

Section 15 of Ordinance 2271

Exhibit O

Amendments to the text of the following chapters of the Bend Development Code:

Chapter 1.2, Definitions

Chapter 2.1, Residential Zoning Districts

Chapter 2.2, Commercial Zoning Districts

Chapter 2.3, Mixed-Use Zoning Districts

Chapter 3.3, Vehicle Parking, Loading, and Bicycle Parking

Chapter 3.6, Special Standards and Regulations for Certain Uses

Chapter 4.5, Master Planning and Development Alternatives

Chapter 4.6, Land Use District Map and Text Amendments

Development Code Update

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CLEAN VERSION: This version of the code amendments shows the final proposed text, after amendments.

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

Chapter 1.2

DEFINITIONS

Affordable housing means housing with a sales price or rental amount that is within the means of a household that may occupy moderate- and low-income housing. Unless otherwise specified, affordable housing must meet one of the thresholds defined below in section 1 and 2.

1. In the case of dwelling units for sale, affordable means housing in which the mortgage, amortized interest, taxes, insurance, and condominium or association fees, if any, constitute no more than 30 percent of such gross annual household income for a family at 80% of the area median income, based upon most recent HUD Income Limits for the Bend Metropolitan Statistical Area (Bend MSA).
2. In the case of dwelling units for rent, affordable means housing for which the rent and utilities constitute no more than 30 percent of such gross annual household income for a family at 60% of the area median income, based upon most recent HUD Income Limits for the Bend MSA.

Infill, residential means the development of up to three dwellings on land that is zoned for residential use where at least 75 percent of the abutting parcels have a structure but not counting any abutting parcel that is too small for a residence or any parcel that is large enough that it can be divided into four or more lots or developed with multifamily residential as an outright use. "Residential infill" also refers to a situation in which a home is removed to make way for up to three new dwellings (e.g., a house, manufactured home, duplex, or attached house). "Residential infill" shall not refer to the development of one dwelling on land that is large enough that it can be divided into four or more lots.

Step-back means a portion of a building's facade in which the upper story(ies) are set further from the property line(s) than the lower story(ies), forming a flat shelf or step between them.

Small scale alternative energy system means those energy systems that provide a limited amount of energy directly to the user from renewable sources such as solar, wind and water (hydro systems). Typically, a small scale system would have a capacity of no more than 10kW for solar or wind and 100kW for hydro. For Small Hydroelectric Facilities for City of Bend municipal use see BDC 3.6.300Q Small Hydroelectric Facilities.

Chapter 2.1

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

Sections:

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

2.1.100 Purpose, Applicability and Location.

**Table 2.1.100
Zone District Characteristics**

Zone District	Location and Characteristics
Urban Area Reserve (UAR)	The Urban Area Reserve District is a holding zone for urban development. The maximum residential density for the district is 1 dwelling unit per 10 gross acres.
Suburban Low Density Residential (SR 2 1/2)	Areas with the Suburban Low Density Residential zoning reflect the existing development patterns and the presence of community water systems located on the perimeter of the City intended for urban redevelopment. The maximum density in the district is 1 unit per 2.5 gross acres.
Low Density Residential (RL)	The Low Density Residential District consists of large urban residential lots that are served with a community water system and DEQ permitted community or municipal sewer systems. The residential density range in this district is 1.1 to 4.0 dwelling units per gross acre.
Standard Density Residential (RS)	The Standard Density Residential District is intended to provide opportunities for a wide variety of residential housing types at the most common residential densities in places where community sewer and water services are available. The residential density range in this district is 4.0 to 7.3 dwelling units per gross acre.
Medium-10 Density Residential (RM-10)	The Medium-10 Density Residential District is intended to provide opportunities for manufactured home park development and a variety of single and multifamily residential housing types. The density range in this district is 6.0 to 10.0 dwelling units per gross acre.
Medium Density Residential (RM)	The Medium Density Residential District is intended to provide primarily for the development of multifamily residential in areas where sewer and water service are available. The residential density range in the district is 7.3 to 21.7 units per gross acre and shall provide a transitional use area between other Residential Districts and other less restrictive areas.
High Density Residential (RH)	The High Density Residential District is intended to provide land for primarily high density residential multifamily residential in locations close to shopping and services, transportation and public open space. The density range of the district is 21.7 to 43.0 units per gross acre and shall provide a transitional use area between other Residential Districts and other less restrictive areas.

2.1.200 Permitted Land Use.

C. Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, except as otherwise specified in this section.

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

Table 2.1.200 – Permitted and Conditional Uses

Land Use	SR 2 1/2	RL	RS	RM-10	RM	RH	UAR
Residential							
Single-family detached housing	P	P	P	P	P	N	P
*Single-family courtyard housing	N	C/P**	P	P	P	N	C
*Accessory dwelling units (ADUs)	P	P	P	P	P	P	P
*Manufactured homes on individual lots	P	P	P	P	P	N	P
*Manufactured home park	N	C	C	P	P	N	N
*Attached single-family townhomes	N	N/P**	P	P	P	P	N
*Two- and three-family housing							
• Duplex when located on a corner lot	N	P	P	P	P	P	N
• Duplex on other lot or parcel	N	C/P**	P	P	P	P	N
• Triplex	N	C/P**	P	P	P	P	N
Residential care home (5 or fewer residents)	P	P	P	P	P	P	P
Adult day care	P	P	P	P	P	P	P
Residential care facility (6 or more residents)	N	N	N	C	P	P	N
Family childcare home (16 or fewer children)	P	P	P	P	P	P	P
*Multifamily residential (more than 3 units)	N	N/P**	N/P**	P	P	P	N
*Temporary housing	N	C	C	C	C	C	N
*Accessory uses and structures	P	P	P	P	P	P	P

Key to Districts:

UAR = Urban Area Reserve

RL = Low Density Residential

RS = Standard Density Residential

RM = Medium Density Residential

RM-10 = Medium-10 Density Residential

RH = High Density Residential

Key to Permitted Uses

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

N = Not Permitted

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

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

** Permitted as part of a Neighborhood Master Plan subject to BDC Chapter 4.5.

Note: Existing Neighborhood Commercial (CN) zoned properties will remain as mapped recognizing neighborhood commercial properties established prior to the adoption of this code. The development of these sites shall conform to the standards outlined in BDC Chapter 3.6, Special Standards for Certain Uses, for the uses described above.

[Ord. NS-2251, 2015; Ord. NS-2241, 2015; Ord. NS-2240, 2015; Ord. NS-2158, 2011; Ord. NS-2016, 2006]

2.1.500 Lot Area and Dimensions.

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. Exceptions to these standards may be approved subject to Master Planned Development approval (see BDC Chapter 4.5). For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development and the total number of dwelling units permitted shall be in conformance with BDC 2.1.600, Residential Density.

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

Residential Use	Zone	Lot Area	Lot Width/Depth
Single-Family Detached Housing; Manufactured Homes on Lots; Residential Care Homes and Facilities	RL	Minimum area: 10,000 sq. ft. with approved septic or sewer system	Minimum width: 100 ft. min. average lot width with a min. street frontage of 50 ft. except on approved cul-de-sac lot frontage may be reduced to 30 ft; flag lots and lots served by private lanes are subject to BDC 4.5.200. Minimum lot depth: 100 ft, except in conformance with BDC 4.5.200.
	RS	Minimum area: 4,000 sq. ft.	Minimum width: 40 ft. at front property line, except for flag lots and lots served by private lanes (see BDC 4.5.200) Minimum lot depth: 80 ft, except in conformance with BDC 4.5.200.
	RM-10	Minimum area: 4,000 sq. ft.	
	RM	Minimum area: 2,500 sq. ft.	Minimum width: 30 ft, except for flag lots and lots served by private lanes (see BDC 4.5.200). Minimum lot depth: 80 ft, except in conformance with BDC 4.5.200.
	RH	Not Applicable	Not Applicable
Two- and Three-Family Housing (duplex/triplex)	UAR	Not Applicable	Not Applicable
	RL	Minimum area: 20,000 sq. ft. with approved septic or sewer system	Minimum lot width: 100 ft. average Minimum lot depth: 100 ft.
	RS	Minimum area – duplex: 8,000 sq. ft. Minimum area – triplex: 10,000 sq. ft.	Minimum width: 40 ft. at front property line, except for flag lots and lots served by private lanes. (see BDC 4.5.200) Minimum lot depth: 80 ft.
	RM-10	Minimum area – duplex: 7,000 sq. ft. Minimum area – triplex: 9,000 sq. ft.	
	RM	None	Minimum width: 30 ft. Minimum lot depth: 80 ft.
	RH	None	Minimum width: 30 ft. Minimum lot depth: 60 ft.
Single-Family Attached Housing (townhomes)	UAR	Not Applicable	Not Applicable
	RL*, RS, RM-10	Minimum area: 2,000 sq. ft. for each unit	Minimum width: 20 ft. at front property line, except for flag lots and

Residential Use	Zone	Lot Area	Lot Width/Depth
			lots served by private lanes (see BDC 4.5.200) Minimum lot depth: 80 ft.
	RM	Minimum area: 1,600 sq. ft. for each unit	Minimum width: 20 ft. at front property line, Minimum lot depth: 80 ft.
	RH	Minimum area: 1,200 sq. ft. for each unit	Minimum width: 20 ft. at front property line, Minimum lot depth: 60 ft.
Multifamily Housing (more than 3 units)	UAR	Not Applicable	Not Applicable
	RL*, RS*, RM-10	Minimum area: 4,000 sq. ft. for each unit	Minimum width: 30 ft. at front property line. Minimum lot depth: 80 ft.
	RM, RH	None	

* When permitted as part of a Neighborhood Master Plan subject to BDC Chapter 4.5.

2.1.600 Residential Density.

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

1. The density standards may be averaged over more than one development phase (i.e., as in a Master Planned Development). Duplex and triplex lots used to comply with the density standard shall become a condition of land use approval.

**Table 2.1.600
Residential Densities**

Residential Zone	Density Range
Urban Area Reserve (UAR10)	1 unit/10 gross acres
Suburban Low Density Residential (SR 2 1/2)	1 unit/2.5 gross acres
Low Density Residential (RL)	1.1 – 4.0 units/gross acre
Standard Density Residential (RS)	4.0 – 7.3 units/gross acre
Medium Density Residential (RM-10)	6.0 – 10.0 units/gross acre
Medium Density Residential (RM)	7.3 – 21.7 units/gross acre
High Density Residential (RH)	21.7 – 43 units/gross acre

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

1. Residential care homes/facilities.
2. Accessory dwelling units (ADUs).
3. Bed and breakfast inns.

4. Non-residential uses, including Neighborhood Commercial uses, Public and Institutional Uses, and Miscellaneous uses that do not include a dwelling unit.
5. Buildings that are listed in the Inventory of Historic Sites within the Bend Area Comprehensive Plan Exhibit "A" or buildings designated on the Historic National Landmarks Register.
6. Manufactured home parks within the RS Zone are exempt from the maximum density standards of the zone, provided that the standards of BDC 3.6.200(G) are met.
7. Replacement, renovation, or expansion of existing dwelling unit(s) in any zone provided the number of dwelling units does not change.
8. Development on a vacant lot or parcel consistent with an approved land division, except tracts identified for future phases.
9. Residential infill, as defined in BDC Chapter 1.2, is exempt from minimum, but not maximum, density standards.
10. Partitions on properties that are large enough to be divided into four or more lots are exempt from minimum density standards provided that the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.

