



ECONOMIC
DEVELOPMENT

M E M O R A N D U M

To: Juniper Ridge Management Advisory Board (JRMAB)

From: Matt Stuart, Urban Renewal Manager

Re: Juniper Ridge Overlay Zone – Permitted Land Uses

Date: 5/14/2020

The following memo provides a comparison of the Juniper Ridge Overlay Zone, Employment Sub-district Permitted Land Use table (BDC Table 2.7.2030.A) to the Permitted Land Use table for Industrial Zones (BDC Table 2.4.300) and the Permitted and Conditional Uses table for Commercial Zones (BDC Table 2.2.300).

Each table is provided in full, along with footnoted sections, on the following pages.

Based on discussion at JRMAB meeting #5 on February 20, 2020, the tables have been updated to reflect suggested changes. Additional discussion is required as it relates to Permitted and Conditional Uses table for Commercial Zones, as time did not permit complete review.

Uses highlighted in **GREEN** text, indicate Permitted or Conditional uses within the Employment Sub-district Permitted Land Use Table that are shared with the Industrial and Commercial Zone Land Use Tables. Text highlighted in **YELLOW**, indicate uses that are present in the Industrial and Commercial Land Use Tables that have been added to the Employment Sub-district Permitted Land Use Table per previous JRMAB direction. Text that has a ~~strikethrough~~ indicated uses that were previously discussed by the JRMAB to not include in the Employment Sub-district Permitted Land Use table.

At the JRMAB on May 21, 2020, please be prepared to discuss further any Permitted or Conditional Uses currently identified in the Industrial or Commercial Zones that should be included in the Employment Sub-district Permitted Land Use table.

Table 2.7.2030.A Permitted Land Uses

| Land Use | Employment Sub-District |
|---|-------------------------|
| Light manufacturing, fabrication, assembly and repair with incidental sales associated with a permitted use | P |
| Heavy manufacturing, assembly and processing of raw materials and recycling | C |
| Wholesale distribution, warehousing and storage | P |
| Industrial service (e.g., cleaning, repair) | C |
| Research and development facilities | P |
| Production office (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios/facilities.) | P |
| Wholesale processing uses (e.g., dry cleaning, laundry) | C |
| Retail Fuel Outlet OR Fuel Distribution | C |
| Vehicle, equipment and boat repair, rental, storage, service | P |
| Outdoor commercial uses (e.g., outdoor storage, building and garden supply) | C |
| Food and beverage processing and packaging | P |
| Medical and dental laboratories and veterinary clinics | P |
| Small-scale personal and professional services <ul style="list-style-type: none"> • Within a freestanding or multi-tenant building, up to 10,000 square feet of gross floor area (e.g., coffee shop/deli, dry cleaners, barber shops and salons, copy centers, banks, financial institutions, and similar uses)* shall be allowed • Within a freestanding or multi-tenant building, up to 10,000 square feet for child care, fitness center and similar uses shall be allowed when a site has frontage and/or direct access to an arterial or collector street • No limit to size (child care or similar uses)* | P |
| Corporate headquarters/regional corporate office | P |
| Trade, vocational, technical, professional, business schools including university programs serving industrial needs | P |
| Offices and Clinics | P |
| Professional consulting services | P |
| Industrial and professional equipment and supply sales | P |
| Convention Center/Meeting Rooms | P |
| Professional office accessory to a primary use, in the same building, up to 30% of the floor area of the primary use | P |
| Hospitals | P |
| *Utilities (above ground) | P |
| Public park and recreation facility (not including private open space) | C |
| Recreation facility (privately owned) | C |
| Wireless and broadcast communication facilities | See BDC Chapter 3.7 |

Table 2.7.2030.A Permitted Land Uses

| Land Use | Employment Sub-District |
|--|-------------------------|
| Publicly owned buildings such as City Hall, County courthouse, administrative buildings, library, museum, fire station, public safety training facilities, and similar structures, but excluding correctional facilities | P |
| Government facilities where the public is generally not received (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities) | P |
| Residential Caretaker unit: 1 unit shall be permitted for each development | C |

Key to Permitted Uses

P = Permitted

C = Conditional Use

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

Table 2.4.300 – Permitted and Conditional Uses

| Land Use | IG | IL |
|---|----|----|
| Industrial | | |
| Light manufacturing, fabrication and repair (e.g., appliances, electronic equipment, printing, furniture, signs and similar goods) with incidental sales associated with a permitted use. | P | P |
| Heavy manufacturing, assembly, and processing of raw materials and recycling | P | C |
| Junk yards, automobile wrecking yards, and similar uses | P | N |
| Research and development facilities | C | P |
| Wholesale warehousing, storage and distribution | P | P |
| Fuel distribution | P | C |
| Production office | C | P |
| Wholesale processing uses (e.g., dry cleaning, laundry) | P | P |
| Food and beverage processing and packaging | P | P |
| *Marijuana grow sites and marijuana producing | P | P |
| *Marijuana wholesale | P | P |
| *Marijuana processing of cannabinoid concentrates and cannabinoid products | P | P |
| *Marijuana processing of cannabinoid extracts | P | P |
| Residential | | |
| One caretaker unit shall be permitted for each development Note: Other residential uses are not permitted; however, residences existing prior to the effective date of the ordinance codified in this code may continue subject to the standards in BDC Chapter 5.2 , Nonconforming Uses and Developments. | P | P |
| Commercial | | |
| Vehicle, equipment and boat repair, rental, storage, service | P | P |
| Industrial service (e.g., cleaning, repair) | P | P |
| Medical and dental laboratories and veterinary clinics | C | P |
| Outdoor commercial uses (e.g., outdoor storage, building and garden supply) | C | C |
| Small-scale personal and professional services <ul style="list-style-type: none"> up to 2,500 square feet of gross floor area (e.g., coffee shop/deli, dry cleaners, barber shops and salons, copy center, banks, and financial institutions and similar uses)* No limit to size (child care and similar uses)* | C | C |
| Kennel with or without overnight boarding | P | C |
| Equipment rental and repair services | P | P |
| Corporate headquarters/office when co-located with a permitted or conditional use | C | P |
| Mini-storage warehouse | P | P |
| Contractor storage | P | P |
| Heavy equipment sales | P | P |
| Ambulance service/transportation yards | P | C |
| Commercial parking lot | C | P |

