximum of 30% of the building elevations visible from the adjacent right-of-way may include flat roof components. Overhanging eaves, sloped roofs, articulated parapet walls that have variations vertically and horizontally with decorative features, and multiple roof elements are highly encouraged. Mansard style roofs are discouraged.
 - f. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and/or integral planters are required.
 - g. Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public are encouraged and may be calculated as part of the landscaping requirements. See of Chapter 3.2; Landscaping, Street Trees, Fences and Walls.
 - h. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim. The City of Bend color guide provides samples of approved acceptable and prohibited unacceptable colors. The use of trademark colors will requires City approval.
 - i. Exterior lighting shall comply with the outdoor lighting provisions of BDC 3.5.200, Outdoor Lighting Standards. Light poles and/or fixtures and flag poles shall not exceed 25 feet in height.
 - ~~j. A comprehensive signage plan shall be required pursuant to the City of Bend Sign Code except that pole signs are prohibited. *Covered in Sign Code*~~
 - j. Outdoor and rooftop mechanical equipment as well as trash cans/dumpsters shall be architecturally screened from view. Heating, ventilation and air conditioning units shall have a noise attenuating barrier to protect adjacent residential districts from mechanical noise.
3. Large-Scale Buildings and Developments. For the purpose of this ~~ordinance~~ Section, "Large-Scale Buildings and Developments" ~~shall be~~ are defined as:
- a. Individual buildings with more than 20,000 square feet of enclosed ground-floor space. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
 - b. Multiple-building developments with a combined enclosed ground-floor space more than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments).
4. Design Standards for Large-scale Buildings and Developments. All large-scale buildings and developments, as defined in above, shall provide human-scale design by conforming to all of the following standards:

- a. Incorporate changes in building wall direction (*i.e., articulation*), and divide large masses into varying heights and sizes, as shown in Figure 2.2.600 800, below. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting as described in BDC 3.6.200; Other Design Standards); and similar features.

Figure 2.2.600 800
Design of Large-Scale Buildings and Developments (Typical)



Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required design style.

5. Exceptions to Commercial Design Review Standards. An exception to the design standards in of BDC 2.2.600 800 may be approved by the Planning Commission through a Type III Hearing Process before the City of Bend Planning Commission, subject to findings of compliance if the Commission finds that the proposed development complies with the purpose and intent of the Commercial Design Review Standards and the zoning district in which the use is located. The applicant shall pay a fee specified by the City for Planning Commission review.

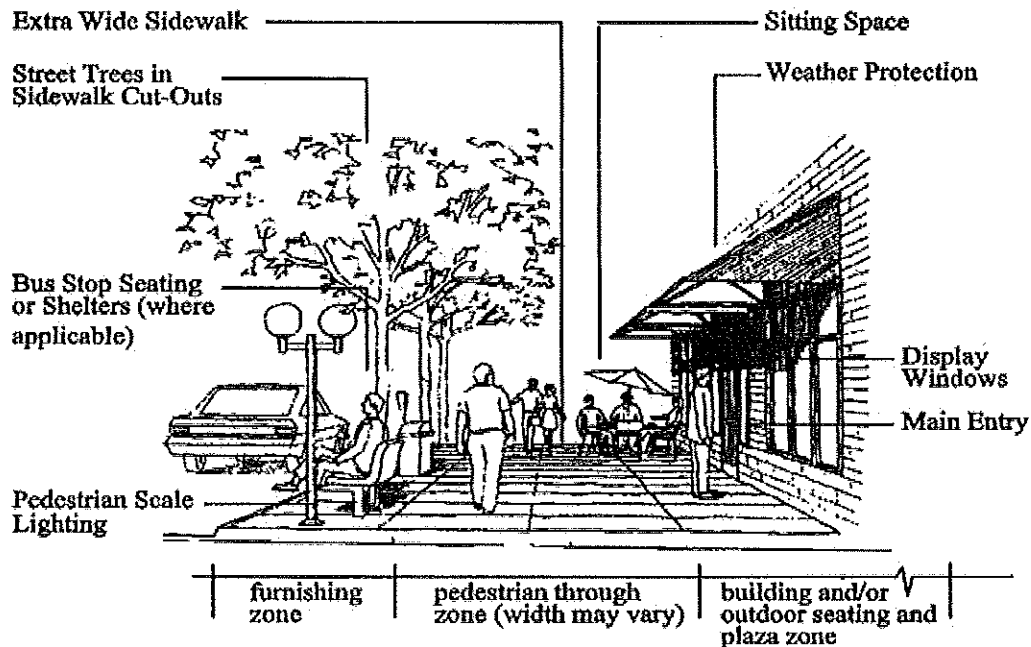
2.2.700 900 Pedestrian Amenities.

A. Pedestrian Amenity Standards.

1. Commercial developments with one or more buildings totaling more greater than 10,000 square feet and subject to Commercial Design Review shall provide at least one of the “pedestrian amenities” listed below. Pedestrian amenities may be provided on private property or within a public right-of-way (*i.e., on the sidewalk, curb, or street pavement*) when approved by the City (for City streets), Deschutes County (for County roads), or the Oregon Department of Transportation (“ODOT”) (for state highways).

- a. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet); or
- b. Sitting space (i.e., dining area, benches or ledges) between the building entrance and sidewalk, with a minimum of 16 inches in height and 30 inches in width; or
- c. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
- d. Public art that incorporates seating (e.g., fountain, sculpture, etc.) or wall decoration such as an illustrative mural that is not defined as a sign in the City's sign ordinance.

Figure 2.2.700 900 - Pedestrian Amenities (Typical)



Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.

2.2.800 1000 Development and Design Standards for the Central Business Zoning District, CB-Zone

A. Purpose. In an effort to protect and enhance the downtown core area of Bend, the City Council has adopted of a special set of development and design standards. Development and design standards shall apply to all areas within the Central Business Zone of downtown. The development and design standards in Chapter 4.2 build upon the development standards in this Section for the CB-Zone.

A. Purpose. The development and design standards contained in this Section have been adopted to regulate development in the Central Business Zoning District to protect and enhance the downtown core area of Bend.

B. Applicability. The development and design standards of this Section apply to all areas within the CB Zone. The standards of this Section are in addition to the Site Plan Review regulations of BDC Chapter 4.2. The standards of this Section are in-lieu of the Commercial Design Standards of BDC 2.2.600.

Major advantages of the development and design standards include:

- Ensuring that future development is consistent with the CB Zone's existing pedestrian-oriented scale of buildings.
- Strengthening the downtown area as the heart of the community, and as the a place for people and business.
- Improving and expanding downtown's economic base, while expanding it to meet future opportunities.
- Enhancing the physical appearance of downtown through high-quality design.
- ~~Garnering consensus for a shared vision among various interests in deciding how downtown shall be preserved and enhanced~~ Preserving and enhancing downtown through refined design standards.

CB. Exempt Development. No ~~land use permit pursuant to this code~~ development approval is required for exempt development. Exempt development includes:

1. Landscaping or landscape alterations.
2. Repair or maintenance of public or private buildings, structures, landscaping, roads and/or utilities that present a risk to public safety. Maintenance of the exterior of an existing structure such as window and door replacement, re-painting, re-roofing, or re-siding where similar materials and colors are used is also exempt.
3. Construction of a structure that does not require a building permit.
4. Interior remodeling.
5. Temporary structures and uses which are for relief of victims of disaster or an emergency.

DC. Non-exempt Development. Any development in the CB Zone that does not qualify as exempt development shall meet the development standards in this Chapter in addition to the site development and design standards in this Section.

ED. Application Process. ~~Planning Staff or the Planning Commission (as described below) shall approve, approve with conditions, or deny an application based upon~~ The City will review compliance with the development and design standards of this Section ~~section~~. Approval shall be obtained ~~from the review authority~~ prior to the issuance of a building permit for all non-exempt development. Non-exempt development in the CB Zone ~~has must follow one of the two tracks for obtaining~~ Design Review approval: development permits. ~~In both permitting tracks, the development standards must be met before proceeding to the design standards. Applicants shall use the City of Bend's Design and Development Handbook for the CB Zone to determine which of the two tracks they will pursue.~~

1. Track 1 – Administrative Review of Compliance with Design Standards. Track 1 requires applicants to meet objective development and design standards. Design standards are quantifiable and measurable, ~~and can be administered as part of the plan review process~~. These applications are reviewed through the Type II process administratively by City of Bend Planning Staff, which reduces the amount of time that it takes to get the project reviewed. Track 1 provides an efficient time saving alternative to Track 2.
2. Track 2 – CB Zone Design Review of Compliance with Design Guidelines. Track 2 similarly requires applicants to meet objective development standards, but ~~deviates from requiring~~ does not require some or all of the design standards. ~~In this case the Track 2 process, applicants are subject to the design review process, which will be conducted by the City of Bend applications~~

are reviewed through the Type III process before the Planning Commission. During design their review, the Planning Commission will determine whether an application meets the design guidelines. Unlike design standards, design guidelines are discretionary. In Track 2, the Intent Statements serve as the criteria for determining if the "intent" of the design standard is being met. In Track 2, applicants are required to identify how their proposed site/building plan meets the intent statements of the design standards, and why specific objective standards cannot be met.

FE. Application Requirements. ~~The applicant shall attend the City of Bend pre-application meeting to determine if the proposed development is "exempt" or "non-exempt" from the development and design standards. If the development is "non-exempt," the applicant shall file an application for CB Zone Design Review with the City. This~~ The application may be filed in conjunction with other permits when the property is subject to other land-use action-development approvals. The application shall be accompanied by pertinent materials containing information as specified by the City. ~~The application form lists the required submittal information.~~

GF. Approval Process. The development standards of Subsection G shall be applied to CB Zone Design Review applications either by staff for Track 1 applications or by the Planning Commission for Track 2 applications. ~~As to Track 1 applications, the City of Bend Planning Staff shall use the standards in this section to ensure compliance with the development and design standards. As to Track 2 applications, the City of Bend Planning Commission shall use the intent statements in this section to ensure compliance with the development and design guidelines.~~

HG. Development Standards. The development standards for the CB Zone help ensure that new projects in the CB Zone will be compatible with the desired scale and character of Downtown Bend. ~~The development standards shall be met before proceeding to the design standards. For all development subject to design review, the following standards apply:~~

1. Minimum Floor Area Ratio (FAR). ~~The minimum FAR shall be~~ is 2-to-1.
2. Maximum Building Height. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed the height regulations listed below ~~without a variance in conformance with Chapter 5.1; Variances.~~

The maximum allowable building height limits in the CB Zone ~~shall be~~ are as follows:

- a. On CB Zone properties west of Brooks Street, the maximum allowable building height limit ~~shall be~~ is 35 feet. No Variance to exceed the height limit shall be allowed in this area.
- b. On CB Zone properties east of Brooks Street and west of the alley between Wall and Bond Streets, the maximum allowable building height limit ~~shall be~~ is 45 feet.
- c. On CB Zone properties east of the alley between Wall and Bond Streets and west of Bond Street, the maximum allowable building height limit ~~shall be~~ is 55 feet. Where portions of a building are higher than 45 feet, 60 percent of the street-facing facades higher than 45 feet must be set back 1 foot from the street-facing property line for every 1 foot that the building exceeds 45 feet in height, with a minimum setback of 5 feet and a maximum setback of 20 feet. The required setback may be reduced by one foot for each foot below the 45-foot height level that the setback begins. E.g., for a building that begins its setback at the 35-foot height level (10 feet below what is required) the required setback can be reduced by 10 feet.