C. Density Calculation.

1. Maximum housing densities are calculated as follows:
 - a. The area subject to maximum housing density is the total site area excluding any land to be developed with or dedicated for Neighborhood Commercial uses, Public and Institutional Uses, and Miscellaneous uses that do not include a dwelling unit.
 - b. The area for future streets is included in the area subject to maximum housing density.
 - c. Where no new streets will be created, the area of up to 30 feet of the abutting right-of-way width multiplied by the site frontage shall be added to the area subject to maximum housing density.
 - d. Sensitive lands, fire breaks, and canals and their associated easements on the site are included in the area subject to maximum housing density.
 - e. For purposes of calculating maximum density, fractional units are rounded down to the next whole unit.
 - f. As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with Neighborhood Commercial uses, and new streets will be created, the area subject to maximum housing density is four acres (total site area minus one acre of Neighborhood Commercial uses, but including the sensitive lands). If the maximum allowable density is 7.3 dwelling units per acre, then a maximum number of 29 units are allowed on the site.
2. Minimum housing densities are calculated as follows:
 - a. The area subject to minimum housing density is the total site area excluding any land to be developed with or dedicated for Neighborhood Commercial uses, Public and Institutional Uses, and Miscellaneous uses that do not include a dwelling unit; sensitive lands; fire breaks; and canals and their associated easements.
 - b. The area for future streets is included in the area subject to minimum housing density.

c. For purposes of calculating minimum density, fractional units are rounded up to the next whole unit.

d. As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with Neighborhood Commercial uses, and new streets will be created, the area subject to minimum housing density is three and a half acres (total site area minus one acre of Neighborhood Commercial uses, minus a half-acre of sensitive lands). If the minimum density is 4.0 dwelling units per acre, then a minimum number of 14 units are required on the site.

3. Where a property is within multiple zoning districts, the minimum and maximum number of units are calculated based on the acreage in each residential zone that is subject to the density standard as specified above multiplied by the applicable minimum and maximum density standards. Areas with non-residential zones are excluded from the density calculation.

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

Table 2.1.600A - Density Bonus

Percentage of Units That Are Affordable:	Maximum Density for Development, as a Percentage of Existing Maximum Density:
10%	110%
20%	120%
30%	130%
40%	140%
50%	150%

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

2.1.700 Maximum Lot Coverage

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

**Table 2.1.700
Residential Lot Coverage**

Residential Zone	Lot Coverage
Low Density Residential (RL)	35%
Standard Density Residential (RS)	50% for single-story homes 35% for all other uses
Medium-10 Density Residential (RM-10)	50% for single-story homes 35% for all other uses
Medium Density Residential (RM)	40%
High Density Residential (RH)	None

2.1.800 Building Height.

B. Exceptions to Maximum Building Height Standard.

3. An increase in building height not to exceed 10 feet above the height of the underlying zone may be allowed for multifamily housing when the additional units gained by the height increase are affordable housing units in conformance with BDC 3.6.200(C).

2.1.900 Architectural Design Standards.

A. Purpose. The architectural standards are intended to provide detailed, human-scaled design, while affording flexibility to use a variety of building styles for certain types of residential development.

B. Applicability. This section applies to all of the following types of buildings:

1. Duplexes and triplexes;
2. Multifamily residential;
3. Public and institutional buildings in residential zones;
4. Neighborhood commercial;
5. Mixed-use buildings in residential zones; and
6. All other types of permitted/conditional nonresidential use buildings listed in Table 2.1.200 when built in a residential zone.

2.1.1000 Multifamily Residential Districts (RM, RH).

A. Purpose/Intent Statement. The Medium and High Density Residential Districts are intended to provide land for a mix of attached and multifamily housing types in locations that are convenient to service commercial uses and future transit opportunities.

B. Development Standards for Large-Scale Multifamily Developments in the RM and RH Districts. In addition to the site development standards in BDC Chapter 4.2, the following standards shall apply to multifamily developments of 20 units or more:

C. Housing Mix Standards in the RM District. In order to ensure a mix of housing types that meets the city's overall housing needs, in addition to minimum and maximum density standards in BDC 2.1.600, at least 50 percent of the total housing units in residential developments on any property or combination of properties between three acres and 20 acres in the RM District shall be two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units. The standards of BDC 4.5.400(C) apply to properties of 20 acres in size and greater.

2.1.1100 Urban Holding Districts, UH-10 and UH-2 1/2.

BDC 2.1.1100 deleted in its entirety.

Chapter 2.2

COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

Sections:

- 2.2.100 Purpose and Applicability.
- 2.2.200 Zoning District Locations and Characteristics.
- 2.2.300 Permitted and Conditional Uses.
- 2.2.400 Development Standards.
- 2.2.500 Site Layout and Building Orientation.
- 2.2.600 Commercial Design Review Standards.
- 2.2.700 Pedestrian Amenities.
- 2.2.800 Development and Design Standards for the Central Business Zoning District.

2.2.400 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) of this section.

**Table 2.2.400
Commercial Zoning District Development Standards**

STANDARD	CB	CC	CL	CG
Maximum Building Footprint, see note (2) below	None	50,000 sq. ft.	None	None

(1) Subject to the special setback standards of BDC Chapter 3.4 and the site layout and building orientation standards of BDC 2.2.500.

(2) See subsection (C) of this section.

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. The maximum building size is 50,000 square feet per building, unless a larger area is approved through a Conditional Use Permit.

2.2.600 Commercial Design Review Standards.

C. Standards. For developments subject to site plan or 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 site plan or design review shall comply with the Residential District design guidelines, as listed in BDC 2.1.900, Architectural Design Standards, and not the Commercial Design Review standards of this section.
2. Commercial Design Review. The following standards apply to all commercial and mixed use buildings:
 - 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. 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 percent of the wall area and using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30 percent 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 be planted adjacent to the walls of a building so that the vegetation combined with the architectural features significantly reduces the visual impact of the building mass as viewed from the street. Additional landscaping requirements are in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls.

d. The predominant building materials should be 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 rooflines 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 rooftops; however, a maximum of 30 percent of the building elevations visible from the adjacent right-of-way may include flat roof components. Overhanging eaves, sloped roofs, 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 of BDC Chapter 3.2.

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 is prohibited except as approved for building trim. The City of Bend color guide provides samples of acceptable and unacceptable colors. The use of trademark colors requires City approval.

i. Exterior lighting shall comply with the outdoor lighting provisions of BDC 3.5.200. Light poles and/or fixtures and flag poles shall not exceed 25 feet in height.

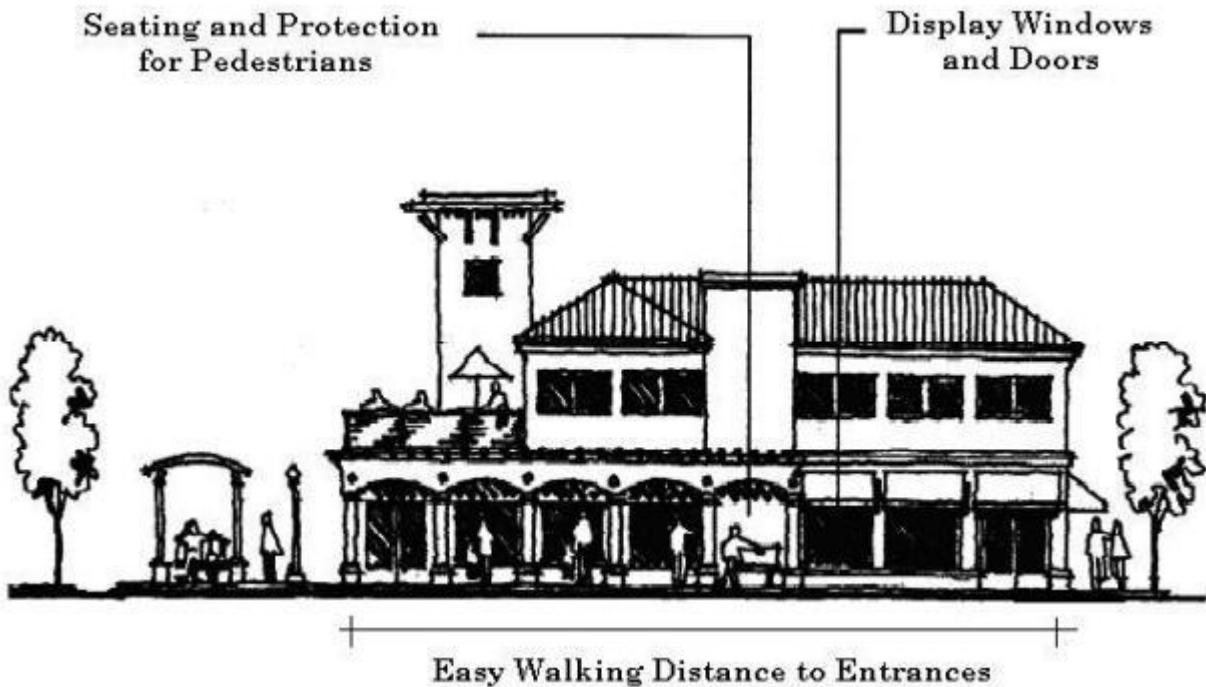
j. Outdoor and rooftop mechanical equipment as well as trash cans/dumpsters shall be architecturally screened from view. Heating, ventilation and air conditioning units shall have a noise attenuating barrier to protect adjacent Residential Districts from mechanical noise.

3. Large-Scale Buildings and Developments. For the purpose of this section, "large-scale buildings and developments" 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 above, shall provide human-scale design by conforming to all of the following standards:
- a. Incorporate changes in building wall direction and divide large masses into varying heights and sizes, as shown in Figure 2.2.600. 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 3.5.200 (Other Design Standards)); and similar features.

Figure 2.2.600

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 of this section may be approved by the Planning Commission through a Type III Process if the Commission finds that the proposed development complies with the purpose and intent of the Commercial Design Review standards. The applicant shall pay a fee specified by the City for Planning Commission review.

Chapter 2.3

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

Sections:

- 2.3.100 Purpose and Applicability.
- 2.3.200 Permitted and Conditional Uses.
- 2.3.300 Development Standards.
- 2.3.400 Building Orientation.
- 2.3.500 Architectural Standards.
- 2.3.600 Special Development Standards for the MR Zone.

2.3.100 Purpose and Applicability.

A. The Mixed-Use Districts are intended to provide a balanced mix of residential and employment opportunities to create focal points of activity in the form of mixed use centers, nodes, or corridors. The Mixed-Use Districts support service commercial, employment, and housing needs of a growing community. The Mixed-Use 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 and reduce reliance on the automobile.
- 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.
- Create economically successful mixed use centers and transit corridors.