Table 2.4.300 – Permitted and Conditional Uses

| Land Use | IG | IL |
|---|-------------------------------------|----|
| Recreation facility (privately owned) | C | C |
| Redemption center | C | P |
| *Marijuana testing, research and development facilities | P | P |
| Public and Institutional | | |
| Government facilities where the public is generally not received (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities) | P | P |
| *Utilities (above ground) | P | P |
| Special district facilities (e.g., irrigation district, and similar facilities) | P | P |
| Vocational and trade schools | C | C |
| Public park and recreation facility | C | C |
| Miscellaneous Uses | | |
| *Small hydroelectric facility | P | P |
| Wireless and broadcast communication facilities | See BDC Chapter 3.7 | |

Key to Districts:

IG = General Industrial District

IL = Light Industrial District

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

* Special standards in conformance with [BDC Chapter 3.6](#), Special Standards for Certain Uses, and [BDC 2.4.800](#), Special Development Standards.

Table 2.2.300 – Permitted and Conditional Uses

| Land Use | CB | *CC | CL | CG |
|---|----------|----------|----------|----------|
| Residential | | | | |
| Existing Residential Use | P | P | P | P |
| *New residential use as part of a mixed-use development | P | P | P | P |
| *Temporary housing | C | N | C | C |
| Commercial | | | | |
| Retail Sales and Service (non-automobile dependent/oriented) | | | | |
| – building footprint less than 50,000 square feet | P | P | P | P |
| – building footprint greater than 50,000 square feet | P | C | P | P |
| Retail Sales and Service (*automobile dependent) | N | C | P | P |
| Retail Sales and Service (*automobile oriented) | C | C | P | P |
| Restaurants/Food and Beverage Services | | | | |
| – with *drive-through | C | C | P | P |
| Restaurants/Food and Beverage Services | | | | |
| – without drive-through | P | P | P | P |
| Offices and Clinics | P | P | P | P |
| Production Office | N | N | C | P |
| Convention Center/Meeting Rooms | C | N | P | P |
| Lodging (e.g., hotels, motels, *bed and breakfast inns, *short-term rentals, hostels) | P | P | P | P |
| Hospitals | N | N | P | P |
| Commercial and Public Parking | P | P | P | P |
| Commercial Storage | | | | |
| – enclosed in building and on an upper story | C | P | P | P |
| – not enclosed in building | N | N | P | P |
| – enclosed in building on ground floor (i.e., mini-storage) | N | N | C | P |
| Entertainment and Recreation | | | | |
| – enclosed in building (e.g., theater, fitness facility) | P | P | P | P |
| – not enclosed (e.g., amusement, outdoor arena) | N | N | C | P |
| Day Care | P | P | P | P |
| Redemption Center | N | N | P | P |
| Trailer Park/Campground | N | N | C | C |
| Mortuary | N | N | P | P |
| Wholesale Sales (more than 75% of sales are wholesale) | N | N | P | P |
| Veterinary Clinic (small animal) | C | P | P | P |
| *Mixed-use (residential with commercial/civic/industrial) Mixed-use developments shall be subject to the use limitations prescribed for the respective individual uses | P | P | P | P |

Table 2.2.300 – Permitted and Conditional Uses

| Land Use | CB | *CC | CL | CG |
|---|-------------------------------------|-----|----|----|
| *Medical Marijuana Dispensary and Marijuana Retailer | | | | |
| – building footprint 50,000 square feet or less | P | P | P | P |
| – building footprint greater than 50,000 square feet | P | C | P | P |
| *Marijuana Wholesale (more than 75% of sales are wholesale) | N | N | P | P |
| *Marijuana Testing, Research and Development Facilities | P | P | P | P |
| Public and Institutional | | | | |
| Government – point of service intended to serve the entire City (e.g., City Hall, main library, main post office, main Department of Motor Vehicles service center) | P | N | P | P |
| Government – branch service intended to serve a portion of the City | P | P | P | P |
| Parks and Open Space | P | P | P | P |
| Schools | P | P | P | P |
| Institution of Higher Education | P | N | P | P |
| *Clubs and Places of Worship | P | C | P | P |
| *Utilities (above ground) | P | P | P | P |
| Industrial | | | | |
| *Manufacturing and Production | | | | |
| – greater than 5,000 sq. ft. | N | N | C | N |
| – less than 5,000 sq. ft. with retail outlet | P | P | P | P |
| Warehouse | N | N | P | P |
| Transportation, Freight and Distribution | N | N | C | P |
| Industrial Service (e.g., cleaning, repair) | N | N | P | P |
| Manufactured Home Sales | N | N | C | P |
| Lumber/Building Supplies | N | N | C | P |
| *Hydroelectric Facilities | C | N | C | C |
| *Marijuana Processing of Cannabinoid Concentrates and Cannabinoid Products Not Including Processing of Cannabinoid Extracts | | | | |
| – greater than 5,000 sq. ft. | N | N | C | N |
| – 5,000 sq. ft. or less with retail outlet | P | P | P | P |
| Miscellaneous Uses | | | | |
| *Small Hydroelectric Facility | P | P | P | P |
| Wireless and Broadcast Communication Facilities | See BDC Chapter 3.7 | | | |