- d. On CB Zone properties east of Bond Street and west of the alley between Bond Street and Lava Road, the maximum allowable building height limit shall be is 60 feet. Where portions of a building are higher than 45 feet, 60 percent of the street-facing facades higher than 45 feet must be set back 1 foot from the street-facing property line for every 1 foot that the building exceeds 45 feet in height, with a minimum setback of 5 feet and a maximum setback of 20 feet. The required setback may be reduced by one foot for each foot below the 45-foot height level that the setback begins. E.g., for a building that begins its setback at the 35-foot height level (10 feet below what is required) the required setback can be reduced by 10 feet.
 - e. On CB Zone properties east of the alley between Bond Street and Lava Road, the maximum allowable building height limit shall be is 70 feet.
3. Minimum Building Setback. There is no minimum building setback from the property line facing the street.
 4. Maximum Building Setback. The maximum building setback of the ground floor from the property line facing the street is 10 feet. At least 50 percent of the length of the ground level, street-facing Façade of buildings must be on the property line. If the site has two or more street frontages, this standard applies to ~~both~~ all frontages. Buildings that set back from the property line and face a ~~Residential-Zone~~ residential zone can choose to develop the setback with low shrubs and/or ground cover. Buildings that set back from the property line and face a ~~Commercial-Zone~~ commercial zone must incorporate a hardscape and meet accessibility requirements. ~~be ADA-Aeccessible~~. Plantings in the commercial-fronting setback must be in planters. All plantings must be drought tolerant and not be classified as a nuisance plant.
 5. Ground Floor Windows. Ground-floor windows must be installed for at least 50 percent of the building length and have an area equal to 60 percent of the street-facing ground floor wall area. Ground floor wall area includes all wall areas up to 10 feet above finished grade. If the site has two or more frontages, the ground-floor window standard is only required on the primary façade – the façade that fronts the street with the higher ~~City of Bend Street Classification~~ classification. The other façade has a minimum ground-floor window requirement of 50 percent of the length and 25 percent of the ground-floor wall area. 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.
 6. Main Entrance. The main entrance to a building shall face the street or be on the corner.
 7. ADA Accessibility Guidelines (ADAAG). All public areas must comply with applicable accessibility standards. ~~ADAAG Standards and be ADA-accessible (ADAAG Standards 4.4.1, 4.4.2, 4.5, 4.7, and 4.8). Creation of an attractive street life and sense of place for all Bend's residents and visitors includes:~~
 - a. ~~Making accessible sidewalks and pathways.~~
 - b. ~~Ensuring sidewalks and pathways are clear of objects.~~
 - e. ~~Eliminating projecting elements.~~
 - d. ~~Ensuring that spaces in the public realm are covered and protected from inclement weather.~~
- I. 8. Design Standards.** The design standards for the CB Zone help guide the development and redevelopment of properties within the CB Zone. They are intended to implement the community goals and objectives in the Bend Area General Plan by providing a framework for how Downtown Bend should ultimately look function, and feel.

1a. Existing Edge Conditions.

Intent: Encourage the development of a cohesive, exciting and vibrant street life.

Approach: All street-facing elevations must have front doors that face the street and meet at least one of the following options:

- Courtyard/Plaza Option. Embellish the pedestrian zone by creating ADA accessible courtyards/plazas as extension of the sidewalk (the public realm). Incorporate pedestrian amenities such as street trees, outdoor seating, display areas, public art, human-scaled lighting and decorative pavers.
- Street Edge Option. Orient the primary entrance to the building along the street-facing property line, fostering a continuous and cohesive edge and defining inside from outside.
- Recessed Entry Option. Create/enhance semi-public transition areas between the sidewalk (public realm) and the recessed entry door (private realm). Define this area with lighting that draws attention to ground floor window displays, signage and the building's architectural details. Supplement the lighting with special paving treatments that emphasize the entry (tile, etched concrete and/or brick). Asphalt is prohibited.
- Arcade Option. Design an arcade that meets the following requirements:
 - The columns and piers (that support the building above) are 6 to 10 feet deep between the front property line and the parallel building wall.
 - The columns and piers consist of openings that are a minimum of 6 feet wide.
 - The columns and piers are a minimum of 18 inches from the property line (measured to the center of the column or pier).
 - The columns and piers are equally spaced and extend the entire length of the opening.
 - The building façade directly behind the arcade meets the ground floor window development standard.
 - The arcade elevation facing the street is a minimum of 10 feet in height and covered by the building.

Note: Spacing between columns and/or posts along building elevations less than 30 feet in length shall not exceed 10 feet. Spacing between columns and/or posts along building elevations greater than 50 feet in length shall not exceed spacing of 20 feet.

Note: The arcade option meets the ground floor window standard provided that the ground floor building façade behind the arcade meets the 50 percent length and 60 percent wall glazing requirement.

Note: Buildings with two or more frontages are only required to meet the arcade option along one street façade. However, if the arcade is proposed on both street frontages, the minimum spacing for openings is required along the entire opening.

2b. Human Scale.

Intent: Building façades must be designed in a manner that is aesthetically appealing, comfortable to pedestrians, and compatible with the character of the surrounding built environment as a way of emphasizing human scale.

Approach: Provide visual interest for pedestrians by incorporating building details at the ground floor that relate to the surrounding built environment, and are at a human scale. This is to be accomplished by meeting two or more of the following options:

- Incorporating building lighting between 10 and 15 feet from the sidewalk to the bottom of the light fixture.
- Incorporating suspended signs (blade signs) between 8 and 12 feet from the sidewalk to the bottom of the suspended sign.
- Incorporating horizontal and vertical elements at the ground floor/the base of the building that are familiar to pedestrians and are at human scale: sign frieze, storefront cornice, window mullions, piers that frame storefronts, engaged columns, arcades, brick coursings, awnings, and well-lit transoms.
- Incorporating a rhythm of awnings and/or canopies ~~between 10 and 15 feet from the sidewalk to the bottom of the awning/canopy.~~

Note: Pedestrian-oriented lighting is required between structural bays; lighting must follow a consistent spacing pattern.

3e. Physical, Visual and Experiential Connections.

Intent: ~~Create delight and wonder by incorporating~~ Incorporating interesting features into a building/site. ~~Emphasize to emphasize~~ the role that physical, visual and experiential connections give to creating meaningful places.

Approach: Embellish the buildings with two or more of the following elements:

- A variety of building materials (stone, brick, concrete, wood, metal, and glass).

Note: Use of colors that are contextual to Bend and the larger Pacific Northwest landscape serve to embellish the building and the public realm.

Note: Traditional, Central Business zones, like Bend's CB Zone, often consist of tri-part buildings where the base, middle and top of the building are defined by color, texture and materials.

- Architectural elements such as cornices, arcades, porticos, and transom windows.
- Tri-part buildings facades that emphasize a clear base, middle and top.

Note: Traditional style storefront buildings typically include an uninterrupted band commonly referred to as a bulkhead, kickplate (doors), window base or a base panel, around the base of the building. This band is approximately 16 inches above the sidewalk and serves to "anchor" the building to the site. This band is most often constructed of wood, concrete, brick, stone or metal. Using tape or paint for the bulkhead is prohibited.

Note: Display windows in traditional storefront buildings are typically terminated in the base band or bulkhead. The bulkhead, window frame and windowsill hold the window and help to further accentuate relief in the building façade. The top of the storefront is architecturally capped by horizontal elements, including sign bands, storefront cornices and transoms. These features serve as a transition device from the base of the building to the middle of the building.

4d. Cohesive Elements.

Intent: Incorporate cohesive and repetitive elements into the building as a means of enhancing the pedestrian realm and giving meaning to the building.

Approach: Incorporate three or more of the following repetitive building elements:

- Building lighting
- Columns, engaged columns/pilasters and arcades
- Suspended signs (blade signs)
- Canopies and/or awnings
- Transoms
- Balconies

Note: Architects and designers are encouraged to think creatively above and beyond the ground floor window requirements specified in the design standards. Besides implementing cohesive elements, architects and designers should consider the interplay of shadows and light, and vertical and horizontal “architectural features” on neighboring buildings.

5e. Integrate Building Parapets and Rooftops.

Intent: Treat the top of the building, the point where the edifice meets the sky, as part of the larger façade composition and, where possible, accentuate the ornamentation found on existing traditional CB Zone buildings. Fully screen all roof top mechanical equipment from the adjacent sidewalk.

Approach: Create visual interest at the top of the building by incorporating one of the following options:

- Integrating elements at the roofline such as detailed eaves, projected cornices and articulated parapets.
- Incorporating rooftop forms, other than flat roofs, that add visual interest to the facade.

Note: Sloped roof heights from eave to peak should not exceed the height from grade to the eave (the roof should not be taller than the building wall supporting the roof).

- Designing roof-top gardens for the purpose of managing stormwater run-off into Bend’s rivers and streams and/or as a place for people to gather.

Note: Screening for roof-top mechanical equipment is to be opaque and a minimum of 1 foot higher than the highest point on the equipment. Roof top equipment is required to be set back from the parapet or building edge a minimum of 10 feet. Screened mechanical equipment is exempt from the height requirement.

6f. Weather Protection Projections.

Intent: Weather protection shall be provided along buildings adjacent to pedestrian walkways.

Approach: Provide weather protection for pedestrians along 50 percent of the ground floor façade that is required to be on the property line and at all street-facing entrances.

Note: Awnings, marquees, balconies, overhangs, umbrellas, fabric tensile structures, building appendages, or other weather protection projections are required to extend 5 feet over the sidewalk.

7g. Reinforce the Corner.

Intent: Create dynamic public gathering spaces where streets intersect by embellishing the corner of the building.

Approach: Incorporate one or more of the following elements:

- Place the highest and/or the most visible part of the building within 25 feet of the corner. Use architectural features such as cupolas, turrets, and hipped or pitched roofs to add prominence to the corner location.
- Locate the main/primary entry to the building within 25 feet of the corner or at the corner itself.
- Emphasize the corners of the building as a gathering place by extending paving materials that front the building to the property line.

Note: The following elements typically define the corner entry: round or chamfered corners with double doors, doors with large amounts of glass, awnings/canopies and more defined vertical elements (columns).

8h. Pedestrian-Oriented Ground Floor.

Intent: Ensure that the ground floor of the primary street façade is distinguished from the upper floors and that there is the sense of interaction between activities in the building and activities on the sidewalk. Create storefronts and entries that are visible (transparent) and easily accessible from the street.

Approach: Emphasize the importance of the ground floor, especially the primary street-facing entry, by incorporating three or more of the following elements:

- Extra-height entry lobby space
- Continuous well-lit transom windows
- Enhanced distinctive doorway treatments
- Decorative lighting
- Projecting or recessing the entry bays
- Incorporating artwork into the façade that is visible to pedestrians on the sidewalk
- Incorporating unified paving materials, textures, and color

Note: Paving material in recessed entries/vestibules should help emphasize the transition from the sidewalk to the building.

9i. Alley Façade Treatment.

Intent: Design alley facades that share a corner with street-facing façades to be inviting and safe for pedestrians.