The Mixed-Use Districts: Mixed Employment (ME), Mixed-Use Riverfront (MR), Professional Office (PO), Mixed-Use Urban (MU), and Mixed-Use Neighborhood (MN) 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 Comprehensive 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; • 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

Zone District	Location and Characteristics
	density residential housing, office and service commercial developments that are pedestrian-oriented and provide a positive contribution to the streetscape.
Mixed-Use Urban (MU)	The Mixed Use – Urban Zone is intended to provide opportunities for vibrant mixed use centers and districts in areas with high-quality connectivity to and within the area. It is intended to allow for a denser level of development of a variety of commercial and residential uses than in surrounding areas with an emphasis on retail and entertainment uses at the street level. It is intended to provide for development that is supportive of transit by encouraging a pedestrian-friendly environment.
Mixed-Use Neighborhood (MN)	The Mixed Use – Neighborhood Zone is intended to provide neighborhood-scaled, pedestrian-oriented mixed use centers and corridors with a range of residential, retail, service, and office uses that are compatible with adjacent development.

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

2.3.200 Permitted and Conditional Uses.

B. Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, except as otherwise specified in this section.

1. Existing lawfully established residential uses are permitted in all mixed use zones and are not subject to BDC Chapter 5.2 unless otherwise non-conforming.

2. Uses in the MU and MN zones that are not in conformance with the provisions in this section but that were lawfully established in their current location prior to the adoption of this code shall be treated as permitted uses. Expansion or enlargement 25 percent or less of the above-referenced uses or structures that are nonresidential shall be subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review. For expansion or enlargement greater than 25 percent, the conditional use criteria, standards and conditions within BDC Chapter 4.4, Conditional Use Permits, shall also apply. Conditions of prior approvals shall continue to apply unless modified in conformance with BDC 4.1.1325, Modification of Approval.

**Table 2.3.200
Permitted and Conditional Uses**

Land Use	ME	MR	PO	MU	MN
Residential					
Single family detached dwelling	N	P	L [see Subsection (C)(1)]	N	N
Attached single-family townhomes*	L [see Subsection (C)(1)]	P	L [see Subsection (C)(1)]	P	P
Two- and three-family housing*	L [see Subsection (C)(1)]	P	L [see Subsection (C)(1)]	P	P
Multifamily Residential*	L [see Subsection (C)(1)]	P	L [see Subsection (C)(1)]	P	P
Temporary Housing*	L [see Subsection (C)(1)]	N	L [see Subsection (C)(1)]	P	C

Land Use	ME	MR	PO	MU	MN
Commercial					
Retail Sales and Service	L [see Subsection (C)(2)]	L [see Subsection (C)(2)]	N	P	L [see Subsection (C)(2)]
Retail Sales and Service (auto dependent*)	C	N	N	N	N
Retail Sales and Service (auto oriented*)	P	N	N	N	N
Restaurants/Food and Beverage Services					
– with drive-through*	C	N	N	N	N
– without drive-through	P	P	P	P	P
Offices and Clinics	P	P	P	P	P
Lodging (e.g., *bed and breakfast inns, hostels, timeshare)	P	P	N	P	P
*Short-Term Rentals	P	P	N	P	P
Hotel/Motels	P	P	N	P	C
– with conference center	P	P	N	P	N
Commercial and Public Parking as primary use	P	P	C	P/C [see Subsection (C)(3)]	C
Commercial Storage					
– enclosed in building and on an upper story	P	P	N	L [see Subsection (C)(4)]	L [see Subsection (C)(4)]
– not enclosed in building	N	N	N	N	N
– enclosed in building on ground floor (i.e., mini-storage)	P	P	N	N	N
Entertainment and Recreation					
– enclosed in building (e.g., theater)	P	P	C	P	L/C [see Subsection (C)(5)]
– not enclosed (e.g., amusement)	P	C	C	C	N
Wholesale Sales (more than 75% of sales are wholesale)	P	P	N	N	N
Broadcasting Studios and Facilities	P	P	N	P	N
Hospital	P	C	C	C	N
Day Care	P	P	P	P	P
Production Offices	P	P	P	P	N
*Medical Marijuana Dispensary and Marijuana Retailer	L [see Subsection (C)(2)]	L [see Subsection (C)(2)]	N	P	L [see Subsection (C)(2)]
*Marijuana Wholesale (more than 75% of sales are wholesale)	P	P	N	N	N
*Marijuana Testing, Research and Development Facilities	P	P	N	P	C

Land Use	ME	MR	PO	MU	MN
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	P	C	P	C
Government – branch service intended to serve a portion of the City	P	P	P	P	P
Government – limited point of service (e.g., public works yards, vehicle storage, etc.)	N	N	N	N	N
Parks and Open Space	P	P	P	P	P
Schools	P	P	C	L/C [see Subsection (C)(6)]	L/C [see Subsection (C)(6)]
Institutions for Higher Education	P	P	P	P	C
Clubs and Places of Worship	P	P	P	P	P
*Utilities (above ground)	P	P	P	P	P
Industrial					
Manufacturing and Production	P	P	N	L [see Subsection (C)(7)]	L [see Subsection (C)(7)]
*Marijuana Processing of Cannabinoid Concentrates and Cannabinoid Products	P	P	N	L [see Subsection (C)(7)]	L [see Subsection (C)(7)]
*Marijuana Processing of Cannabinoid Extracts	P	N	N	N	N
*Marijuana grow sites and Marijuana producing	P	N	N	N	N
Warehouse	P	P	N	N	N
Transportation, Freight and Distribution	C	C	N	N	N
Production businesses (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios)	P	P	C	P	C
Industrial Service (e.g., cleaning, repair)	P	N	N	N	N
Miscellaneous Uses					
*Small Hydroelectric Facility	P	P	P	P	P
Wireless and Broadcast Communication Facilities	See BDC Chapter 3.7				

Key to Districts

ME = Mixed Employment

MR = Mixed-Use Riverfront

PO = Professional Office

MU = Mixed-Use Urban

MN = Mixed-Use Neighborhood

* Special standards for certain uses subject to BDC Chapter 3.6 and BDC 2.1.900.

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

L = Limited as specified in subsection (C)

C. Limitations. The following limitations apply to those uses identified as “L” in Table 2.3.200.

1. New residential uses. In order to ensure that the ME and PO zones retain a focus on employment uses, new residential uses in the ME and PO zones are limited as follows:
 - a. Residential uses that are part of a mixed use development in which non-residential uses occupy at least the floor area equivalent to the entire ground-floor area of the development are permitted.
 - b. Residential uses that are part of a mixed use development in which non-residential uses occupy less than the floor area equivalent to the entire ground-floor area of the development are conditional.
 - c. Residential uses that are not part of a mixed use development are prohibited.
2. Retail sales and service and Medical Marijuana Dispensary and Marijuana Recreational Retailer. Retail sales and service uses and Medical Marijuana Dispensary and Marijuana Recreational Retailer uses are limited in certain mixed use zones as follows:
 - a. In the MR and MN zones, retail sales and service uses and Medical Marijuana Dispensary and Marijuana Recreational Retailer uses shall not exceed 50,000 sq. ft. ground floor.
 - b. In the ME zone, retail sales and service uses and Medical Marijuana Dispensary and Marijuana Recreational Retailer uses shall not exceed 50,000 sq. ft. ground floor, except that on property five acres or greater retail sales and service uses shall not exceed 75,000 sq. ft.
3. Commercial and Public Parking. In the MU zone, commercial or public parking in a parking structure shall be permitted. Surface parking lots for Commercial and Public Parking as a stand-alone use (not accessory to another use on the site) shall require a conditional use permit.
4. Commercial Storage. Commercial storage is permitted in an enclosed building and on an upper story provided that active uses, such as retail sales and service or Restaurants/Food Services, are provided on at least 50% of the ground floor.
5. Entertainment and Recreation. Entertainment and Recreation uses in the MN zone that are enclosed in a building shall not exceed 50,000 square feet per building without a conditional use permit.
6. Schools. Schools in the MU and MN zones shall not exceed a total site size of two acres without a conditional use permit.
7. Manufacturing and Production. Manufacturing and production uses in the MU and MN zones are limited to uses less than 5,000 sq. ft. with a retail outlet.

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 section of this chapter.

**Table 2.3.300
Mixed-Use District Development Standards**

Standard	ME	MR	PO	MU	MN
Minimum Front Yard Setback	None	None**	10 feet	None	None

Standard	ME	MR	PO	MU	MN
Maximum Front Yard Setback (See Section (A)(1))	10 feet / 80 feet* (see (A)(1)(e) below)	None**	10 feet	10 feet	10 feet
Rear Yard Setback	None / 10 feet (see (A)(2) below)	None**	None / 10 feet (see (A)(2) below)	None / 10 feet (see (A)(2) below)	None / 10 feet (see (A)(2) below)
Side Yard Setback	None / 10 feet (see (A)(2) below)	None**	None / 10 feet (see (A)(2) below)	None / 10 feet (see (A)(2) below)	None / 10 feet (see (A)(2) below)
Lot Coverage	None	None**	50%	None	None
Building Height (See Section B)	45 feet	45 feet, except within 100 feet from the ordinary high water mark of the Deschutes River where the height is 35 feet **	45 feet	65 feet	45 feet
Minimum Residential Density	See Section C below	None	See Section C below	Subject to RM zone minimum density (see Section C below)	Subject to RM zone minimum density (see Section C below)
Maximum Residential Density	None	None	None	None	None

* Subject to special standards in BDC 2.3.400

** Subject to special standards in BDC 2.3.600

A. Setbacks. 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 footprint to the respective property line. The setback standards outlined in Table 2.3.300 apply to all new buildings and any building expansion, including primary structures and accessory structures.

1. Front Yard Setbacks. In some of the Mixed Use Districts, buildings are placed close to the street to 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 Mixed Use Districts.

a. General Standards. See Table 2.3.300, Mixed-Use District Development Standards.

b. Maximum Setback Calculation. Conformance with the maximum setback standard is achieved when one or both of the following is met:

i. At least 90 percent of the building elevation facing the street that is subject to the maximum setback standard is at or within the maximum setback.

ii. Where more than one building is proposed on a site, no less than 40 percent of the site's frontage on a public or private street is occupied by one or more buildings that conform to the building setback and orientation standards of this chapter.

c. 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](#), Commercial Design Review Standards, and 2.2.700, Pedestrian Amenities, for related building entrance standards.)

d. Multiple Frontage Lots. For buildings on sites with more than one frontage or through lots, the minimum front yard setback standards in Table 2.3.300 shall be applied as follows.

i. For corner lots with two frontages, the maximum setback standards indicated in Table 2.3.300 shall be applied to all street frontages.

ii. For through lots with two frontages, the maximum setback standards indicated in Table 2.3.300 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.

iii. For properties with three or more frontages, the maximum setback must be met on two abutting frontages.

e. Exceptions to Front Yard Setbacks.

i. In the ME and PO zones, when the street fronting the development does not allow on-street parking, the maximum front yard setback of 80 feet applies. When on-street parking is permitted on the street fronting the development, the maximum front yard setback is 10 feet.

ii. The following items are allowed to encroach into setbacks:

- Canopies, marquees, and awnings.
- Uncovered stairways and wheelchair ramps that lead to the street-facing facade.
- Uncovered decks and stairways that are no more than two and one-half feet above ground.
- Mechanical structures such as heat pumps, air conditioners, and emergency generators are not allowed.

f. Other special setbacks in conformance with BDC 3.4.200(J) may apply.