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

* Special standards for certain uses subject to [BDC Chapter 3.6](#).

2.4.800 Special Development Standards.

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

A. **Small-Scale Personal and Professional Services.** Small-scale personal and professional services and incidental sales uses as specified in Table 2.4.300 shall comply with the following development standards:

1. Small-scale personal service commercial uses may be allowed when accessory to a primary user of the industrial development (in the case of a large industrial area). No more than 10 percent or 2,500 square feet (whichever is greater) of a permitted or conditionally allowed industrial development may be occupied by an accessory commercial use, unless otherwise approved through a Conditional Use Permit.

2. Primary use, small-scale personal and professional and incidental sale uses may occur as stand-alone businesses when the total gross floor area of each use does not exceed 2,500 square feet. For multiple uses, where the uses share one building, the total building area shall not exceed 5,000 square feet. A single use may occupy 5,000 square feet if approved through a Conditional Use Permit. These nonindustrial use buildings shall comply with the provisions of [BDC 2.2.600](#), Commercial Design Review Standards.

B. **Location Standards.** Child care centers and other similar uses shall be limited to properties located at the perimeter of the Industrial Districts with frontage on arterial or collector streets, unless they are accessory to a primary permitted use. When these uses occur as a stand-alone building, the provisions of [BDC 2.2.600](#), Commercial Design Review Standards, apply.

C. **Buffering.** A buffer with a minimum width of 20 feet is required between industrial development and any adjacent Residential Zoning District. The buffer shall provide landscaping to screen the industrial activities, such as parking, service and delivery areas, from the Residential Districts. The buffer shall not contain trash receptacles or be used for the storage of equipment, materials, vehicles, etc.

D. **Prohibited Uses.** Retail medical marijuana dispensaries and marijuana recreational facilities. [Ord. NS-2256, 2015; Ord. NS-2195, 2013; Ord. NS-2016, 2006]

3.6.300 Nonresidential Uses. Revised 12/19

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

A. Automobile-Oriented and Automobile-Dependent Uses and Facilities. Where permitted, automobile-oriented uses and automobile-dependent facilities shall meet all of the following standards. The standards are intended to provide a vibrant, storefront character, slow traffic, and encourage walking and transit use:

1. Drive-In and Drive-Through Facilities. Drive-in and drive-through facilities, such as teller machines, service windows, drop-boxes and similar features associated with the drive-up and drive-through components of restaurants, banks and similar uses, shall meet all of the following standards:

- a. The drive-in or drive-through facility receives vehicular access from an alley or approved driveway, and not directly from a street except as authorized through development approval from the City.
- b. The drive-in or drive-through facilities shall be set back at least 20 feet from street frontages and, for corner lots, are not oriented towards a street corner. For sites with a 10-foot maximum building setback, the maximum setback may be increased to 20 feet.
- c. Exceptions:
 - i. Walk-up-only teller machines and kiosks may be oriented to a corner.
 - ii. Drive-through facility setbacks may be reduced to 10 feet when the driving surface is three feet lower or six feet higher than the abutting sidewalk.
 - iii. Drive-through facility setbacks may be reduced to 10 feet when the facility is visually screened by a landscape buffer 10 feet or wider with a mature vegetation height of at least three feet within three years of planting and does not create a conflict with the clear vision areas.
 - iv. Automobile service and gas stations are exempt from the above standards. However, automobile service and gas stations shall comply with the provisions in subsection (A)(2) of this section.

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

- a. Minimum Lot Size. The minimum lot size for a service station is 12,000 square feet with a minimum street frontage of 100 feet on both legs of a street corner for corner lots and 120 feet of street frontage on an interior lot.
- b. Front Yard Setback. A 10-foot landscaped front yard setback is required. Only access driveways constructed in conformance with the standards in this title may be

installed in this required setback. Landscaping shall comply with clear vision standards at intersections and driveways.

c. Lighting. Lighting fixtures installed within the fueling island canopy shall not extend below the canopy ceiling. The lighting fixtures, illumination intensity and direction shall comply with [BDC 3.5.200](#), Outdoor Lighting Standards.

d. Other Requirements.

i. No storage of inoperable automobiles or automobile parts is permitted except in enclosed structures or screened parking lots.

ii. Landscape planters shall be used when practical as fuel island bollards to protect gas pumps.

C. Public and Institutional Land Uses. Public and institutional uses listed in Table 2.1.200 may be allowed in the Residential Districts subject to the following land use standards. These standards are intended to control the scale of these developments and their compatibility with nearby residences and surrounding development.

1. Building Mass. Large-scale buildings shall incorporate changes in building direction (i.e., articulation) and divide large masses into varying heights and sizes. 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, and screening trees. The maximum width or length of a building shall not exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.

2. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height.

3. Landscaping. The site shall be landscaped in conformance with [BDC Chapter 3.2](#).

Some public and institutional uses, as listed in Table 2.1.200, may require a Conditional Use Permit in conformance with [BDC 4.4.400](#) (conditional uses).

D. *Reserved.*

E. Plant Nursery. A plant nursery grows and sells shrubs, trees, ornamental bedding plants, and the like. A new plant nursery or the expansion of an existing plant nursery greater than 25 percent of the existing facility may be permitted as allowed in the applicable zoning districts upon compliance with all of the following standards:

1. Location. The site shall be located on an arterial or collector street.

2. Access. Shall be in conformance with [BDC Chapter 3.1](#), Lot, Parcel and Block Design, Access and Circulation.

3. Landscaping. Since these operations are commercial in nature, they shall be permanently and well landscaped along all property boundaries, respecting the character of a residential area or entrance into the community.

4. Site Review. Through the Site Development Review process, additional impacts to the adjoining properties may be identified. Provisions may be required where necessary to mitigate unforeseen impacts. Potential conditions for approval may include but are not limited to:

- a. Limited hours of operation 8:00 a.m. to 6:00 p.m. (including truck deliveries).
- b. Visual screening of all on-site vehicle parking, equipment storage, and maintenance areas.
- c. No stockpiling of refuse (including compost) within 300 feet of an adjoining residential property.
- d. Greenhouses using mechanical heating and cooling equipment shall not be located within 300 feet of an adjoining residential property.
- e. On-site lighting needs shall respect the character of the area in which the nursery is located and shall comply with the provisions of [BDC 3.5.200](#), Outdoor Lighting Standards.

F. Outdoor Storage and Display within Public Rights-of-Way. Sidewalk vendors and outdoor display of merchandise shall be prohibited within the public rights-of-way except within the Central Business District, in which case the use shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of five feet shall be maintained on the sidewalk at all times to allow pedestrians to pass by the displays. All merchandise shall be removed from the public way at the close of business each day.

G. Outdoor Storage and Display On Site. Display or storage of merchandise such as seasonal sales, garden supplies, furniture, and outdoor equipment is prohibited unless approved through site development review in conformance with [BDC Chapter 4.2](#), Site Plan Review and Design Review.

Exception: Temporary events such as weekend RV sales, tent sales or other special events regulated under [BDC 3.6.400](#), Temporary Uses.

H. Industrial Uses within Commercial Districts. Limited industrial uses are allowed in the Commercial Districts. Permitted industrial uses shall conform to all of the following standards, which are intended to protect nearby nonindustrial businesses from the negative impacts of industrial uses, and also protect the pedestrian-friendly, storefront character of certain Commercial Districts:

1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use (e.g., a bakery with a retail baked goods outlet or a kiln with retail pottery sales).
2. Location. The industrial use shall be completely enclosed within a building, or shall be located within a rear yard not adjacent to a street or a residential use.

3. Other Requirements. The industrial use shall not create excessive noise, dust or offensive odors that would be disruptive or be detrimental to other nearby commercial businesses or residential uses.

I. Keeping Farm Animals. The purpose of this section is to regulate the raising and breeding of farm animals on residential lots within the City of Bend. These activities are considered to be accessory uses subject to the following standards.

1. Types of Animals Allowed.

a. One horse shall have a corral or pasture with a usable area of at least one acre; and for each additional horse, an additional one-half acre is required.

b. Cows, goats, sheep, swine or other livestock shall not be kept on any parcel or lot with an area less than five acres.

c. No more than four rabbits and/or chickens (hens only, no roosters) are permitted on parcels and lots 5,000 square feet or greater.

2. Sanitation. Proper sanitation shall be maintained for all farm animals. Proper sanitation includes:

a. Accumulation of waste prohibited;

b. Odors resulting from the keeping of farm animals prohibited beyond property lines; and

c. Storing all farm animal food in rodent-proof containers.

3. Fencing. All fencing shall be designed and constructed to confine all farm animals within the owner's property.

4. Setbacks. All structures that house large farm animals shall be located a minimum of 25 feet from all existing adjacent residences and at least 15 feet from any interior or rear lot line.

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

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

- Listings in telephone, business, and Polk directories.

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

1. Permitted and Conditional Uses.

a. Permitted and Conditional Uses. Residential and Neighborhood Commercial uses listed in BDC Table 2.1.200, Permitted and Conditional Uses, in compliance with the corresponding zoning district.

b. Prohibited Uses.

- i. Automobile-oriented and automobile-dependent uses.
- ii. Marijuana businesses.