Approach: Incorporate the following façade elements:

- Wrap the required street facing fenestration into the alley a minimum of 10 feet.
- Add exterior lighting along the entire length of the alley-facing façade to enhance visibility and safety.

Note: Windows facing the alley must be transparent to ensure that the alley is monitored by people inside the building (“eyes on the street”).

10j. Urban Materials.

Intent: Ensure that building materials are compatible with well-designed surrounding buildings and where possible, embrace the natural features (geology) of the region.

Approach: Incorporate one or more of the following elements:

- At the ground floor, use materials that give the base of the building a sense of permanence with the use of: brick, metal, terra cotta, stone, concrete, block, or stucco.
- Clearly distinguish the ground floor from the upper floors by implementing strong horizontal elements such as a frieze or a cornice, and/or changing materials and/or arranging the upper windows, which are different in size than the storefront windows, in a consistent and rhythmic pattern.
- Ensure that the design of the upper floors is cohesive with that of the ground floor through the extension of actual guidelines (brick, expansion joints, and downspouts) and implied guidelines (cornices, transoms, balconies, and window mullions).
- Do not use materials that appear synthetic and are not compatible with materials (materials that are indigenous to the region) found on many of Bend’s existing buildings. Undesirable materials and treatments include: mirrored glass, vinyl siding, cementitious siding, false-brick veneer and synthetic stucco.

J9. Purpose Statements. General Provisions.

1a. Floor Area Ratios. Floor Area Ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development. FARs are calculated by dividing the building floor area by the lot size of the development area.

2b. Ground-Floor Windows. In the CB Zone, ground-floor street-facing windows are intended to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas.
- Encourage continuity of retail and service uses.
- Create an exciting pedestrian environment.
- Create a visual dialogue between activities in the building and activities on the sidewalk.

Note: Windows must be at least 50 percent of the length and 60 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 10 feet above the finished grade.

3e. Height. Height limits are intended to control the overall scale of buildings. The maximum building height within the CB Zone emphasizes pedestrians and a mix of uses. Exceptions to maximum height:

- Projection allowed. Projections and architectural elements that do not add habitable interior floor area to a building, such as chimneys, spires, steeples, clock towers, skylights, atriums, elevator shaft housings, stair enclosures, trellises, railings, flag poles, signs, mechanical equipment and screens, antennae and other similar items not used for human occupancy, shall be allowed to exceed the maximum allowable building height limit by 10 feet.

4d. Landscaped Areas. Landscaping is not required in the CB Zone, except for the 5 foot buffer next to ~~residential zones~~ Residential Zones. Landscaping is intended to soften the effects of built and paved areas. It also helps reduce storm water runoff by providing a surface into which storm water can percolate.

5e. Main Entrance. Fronting the main entrance of a building to the street enhances pedestrian access between the use inside the building and activities on the sidewalk. This orientation also enables building occupants to see what is happening in the street, such as arriving transit service.

K10. Pedestrian Standards. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. A sidewalk circulation system must be hard-surfaced, and be at least 6 feet wide. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar methods. The on-site pedestrian circulation system must be illuminated to a level where employees, residents, and customers can use the system at night. Land between a building and the street ~~property lot~~ line must be landscaped and/or hard-surfaced for use by pedestrians.

L11. Setbacks. Setbacks promote streetscapes that are consistent with the desired character of the zones. The CB Zone promotes buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and privacy in residential zones. ~~Exceptions:~~ The following items are allowed to encroach into setbacks:

- Canopies, marquees, and awnings.
- Uncovered stairways and wheelchair ramps that lead to the street-facing façade.
- Uncovered decks and stairways that are no more than 2 ½ feet above ground.
- ~~Projections not allowed. Attached mechanical~~ Mechanical structures such as heat pumps, air conditioners and emergency generators are not allowed.

[Table 2.2.300 amended by Ord. NS-2107, passed November 5, 2008]

[Table 2.2.300 amended by Ord. NS-2155, passed January 19, 2011]

[Table 2.2.300 amended by Ord NS-2158, passed April 20, 2011]

Chapter 2.3 Mixed - Use Zoning Districts (ME, MR and PO)

Sections:

- 2.3.100 Purpose and Applicability.
- 2.3.200 Permitted and Conditional Land Uses.
- 2.3.300 Development Standards.
- 2.3.400 Building Orientation.
- 2.3.500 Architectural Standards.
- 2.3.600 Special Development Standards for the Mixed-use Riverfront District.

2.3.100 Purpose and Applicability.

A. Purpose. The Mixed Use Districts are intended to provide a balanced mix of residential and employment opportunities. These mixed-use areas provide a transition between existing urban environments and both existing and future residential developments. The ~~mixed-use districts~~ Mixed Use Districts support service commercial, employment, and housing needs of a growing community. The Mixed-Use District ~~district~~ standards are based on the following principles:

- Ensure efficient use of land and public services
- Create a mix of housing and employment opportunities
- Provide transportation options for employees and customers
- Provide business services close to major employment centers
- Ensure compatibility of mixed-use developments with the surrounding area and minimize off-site impacts associated with development.

The ~~Mixed-use~~ Use Districts: Mixed Employment (ME), Mixed Use Riverfront (MR), and Professional Office (PO) ME, MR and PO are identified on the City's official zoning map. The districts serve distinctly different purposes as described below.

Zone District	Location and Characteristics
Mixed Employment District (ME)	The Mixed Employment zone is intended to provide a broad mix of uses that offer a variety of employment opportunities. Where Mixed Employment Districts occur on the edge of the city, their function is more transitional in nature providing service commercial businesses and supporting residential uses in an aesthetic mixed environment. In this instance, when residential units are provided, the units shall be within easy walking distance to the commercial and employment uses.
Mixed Use Riverfront District (MR)	The Mixed Use Riverfront District is intended to implement the General Plan policies for the creative redevelopment of mill site properties adjacent to the Deschutes River. It is intended to allow for a mix of uses that: <ul style="list-style-type: none"> ▪ Provide a variety of employment opportunities and housing types; ▪ Foster pedestrian and other non-motor vehicle activity;

	<ul style="list-style-type: none"> ▪ Ensure functionally coordinated, aesthetically pleasing and cohesive site planning and design; ▪ Ensure compatibility of mixed-use development with the surrounding area and minimize off-site impacts associated with the development; and ▪ Encourage access to, and enjoyment of, the Deschutes River.
Professional Office District (PO)	The Professional Office zone is intended to provide for professional offices in locations near arterial or collector streets and to provide a transition of uses between residential areas and other more intensive zones. Through design standards, the Professional Office zone is intended to create a mix of high density residential housing, office and service commercial developments that are pedestrian oriented and provide a positive contribution to the streetscape.

B. Applicability. The standards of this Chapter apply to all development in the Mixed Use Zoning Districts.

2.3.200 Permitted and Conditional Land Uses.

A. Permitted and Conditional Uses. The land uses listed in Table 2.3.200 are allowed in the Mixed Use Districts, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.3.200 and land uses that are approved as “similar” to those in Table 2.3.200 may be permitted or conditionally allowed. The land uses identified with a “C” in Table 2.3.200 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4.

~~**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.~~

~~**BC. Exceptions.** Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, prior to the adoption of this ordinance shall be permitted. Expansion or enlargement of an existing uses and buildings not identified as permitted or conditional uses, below, shall be subject to the Conditional Use criteria, standards and conditions within BDC Chapter 4.4.~~

**Table 2.3.200
Permitted Land Uses**

Land Use	ME	MR	PO
Residential			
Single Family Dwelling as a primary use	C	P	C
as secondary use	P	P	P
Single Family Dwelling as a secondary use	P	P	P
Multi-Family Residential housing */ as a primary use	C	P	C
as secondary use	P	P	P
Multi-Family Residential* as a secondary use	P	P	P
Temporary Housing* as a secondary use	P	N	P/C

Land Use	ME	MR	PO
Commercial			
Retail Sales and Service			
• Not to exceed 20,000 sq ft gross floor area	P	N	N
• Not to exceed 20,000 50,000 sq ft ground floor per-lease-space	<u>N</u> <u>P</u>	P	N
• Not to exceed 75,000 sq ft ground floor for ME zoned property 5 acres or greater	<u>P</u>	<u>N</u>	<u>N</u>
• ground floor only / not to exceed 2500 sq ft for single use / 5000 sq ft for multiple users	N	N	P
Retail Sales and Service (auto dependent*)	P	N	N
Retail Sales and Service (auto oriented*)	P	N	N
Restaurants/Food Services			
- with drive-through*	P	N	N
- without drive-through	P	P	<u>P</u>
Offices and Clinics	P	P	P
Conference Centers/Meeting facility associated with a hotel / motel	C	P	N
Lodging (bed and breakfast inns, vacation rentals, boarding houses timeshare)	P	P	N
Hotel / Motels	P	P	N
- with conference center	P	P	<u>N</u>
Commercial and Public Parking as primary use	P	P	C
Commercial Storage			
- enclosed in building and on an upper story	P	P	N
- not enclosed in building	N	N	N
- enclosed in building on ground floor (i.e., mini-storage)	P	P	N
Entertainment and Recreation			
- enclosed in building (e.g., theater)	P	P	C
- not enclosed (e.g., amusement)	P	C	C
Wholesale Sales (more than 75% of sales are wholesale)	P	P	N
Broadcasting/production studios and facilities	P	P	N
Hospital	P	C	C
Daycare	<u>P</u>	<u>P</u>	<u>P</u>
Production Offices	<u>P</u>	<u>P</u>	<u>P</u>
Public & Institutional			
Government – point of service (e.g., library) intended to serve the entire city (e.g., city hall, main library, main post office, main Department of Motor Vehicles service center)	P	P	C
Government – branch service intended to serve a portion of the city	<u>P</u>	<u>P</u>	<u>P</u>
Government – limited point of service; (e.g., public works yards, vehicle storage etc.)	N	N	N
Parks and Open Space	P	P	P
Schools			
-- pre-school, daycare, and primary, secondary	P	P	C
-- colleges, and vocational schools	P	P	P
Clubs and Places of Worship Religious Institutions	P	P	P
*Utilities (above ground)	P	P	P

Industrial			
Manufacturing and Production			
–greater than 5,000 sq. ft.	P	P	N
–less than 5,000 sq. ft. with retail outlet	P	P	N
Warehouse	P	P	N
Transportation, Freight and Distribution	C	C	N
Production businesses (e.g., IT Support Centers, biotechnology, software/hardware development Broadcast and Production studios	P	P	C
Industrial Service (e.g., cleaning, repair)	P	N	N
Miscellaneous Uses			
Wireless and Broadcast Communication Facilities	See BDC Chapter 3.7		

Key to Districts

ME = Mixed Employment
 MR = Mixed Use Riverfront
 PO = Professional Office

Key to Permitted Uses

P = Permitted; subject to BDC Chapter 4.1
 N = Not Permitted
 C = Conditional Use, subject to BDC Chapter 4.4

* Special Standards for Certain Uses subject to BDC Chapter 3.6 and BDC 2.1.900.

2.3.300 Development Standards.

The following table provides the numerical development standards within the Mixed Use Districts. Additional standards specific to each district follow within a separate subsection of this Chapter.