2. Side and Rear Yard Setbacks.

a. ME, MU and MN Zones. There is no rear or side yard setback required, except when abutting a Residential Zone. In such cases, the rear or side yard setback is 10 feet. Building setback standards in subsection (B)(4) of this section may also apply.

b. PO Zone. There is no rear or side yard setback required, except when abutting a Residential Zone. In such cases, the rear yard setback is 10 feet and shall increase by one foot for each one foot the building height exceeds 25 feet. c. When a public alley abuts a side or rear yard of property within the PO or ME Zones, only the required 10-foot building setback shall apply.

B. Height. All buildings in the Mixed Use Districts shall comply with the height standards contained in Table 2.2.400 except as described below or in compliance with a variance approval.

1. Height Bonus for Vertical Mixed Use. In the ME, MU and MN zones 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 properties abutting a residentially designated district. 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.

Figure 2.3.300 – Building Height Diagram (Residential Exception)



2. Height Bonus for Affordable Housing. An increase in building height not to exceed 10 feet above the height of the zoning district may be allowed for multifamily housing when the additional units gained by the height increase are affordable housing units in conformance with BDC 3.6.200(C), except for properties abutting a residentially designated property. This shall not be combined with the increase in building height for vertical mixed use under subsection (1) above.

3. Building Height Step-backs in the MU Zoning District.

a. Where portions of a building's street-facing facade are higher than 45 feet, 60 percent of the street-facing facades higher than 45 feet must step back one foot from the street-facing property line for every one foot that the building exceeds 45 feet in height, with a minimum step-back of 10 feet and a maximum step-back of 15 feet. The required step-back may be reduced by one foot for each foot below the 45-foot height level that the step-back begins, e.g., for a building that begins its step-back at the 35-foot height level (10 feet below what is required) the required step-back can be reduced by 10 feet.

b. A reduction to the building height step-backs can be made for buildings that designate 25 percent of all residential units as affordable housing units (defined as 100% of the area median income). In those cases, where portions of a building are higher than 45 feet, 60 percent of the street-facing facades higher than 45 feet must step back one foot from the street-facing property line for every one foot that the building exceeds 45 feet in height, with a minimum step-back of 5 feet and a maximum step-back of 10 feet.

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

C. Residential Density. The following density standards apply to all new developments for residential uses in the Mixed Use Districts. The density standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan. In the mixed use zones, residential density standards apply to any portions of the development where ground-floor residential uses are proposed. Area used to calculate residential density includes all area dedicated to parking and landscaping required for the ground-floor residential uses. Where ground-floor residential uses are part of a mixed use development, area used to calculate residential density does not include land dedicated to right-of-way.

1. ME and PO Zoning Districts. The minimum residential density standard in the ME and PO zoning districts is as follows:

a. Where residential uses are part of a mixed use development in which non-residential uses occupy at least the floor area equivalent to the entire ground-floor area of the development, there is no minimum residential density standard except that for properties located within 660 feet of a transit route, the minimum residential density standards of the RM zone shall apply.

b. Where residential uses are part of a mixed use development in which non-residential uses occupy less than the floor area equivalent to the entire ground-floor area of the development, the minimum density standards of the RM zone apply.

2. MN and MU Zoning Districts. The minimum residential density standards of the RM zone apply.

3. There is no minimum residential density standard for "vertical" mixed use.

4. Maximum residential density is controlled by the applicable lot coverage and building height standards.

D. Other Requirements.

1. Buffering. A 10-foot-wide landscape buffer is required along the side and rear property lines between nonresidential uses and any adjacent residentially designated districts. The buffer is not in addition to (may overlap with) the 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. The buffer may contain pedestrian seating but shall not contain trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls, provide other buffering requirements where applicable.

2. 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. 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.

E. Landscaping. Development in the MU and MN zones is exempt from the minimum landscaping area requirements of BDC 3.2.300(C). All other standards of BDC Chapter 3.2 are applicable.

2.3.400 Site Layout and Building Orientation.

In addition to the site layout and building orientation standards of BDC 2.2.500, 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 transit.

A. Walkway Connections. Walkways may be 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.

B. Parking.

1. In the MU and MN zones, parking and maneuvering areas shall be prohibited between the street and the building.

2. In the ME and PO zones, parking and maneuvering areas are 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.

2.3.500 Architectural Standards.

All developments in the Mixed-Use Districts are subject to Commercial Design Review, BDC 2.2.600, or BDC 2.1.900, Architectural Design Standards for multifamily residential uses, as applicable, and shall be reviewed for conformance with the standards in this section unless otherwise specified in this code.

A. In the MU and MN Districts, building facades that are oriented to the street and are within the maximum front setback standard under BDC 2.3.300 (referred to as “Street Walls”) shall be designed to provide visual interest for pedestrians as follows:

1. Ground-floor windows must be installed for at least 50 percent of the length of the Street Wall and have an area equal to 60 percent of the ground-floor wall area of the Street Wall. Ground-floor wall area includes all wall areas up to 10 feet above finished grade. Windows are required to be transparent to foster both a physical and visual connection between activities in the building and pedestrian activities on the street.

2. Weather protection shall be provided along 50 percent of the Street Wall and at all street-facing entrances. Weather protection projections may include but are not limited to awnings, marquees, balconies, overhangs, or building appendages. Weather projections are required to extend five feet over the sidewalk in order to meet this standard and must not obstruct or prevent the placement of street trees, tree canopies or other improvements within the public right-of-way.

Chapter 2.7

SPECIAL PLANNED DISTRICTS

Article XIV. Bend Central District

2.7.3200	Bend Central District (BCD)
2.7.3210	Applicability
2.7.3220	Land Uses
2.7.3230	Development Standards
2.7.3240	Design Standards
2.7.3250	Parking Standards
2.7.3260	Street Standards
2.7.3270	Low Impact Stormwater Management
2.7.3280	Landscaping

2.7.3200 Bend Central District (BCD)

The Bend Central District is intended to implement the goals and objectives for the creative redevelopment of the central Third Street Corridor and surrounding areas west to the Parkway and east to and including 4th Street as indicated below:

- Provide for a wide range of mixed residential, commercial and office uses throughout the area and, depending on the parcel and its surroundings, vertical mixed use (i.e., a mix of uses within the same building), with an emphasis on retail and entertainment uses at the street level.
- Provide a variety of residential development types and greater density of development, with a transition area adjacent to the existing residential neighborhood east of 4th Street.
- Provide for development that is supportive of transit by encouraging a pedestrian-friendly environment.
- Provide development and design standards that support the goals of the Plan
- Limit development of low-intensity uses while allowing continuation of existing industrial and manufacturing uses.
- Provide reduced parking standards and encourage alternative parking arrangements.

The Bend Central District has distinctly different characteristics within the Bend Central District boundary. Subdistricts that recognize and support these characteristics are established as follows:

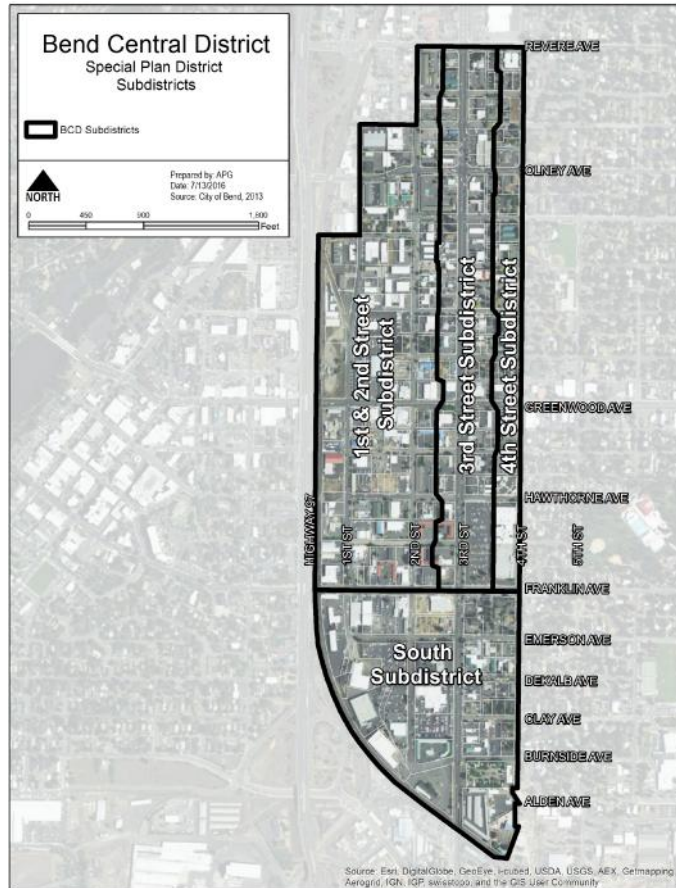
1. 1st/2nd Street Subdistrict. Applies to properties in the vicinity of 1st and 2nd Streets within the BCD and is intended to provide for a mix of office, higher density residential, live/work and small-scale retail uses while also allowing for continuation of existing light industrial/manufacturing uses in the area.

2. 3rd Street Subdistrict. Applies to properties in the vicinity of 3rd Street between Revere and Franklin Streets and is intended to provide a range of mixed uses including large-scale commercial, retail and limited residential uses.

3. 4th Street Subdistrict. Applies to properties in the vicinity of 4th Street within the BCD and is intended to provide a transition between the more intense central area and existing residential neighborhoods to the east.

4. South Subdistrict. Applies to properties south of Franklin Avenue along and between 2nd and 3rd Streets and is intended to provide a range of mixed uses including high density multifamily and office space above ground floor retail/service uses.

Figure 2.7.3210 Sub-district Map



2.7.3210 Applicability.

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

2.7.3220 Land Uses.

A. Permitted and Conditional Uses. The land uses listed in Table 2.7.3220 are allowed in BCD sub-districts, subject to the provisions of this chapter. Only land uses that are listed in Table 2.7.3220 and land uses that are approved as “similar” to those in Table 2.7.3220 may be permitted or conditionally allowed. The land uses identified with a “C” in Table 2.7.3220 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4. Land uses identified with an “L” in Table 2.7.3220 are allowed with limitations in accordance with Subsection (D).

B. Existing Uses. Uses and structures that are not in conformance with the provisions in this section but that were lawfully established within the BCD prior to the adoption of this code are considered a permitted use. Expansion or enlargement 25 percent or less of the above referenced uses or structures that are nonresidential will be subject to the provisions of BDC Chapter 4.2, Minimum Development

Standards Review, Site Plan Review and Design Review. For expansion or enlargement greater than 25 percent, the conditional use criteria, standards and conditions within BDC Chapter 4.4, Conditional Use Permits, will also apply. Conditions of prior approvals will continue to apply unless modified in conformance with BDC 4.1.1325, Modification of Approval.