2. Neighborhood Commercial Site Standards. Neighborhood commercial sites must comply with the following standards:

a. Neighborhood commercial sites are limited to one of the following:

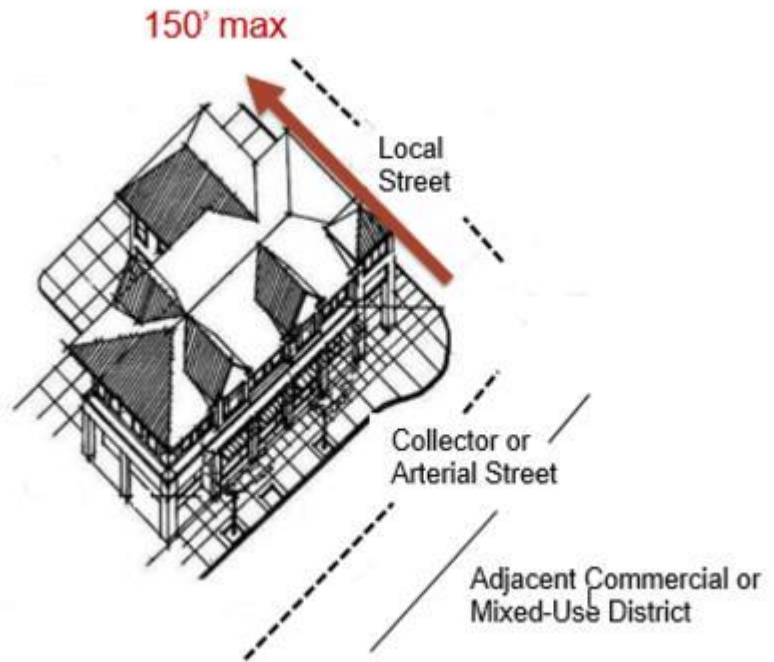
- i. Sites greater than one-quarter mile from a Commercial Comprehensive Plan map designation, Mixed-Use Comprehensive Plan map designation and neighborhood commercial site, and located on a corner at an intersection; or
- ii. In the RM and RH Zones, sites located on a corner at an intersection and adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation; or
- iii. In the RM and RH Zones, sites with frontage on an arterial or collector street, and adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation.

b. Corner Neighborhood Commercial Site Development Standards.

- i. Corner neighborhood commercial sites may be located on multiple abutting properties including interior properties when they abut a corner property developed, or will be developed, with a neighborhood commercial use or historical commercial use.
- ii. No portion of the street facing elevation which contains a neighborhood commercial use can be located more than 150 feet from the property corner at the intersection.

(A) Exemption. The street facing elevation for a neighborhood commercial use may exceed 150 feet along street frontages which abut an arterial or

collector street and are adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation.



c. The area of the neighborhood commercial site to be developed and all abutting properties approved for or developed with a neighborhood commercial use must not exceed the following:

i. One-half acre in size for neighborhood commercial sites located one-quarter mile or greater from a Commercial or Mixed-Use Comprehensive Plan map designation.

ii. One acre in size for neighborhood commercial sites located adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation.

d. Exceptions to the above standards may be granted if it can be documented that the historic use of the site was previously a commercial use.

3. Design Standards.

a. **Ground-Floor Windows.** Ground-floor windows of the street wall of a nonresidential use must be installed for at least 50 percent of the length of the street wall and have an area equal to 60 percent of the ground-floor wall area of the street wall. Ground-floor wall area includes all wall areas up to 10 feet above finished grade. Windows are required to be transparent to foster both a physical and visual connection between activities in the building and pedestrian activities on the street. Buildings constructed prior to the date of adoption of this code are exempt.

b. Front Door. At least one main front door entrance to the neighborhood commercial use must orient to an abutting street.

4. Building Setbacks. All new neighborhood commercial buildings must have a maximum front setback of 10 feet, notwithstanding the applicable zone requirements. Buildings constructed prior to the date of adoption of this code are exempt from the building setback requirements.

5. Residential Dwelling Density Standard. All new neighborhood commercial sites adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation must meet the minimum residential dwelling density of the zoning district. Buildings and associated sites constructed prior to the date of adoption of this code, and with a documented history of a neighborhood commercial use, are exempt from the residential density requirements.

6. Parking Standard.

a. The following parking requirements supersede parking requirements in Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Unless otherwise stated here, other sections of [BDC Chapter 3.3](#), Vehicle Parking, Loading and Bicycle Parking, apply.

i. Neighborhood commercial sites located one-quarter mile or greater from a Commercial or Mixed-Use Comprehensive Plan map designation must comply with the following:

(A) Neighborhood Commercial Uses. Off-street parking is optional where abutting on-street parking is available, except for food and beverage services. Where abutting on-street parking is not available or the use is for food and/or beverage services, parking must comply with the requirements in subsection (J)(6)(a)(ii)(A) of this section.

(B) Residential Uses. One space per dwelling unit. Tandem parking is permitted when the spaces are assigned to the same unit.

(C) Short-Term Rentals. See [BDC 3.6.500\(H\)](#), Parking.

ii. Neighborhood commercial sites located adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation must comply with the following:

(A) Neighborhood Commercial Uses. One space per 500 square feet of gross floor area, except food and/or beverage services is one space per 200 square feet of gross floor area.

(B) Residential Uses. One space per dwelling unit. Tandem parking is permitted when the spaces are assigned to the same unit.

(C) Short-Term Rentals. See [BDC 3.6.500\(H\)](#), Parking.

(D) The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the

development, up to 100 percent of the requirement, except for short-term rentals.

b. Off-street parking, driveways, and other vehicular use and circulation areas cannot be placed between a building and the street.

c. Exemption. Buildings and associated sites constructed prior to the date of adoption of this code and with a documented history of a commercial use are exempt from the parking requirements.

7. Building Height. All new neighborhood commercial use buildings must not exceed the maximum building height allowed in the zoning district. For maximum building height exceptions for affordable housing, see [BDC 3.6.200\(C\)](#).