Building setback standards provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

No new building or modification of an existing building shall exceed the development standards provided herein without receiving approval of a Variance application in accordance with the criteria listed in BDC Chapter 5.1. *Covered in Variance section.*

**Table 2.3.300
 Mixed Use District Development Standards**

Standard	ME	MR	PO
Minimum Front Yard Setback	10 ² feet	0 ² None**	10 ² feet
Maximum Front Yard Setback	10 ² feet/80 ² feet*	None**	10 ² feet
Rear Yard Setback	0 ² None/ 10 ² feet (see standards below)	0 ² None **	0 ² None/ 10 ² feet (see standards below)
Side Yard Setback	0 ² None / 10 ² feet (see standards below)	0 ² None**	0 ² None / 10 ² feet (see standards below)
Lot Coverage	50%	None **	50%
Building Height	45 feet	35 feet**	45 feet

* Subject to special standards in BDC 2.3.400

**Subject to special standards in BDC 2.3.600

A. **Applicability.** The setback standards outlined in Table 2.3.300 above shall apply to all new buildings and any building expansion, expanded buildings. ~~The setback standards apply to both including primary structures and accessory structures. The standards may be modified only by approval of a variance, in accordance with BDC Chapter 5.1; Variances.~~

B. Front Yard Setbacks.

1. General Standards. See Table 2.3.300; Mixed Use District Development Standards.
2. ~~Double Frontage Lots~~ Multiple frontage lots. For buildings on lots sites with double frontage more than one frontage or through lots, the minimum front yard setback standards in Table 2.3.300 shall be applied to both all street frontages. In the ME and PO Zoning Districts, the maximum setback standards indicated in Table 2.3.300 of 10 feet shall be applied to only one of the frontages, provided that where the abutting streets are of different street classification, the maximum setback standard shall be applied to the street with the higher classification.
3. Exceptions. The following exceptions apply to ME and PO zoned properties.
 - a. ~~For buildings on corner lots at the intersection of two arterial streets, the maximum front yard setback standard specified in Table 2.3.300 shall be met for one frontage and for the other frontage, a maximum setback of 160 feet shall be allowed. Off-street parking, driveways and other vehicular use and circulation areas may be placed between a building and the 10-foot wide required landscape setback adjacent to the street when the 160 foot maximum setback option is applied.~~
 - a. Buildings on corner lots at the intersection of collector and/or local streets are encouraged to have an entrance oriented to the street corner. Therefore, the minimum front yard setback specified in Table 2.3.300 shall be met for the both the collector and/or local street frontages.
Moved from 2.3.400A and revised
 - b. When the street fronting the development does not allow on-street parking, the maximum front yard setback of 80 feet applies shall apply.
 - c. When on-street parking is permitted on the street fronting the development, the maximum front yard setback is 10 feet. *Moved from 2.3.400A*
 - de. Other special setbacks in conformance with BDC 3.4.200(J) Special Setbacks may apply.

C. Side and Rear Yard Setbacks.

1. ME and MR Zone. There is no rear yard setback required (*i.e.* 0 feet), except when abutting a lot ~~in~~ a residential zone. In such cases, the rear yard setback shall be is 10 feet for all portions of the structure less than 35 feet in height. For In the ME Zone, portions of the building above 35 feet in height or greater, the setback shall set back an additional 1 foot for each foot the building height exceeds 35 feet.
2. PO Zone. There is no rear yard setback required (*i.e.* 0 feet), except when abutting a residential zone. In such cases, the rear yard year setback distance shall be a minimum of is 10 feet and the rear yard setback shall increase be increased by 1 foot for each 1 foot by which the building height exceeds 25 feet.

3. When a public alley abuts a side or rear yard of property within the PO or ME zones, the width of the alley can be included in the additional setback calculation as described above in subsections (C)(1) and (2) of this section for the purpose of offsetting the impacts of the building height over 35 feet. The alley does not eliminate the required 10 foot building setback.

D. Other Requirements.

1. Buffering. A 10-foot wide minimum landscape buffer ~~shall be~~ is required along the side and rear property lines between non-residential uses ~~industrial use development listed in Table 2.3.200~~ and any adjacent residential districts ~~Residential District~~. The buffer zone is in addition to the ~~required~~ side and rear setbacks required in subsection (C) of this section. The buffer shall provide landscaping to screen parking, service and delivery areas and walls without windows or entries, ~~as applicable~~. The buffer may contain pedestrian seating but shall not contain ~~any~~ trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in BDC Chapter 3.2, Landscaping, Streets Trees, Fences and Walls, provide other buffering requirements where applicable.
2. Outdoor and rooftop mechanical equipment as well as trash cans/dumpsters shall be architecturally screened from view. Heating, ventilation and air conditioning units shall have a noise attenuating barrier to protect adjacent residential districts from mechanical noise.
32. Building and Fire Codes. All developments shall meet applicable fire and building code standards. Larger setbacks than those listed above may be required due to the proposed use and/or storage of combustible materials.

2.3.400 Building Orientation.

In addition to the site layout and building orientation standards of BDC 2.2.500, All all of the following standards shall apply to new and expanded development within the Mixed Use Districts, unless otherwise specified in this code, in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling and future transit.

- A. **Building Entrances.** All buildings shall have an entrance(s) visible or oriented to a street. "Oriented to a street" means that the building entrance faces the street, or is visible to the street and connected by a direct and convenient walkway. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyards. Streets used to comply with this standard may be public streets or private streets and shall contain sidewalks and street trees, in accordance with the standards in BDC Chapter 3.0, ~~Development Standards~~.

~~The building entrance orientation standard is met when the following criteria are met:~~

- ~~1. When on street parking is permitted on the street fronting the development, the front yard maximum setback shall be 10 feet. *Moved to setback section*~~
- ~~2. When the street fronting the development does not allow on street parking, the maximum front yard setback shall be 80 feet, except in the MR Zone. *Already in setback section*~~
- ~~3. Corner Lot Standard. Buildings on corner lots are encouraged to have an entrance oriented to the street corner. The minimum front yard setback specified in A(1) above shall be met for both~~

~~street frontages. Moved to setback section~~

- B. **Walkway Connections.** Walkways shall ~~may be placed through yard~~ installed in setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. Walkways shall conform to the standards in BDC Chapter 3.1, Lot Parcel and Block Design, Access and Circulation.
- C. **Parking.** Parking and maneuvering areas shall be prohibited between the street and the building when on-street parking is allowed on the street fronting the development property. Parking shall be provided in conformance with BDC Chapter 3.3., ~~Vehicle Parking, Loading and Bicycle Parking.~~

2.3.500 Architectural Standards.

All developments in the Mixed Use Districts shall be subject to Commercial Design Review, BDC 2.2.800 and be reviewed for conformance with the ~~criteria~~ standards in A and B below unless otherwise specified in this Code code.

- A. **Building Mass.** Where building elevations are oriented to the street ~~in conformance with BDC 2.2.600, Block Layout and Building Orientation,~~ architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, a change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes greater than 50 linear feet in length. A minimum of 15% of the horizontal building facade shall contain a variety of architectural features.
- B. **Pedestrian-Scale Building Entrances.** Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

2.3.600 Special Development Standards for the MR Zone.

- A. **Development Plans Required.** The Mixed-Use Riverfront zone shall only be applied to the area designated Mixed Riverfront on the Bend Area General Plan Map. Before development of properties can occur in the MR zone, a Facilities Plan shall be reviewed for conformance with BDC Chapter 2.3 and approved. Before development of properties, other than property described in subsection C(4) of this section, can occur in the MR zone, a Master Development Plan and a Facilities Plan shall must be reviewed and approved.
 - 1. ~~The Facility~~ Facilities Plan shall be ~~processed as a~~ reviewed through a Type II procedure ~~Activity. The Bend Urban Area Planning Commission acting as the Design Review Board shall review and approve the~~
 - 2. The Master Development Plan shall be reviewed by the Planning Commission through a Type III procedure.
- B. **Facilities Plan.** Prior to or concurrent with submitting a Master Development Plan, ~~the owners shall submit for review and approval~~ a Facilities Plan that shows how the area will be served by roads and utilities shall be reviewed by the city through the Type II procedure.
 - 1. Due to the size and physical variations of the MR zone area the Facilities Plans shall be prepared for three sub-areas:

- a. West of the river and north of Colorado Avenue.
- b. West of the river and south of Colorado Avenue.
- c. East of the river.

2. The Facilities Plan shall, at a minimum, include:

- a. A map of existing and planned water and sewer facilities to serve the sub-area including line sizes, general location or routes, and how the lines will tie in with areas adjacent to the MR zone.
- b. A map of existing and planned collector and arterial streets adjacent to the sub-area and of the general route of planned collector, arterial, and major local streets through the sub-area and where the streets will connect with the existing collector or arterial street system.
- c. Such other utility or transportation information as the City may determine is necessary.
- d. The function and location of any private utility systems.
- ed. A written narrative that explains or describes how the Facilities Plan meets the following approval criteria:
 - i. ~~How the~~ The proposed water, sewer, and street system will be adequate to serve the type and size of development planned for the area;
 - ii. ~~How the~~ The location and sizing of facilities on-site will be consistent with the existing and planned utilities; and
 - iii. ~~How adequate~~ Adequate water flow volumes will be provided to meet fire flow and domestic demands; and,
 - iv. ~~The function and location of any private utility systems.~~

3. The Facilities Plan shall be approved by the review authority if it is determined to be consistent with the criteria in subsection (2)e of this section, and with the City's Sewer and Water Public Facility Plans and Transportation System Plan Utilities Master Plan and the Transportation Element of the Bend Area General Plan and other information required by the City.

C. MR Zone Master Development Plan. The minimum acreage for an MR Zone Master Development Plan ~~shall be~~ is ten acres unless specifically exempted as described in subsection (C)(4) of this section. The MR Zone Master Development Plan shall include information that meets the requirements of subsections (C)1 and 2 of this section, maps and descriptive text as described in (1) and (2), below which shall serve as approval standards for the MR Zone Master Development Plan.