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

**Table 2.7.3220
Permitted Uses in the Bend Central District by Subdistrict**

Land Use	1 st /2 nd Street	3 rd Street	4 th Street	South
Residential				
Single-Family Detached Dwelling	N	N	N	N
Attached Single Family Townhomes	N	L (see Subsection D1 below)	P	P
Multifamily Residential	L (see Subsection D1 below)	L (see Subsection D1 below)	P	P
Residential as part of mixed use development	P	P	P	P
Commercial				
Retail Sales and Service	L (see Subsection D2 below)	P	L (see Subsection D2 below)	P
Retail Sales and Service (auto dependent*)	N	N	N	N
Retail Sales and Service (auto oriented*)	N	C	N	N
*Medical Marijuana Dispensary and Marijuana Retailer	L (see Subsection D2 below)	P	L (see Subsection D2 below)	P
*Marijuana Wholesale (more than 75% of sales are wholesale)	P	P	C	C
*Marijuana Testing, Research and Development Facilities	P	P	L (see Subsection D3 below)	P
Restaurants/Food & Beverage Services				
– with drive-through*	N	C	N	N
– without drive-through	P	P	P	P
Offices and Clinics	P	P	L (see Subsection D3 below)	P
Conference Centers/Meeting facility associated with a hotel/motel	C	P	N	C
Lodging (bed and breakfast inns, vacation rentals, boarding houses, timeshare)	P	P	P	P

Land Use	1 st /2 nd Street	3 rd Street	4 th Street	South
Hotel/Motels	P	P	C	C
Commercial and Public Parking, structure	P	P	C	P
Commercial and Public Parking, surface lot	P	P	P	P
Commercial Storage				
– enclosed in building and on an upper story	C	C	P	N
– not enclosed in building	N	N	N	N
– enclosed in building on ground floor (i.e., mini-storage)	N	N	N	N
Entertainment and Recreation				
– enclosed in building (e.g., theater)	L/C (See subsection D6 below)	L/C(See subsection D6 below)	N	L/C (See subsection D6 below)
– not enclosed (e.g., amusement)	C	C	N	C
Wholesale Sales (more than 75% of sales are wholesale)	P	P	C	C
Hospital	C	C	C	C
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	P	P	P
Government – branch service intended to serve a portion of the City	P	P	P	P
Government – limited point of service (e.g., public works yards, vehicle storage, etc.)	N	N	N	N
Parks and Open Space	P	P	P	P
Schools	P	P	P	P
Institutions of Higher Education	P	P	P	P
Child Care Facility	P	P	P	P
Clubs and Places of Worship	P	P	P	P
*Utilities (above ground)	P	P	P	P
Industrial				
Manufacturing and Production	L (see Subsection E3 below)	N	N	N
Warehouse	L (see Subsection E4 below)	N	N	N

Land Use	1 st /2 nd Street	3 rd Street	4 th Street	South
Transportation, Freight and Distribution	C	N	N	N
Production businesses (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios)	P	C	C	C
Industrial Service (e.g., cleaning, repair)	L (see Subsection D3 below)	N	N	N
*Marijuana Grow Sites and Marijuana Producing when designated as Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L(see Subsection D4 below)	N	N	L (see Subsection D4 below)
*Marijuana Processing of Cannabinoid Concentrates and Cannabinoid Products when designated as Commercial Limited, Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L (see Subsection D4 below)	L (see Subsection D4 below)	L (see Subsection D4 below)	L (see Subsection D4 below)
*Marijuana Processing of Cannabinoid Extracts when designated as Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L (see Subsection D4 below)	N	N	L (see Subsection D4 below)
Miscellaneous				
Small scale alternative energy systems (i.e., rooftop wind turbine or solar panels)	P	P	P	P
*Small Hydroelectric Facility	P	P	P	P
Wireless and Broadcast Communication Facilities	See <u>BDC Chapter 3.7</u>			

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

L = Permitted with limitations, subject to Subsection (D) below

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

1. New residential uses. In order to ensure that the subdistricts retain their established employment focused character, new residential uses in the 1st/2nd St and 3rd St subdistricts are limited as follows:

a. Residential uses that are part of a mixed use development in which non-residential uses occupy at least the floor area equivalent to the entire ground floor area of the development area permitted.

b. Residential uses that are part of a mixed use development in which non-residential uses occupy less than the floor area equivalent to the entire ground floor area of the development area are conditional.

- c. Residential uses that are not part of a mixed use development are prohibited.
2. Retail sales and service. Retail sales and service uses must not exceed 30,000 square feet per business. Total area of retail sales and service uses combined must not exceed 50,000 square feet per building.
 3. Offices and clinics. Offices and clinics must not exceed 15,000 square feet per business.
 4. Manufacturing, production and industrial services. Uses must not exceed 20,000 square feet per business and must minimize potential external effects as follows:
 - a. All operations must be conducted entirely within an enclosed building.
 - b. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Chapter 13.45
 - c. Roof-mounted mechanical equipment, such as ventilators and ducts, must be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.
 5. Warehousing. Warehousing must be accessory/secondary to a primary permitted use (it may not be a single use) and must not exceed 15,000 square feet per building.
 6. Entertainment and Recreation. Entertainment and Recreation uses in all subzones of the BCD that are enclosed in a building shall not exceed 50,000 square feet without a conditional use permit.

2.7.3230 Development Standards.

A. The following table provides numerical development standards within the BCD. Building setback standards apply to any new buildings and any building expansion, including primary structures and accessory structures. Setbacks provide opportunity for pedestrian amenities; building separation for fire protection and building maintenance; sunlight and air circulation; noise buffering; and visual separation. Building setbacks are measured from the building foundation to the respective property line.

**Table 2.7.3230
Development Standards in the Bend Central District by Sub-District**

Standards	1st / 2nd Street	3rd Street	4th Street	South
Minimum Lot area	No minimum	No minimum	No minimum	No minimum
Lot width	30 feet	30 feet	30 feet	30 feet
Minimum front yard setback	5 feet ¹	10 feet ²	5 feet ¹	5 feet ¹
Maximum front yard setback	10 feet	15 feet	10 feet	10 feet
Rear and side yard setback	None or 10 feet (see Section C below)	None or 10 feet (see Section C below)	None or 10 feet (see Section C below)	None or 10 feet (see Section C below)
Maximum building height ³	65 feet to 85 feet (see Sections B and E below)	65 feet or 85 feet (see Section E below)	45 feet	65 feet to 85 feet (see Sections B and E below)

Notes:

1. In all Subdistrict, the first 5 feet of setback will be a dedicated pedestrian easement and will be developed according to the applicable cross section for the fronting street.
2. Equipment used for small scale alternative energy production does not count towards maximum building heights.

B. In the 1st/2nd Street, 3rd Street and South Subdistricts, buildings may be a maximum of 85 feet on height that:

1. Provide at least 10% of any retail units at affordable rates in conformance with BDC 3.6.200(C), or;
2. For buildings that do not have a residential component, provide at least 75% percent of required parking within the building footprint of structures. Parking on the ground floor shall have a pedestrian-oriented active façade facing the primary street. (see paragraph E.2 below for examples)

C. Rear and side yard setback.

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

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

1. For corner lots with two frontages, the maximum setback standards indicated in Table 2.7.3230 shall be applied to all street frontages.
2. For through lots with two frontages, the maximum setback standards indicated in Table 2.7.3230 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. For properties with three or more frontages, the maximum setback must be met on two abutting frontages.

E. Buildings exceeding 65 feet in height are allowed subject to the following provisions:

1. Buildings shall be constructed using a combination of architectural features and a variety of building materials. Landscaping should be planted adjacent to the curb line to create a streetscape as illustrated in Figures 2.7.3230 and 2.7.3260. Ground story walls that can be viewed from public streets shall be designed with non-reflective windows totaling a minimum of 25 percent of the wall area and using architectural features. (see 2 below) For new buildings, the front building façade must be at the minimum setback for at least 50 percent of the lot frontage; outdoor public gathering spaces such as plazas are encouraged and count toward the setback requirement; off-street parking is not allowed between the front building façade and the street.

2. 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.



Figure 2.2.3230
Illustration of Use of Architectural Features

F. Buffering. A 10-foot-wide landscape buffer is required along the side and rear property lines between nonresidential uses and any adjacent Residential Zones. The buffer is not in addition to (may overlap with) the side and rear setbacks required in subsection (B) of this section. The buffer shall provide landscaping to screen parking, service and delivery areas and walls without windows or entries. The buffer may contain passive outdoor seating but must not contain trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls, provide other buffering requirements where applicable.

2.7.3240 Design Standards

A. All development. Development in the BCD is subject to the design guidelines in BDC Chapter 2.2.800, Subsection (I) except as established below. The standards of this section are in addition to the regulations of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review Standards. The standards of this section are in lieu of the BDC 2.2.600, Commercial Design Review Standards.

1. Section 2.2.800(I)(3) - Physical, Visual and Experiential Connections. The intent and general approach of this section apply. However, the language referring to traditional business zones and traditional storefront buildings does not apply here.

2. Section 2.2.800(I)(5) - Integrate Building Parapets and Rooftops. The intent and general approach of this section apply. However, the language referring to ornamentation on traditional CB Zone buildings does not apply here. In addition, rooftop solar panels and wind turbines are exempt from the screening requirement.

3. Section 2.2.800(I)(10) - Urban Materials. Does not apply.

B. Single use residential buildings. Single use residential buildings including duplexes, triplexes and multifamily are also subject to the provisions in Sections 2.1.900 and 2.1.1000, with the following exception:

1. The common open space requirement in 2.1.1000(B)(1) does not apply to any property with a residential building located within one-quarter mile of a public park.

2.7.3250 Parking

A. In the BCD, the following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking apply.

1. The minimum number of required off-street vehicle parking spaces is established below. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes).

a. Residential uses: 1 space per unit

b. Commercial uses:

i. Retail or restaurant uses totaling less than 5,000 square feet of floor area: none

ii. Retail or restaurant uses in excess of 5,000 square feet or more of floor area: 1 space per 1,000 square feet of gross floor area in excess of 5,000 square feet.

c. Entertainment uses: Determined by conditional use

d. Hotel/motel: 1 space per room

e. Office uses: 1.5 spaces per 1,000 square feet of floor area

f. Light industrial/manufacturing uses: 0.7 spaces per 1,000 square feet of floor area

g. Public and institutional uses, government uses: 1.5 spaces per 1,000 square feet of floor area

2. Mixed-Use Developments. If more than one type of land use occupies a single structure or parcel of land with no single use occupying more than 80 percent of the total square feet of the building, the total requirements for off-street automobile parking shall be 75 percent of the sum of the requirements for all uses.