8. Lot Coverage. None.

9. Floor Area Ratio. None.

10. Mechanical Equipment and Trash Receptacles. Outdoor and rooftop mechanical equipment as well as trash receptacles must be architecturally screened from view. Heating, ventilation and air conditioning units must have a noise attenuating barrier to protect abutting Residential Districts from mechanical noise.

11. Landscape Buffer.

a. A landscape buffer is required along the side and rear property lines between nonresidential uses and any abutting stand-alone residential uses in the Residential Comprehensive Plan map designations. Conformance with the buffering standard is achieved when one of the following options is met, unless exempted.

i. A landscape buffer is provided and is no less than 10 feet wide.

ii. A landscape buffer is provided and is no less than five feet wide. Except for in the front setback, the landscape buffer must be located next to a solid wall or fence that is no less than six feet in height.

iii. Exemption. A landscape buffer is not required for side or rear property lines when the abutting properties are under common ownership.

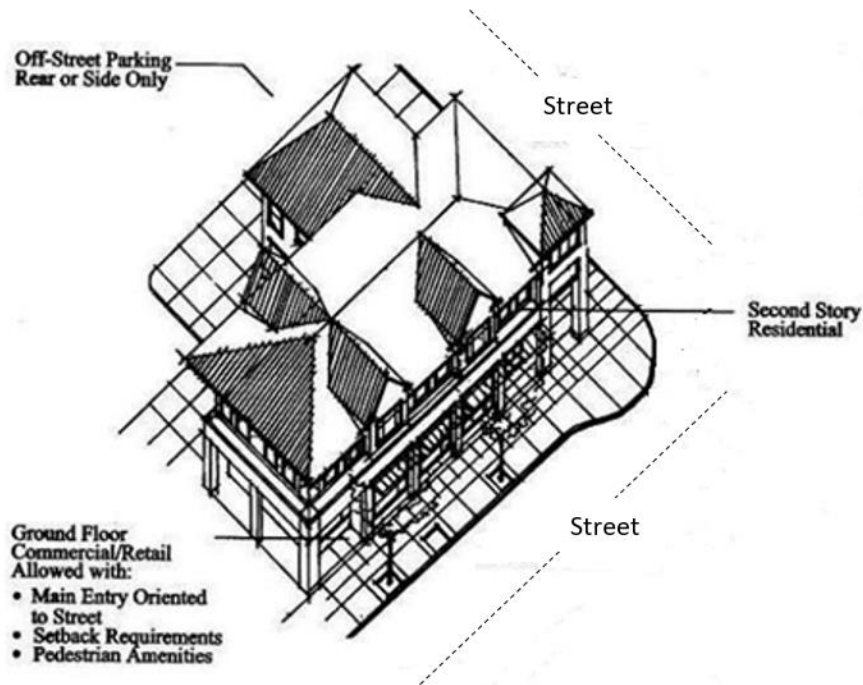
b. A landscape buffer is not in addition to (may overlap with) the side and rear setbacks.

c. The landscape buffer must provide trees, shrubs and ground cover. The buffer may contain pedestrian seating at least five feet from the abutting property line. The buffer may not contain trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in [BDC Chapter 3.2](#), Landscaping, Street Trees, Fences and Walls, provide other buffering requirements where applicable.

12. Hours of Operation. Neighborhood commercial uses must not exceed the following hours of operation: 7:00 a.m. to 10:00 p.m. Live entertainment outside of an enclosed building is prohibited.

Figure 3.6.300.G

Neighborhood Commercial (Typical Site Layout)



K. Utilities. This subsection applies to the erection, construction, alteration, or maintenance by public utility of municipal or other governmental agencies or licensed franchise of underground, overhead electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including utility poles, wires, drains, sewers, pipes, conduits, cables and other similar equipment and accessories located outside of the public right-of-way, which are permitted in any zone. Utility poles may exceed the height limits otherwise provided for in this code. In considering an application for a public or licensed franchise utility use, the Review Authority shall determine that all utility poles, overhead wires, pumping stations, equipment shelters and similar gear shall be located, designed and installed to minimize their visual impacts. The Review Authority may require screening as a condition of approval.

L. Landing Strips for Aircraft, Heliports. All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented that the incidents of aircraft passing directly over dwellings during landing and take off pattern is minimized. They shall be located so that traffic, both land and air, shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights. New landing strips/heliports or the expansion of an existing landing strip or heliport shall not be construed to be a permitted use in any zone established by this code unless and until a Conditional Use Permit shall first have been secured.

M. Hydroelectric Facilities.

1. No new hydroelectric facility shall be constructed, and no existing hydroelectric facilities shall be enlarged or expanded in size of area or generating capacity on Tumalo Creek within the City of Bend.

2. Hydroelectric facilities are allowed as a conditional use on the Deschutes River and irrigation canals within the City of Bend. Such conditional use shall be governed by the conditions set forth in subsection (M)(3) of this section.