- 1. The MR Zone Master Development Plan shall include a plan view drawing with dimensions that show the following elements and how they fit together as a functional design:
 - a. Building envelope;
 - b. Parking area location, size and access;
 - c. Access points to local streets and major street network;
 - d. Pedestrian/bicycle corridors;
 - e. Landscape areas; and
 - f. Other open space and common areas;
 - g. The expected uses to be developed and approximate square footage of building area in each category;

- h. Any private development covenants, conditions or restrictions that will be recorded with the property; and
 - i. Any other information the City may require.
- 2. The MR Zone Master Development Plan shall demonstrate that the proposal satisfies the planning and design objectives of a mixed-use development. Such text shall address following approval criteria:
 - a. ~~The expected uses to be developed and approximate square footage of building area in each category;~~
 - ba. Creation of a stimulating and attractive mixed-use environment through the use and inter-relationship of open spaces, building locations, building scale and design, and pedestrian amenities;
 - eb. Providing pedestrian access and movement to and through the site in a manner that maximizes foot traffic exposure to goods and services and minimizes conflicts with vehicle circulation areas;
 - dc. Encouraging access to and enjoyment of the Deschutes River;
 - ed. Providing for traffic and service vehicle circulation between on-site uses as appropriate;
 - fe. Maintaining and improving the aesthetic and location advantages provided by the terrain and natural features of the site and minimize alteration thereof as much as practicable;
 - gf. Reducing to a minimum any negative impacts of proposed uses on adjacent properties and ensure the livability of residential areas when applicable;
 - h. ~~Any private development covenants, conditions or restrictions that will be recorded with the property;~~
 - i. ~~Any other information the City may require;~~
 - kg. How the types and levels of uses are consistent with the planned function, capacity and level of service of transportation facilities.
- 3. Upon approval of an MR Zone Master Development Plan, all subsequent building and site development must comply with the approved MR Zone Master Development Plan and the standards and conditions in this Section section. Minor alterations to an approved MR Zone Master Development Plan may be ~~revised or modified~~ processed as a Type II application Activity using the ~~procedures and standards in this Section section.~~ A minor alteration to a Master Plan may include adjustments to local street and pedestrian corridor alignments, alterations to site design guidelines, changes to lot configurations, and the re-location of plazas and open space within the master plan area provided the approved MR Zone Master Development Plan concept is not compromised.
- 4. Exemptions:
 - a. Properties less than ten (10) acres in size that are not a part of a previously approved and valid MR Zone Master Development Plan and cannot practicably be combined with surrounding properties in the MR zone may apply independently for an MR Zone Master Development Plan in accordance with subsection (C) of this section; and
 - b. As an alternative to subsection (4)(a) of this section, properties that were less than ten (10) acres in size on or before August 4, 1995 and that are not part of a previously approved and

valid Master Development Plan may develop after obtaining ~~site plan and design review~~ Site Plan and Design Review approval from the Bend Urban Area Planning Commission after demonstrating compliance with BDC Chapter 4.2, Site Plan Review and Design Review, BDC 2.2.600~~800~~, Commercial Design Review Standards and BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. The Commission shall use the master planning and design objectives set forth in subsection (C)(2) of this section (~~a-j~~), to the extent applicable to the subject property, ~~when~~ When determining compliance with BDC Chapter 4.2, BDC 2.2.600~~800~~ applies to this subsection for site plan review even if Chapter BDC 2.2.600~~800~~, by its express terms, would not otherwise apply to such an application.

Any proposed development that is on property within 100 feet of the ordinary high water mark of the Deschutes River is also subject to the design review standards in BDC 2.7.600, Waterway Overlay (WOZ).

D. Building and Site Development Standards. In addition to the Master Development Plan approval above, the development of individual buildings and related areas shall comply with the following standards: ~~Building and Site Development shall be processed as a Type II Activity.~~

1. Deschutes River Corridor Design Review. Property within 100 feet of the ordinary water mark of the Deschutes River shall comply with BDC 2.7.600, (WOZ)
2. Building Design. Buildings and structures shall have architectural elements and features which are in scale with each other. The colors and exterior material of buildings within the Master Development Plan shall be compatible. Buildings housing retail uses shall provide ample window area oriented toward pedestrian walkways or plazas.
3. Landscaping and Open Space. The design and development of landscaping and open space shall:
 - a) Retain and conserve riparian vegetation within the bed and banks of the Deschutes River and adjacent to the river to the maximum extent practicable. There shall be no net loss of natural wetlands adjacent to the river.
 - b) Emphasize the use of native trees, shrubs, or other plants adapted for survival and growth in the high desert life zone.
 - c) Include street trees and parking area trees which are in scale with the development.
 - d) Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.
 - e) Provide pleasing transitions between uses, soften and buffer utility and loading areas, and provide pleasing textures and variety particularly next to buildings, along walkways, and within pedestrian plazas.
 - f) Include open spaces and plazas which are in scale with the development and invite activity appropriate to adjoining uses.
4. Operations within Buildings: For industrial and commercial uses all manufacturing, processing, assembling, packaging, repairing, and storing of equipment, materials and supplies shall occur within enclosed buildings. Exceptions to this requirement may be allowed as necessary to comply with state and local safety regulations.

5. Refuse collection and recycling: Refuse collection and recycling areas for businesses shall be enclosed with a fence, wall or structure high enough to screen all collection bins.
6. Outside mechanical equipment: Industrial or commercial heating, ventilation, air conditioning, or other mechanical equipment on rooftops or ground shall be screened with a material and design that is visually compatible with the building.
7. Drainage: All drainage from buildings, parking/loading areas, and other impervious surfaces shall be retained on the development site or directed to a drainage facility as part of an overall drainage master plan using dry wells or other City approved method such as landscaping, retention basin, swale, or similar bio-filtration systems that are not directly connected to a surface stream or canal.
8. Parking: Motor vehicle and bicycle parking shall comply with the standards in BDC Chapter 3.3 of this ordinance. The following exceptions to the parking standards may be allowed as part of the approved Master Development Plan:
 - the use of parking areas away or separated from the building or uses; and
 - parallel parking on collector streets if bicycle lanes and adequate vehicle lanes are provided.
9. Utilities: Electric power, natural gas, telephone and cable lines shall be installed underground.
- ~~10. Signs: Directional and identification signs shall be in proportion with and visually related to the architectural character of the building and restrained in size. Pole signs are not allowed in the Mixed-use Riverfront Combining zone. Covered in Sign Code~~
- ~~10. 11. Industrial Air Emissions: There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities from industrial operations as to produce a public nuisance or hazard.~~
- ~~11. 12. Local Streets: Local streets approved as part of the Master Development Plan may be public or private streets. If private streets are proposed as part of a Master Development Plan, they shall comply with the standards for private streets found in BDC Chapter 3.4. the Director shall:~~
 - ~~a) Ensure that public access is not restricted except as agreed to by the City.~~
 - ~~b) Provide adequate access for emergency vehicles and for school buses as necessary~~
 - ~~c) Provide that construction standards and specifications are satisfactory to the City.~~

[Table 2.3.200 amended by Ord NS-2158, passed April 20, 2011]

Chapter 2.4 Industrial Zoning Districts (IG, IL)

Sections:

2.4.100	Purpose.
2.4.200	Applicability and Location.
2.4.300	Permitted and <u>Conditional Land Uses</u> .
2.4.400	Development Standards <u>Setbacks</u> .
2.4.500	Lot Coverage.
2.4.600	Building Height.
2.4.700	Orientation and Architectural Standards.
2.4.800	Special Development Standards.

2.4.100 Purpose.

This chapter applies to all development in the General Industrial District and Light Industrial District. These ~~The~~ Industrial Districts are intended to accommodate a range of light and heavy industrial land uses. They are intended to segregate incompatible industrial developments from other districts, while providing a high-quality environment for businesses and employees. This ~~chapter~~ Chapter guides the orderly development of industrial areas based on the following principles:

- Provide for efficient use of land and public facilities and services.
- Provide transportation options for employees and customers.
- Locate business services close to major employment centers.
- Ensure compatibility between industrial uses and nearby commercial and residential areas.
- Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Bend Area General Plan.
- Conserve industrial zoned lands for industrial uses.

2.4.200 Applicability and Location.

This Chapter applies to all development in the General Industrial District (IG) and Light Industrial District (IL). The Industrial Districts, ~~IL and IG~~, are identified on the City's official zoning map. The districts serve distinctly different uses as described below.

Zone District	Location and Characteristics
General Industrial	This zone is intended to provide for the establishment of light and heavier industrial uses essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and non-industrial uses.
Light Industrial	This zone is intended to provide for heavier commercial and light industrial uses with easy access to collector and arterial streets.

2.4.300 Permitted and Conditional Land Uses.

- A. Permitted and Conditional Uses.** The land uses listed in Table 2.4.300 are permitted in each of the applicable districts, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.4.300, and land uses that are approved as “similar” to those in Table 2.4.300 through a development approval are allowed may be are permitted.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.1.1400, Declaratory Ruling.
- B. C. Existing Uses.** Existing office Office uses within an office building lawfully established within an industrial zone under previously effective land use regulations are prior to the adoption of this ordinance shall be treated as a permitted use. Expansion or enlargement of 25% or less of the above referenced such office uses or structures that are non-industrial, shall be subject to the provisions of BDC Chapter 4.2, Site Development Plan Review and Design Review. For expansion or enlargement greater than 25%, the Conditional Use criteria, standards and conditions within BDC Chapter 4.4, Conditional Use Permit approval is also required Permits shall also apply. Conditions of prior approval shall continue to apply unless modified in conformance with BDC 4.1.1325, Modification of Approval 4.1.1000; Reconsideration.

**Table 2.4.300
Permitted and Conditional Land Uses**

Land Use	IG	IL
Industrial		
Light manufacturing, fabrication and repair (e.g., appliances, electronic equipment, printing, furniture, signs and similar goods) with incidental sales associated with a permitted use.	P	P
Heavy manufacturing, assembly, and processing of raw materials and recycling	P	C
Junk yards, automobile wrecking yards, and similar uses	P	N
Research and development facilities	C	P
Wholesale warehousing, storage and distribution	P	P
Fuel distribution	P	C
Production Office businesses (e.g., IT Support Centers, biotechnology, software/hardware development Broadcast and Production studios/facilities.)	C	P
Wholesale processing uses (e.g., dry cleaning, laundry)	P	P
Food and beverage processing and packaging	P	P
Residential		
One caretaker unit shall be permitted for each development <i>NOTE: Other residential uses are not permitted, however, residences existing prior to the effective date of this Code may continue subject to the standards in BDC Chapter 5.2, Non-Conforming Uses and Developments.</i>	P	P
Commercial		
Vehicle, equipment and boat repair, rental, storage, service	C	P
Industrial service (e.g., cleaning, repair)	P	P
Medical and dental laboratories and large animal veterinary clinics	C	P

Land Use	IG	IL
Outdoor commercial uses (e.g., outdoor storage, Building and garden supply)	C	C
Small-scale personal and professional services	C	C
<ul style="list-style-type: none"> • up to 2500 square feet of gross floor area (e.g., coffee shop / deli, dry cleaners, barber shops and salons, copy center, banks, and financial institutions and similar uses)* • No limit to size (e.g., for child care, fitness center and similar uses)* <i>Recreation Facility (privately owned) covers fitness centers</i> 	C	C
<u>Kennel with or without overnight boarding</u>	P	C
Equipment Rental and Repair services	P	P
Corporate Headquarter/Office when co-located with a permitted or conditional use	C	P
Mini-storage Warehouse	N	C
Contractor storage	P	P
Heavy equipment sales	P	P
Ambulance Service/Transportation yards	P	C
Commercial parking lot	C	P
Recreation Facility (privately owned)	C	C
<u>Redemption Center</u>	C	P
Public and Institutional		
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)	P	P
*Utilities (above ground)	P	P
Special district facilities (e.g., irrigation district, and similar facilities)	P	P
Vocational schools	C	C
Public Park and Recreation Facility	C	C
Miscellaneous Uses		
Wireless and Broadcast Communication Facilities	See BDC Chapter 3.7	

Key to Districts:

IG = General Industrial District

IL = Light Industrial District

Key to Permitted Uses

P = Permitted; subject to BDC Chapter 4.1

N = Not Permitted

C = Conditional Use; subject to BDC Chapter 4.4

* Special Standards in conformance with BDC Chapter 3.6, Special Standards for Certain Uses and BDC 2.4.800, Special Development Standards.

2.4.400 Development Standards Setbacks.

Development setbacks Setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering and visual separation. All developments shall meet applicable fire and building code standards, which may require greater setbacks than those listed in this section the following section. (e.g., for combustible materials, etc.)