3. The total number of required vehicle parking spaces for an industrial, commercial, or office use may be reduced by up to 10 percent in exchange for providing on-site public open space/green space at the following ratio: one vehicle parking space per 500 square feet of public open space/green space. This reduction is in addition to any reductions taken under Chapter 3.3.300.D.

2.7.3260 Special Street Standards

A. The BCD considered special street standards for streets inside the Bend Central District. The intent of the special street standards is to develop complete streets that enable safe travel for all modes of travel including transit, motorists, pedestrians, cyclists and freight users. On street parking, bicycle lanes

and wider sidewalks were identified as elements necessary for safe travel. Below is a typical concept cross section.



Figure 2.7.3260
Street Design Concept for 2nd/4th Streets

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

B. To accomplish new streets, additional street widths and street improvements envisioned for the BCD the following requirements shall apply.

1. The required 5-foot front yard setback along all street frontages must be dedicated as a public easement with site plan approval. This is in addition to any additional right of way that may be required by Chapter 3.4.

2.7.3270 Low Impact Stormwater Management

A. The use of low impact development (LID) techniques to manage stormwater on site is encouraged consistent with the City's Central Oregon Stormwater Manual. Techniques can include, but are not limited to, the following:

1. Use of on-site pervious paving materials to minimize impervious surfaces allowed within off-street and on-street parking areas and other areas within a development site.
2. Provision of an eco-roof or rooftop garden
3. Use of drought tolerant species in landscaping
4. Provision of parking integrated into building footprint (above or below grade)

5. Provision of rain gardens and bioretention areas on site to filter stormwater runoff
6. Shared stormwater facilities between adjacent properties

2.7.3280 Landscaping

- A. The landscaping standards of Chapter 3.2 apply to the BCD except as noted in this section.
- B. The minimum required landscaping shall equal 10 percent of the gross lot area for the following uses:
 1. Residential – duplex and triplex units and multiple-family developments
 2. Commercial and office developments
 3. Industrial developments. Seventy-five percent of the required 10 percent site landscaping shall be located within the front yard setbacks and parking areas or other areas visible to the public, unless otherwise required as a condition of approval
 4. Mixed-use developments
- C. Green roofs and rooftop gardens may be counted toward meeting up to 100 percent of the landscaping requirement.
- D. Landscaping in the public right-of-way (for example, street trees and bioswales) may be counted toward meeting the landscaping requirement.

Chapter 3.3

VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

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

A. Off-Street Parking Requirements. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). In applying the exceptions and reductions listed in Sections (B), (C), and (D), reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces shall be rounded down to the nearest whole number.

**Table 3.3.300
Required Off-Street Vehicle Parking Spaces**

Use	Minimum Requirement
Residential	
Accessory dwelling unit	1 space per unit
Residential care home	2 parking spaces per dwelling unit
All residential uses within the CB and MU Zoning Districts	1 space per dwelling unit
Bed and breakfast inns	1 space per bedroom, plus 1 space for the manager or proprietor
Short-term rentals	1 space per bedroom
Duplex and triplex	1-bedroom units – 1 space/unit
	2- or more bedroom units – 2 spaces per unit
Manufactured home parks	2 parking spaces per dwelling unit
Multifamily residential	Studio units or 1-bedroom units – 1 space/unit
	2-bedroom units – 1.5 spaces per unit
	3- or more bedroom units – 2 spaces per unit
	Retirement complexes for seniors 55 years or older – 1 space per unit
Single-family, attached or detached, including a manufactured home on individual lot.	2 parking spaces per dwelling unit
Commercial	
All commercial uses within the CB and MU Zoning Districts	1 space per 500 square feet of gross area
Banking services	1 space per 350 square feet floor area
Bulk and outdoor retail trade and services, including: auto, boat or trailer sales, retail nurseries, lumberyards, and similar bulk retail uses	1 space per 1,000 square feet of gross floor area

Use	Minimum Requirement
Commercial storage (e.g., ministorage, self-storage)	1 space per 6,000 square feet of net leasable square footage, with up to half the required spaces and associated driveway areas permitted to remain unmarked for trucks and other large vehicles.
Entertainment (e.g., theaters, clubs, and other completely enclosed amusement uses)	1 space per 4 seats
Hotels/motels	1 space for each guest room, plus 1 space for the manager
Laundromats and dry cleaners	1 space per 350 square feet of customer use area, plus 2 spaces per 3 employees on the largest shift
Office use (including medical and dental offices, clinics and laboratories, alternative health care)	1 space per 350 square feet of gross floor area
Restaurants and bars (subject to BDC 3.6.300(J)(10))	1 space per 200 square feet of gross leasable floor area
Retail trade and services <ul style="list-style-type: none"> • General trade • Bulky merchandise (appliance, furniture) 	<ul style="list-style-type: none"> • 1 space per 350 square feet of gross floor area • 1 space per 750 square feet of gross floor area
Industrial Uses	
Heavy industrial	1 space per 2 employees on the largest shift or for each 1,000 square feet of gross floor area, plus 1 space per company vehicle
Light manufacture and production businesses (e.g., electronic equipment, printing, bindery, furniture, bakery, crafts, call center and similar uses)	1 space per 2 employees on the largest shift or for each 700 square feet of gross floor area, plus 1 space per company vehicle
Public/private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)	1 space per 2 employees on the largest shift, plus 1 space per company vehicle; a minimum of 2 spaces is required
Warehousing and distribution	1 space per 2,000 square feet of gross floor area
Public and Institutional Uses	
Adult day care	2 parking spaces per dwelling unit
Child care facility	1 space per 2 employees; a minimum of 2 spaces is required
Clubs, lodges, similar uses	1 space per 3 persons allowed by Building Code in the main assembly room or auditorium
Community and regional parks and recreational facilities	1 space per 10,000 square feet of gross area or 1 space per 1,000 square feet of building floor area, whichever is greater, or as required by a Conditional Use Permit
Golf courses, including miniature golf	2 spaces per hole, plus additional spaces for auxiliary uses as required elsewhere in this section
Government – limited point of service (e.g., public works yards, vehicle storage, etc.)	1 space per 2 employees on the largest shift or for each 500 square feet of gross floor area, plus 1 space per fleet vehicle
Government – point of service intended to serve the entire City	1 space per 350 square feet of gross floor area
Government – point of service intended to serve a portion of the City	1 space per 350 square feet of gross floor area
Hospitals	1.5 spaces per bed
Neighborhood parks and recreational facilities	None except as required for accessibility compliance or as required by a Conditional Use Permit
Places of worship	1 space per 4 seats in the main worship area
Residential care facility	1 space per 2 patient beds or 1 space per apartment unit

Use	Minimum Requirement
Registered or certified family child care home	2 parking spaces per dwelling unit
Schools (public and private) – elementary and middle	1 space per employee or 4 seats in the auditorium, whichever is greater
Schools (public and private) – high schools	1.5 spaces per classroom, plus 1 space per 10 students. If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking shall be provided at a rate of 1 space per 4 seats.
Schools (public and private) – college and university campuses and trade schools	Parking needs based on a Parking Management Plan for all uses contemplated for the entire campus
Unspecified uses	
For uses not specified in Table 3.3.300, the Review Authority shall determine the minimum number of required parking spaces as part of the development review process accompanying the proposed use, based upon similar uses listed in this table.	
The Review Authority may approve a Parking Management Plan for developments with multiple uses.	

B. Credit for On-Street Parking.

1. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 50 percent of the requirement, except as specified in subsections (a) and (b) below.

- a. Uses within the CB zone shall not receive credit for on-street parking, but have the option to pay a fee in lieu of providing off-street parking per BDC 3.3.200.
- b. For uses within the MU and MN zones, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.

2. On-street parking shall follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. One on-street parking space shall be defined as follows:

- a. Parallel parking, each 24 feet of uninterrupted curb, where allowed;
- b. Forty-five-degree diagonal, each with 14 feet of curb, where allowed;
- c. Ninety-degree (perpendicular) parking, each with 12 feet of curb, where allowed;
- d. Curb space must be connected to the lot that contains the use;
- e. Parking spaces will not obstruct a required clear vision area or violate any law; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted.

C. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated within the individual land use districts for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from

alleys, for some uses). Required off-street parking shall not be located within the front yard setbacks except for single-family dwellings, ADUs, duplexes and triplexes.

2. Screening. Commercial or industrial off-street parking which adjoins a residentially designated district shall be effectively screened by a fence and landscaping with a minimum width of 10 feet unless otherwise specified in this code.

3. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land when commercial off-site parking is permitted in the underlying zone, provided the parcel is within 1,000 feet of the use it serves and the amount of off-site parking does not exceed the minimum amount of parking required for the intended use. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

4. Mixed-Use Developments. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be 95 percent of the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly. (See subsection (C)(5) of this section, Shared Parking.)

D. Exceptions and Special Standards for Parking.

1. Exceptions for Required Parking.

c. The total number of required motor vehicle parking spaces for all uses except for single family detached dwellings may be reduced by up to 10 percent for developments within 660 feet of a transit route (as the crow flies). Where only a portion of the site lies within 660 feet of a transit route, the reduction shall be applied only to buildings that are fully or partially within 660 feet of a transit route.

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

Chapter 3.4

PUBLIC IMPROVEMENT STANDARDS

3.4.300 Public Use Areas.

Public open space and parks contribute to the livability of a growing community. They provide space for outdoor recreation and habitat for urban wildlife. These urban spaces are maintained and managed by the Bend Metro Park and Recreation District (BMPRD). Future public use areas are evaluated through the City's land use application process.

A. Neighborhood Parks. The following standards will be used to evaluate a proposed development to determine if the property includes an area that is suitable for a neighborhood park. Upon meeting these standards, the developer shall enter into negotiations with the Bend Metro Park and Recreation District regarding district purchase of land within the property proposed for development for construction of a neighborhood park.

1. The subject property is located within a service area identified on the Neighborhood Parks Plan Map adopted by the Bend Metro Park and Recreation District as needing neighborhood parks.
2. The property proposed for development is 10 acres or larger in area.
3. The Bend Metro Park and Recreation District has indicated that the subject property contains a sufficient area that is suitable for neighborhood park development based on the Bend Metro Park and Recreation District Neighborhood Park Classification and Development Standards.

B. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the Bend Metro Parks and Recreation District is located in whole or in part in a proposed development, the City may require the dedication or reservation of this area.
2. If determined by the City Council to be in the public interest in accordance with adopted General Plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the development of a character, extent and location suitable for the development of parks and other public uses.
3. All required dedications of public use areas shall conform to BDC 3.4.100(D), Conditions of Development Approval.

C. Acquisition by Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, the land shall be transferred by deed to the appropriate public agency within six months following final approval, at a price agreed upon prior to approval of the development, or the reservation shall be released to the property owner.

D. Additional Considerations for Future Park Development.

1. All lots or parcels that are developed with residential structures shall pay an applicable system development charge for park development as provided for under BC Chapter 12.10 and ORS 223.297 through 223.314. The amount of the system development charge shall be pursuant to a Bend Metro Parks and Recreation District resolution. The system development charge shall be payable at the time of issuance of the building permit.