3. In addition to the general Conditional Use Permit criteria set forth in [BDC Chapter 4.4](#), the criteria set forth below shall apply to any construction or expansion of, or other modification to, hydroelectric facilities in areas where such facilities are permitted as a conditional use. A Conditional Use Permit may be granted for the construction or expansion of, or other modification to, a hydroelectric facility only upon findings by the Hearings Body that the proposal meets each of the following criteria, where applicable:

- a. The facility is located at and physically connected to an existing manmade diversion or impoundment.
- b. The facility will not increase the maximum surface area or capacity of the impoundment created by the existing dam or diversion to which the facility will be connected.
- c. The facility will maintain or enhance, to the greatest extent possible, the existing scenic, visual, environmental, and aesthetic qualities of the affected stretch of the river.
- d. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.
- e. The facility will maintain or enhance existing fish and wildlife habitat, and will have no adverse impact upon any threatened or endangered fish, wildlife, or plant species or their habitat.
- f. The facility and its operation will maintain or enhance existing water quality in the affected stretch of the river, except during construction of the facility, during which time adverse impacts on water quality will be minimized. Specifically, the facility and its operation will not:
 - i. Deposit, or create a zone for the deposit of, sediments in the river or adjacent to the site;
 - ii. Increase the temperature of the river in the affected stretch by any means, including but not limited to removal of vegetation or reduction in stream flow; or
 - iii. Create the potential for, or result in, spillage, leakage or discharge of oil, chemicals or other substances or waste products which could reach the river.
- g. The facility and its operation will not increase soil or bank erosion or destroy bank habitat at or on land adjacent to the site, except during construction of the facility, during which time soil or bank erosion and destruction of bank habitat will be minimized.
- h. The facility and its operation will maintain existing public access to the affected stretch of the river.

i. The facility will not be located at or immediately adjacent to any identified archeological or historical site, national or State park, wildlife refuge, Bureau of Land Management Outstanding Natural Area or Area of Critical Environmental Concern, Federal Research Natural Area, or U.S. Forest Service Special Interest Area.

j. The facility and its operation will comply with all applicable noise and pollution regulations of the Oregon Department of Environmental Quality.

k. The facility and its operation will comply with all applicable State fill-and-removal statutes and regulations.

4. The applicant for a Conditional Use Permit under subsection (M)(3) of this section shall submit the following for approval:

a. Detailed construction plans and profiles of all facility features, including building elevations of the powerhouse and other structures, excavation plans and narrative as to where blasting will occur, where excess material will be deposited, and landscaping and reclamation plans.

b. Detailed plans for meeting the criteria set forth in subsection (M)(3) of this section.

c. Detailed plans for river enhancement documenting both on-site and off-site enhancement plans consistent with adopted river-related goals and policies, such as plans and methods for conserving water and enhancing stream flow. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.

d. A cash deposit or performance bond in an amount equal to 100 percent of the estimated cost of river enhancement and landscaping.

e. Detailed plans for a water conservation and stream enhancement program to be funded by a portion of revenues generated by the operation of the proposed facility. The program plans shall contain the following:

i. A program timetable;

ii. Projected gross revenues from the proposed facility;

iii. Projected program expenditures and the percentage of gross revenue they represent;

iv. Projected water savings and the percentage of known current water losses they represent;

v. A declaration by the applicant that at least 50 percent of the conserved water will remain undiverted by the applicant;

vi. A declaration by the applicant that water diverted for power generation will not cause water flow in that affected stretch of the river (from the diversion to the

tailrace exit) to fall below the minimum stream flow for that stretch as recommended by the Oregon Department of Fish and Wildlife; and

vii. A declaration by the applicant that it will enter into an agreement with the City of Bend, prior to beginning construction of the facility, by which the applicant agrees to fulfill all of the requirements of this subsection.

N. Destination Resorts.

1. Information to Be Supplied by the Applicant.

- a. Proposed land uses and densities.
- b. Building types.
- c. Circulation pattern.
- d. Park, playground, and open space.
- e. Existing natural features.
- f. Impacts on schools, roads, water and sewerage systems, fire protection.
- g. Proposed ownership pattern.
- h. Waste disposal facilities.
- i. Water supply system.
- j. Lighting.
- k. General timetable for development.

2. The Conditional Use Permit may be granted upon the following findings:

- a. That any exceptions from the standards of the underlying zone and subdivision ordinance are warranted by the design and amenities incorporated in the development plan;
- b. That the proposal is in harmony with the surrounding area or its potential future use;
- c. That the system of ownership and the means of developing, preserving, and maintaining open space are adequate;
- d. That sufficient financing exists to assure that the proposed development will be substantially completed in the timetable outlined by the applicant;

e. That open space shall comprise 65 percent of the land. **Open space** shall mean land not in streets or structures;

f. That adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation, and special terrain features;

g. That the areas of activities are contained in the center of the development, or that adequate buffer yards are established to protect adjacent private lands.

3. Dimensional Standards:

a. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings of the zone in which the development is located do not apply within a destination resort.

b. The Hearings Body shall establish yards, height limitations, and space between buildings for the development, or may delegate this to the Site Plan Committee.

4. Commercial uses designed and sized to meet the needs of the development's population are allowed subject to the following:

a. That such use shall be contained within the development;

b. That adequate screening and site design shall ensure compatibility between these activities and adjacent uses.

O. Beekeeping. The purpose of this section is to regulate the keeping of common domestic bees on residential lots within the City of Bend. This activity is considered to be an accessory use subject to the following standards.

1. Location, Density, and Maintenance of Colonies.

a. The number of colonies is limited to one colony per legal lot of up to 5,000 square feet of lot area, plus one additional colony per each additional 5,000 square feet of lot area, up to a maximum of eight colonies regardless of lot size.

b. Colonies shall be located in the side or rear yard, and set back no less than 10 feet from the nearest property line, and shall comply with the following provisions:

i. The beehives are isolated from public access by a security fence; and

ii. The beekeeper establishes and maintains a flyway barrier at least six feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the colony;
or

iii. The colony is situated 10 feet or more above the grade of the nearest adjoining property line.