A. Front Yard Setbacks.

1. General Industrial District: The minimum front yard setback shall be is 10 feet.
2. Light Industrial District: The minimum front yard setback shall be is 10 feet.
3. Exceptions:
 - a. Other special setbacks in conformance with BDC 3.4.200(J), Special Setbacks may apply.

B. Rear Yard Setbacks.

1. ~~Rear Yard Setback:~~ There is no required rear yard setback in the IG or IL industrial districts, except when development is abutting a residential zone. In this situation, no building or structure ~~or any portion thereof~~ shall be constructed less closer than 20 feet from the residential district. Portions of buildings or structures that exceed 35 feet in height shall be set back ~~step-back~~ an additional ½ foot for each foot by which the building height exceeds 35 feet.

C. Side Yard Setbacks.

1. ~~Side Yard Setbacks:~~ There are no required side-yard setbacks in the IG or IL industrial districts, except when development is abutting a residential zone. In this situation, no building or structure ~~or any portion thereof~~ shall be constructed less closer than 20 feet from the residential district. Portions of buildings or structures that exceed 35 feet in height shall ~~step-back~~ be set back an additional ½ foot for each foot by which the building height exceeds 35 feet.

Table 2.4.400

Yard Setback	Light Industrial	General Industrial
Minimum Front Yard	10 ² feet	10 ² feet
Minimum Rear Yard *	0 ² feet/20 ² feet (see BDC 2.4.400)	0 ² feet/20 ² feet (see BDC 2.4.400)
Minimum Side Yard *	0 ² feet/20 ² feet (see BDC 2.4.400)	0 ² feet/20 ² feet (see BDC 2.4.400)
Maximum lot Coverage	80%	80%
Maximum Building Height**	50 ² feet	50 ² feet

*Subject to the provisions of Section 2.4.400; Development Setbacks ~~These standards are supplemented by BDC 2.4.400.~~

**Subject to the provisions of BDC 2.4.600; Building Height

2.4.500 Lot Coverage.

The maximum allowed lot coverage in the General Industrial and Light Industrial Districts is 80 percent (80%). The maximum allowed lot coverage is computed by calculating the total area covered by buildings including accessory structures, and comparing this figure with the total area of the development site. Compliance with other sections of this code Code may preclude development of the maximum lot coverage for some land uses.

2.4.600 Building Height.

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

A. Base Requirement.

1. Buildings and structures in the General Industrial and Light Industrial Districts shall be no more than fifty 50 feet (50') in height and shall comply with the building setback standards in BDC 2.4.400; ~~Development Setbacks~~ above.

B. Exceptions.

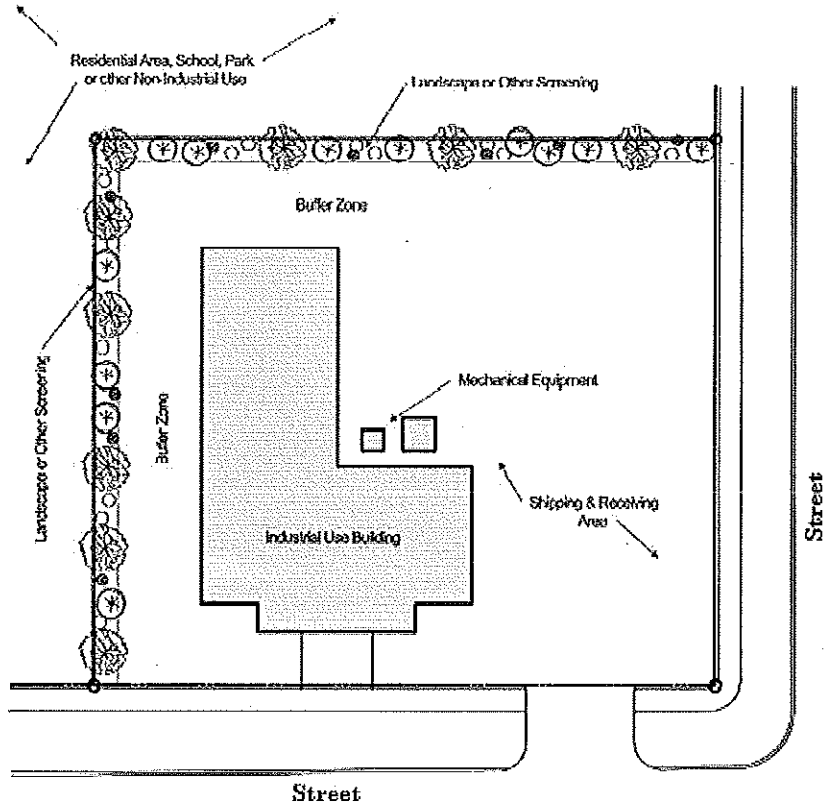
1. The allowable height may be increased over the base height ~~subject to the provisions of BDC Chapter 4.4, if approved through a Conditional Use Permit Permits,~~ and when one or more of the following mitigation methods ~~are~~ is applied:
 - additional setbacks
 - stepping-down of building elevations
 - visual buffering, screening
 - and/or other appropriate measures to provide a height transition between industrial development and adjacent non-industrial development
2. ~~Non-conforming uses that are lawfully in existence at the time this ordinance is adopted may continue to operate in conformance with BDC Chapter 5.2, Non-Conforming Uses and Developments. Covered in BDC Chapter 5.2.~~

2.4.700 Orientation and Architectural Design Standards.

A. Industrial Development Orientation. All industrial developments shall be oriented on the site to minimize off-site adverse impacts of noise, glare, smoke, dust, exhaust, vibration, etc., and protect the privacy of adjacent non-industrial zones to the extent practicable. The following standards shall apply to all development in the Industrial Districts when abutting non-industrial zoning districts ~~uses~~ only.

1. Equipment Standard. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside of an enclosed building, shall be located away from abutting residential zones, schools, parks and other non-industrial zoned areas as to ~~the extent~~ practicable;
2. Buffering Standard. The City shall may require a specific landscape buffer of a specific width, or other visual and/or sound barrier (fence, wall, landscaping, or combination of such measures ~~thereof~~) to mitigate adverse impacts that cannot be avoided through building orientation standards alone. For additional buffering standards see BDC 2.4.800(B).

Figure 2.4.700 - Industrial Development Orientation

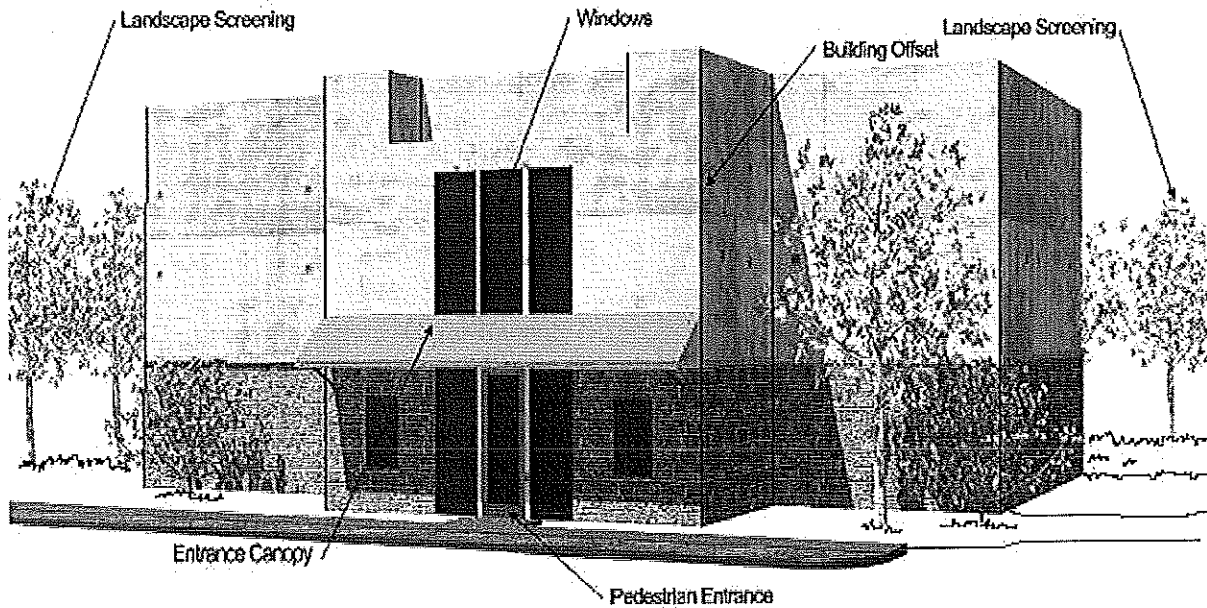


B. Architectural Standards. All developments in the Industrial Districts shall be evaluated during Site Development Plan Review for conformance with the following standards criteria below:

1. Building Mass. Where building elevations are oriented to the street, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, shall be used to break up ~~and articulate~~ large building facades and walls that are longer surfaces and volumes greater than 75 linear feet in length. A minimum of 15% of the horizontal building façade shall contain a variety of architectural features.

The horizontal building elevation facing ~~the an~~ arterial or collector street ~~in all development within the Industrial District with lots fronting on an arterial or collector street~~ shall provide a variety of the architectural features described above for a minimum of 30% of the horizontal building facade. ~~of the architectural features as described above.~~

**Figure 2.4.700B
Architectural Features (Typical)**



Note: Figure above is intended to illustrate typical building design elements, and should not be interpreted as a required architectural style.

2.4.800 Special Development Standards.

The Industrial Districts accommodate a range of manufacturing, industrial office uses and small personal service commercial uses.

A. ~~Service Commercial Uses.~~ Commercial Small Scale Personal and Professional Services, Small scale personal and professional service and incidental sales uses as specified in Table 2.4.300 shall comply with the following development standards.

1. Small-scale personal service commercial uses may be allowed when accessory to the a primary user of the ~~industrial building or development~~ (in the case of a large industrial area). No more than 10% or ~~2000~~ 2,500 square feet (whichever is greater) of a permitted or conditionally allowed industrial development may be occupied by an accessory commercial use, unless otherwise approved through a Conditional Use Permit.
2. Primary use, small scale personal and professional and ~~incidental sale service commercial~~ uses may occur as stand-alone businesses when the total gross floor area of ~~each use any individual building~~ does not exceed 2,500 square feet. For multiple uses, where the uses share one building, the total building area shall not exceed 5,000 square feet. A single use may occupy 5,000 square feet if approved through a Conditional Use Permit. These non-industrial use buildings shall comply with the provisions of BDC 2.2.~~600~~800, Commercial Design Review Standards and 4.2.300, Permitted Land Uses.

B. Location Standards.~~3.~~—~~Fitness facilities, child~~ Child care centers and other similar uses shall be limited to ~~lots~~ properties located at the perimeter of the industrial districts with ~~lot~~ frontage on arterial or collector streets, unless they are accessory to a primary permitted use. When these ~~non-industrial uses~~ buildings occur as a stand-alone building, the provisions of ~~BDC 2.2.600800,~~ Commercial Design Review Standards and ~~4.2.300, Permitted Land Uses~~ shall apply.