2. As a condition of approval, the land owner of a proposed development of land lying within the Bend Urban Growth Boundary, but outside the boundaries of the Bend Metro Park and Recreation District, shall be required to complete an annexation into the Bend Metro Park and Recreation District as a condition of approval for any development, building permit, land use or city annexation.

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.200 Residential Uses.

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

1. For the purposes of the incentive program, the City defines affordable housing as housing with a sales price or rental amount that is within the means of a household that may occupy moderate- and low-income housing, meeting one of the thresholds defined in subsections (C)(1)(a) and (b) of this section.

a. In the case of dwelling units for sale, "affordable" means housing in which the mortgage, amortized interest, taxes, insurance, and condominium or association fees, if any, constitute no more than 30 percent of such gross annual household income for a family at 80 percent of the area median income, based upon most recent HUD income limits for the Bend Metropolitan Statistical Area (Bend MSA).

b. In the case of dwelling units for rent, "affordable" means housing for which the rent and utilities constitute no more than 30 percent of such gross annual household income for a family at 60 percent of the area median income, based upon most recent HUD income limits for the Bend Metropolitan Statistical Area (Bend MSA).

2. In association with the land use review process, and prior to the issuance of a building permit for any units in an affordable housing development, the owner shall enter into an affordable housing development agreement with the City. The development agreement shall set forth the commitments and obligations of the City and the owner, including, as necessary, conditions to ensure the completion of affordable housing in the development.

3. The owner shall execute any and all documents deemed necessary by the City in a form to be established by the City Attorney, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable housing units in accordance with this section.

4. The following are the developer incentives adopted by the City:

a. Expedited review and permitting processing.

b. Planning and building fee exemptions up to \$10,000 per project.

c. System development charge (SDC) deferrals.

d. Allow a density bonus when developing affordable housing units. (See BDC 2.1.600.)

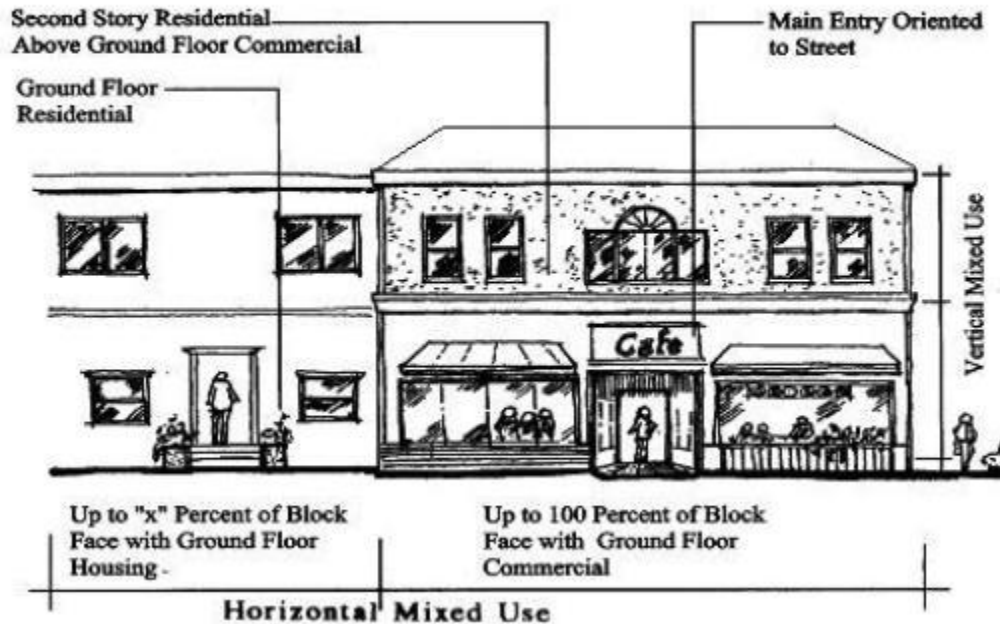
e. Allow a 10-foot building height bonus for multifamily housing when affordable housing units are gained. (See BDC 2.1.800.)

I. Residential Uses within Commercial Districts. Residential uses, such as multifamily housing, are encouraged adjacent to employment, shopping and services. All residential developments shall comply with subsections (I)(1) through (5) of this section, which are intended to guide mixed-use development;

allow limited residential uses within commercial districts while conserving the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of the ordinance codified in this chapter are considered permitted uses and not a nonconforming use.

Figure 3.6.200.1

Example of Vertical and Horizontal Mixed Use



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

1. Mixed-Use Development. Residential uses shall be permitted in Commercial Districts only when part of a mixed-use development (residential with commercial or public/institutional use). Both “vertical” mixed-use (housing above the ground floor), and “horizontal” mixed-use (housing on the ground floor) developments are allowed, subject to the following standards in subsections (1)(2) through (5) of this section.
2. Limitation on Street-Level Housing.
 - a. Central Business District. Ground-floor residential uses on street frontages are prohibited except ground-floor entrances or breezeways are permitted for housing located above or behind a nonresidential storefront use.
 - b. Other Commercial Districts. On arterial and collector street frontages in other Commercial Zoning Districts, ground-floor residential uses are limited to 25% of the street frontage, except ground-floor entrances or breezeways for housing located above or behind a nonresidential use.
3. Density. The density standards are intended to ensure efficient use of buildable lands. Residential density standards apply to any portions of the development where ground-floor residential uses are proposed. Area used to calculate residential density includes all area dedicated to parking and landscaping required for the ground-floor residential uses, but does not include land dedicated to right-of-way.

- a. There is no minimum residential density standard for “vertical” mixed use in a Commercial Zoning District.
- b. Maximum residential density in a Commercial Zoning District shall be controlled by the applicable lot coverage and building height standards.
- c. For “horizontal” mixed use in a Commercial Zoning District, where the site is located within 660 feet of a transit route, the minimum residential density standards of the RM zone shall apply for the portion of the site dedicated to housing on the ground floor.

5. The commercial or public/institutional uses shall occupy at least the floor area equivalent to the entire ground-floor area of the development. The commercial or public/institutional uses shall be constructed prior to or concurrently with the residential uses.

Chapter 4.5

MASTER PLANNING AND DEVELOPMENT ALTERNATIVES

4.5.300 Master Planned Developments.

A. Applicability.

1. A Master Planned Development in conformance with this section may be approved in any of the City's land use districts for any property or combination of properties three acres or greater in size.
2. For projects consisting of one or more properties under common ownership totaling 20 acres or larger at the date of adoption of this code, a Master Planned Development is required in conformance with this section.

B. Review and Approval Process.

1. Review Steps. There are three required steps for Master Planned Development approval:
 - a. Step 1 – the approval of a concept development plan. The concept development plan shall include an area plan that depicts the development site concept including the surrounding area within 500 feet, and a facilities plan for sewer, water and transportation, and park facilities;
 - b. Step 2 – the approval of a tentative development plan. A tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes, zoning designations and other features; and
 - c. Step 3 – the approval of preliminary subdivision plat(s) and/or site development review application(s).
2. Approval Process.
 - a. Concept development plan approval. There are two “tracks” for concept development plan approval, depending on whether the Master Planned Development seeks to change one or more of the development standards contained in this code and/or the Bend Comprehensive Plan designations.
 - i. A Master Planned Development concept plan application in compliance with the development standards in this code and the General Plan designations may be reviewed under the Type II procedure in accordance with BDC Chapter 4.1, Development Review and Procedures.
 - ii. A Master Planned Development that seeks to change one or more of the development standards contained in this code is required to be reviewed under the Type III procedure in accordance with BDC Chapter 4.1, Development Review and Procedures. Modifications to the location and arrangement of zoning and/or Comprehensive Plan designations on the Master Planned Development site or sites that retain the same total acreage of each zone and Comprehensive Plan designation in order to achieve the planning objectives described in the General Submission Requirements may be processed through a Master Planned Development concept plan application. All other changes to plan designations and/or zones require a plan amendment and/or zone change in conformance with BDC Chapter 4.6, which may be processed prior to, or concurrently with, the Master Planned Development.
 - b. Tentative development plan approval. The tentative development plan may be reviewed using the Type II procedure in accordance with BDC Chapter 4.1, Development Review and

Procedures, and shall ensure substantial compliance with the approved/proposed MPD concept development plan. In order to expedite the process, the review steps, notification and hearings may be combined.

3. Submittal requirements. The applicant shall submit an application in conformance with the following provisions:

a. The Master Planned Development shall include, but not be limited to, the informational requirements of BDC 4.3.200, General Requirements, as well as the following elements:

i. Existing and planned major street network plans, including proposed arterial, collector and local street alignments within the master planned area and where the streets will connect with the existing street system.

ii. Existing and planned water and sewer facilities to serve the master planned area, including line sizes, general location or routes and how the lines will tie into adjacent areas and facilities.

iii. Existing and planned pedestrian, trail, and bicycle corridors within the master planned area and where these facilities will connect with existing facilities.

iv. Public and/or private parks, open space or common areas.

v. Planned densities and types of uses within the affected area.

vi. A written narrative that explains or describes:

(A) How the proposed water, sewer and street system will be adequate to serve the size and type of development and uses planned for the area;

(B) How the location and sizing of water and sewer facilities on site will be consistent with the existing and planned facilities;

(C) How adequate water flow volumes will be provided to meet fire flow and domestic demands; and

(D) The function and location of any private utility system.

vii. Draft Development Code text in a format prescribed by the City, which provides special development standards intended to implement the proposed MPD.

b. No application for a Master Planned Development shall be approved unless the applicant can explain in a written narrative how the following requirements are met:

i. The MPD contributes to orderly development and land use patterns in the area, will be compatible with adjacent developments and will not adversely affect the character of the area.

ii. The MPD will not create excessive demand on public facilities and services required to serve the development.

iii. The MPD contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities as required by the Transportation Systems Plan, and does not conflict with existing public access easements within or adjacent to the development.

iv. The MPD provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, designated areas of special interest, and other natural

resources to the maximum degree practicable. Preservation shall be considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term **prevent** in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection shall not in itself be considered to prevent development.

v. The MPD conforms to the Bend Area Comprehensive Plan Map, the amendments to the Comprehensive Plan Map retain the same total area of all general plan designations on the subject site, or amendments to the Comprehensive Plan Map, text or policies shall be proposed and approved as part of the Master Planned Development plan in conformance with BDC Chapter 4.6.

C. Applicability of BDC Title 3, Design Standards. The development standards of BDC Title 3 apply to all Master Planned Developments, unless otherwise specified as part of a MPD concept proposal.