C. B. Buffering. A ~~20-foot wide minimum~~ buffer zone with a minimum width of 20 feet shall be is required between Industrial development and any adjacent ~~residential zoning district~~ Residential District. The ~~buffer zone~~ shall provide landscaping to screen the industrial activities such as parking, service and delivery areas, from the residential ~~districts~~ uses. The buffer shall not contain ~~any~~ trash receptacles or be used for the storage of equipment, materials, vehicles, etc.

[Table 2.4.300 amended by Ord NS-2158, passed April 20, 2011]

Chapter 2.5 Surface Mining Zoning District (SM)

Sections:

2.5.100	<u>Purpose and Applicability.</u>
2.5.200	<u>Permitted and Conditional Uses.</u>
2.5.300	<u>Development Standards.</u>
2.5.400	<u>Site Plan Review.</u>
2.5.500	<u>Site Plan Requirements.</u>
2.5.600	<u>Special Requirements.</u>
2.5.700	<u>Procedure for Site Plan Review.</u>
2.5.800	<u>Approval of Site Plan.</u>
2.5.900	<u>Bond.</u>
2.5.1000 900	<u>Failure to Comply.</u>
2.5.1100 1000	<u>Exceptions.</u>

2.5.100 Purpose and Applicability.

A. Purpose. The purpose of the Surface Mining (SM) Zoning District ~~Zone~~ is to allow the extraction of surface mining materials needed by the community while protecting the health and safety of adjoining residents and uses.

B. Applicability. The standards of this Chapter apply to all development in the SM zoning district.

2.5.200 Permitted and Conditional Uses.

In the SM District, the following uses and their accessory uses are permitted outright or conditionally allowed subject to the provisions of this Chapter ~~chapter~~:

Table 2.5.200 - Permitted and Conditional Land Uses

Land Use	SM
Industrial	
Rock crushing, processing washing and sizing	P
Extraction of materials including: sand gravel, rock, cinders, pumice, topsoil, fill material (including select fill) and any other mineral or aggregate material	P
Landfill**	C
Utilities (above ground)	C
Ore Smelter***	C
Other related activities using materials found primarily on site, such as concrete batching plants and mineral refining plants	C
Accessory Uses and Structures	P
Residential	
One caretaker unit shall be permitted for each development * Other residential uses are not permitted, however, residences existing prior to the effective date of this Code August 7, 2006 may continue subject to the standards in BDC Chapter 5.2, Non-Conforming Uses and Developments	P
Commercial	
Sale of products produced on site	P
Miscellaneous Uses	
Wireless and Broadcast Communication Facilities	See BDC Chapter 3.7

Key to Table

P = Permitted Use, in conformance with BDC Chapter 4.1; Procedures

C = Conditional Use in conformance with BDC Chapter 4.4; Conditional Use Permit

(*) = Special Standards for Certain Uses

(**)=When a written tentative approval by DEQ is submitted with the conditional use application

(***)=Using materials from the site subject to stringent all applicable pollution controls

2.5.300 Development Standards.

In a SM District, the following standards shall apply:

A. Lot size. The minimum lot size shall be as determined by the Planning Community Development Director to be necessary for the protection of the public health, safety and welfare.

B. Setbacks.

1. Uses within a SM District shall ~~maintain a 100-foot be setback~~ set back 100 feet from the property line when adjacent to a residential zoning district dwelling.
2. The applicant shall provide the minimum setback required by ~~the applicable code~~ this Code for an adopted Upland Area of Special Interest, River Corridor Area of Special Interest or other identified Goal 5 resources or greater as determined necessary to protect and preserve the identified feature. The applicant shall demonstrate that the proposed setback ~~shall be~~ is large enough to prevent any adverse impact to the resource.

2.5.400 Site Plan Review.

In a SM Zone, a use permitted outright or a conditional use shall be is subject to the provisions of this Section Chapter. Before development of any a new site or expansion of any an existing site beyond the area covered by an existing state or county permit may begin, after the effective date of this ordinance, a site plan shall be submitted a Site Plan Review application, in conformance with BDC Chapter 4.2 4.1 and a Site Plan Review application shall be approved by the Planning Community Development Director. Construction and development of the site shall be in full conformance with the approved site plan.

2.5.500 Site Plan Requirements.

In addition to the submittal requirements of BDC Chapter 4.2, A site plan the Site Plan Review application shall provide the following:

- A. A reclamation plan, which meets the guidelines and in a format established by Department of Geology and Mineral Industries (DOGAMI).
- B. A maintenance program. All buildings, structures and equipment used for the production and processing of minerals and other materials affected by this title shall be maintained in such a manner as to assure that such buildings, structures and equipment will not become dilapidated or hazardous. The reclamation plan shall also address disposition of buildings, structures and equipment used in production and processing of minerals and other materials, offices, storage garage and watchman's house or any remains of any such structures and equipment thereof.
- C. Air, water and noise requirements. Air and water quality and noise level shall be in accordance with the requirements of state and federal laws and regulations and City codes ordinances.
- D. A complete description of all planned uses.
- E. The Community Development Director may require the following at the time of Site Plan Review site plan approval:
 - 1. An increase or decrease in required setbacks.
 - 2. Screening of the proposed use, or parts thereof, by fencing or landscaping.
 - 3. Limitations on lighting.
 - 4. An adequate plan for phased mining and reclamation of the site.
 - 5. Restrictions on the hours, days and noise levels of operation.
 - 6. Dust-free site access roads near residential areas.
 - 7. ~~When SM operations meet the criteria for conflict levels III or IV as specified below, the Planning Director may, in addition, place more stringent criteria upon the operations in accordance with this ordinance.~~
 - 7.8. Adequate water supplies to enable landscaping reclamation and dust control conditions are to be met.

2.5.600 Special Requirements Near Residential Areas.

- A. Unless the applicant can show that the natural topography of the site offers sufficient screening of the site from public view, the exposed side site of the operation shall be screened with landscaped berms, hedges, walls, fences or similar devices to effectively screen the site from the public.
- B. If necessary, during the site plan review, the Planning Community Development Director may determine that meeting screening requirements is not economically feasible or physically possible.
- C. When an unusually high level of conflict between the proposed SM use and surrounding uses exists, off-site stock piling and/or processing may be required.

2.5.700 Procedure for Site Plan Review.

- ~~A. Each application and site plan Site Plan Review applications shall be reviewed by the Planning Director for conformance with this code and the General Plan. The director shall transmit the application to affected agencies for their review for compliance with the criteria of BDC Chapter 4.2 and this Chapter following a Type II review process.~~
- ~~B. Following receipt of the application, the Planning Director shall notify, in writing, the applicant and persons and agencies entitled to written notice as defined in BDC Chapter 4.1, Land Use Review and Procedures.~~
- ~~C. Hearings Officer review, which shall occur when the site is submitted with a proposed zone change, shall follow in accordance with BDC Chapter 4.1, Land Use Review and Procedures.~~
- D. The Planning Director's and/or Hearings Officer's City's decision shall also be based on the impact of the proposed use on nearby uses of land, the impact of traffic on affected streets and roads public facilities and the economic, social and environmental impact on the community.
- ~~E. The Community Development Director and/or Hearings Officer shall approve a site plan only if in conformance with all applicable regulations and this ordinance.~~

2.5.800 Approval of Site Plan.

- A. ~~A site plan final approval shall expire 12 months from the date of approval unless the project has commenced in accordance with the approved site and reclamation plans. Upon petition by the original applicant showing good cause, an extension for an additional 12 months may be granted by the Planning Director. The operating approval shall be Subsequent to receiving Site Plan Review approval, operation of the approved use is valid for a period of time specified by the reclamation plan, except as otherwise limited therein. A bond or security deposit in a form satisfactory to the City shall be required to cover costs plus 20% of reclamation and other pertinent conditions. Bond text moved from below.~~
- B. ~~The Planning Director or his designate shall review each site plan approval annually. A reasonable fee for this inspection shall be paid to the City by the permittee. Unless a violation of the site plan or obvious health or safety hazard is found, the permit shall be renewed. The Planning Director's decision may be appealed based on procedures in BDC Chapter 4.1, Land Use Review and Procedures.~~

2.5.900 ——— Bond.

~~A bond or security deposit in a form satisfactory to the City, shall be required to cover costs plus 10% of necessary road improvements, screening and berm building, reclamation, landscaping and other pertinent conditions. Applicant must provide the onsite improvements as part of the approval or may bond for a period of time as allowed under BDC Chapter 4.2.~~

2.5.900 1000 Failure to Comply.

- A. If the Community Development Director determines that the permittee is not in compliance with the ~~site plan~~ Site Plan Review approval, he or she may institute enforcement proceedings to require such compliance. Enforcement may include citing the permittee to Municipal Court, injunctive proceedings, enforcement of the any bond provisions or other appropriate legal recourse.
- B. If a permittee fails to faithfully perform the reclamation required by his reclamation plan, or if the bond or security deposit required by BDC 2.5.900 is not sufficient to compensate the city for all reasonable necessary expenses incurred by it in performing the reclamation plan, the amount due shall be a lien upon all property, whether real or personal, owned by the permittee.

2.5.1100 1000 Exceptions.

This Chapter shall not apply to the following:

- A. Mineral and aggregate activities when assumed by the Oregon Division of State Lands pursuant to ORS 541.605 through 541.660.
- B. Dredging mineral and aggregate materials administered by Oregon Division of State Lands pursuant to ORS 517.611 through 517.700.
- C. Nothing ~~herein~~ in this Chapter shall be construed to supersede the provision of the Forest Practices Act (ORS 527.610 through 527.730), as amended by Chapter 400, Section I of Oregon Laws of 1979 and regulations which preempt City law.

[Table 2.5.200 amended by Ord. NS-2158, passed April 20, 2011]

Chapter 2.6 Public Facilities Zoning District

Sections:

- 2.6.100 Purpose and Applicability.
- 2.6.200 Permitted and Conditional Uses.
- 2.6.300 Development Standards.

2.6.100 Purpose and Applicability.

- A. Purpose.** The Public Facilities (PF) Zoning District PF Zone is intended to provide area for buildings and facilities that are owned and operated by federal, state, or local governments, public utilities, special districts, or non-profit organizations, and which are ~~occupied~~ used to provide governmental or public services. This zone is also ~~intended to provide~~ provides for school sites, public park and recreational facilities, natural areas, trails, wetlands, and similar types of open space owned and managed by a local government or special district.
- B. Applicability.** The ~~Public Facilities District (PF)~~ PF zoning district is identified on the City's official zoning map. The properties identified within the PF zone shall comply with the provisions of this Chapter.

2.6.200 Permitted and Conditional Uses.

- A. Permitted Uses.** The land uses listed in Table 2.6.200 below are permitted or conditionally allowed in the PF zoning district, ~~Public Facilities Zone~~, subject to the provision of this Code ordinance.
- ~~**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in BDC Chapter 4.1: Declaratory Ruling.~~
- B. C. Existing Uses.** Uses and structures lawfully established within the Public Facilities zone under previously effective land use regulations may continue subject to BDC Chapter 5.2. prior to the adoption of this code shall be permitted. Expansion or enlargement of the above referenced uses or structures that are not listed as permitted or conditionally allowed in the PF zone below shall be subject to BDC Chapter 4.4, Conditional Use.