1. Concept Development Plan Submission.

a. General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type II or III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures. In addition, the applicant shall submit the following information:

i. A statement of planning objectives to be achieved by the Master Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

ii. A concept schedule indicating the approximate dates when construction of the Master Planned Development and its various phases are expected to be initiated and completed.

iii. Narrative report or letter documenting compliance with the applicable approval criteria contained in this code.

iv. Special studies or reports prepared by qualified professionals may be required by this code, the City Planning Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

b. Additional Information. In addition to the general information described above, the concept development plan application shall include the following exhibits and information:

i. Site analysis map, as defined in BDC 4.2.300, Design Review;

ii. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);

iii. Grading concept plan (for hillside or sloping properties, or where extensive grading is anticipated);

iv. Landscape concept plan and tree preservation plan in accordance with BDC Chapter 3.2;

v. Architectural concept plan (e.g., information sufficient to describe architectural styles, building heights, and general materials);

vi. Sign concept plan (e.g., locations, general size, style and materials of signs);

- vii. Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.);
 - viii. Facilities plan showing how the planned development will be served by streets, sewer and water.
 - ix. Bend Comprehensive Plan Map compliance analysis which explains how plan designation acreages in the Comprehensive Plan Map which exist on the subject site or sites prior to the Master Plan Development with their minimum and maximum residential density ranges are implemented through the Concept Development Plan, unless a plan amendment and zone change is being processed concurrently with the Concept Development Plan.
2. Concept Development Plan Approval Criteria. The applicant shall submit a narrative and plans detailing how the following criteria are satisfied. The City shall make findings demonstrating that all of the following criteria are satisfied when approving, or approving with conditions, the concept plan. The City shall make findings demonstrating that one or all of the criteria are not satisfied when denying an application:
- a. Bend Comprehensive Plan. All relevant provisions of the Bend Area General Plan and Comprehensive Plan Map designations are met except as proposed to be modified by the applicant in conformance with the submittal requirements and criteria of subsection (B)(2) of this section.
 - b. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be in conformance with BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments; except as proposed to be modified by the applicant in conformance with subsection (B)(2) of this section.
 - c. Applicability of BDC Chapters 2.0 and 3.0. All of the land use and design standards contained in BDC Chapters 2.0, Land Use District Administration, and 3.0, Development Standards Administration, are met, except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.
 - d. Requirements for Open Space. Public and private open space within a development is highly encouraged as a public benefit. Open space in addition to that required under other sections of this code, consistent with the purpose of this chapter, shall be designated within a Master Planned Development when:
 - i. The Master Planned Development area is 40 acres or greater; or
 - ii. The applicant is seeking exceptions to Bend Area General Plan, zoning designations or the standard Development Code provisions and/or density.
 - e. Standards for Open Space Designation. The following standards shall apply:
 - i. The open space area shall be shown on the concept development plan and recorded with the final plat or separate instrument; and
 - ii. The open space shall be conveyed in accordance with one of the following methods:
 - (A) By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
 - (B) By leasing or conveying title (including beneficial ownership) to a corporation, owners association or other legal entity. The terms of such lease or other instrument of

conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

f. Standards for Approval. In granting approval for a Master Planned Development concept development plan the applicant must demonstrate that the proposal is consistent with the criteria for land division approval in BDC 4.3.300, Tentative Plan.

g. Applicability of Master Planned Neighborhood Standards. For Master Planned Developments that include residential Comprehensive Plan designations, the standards of BDC 4.5.400 are met.

h. Additional Approval Criteria for Master Planned Development Applications. A recommendation or a decision to approve, approve with conditions or to deny an application for a MPD application shall be based on the criteria listed in BDC 4.6.300(B), Criteria for Quasi-Judicial Amendments.

D. Administrative Procedures.

1. Land Use District Map Designation. After a Master Planned Development concept development plan and tentative development plan have been approved, the approved Master Planned Development designation for the subject development site shall be shown on a map maintained by the City that illustrates the location of approved Master Planned Developments and the approved MPD overlay text will be added to BDC Chapter 2.7 as a new planned district.

As a condition of approval, the applicant shall record a deed restriction on the subject properties and all future lots and parcels created, noting inclusion in the approved Master Planned Development area.

2. Time Limit for Filing a Tentative Development Plan. Within three years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a tentative development plan, in conformance with the requirements of this chapter. If the tentative development plan is not submitted within three years, the Master Planned Development concept plan shall expire.

3. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year; provided, that all of the following are satisfied:

- a. No changes have been made on the original conceptual development plan as approved;
- b. There have been no changes to the applicable Bend Area General Plan policies and ordinance provisions on which the approval was based.

4. Tentative Development Plan Submission Requirements. The applicant shall submit an application for a tentative development plan. The contents of the application information shall be determined by the conditions of approval for the concept development plan. At a minimum, the tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., Land Division, Development Review, Site Development Review, etc.). The tentative development plan shall be reviewed using a Type II procedure in conformance with BDC Chapter 4.1, Development Review and Procedures.

5. Tentative Development Plan Approval. The City shall approve the tentative development plan upon finding that the final plan conforms to the concept plan and all required conditions of approval. Minor changes to the approved concept development plan may be approved with the tentative development plan, if consistent with all of the site development review standards set forth in this code and the following criteria:

- a. Increase or decrease of residential densities or lot coverage relative to that approved in the Concept Development Plan by no more than 15 percent, when such change conforms to the Bend Comprehensive Plan and its density ranges and the minimum density standards of BDC 4.5.400(C);
- b. A reduction to the amount of open space or landscaping relative to that approved in the Concept Development Plan by no more than 10 percent, when such change conforms to the standards of this section and BDC 4.5.400(C);
- c. An increase in lot coverage by buildings or changes in the amount of parking relative to that approved in the Concept Development Plan by no more than 15 percent. Greater changes require approval of a modification in conformance with BDC Chapter 4.1, Development Review and Procedures;
- d. No change in land use shall be permitted without approving a modification to an approved concept development plan in conformance with BDC Chapter 4.1, Development Review and Procedures;
- e. No change that places development within environmentally sensitive areas including ASIs or areas subject to a potential hazard shall be approved without approving a modification to an approved concept development plan in conformance with BDC Chapter 4.1, Development Review and Procedures;
- f. The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept development plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 50 feet shall require approval of a modification, in conformance with BDC Chapter 4.1, Development Review and Procedures; and
- g. Other changes made to the approved concept development plan shall require approval of a modification, in conformance with BDC Chapter 4.1, Development Review and Procedures.

6. Development Review and Building Permit Approvals. Upon receiving tentative development plan approval, the applicant may apply for one or more development reviews (e.g., Land Division, Development Review, Site Development Review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.

- a. Development Review. BDC Chapter 4.2, Site Plan Review and Design Review, applies to developments requiring Site Development Review or Architectural Design Review. BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments, applies to land divisions (partitions and subdivisions). [Ord. NS-2229, 2014; Ord. NS-2016, 2006]

4.5.400 Master Planned Neighborhoods

The purpose of this section is to ensure the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.

A. Applicability. This section applies to all properties comprised of one or more lots, parcels, and/or tracts under common ownership that total 20 acres or larger in any residential zoning district or Comprehensive Plan designation or any mixed use zoning district or Comprehensive Plan designation when residential uses are proposed .

B. Master Plan Required. Prior to land division approval, a master plan shall be prepared for all properties, lots, parcels and/or sites meeting the criteria in subsection (A) of this section. Master plans shall follow the procedures in BDC 4.5.300, Master Planned Developments. A master plan may not be required if a Special Planned District has been adopted for the subject area.

C. Land Use and Design Standards. Master Planned Neighborhoods shall include the following design elements:

1. Access to recreation. All lots have access to active or passive recreational areas or uses by walking or bicycling a distance not greater than one-half mile as measured along an existing or proposed trail or sidewalk route. Such areas or uses may include natural open space and developed and maintained park land located within adjacent neighborhoods. Trails or trail corridors are not to be considered as a recreational use/open space for the purpose of meeting this requirement.
2. Access to commercial services. All lots have access to neighborhood commercial services by walking or bicycling a distance not greater than one-half mile as measured along an existing or proposed sidewalk or pedestrian route. Such neighborhood commercial uses may be provided outside the boundaries of the proposed master planned neighborhood within adjacent neighborhoods or Commercial Districts.
3. Housing density and mix. The neighborhood shall provide a diverse mix of housing types and achieve efficient minimum housing densities in conformance with the standards of subsections (a) through (d) below, as applicable. Minimum and maximum densities shall be calculated in conformance with BDC 2.1.600(C).
 - a. RL Comprehensive Plan Designation/Zone: at least 50 percent of the maximum gross density of the RL Comprehensive Plan designation/zone (2.0 units per gross acre), with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 10 percent of total housing units.
 - b. RS Comprehensive Plan Designation/Zone: at least 70 percent of the maximum gross density of the RS Comprehensive Plan designation/zone (5.11 units per gross acre), with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 10 percent of total housing units.
 - c. RM Comprehensive Plan Designation/Zone: at least 60 percent of the maximum gross density of the RM Plan designation/zone (13.02 units per gross acre), with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 67 percent of total housing units. This standard supersedes the housing mix standard for the RM zone in BDC 2.1.1000(C).
 - d. RH Comprehensive Plan Designation/Zone: the minimum density of the RH Comprehensive Plan designation/zone applies. Single family detached housing is not permitted in the RH zone.
4. Public facilities. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the master plan, in accordance with the City of Bend, Bend Metro Parks and Recreation District, Bend La Pine School District Sites and Facility Plans.
5. Open space. The neighborhood shall contain at least 10 percent of the gross area as public space such as parks, pavilions, squares and plazas to encourage public gatherings.
6. Multi-modal connections. The neighborhood shall provide convenient multi-modal connections to regional employment, shopping and service located outside of the proposed neighborhood by providing opportunities for multi-modal transportation (e.g., transit nodes, multi-use pathways and trails). Existing and planned trail systems adjoining the Master Planned Neighborhood shall be continued through the entire Master Planned Development based on the most recent adopted Bend Parks and Recreation District trails master plan and Bend Transportation System Plan.
7. The required neighborhood design elements shall be included in all Master Planned Neighborhoods unless it can be proven that the abutting and/or adjacent developed lands include the elements necessary to meet the intent of this section. Adequate proof shall include studies,

demographics, and other suitable information in order to provide the City with factual data to support findings for approval. The expense for supplying the proof shall be borne solely by the property owner or applicant. The proof shall provide reliable evidence that the adjacent and/or abutting properties contain the elements necessary to create or complement the proposed neighborhood.

D. Implementation. Upon approval of a Master Planned Neighborhood, the development shall follow the land division procedures in BDC Chapter 4.3, and the Site Design Review procedures in BDC Chapter 4.2, as applicable. Any modifications to the approved master plan shall be subject to the standards and procedures in BDC Chapter 4.1, Development Review and Procedures. [Ord. NS-2016, 2006]

4.5.500 Master Plan Development within the Urban Holding Districts.

BDC 4.5.500 deleted in its entirety.

Chapter 4.6

LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.300 Quasi-Judicial Amendments.

A. Applicability, Procedure and Authority. Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) and/or (C) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.

B. Criteria for Quasi-Judicial Comprehensive Plan Map Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee;
2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property;
4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Land Use District Map regarding the property that is the subject of the application; and
5. Approval of the request is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

C. Criteria for Quasi-Judicial Zone Changes. The applicant must submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial zone change must be based on meeting both of the following criteria:

1. The amendment will bring the zone map into conformance with the Comprehensive Plan map.
2. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.