Table 2.6.200 - Permitted Land Uses

Land Use	PF
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	P
Public parks, playgrounds, swimming pool, skateboard park, pedestrian/bicycle trails and similar public recreation facilities.	P
Publicly owned and operated community meeting halls, lodges, and conference halls open to and used by the general public.	P
Public reservoirs, well sites, pump stations, utilities (above ground), and similar utility buildings or structures.	P
Elementary and Middle schools operated by the Bend-La Pine School District	P
Magnet schools or other special schools operated by the Bend-La Pine School District	C
Public college or university	P
Trails, natural areas, open space, future park sites, and similar public or special district owned lands with no or minimal improvements	P
Accessory uses and buildings customarily used to support a permitted use or an approved conditional use	P
Minor repairs and maintenance to any permitted or conditional use	P
Parking lots and parking areas to serve a permitted or conditional use	P
Public utility maintenance facilities and operation yards with outdoor storage of materials and supplies	C
High schools operated by the Bend-La Pine School District	C
Ball fields, sport complexes, and similar outdoor recreational areas that have night lighting or amplified sound systems	C
Wireless and Broadcast Communication Facilities	See BDC Chapter 3.7
County solid waste disposal sites or solid waste transfer sites	C
Correctional facilities for adults and juveniles including work farms and training centers	C
Park sites with outdoor amphitheater or facilities for community events such as music or theater performances, and similar events.	C

Key to Permitted Uses

P = Permitted, subject to provisions of BDC Chapter 4.1

N = Not Permitted

C = Conditional Use – Conditional Uses are subject to Conditional Use permit standards in BDC Chapter 4.4

2.6.300 Development Standards.

Development standards provide building separation for fire protection / security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

Standard	PF
Lot Area	No requirement
Lot Width	No requirement
Lot Depth	No requirement
Front Yard Setback	None, except when abutting to a lot in a residential zone, then the front yard setback to a building or parking area shall be the required setback of the abutting residential zone
Side and Rear Yard Setback	None, except when abutting a lot in a residential zone, then the side or rear setback to a building or parking area shall be a minimum of <u>is</u> 10 feet. The required side and rear yard setback shall be increased by one-half foot for each foot by which the structure exceeds 20 feet in height
Building Height	35 feet except where a setback of 100 feet can be provided the building height may be a maximum of 55 feet. If the abutting zoning district allows buildings taller than 35 feet, the height of the abutting zone may be applied to the PF zone.
Lot Coverage	No maximum requirement

A. Other Requirements.

1. In addition to the requirements in BDC Chapter 3.3, ~~Vehicle Parking, Loading and Bicycle Parking~~, parking and loading areas abutting or directly across the street from a residential zone shall be setback the minimum front yard setback as indicated in Table 2.6.300 above. ~~The parking and loading~~ This setback area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property and to shield vehicle headlights.
2. All service, repair, processing, or storage on property abutting or across the street from a lot in a Residential Zone shall be conducted wholly within an enclosed building unless screened from the Residential Zone by a site-obscuring fence or wall.

B. Special Design Standards. All buildings constructed within the Public Facilities District shall be reviewed for conformance with the criteria standards in subsections (B)(1) and (2) of this section unless otherwise specified in this code.

1. Building Mass. Where building elevations are oriented to the street in conformance with BDC 2.2.600, Block Layout and Building Orientation, architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, a change in materials or similar features, shall be used to break up ~~and articulate large building surfaces and volumes~~ facades and walls greater than 50 linear feet in length. A minimum of 15% of the horizontal building façade and a minimum of 10% of all other horizontal building elevations shall contain a variety of architectural features.
2. Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

Chapter 3.6 Special Standards for Certain Uses

Sections:

- 3.6.100 Purpose.
- 3.6.200 Residential Uses.
- 3.6.300 Non-residential Uses.
- 3.6.400 Temporary Uses.

3.6.300 Non-residential Uses.

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

- A. Automobile-Oriented and Automobile-Dependent Uses and Facilities.** Where permitted, automobile-oriented uses and automobile-dependent facilities shall ~~conform to~~ meet all of the following standards. The standards are intended to provide a vibrant, storefront character, slow traffic ~~down~~, and encourage walking and transit use.
1. Drive-in and drive-through facilities. Drive-in and drive-through facilities, such as teller machines, service windows, drop-boxes and similar features (e.g., associated with the drive-up and drive through components of restaurants, and banks and similar uses) shall ~~meet~~ conform to all of the following standards:
 - a. ~~The facility receives~~ drive-in or drive-through facility receives vehicular access from an alley or approved driveway, and not directly from a street except as authorized thorough development approval from the City.
 - b. ~~The drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within~~ shall be set back at least 20 feet of a from street frontages and, for corner lots, are not oriented to towards a street corner. For sites with a 10-foot maximum building setback, the maximum setback may be increased to 20 feet.
 - c. ~~Exception to location~~ Exceptions:
 - i. Walk-up only teller machines and kiosks may be oriented to a corner, or
 - ii. Drive-thru facility setbacks may be reduced ~~up~~ to 10 feet when the driving surface is 3 feet lower or 6 feet higher than the abutting sidewalk, or
 - iii. Drive-thru facility setbacks may be reduced ~~up~~ to 10 feet when the facility is visually screened by a landscape buffer 10 feet or wider with a mature vegetation height of at least 3 feet within 3 years of planting and does not create a conflict with the clear vision areas.
 - iv. ~~Exception:~~ Automobile Sservice and Ggas stations by virtue of their operating characteristics are exempt from the above standards. However, Aautomobile Sservice and Ggas Sstations shall comply with the provision provisions in subsection (2) of this section F below.

- B2. Automobile Service and Gas Stations.** The following minimum standards shall apply to automobile service stations and gas stations:

- 1a. Minimum lot size: The minimum lot size for a service station shall be is 12,000 square feet with a minimum street frontage of 100 feet on both legs of a street corner for corner lots and 120 feet of street frontage on an interior lot.
- 2b. ~~Required front~~ Front yard setback. A 10-foot landscaped front yard setback ~~from the property line~~ is required. Only access driveways constructed ~~with the minimum width necessary for the use may encroach into~~ in conformance with the standards in Chapter 3 may be installed in this required setback. Landscaping shall comply with clear vision standards at intersections and driveways.
- 3c. Lighting. Lighting fixtures installed within the fueling island canopy shall not extend below the canopy ceiling. The lighting fixtures, illumination intensity and direction shall comply with BDC 3.5.200, Outdoor Lighting Standards.
- 4d. Other Requirements.
 - ai. No storage of inoperable automobiles or automobile parts thereof shall be is permitted except in enclosed structures or screened parking lots.
 - bii. Landscape planters shall be used when practical as fuel island bollards to protect gas pumps.
 - c. ~~Pedestrian sidewalk linking the service station to the street is not required.~~

J. Convenience Commercial Development Standards. ~~The purpose of this section is to provide special development standards for the development of new uses within the Convenience Commercial Zone. The zone is intended to provide locations for a wide range of small businesses and services as a convenience to residents in the neighborhood in which the zone is located.~~

~~1. Limitation on uses:~~

- a) ~~Maximum size of uses. Except as provided in subsection b) below, the maximum size for any use in the Commercial Convenience Zone shall not exceed 8000 square feet of gross floor area in size, unless approved through a Condition Use Permit process or otherwise exempted by this ordinance.~~
- b) ~~Exceptions to Maximum size:~~
 - i. ~~Grocery Stores less than 35,000 sq ft. are permitted outright.~~
 - ii. ~~Uses located in a Convenience Commercial Zone that are located along a street classified as a Principal Arterial or a higher classification.~~
- e) ~~Multi tenant buildings or developments shall be restricted to a maximum of 8000 square feet of gross floor area per tenant, unless approved through a Conditional Use Permit process. A tenant is defined as an independent operator unrelated to other tenants within the multi-tenant building or development. *This section has been revised in response to stakeholder comments and moved to Subsection 2.2.400(C) so that it is more readily apparent to users of the Commercial Districts chapter.*~~

EXHIBIT B

Findings of Fact Legislative Code Amendment PZ-12-0386

Procedural Findings:

The application was initiated on October 18, 2012. Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on November 1, 2012. Notification of the public hearing before the Bend Planning Commission was printed in the November 19, 2012 edition of the Bulletin. The Planning Commission held a public hearing on December 10, 2012 and voted in favor of recommending approval to the City Council on January 14, 2013. Notification of the public hearing before the City Council was printed in the February 13, 2013 edition of the Bulletin. The City Council held a first reading on March 6, 2013 and a second reading on March 20, 2013.

Criteria of Approval:

The criteria applied to legislative plan amendments are found within the Bend Development Code (BDC) Chapter 4, Section 4.6.200. The criteria are:

1. *The request is consistent with the applicable State land use law;*
2. *The request is consistent with the applicable Bend Area General Plan goals and policies;*
3. *The applicant can demonstrate a public need or benefit for the proposed amendment.*

Application of the Criteria:

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

FINDING: The proposed amendments are consistent with the applicable State land use law. In particular, they will satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 9: Economic Development, and Goal 11: Public Facilities and Services.

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

Goal 2, Land Use Planning, is met because the City followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan and development code as a basis for the decisions and actions related to the new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The proposed ordinance was adopted by the City Council after

a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 9, Economic Development, is satisfied because the proposed amendments will clarify and streamline various provisions of the Bend Development Code which regulate the City's non-residential zoning districts.

Goal 11, Public Facilities and Services, is satisfied because the proposed amendments will make the City's existing regulations for the Public Facilities (PF) zone easier to understand and apply.

Because the proposed code amendments are limited in scope, there are no other Statewide Planning Goals applicable to this ordinance. Likewise, there are no applicable Oregon Revised Statutes or Oregon Administrative Rules that apply to these code amendments.

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

FINDING: The "goals" established in the general plan express the desires of the residents of Bend as the City progresses into the future. The "goals" are generally carried out through "policies", which are statements of public policy. The City reviewed the Comprehensive Plan and found only Chapter 1 to be directly applicable to the proposed text amendments.

Chapter 1 of the Bend Area General Plan includes the following goal:

- Public/Civic Involvement* – Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan an "evolving vision".
- Implementing Consistent Ordinances* – Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

Chapter 1 also includes the following public policies:

15. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.
16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

Chapters 4.1 and 4.6 of the Development Code together require the Planning Commission and the City Council to hold public hearings prior to acting on amendments

to the text of the Development Code. Prior to the required public hearings, the proposed text amendments were posted on the City's website, and the public was invited to submit written comments on the draft amendments. In response to testimony received by the Planning Commission, the Planning Division's proposed amendments to the Convenience Commercial (CC) and Mixed-Employment (ME) zoning districts were refined.

Based on the findings stated above, the City Council concludes that the proposed text amendments are consistent with the applicable General Plan goals and policies.

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

FINDING: There is a public need for clear and consistent development regulations and review procedures that conform to state law and the City's customer service objectives. Regulations which clarify and streamline various provisions of the code which regulate the City's non-residential zoning districts also provide a public benefit to the community.

4.6.600 Transportation Planning Rule Compliance.

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

FINDING: The City is proposing to adopt text amendments to the Bend Development Code, a functional component of the comprehensive plan. The City has analyzed the proposed text amendments and has found that none of the changes would cause a "significant effect" under ORS 660-012-0060.

Conclusion:

Based on the above findings, the City Council concludes that the proposed Development Code text amendments meet all applicable criteria for adoption.