- c. Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding.
- d. In any instance in which a colony exhibits aggressive behavior, the beekeeper must ensure that the colony is re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occur.
- e. Every beekeeper shall maintain an adequate supply of water for the bees located close to each hive.

P. Marijuana Businesses.

1. Purpose. The purpose of this section is to reasonably regulate those who are engaged in the retail sale, producing, growing, processing, wholesaling and testing of medical and recreational marijuana, consistent with State law, in the City of Bend, and to:

- a. Protect the general health, safety, property, and welfare of the public;
- b. Balance the right of individuals to produce and access marijuana and marijuana derivatives consistent with State law, with the need to minimize adverse impacts to nearby land uses, residents, property owners and businesses that may result from the production, storage, distribution, sale, and/or use of marijuana and derivatives;
- c. Adopt reasonable time, place and manner restrictions on both medical and recreational dispensaries tied to specific community impacts;
- d. Prevent or reduce criminal activity that may result in harm to persons or property;
- e. Limit the exposure of minors to the commercial aspects of marijuana;
- f. Prevent or reduce diversion of State-licensed marijuana and marijuana derivatives to minors; and
- g. Minimize impacts to the City's public safety services by reducing calls for service.

2. Applicability.

- a. The provisions of this section apply to marijuana businesses within the Bend City limits.
- b. Relationship to Other Development Standards. Marijuana businesses must comply with all of the standards of this section and all applicable State laws and regulations.

3. Procedure.

- a. All new marijuana businesses must be reviewed through Site Plan Review, Minimum Development Standards Review and/or a Conditional Use Permit Review to ensure the standards of this section and other relevant portions of this code are met. Marijuana

businesses are not eligible for the Minimum Development Standards Review exemption of [BDC 4.2.400\(B\)\(2\)](#).

b. The City will require a proof of a license from the State (either OHA or OLCC) confirming the security plan and all other required improvements, prior to final occupancy.

4. Standards for Medical Marijuana Dispensaries and Marijuana Retailers.

a. Permitted. Medical marijuana dispensaries and marijuana retailers are permitted in all CB, CC, CL, CG, ME and MR zoning districts (unless listed as a conditional use, and subject to size limitations). See use tables in [BDC Title 2](#).

b. Co-Location of Medical Marijuana Dispensaries and Marijuana Retailers. Medical marijuana dispensaries and marijuana retailers selling medical and recreational marijuana may co-locate as allowed by State law and regulation.

c. Medical Marijuana Dispensaries and Marijuana Retailers and Proximity to Other Land Uses.

i. The distance limitations and definition established by this section shall control over the minimum distance limitations set forth by the State of Oregon.

ii. The distance limitations are based upon the uses surrounding the proposed medical marijuana dispensary or marijuana retailer site on the date the development application is submitted.

iii. A medical marijuana dispensary or marijuana retailer shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is a straight line measurement from the closest points between property lines of the affected properties.

d. Medical Marijuana Dispensaries. No medical marijuana dispensary may operate or conduct business within:

i. One thousand feet of a public or secondary school for which attendance is compulsory under ORS [339.020](#) (2013); or a private or parochial elementary or secondary school, teaching children as described in ORS [339.030\(1\)\(a\)](#) (2013);

ii. One thousand feet of another medical marijuana dispensary;

iii. One hundred fifty feet of a licensed child care facility, as defined in [BDC Chapter 1.2](#); or

iv. One hundred fifty feet of a Bend Park and Recreation District developed park facility including neighborhood parks, community parks, regional parks, natural areas, urban plazas and community river parks, or an Oregon State Park.

e. Existing Medical Marijuana Dispensaries.

i. A medical marijuana dispensary existing as of December 15, 2015, is considered a permitted use regardless if (A) an existing licensed child care facility is located within 150 feet; (B) an existing public or secondary school for which attendance is compulsory under ORS [339.020](#) (2013), or a private or parochial elementary or secondary school, teaching children as described in ORS [339.030\(1\)\(a\)](#) (2013), is located within 1,000 feet, (C) another medical marijuana dispensary is located within 1,000 feet, or (D) an existing Bend Park and Recreation District developed park facility including neighborhood parks, community parks, regional parks, natural areas, urban plazas and community river parks, or an Oregon State Park is located within 150 feet.

ii. A medical marijuana dispensary existing at the time any use listed in subsection (P)(4)(d) of this section is subsequently sited within the specified proximity of the dispensary may remain at that location and is considered a permitted use and not a nonconforming use.

iii. An existing medical marijuana dispensary may change to a marijuana retailer provided the business complies with applicable State laws and permitted and conditional use tables and this subsection (P).

iv. The distance requirements in subsection (P)(4)(d) of this section do not apply for applications for marijuana retailers that meet the following criteria:

(A) The application is from a medical marijuana dispensary existing as of December 15, 2015;

(B) The marijuana retailer's application is for the same address at which the medical marijuana dispensary is currently in operation;

(C) The medical marijuana dispensary has no outstanding compliance issues pending with the Oregon Health Authority or the City of Bend;

(D) The applicant meets all other requirements of this chapter;

(E) The conversion to a marijuana retailer must be finalized no later than December 31, 2016, or, if the OLCC fails to issue marijuana retailer licenses by November 1, 2016, within 30 days of receiving an OLCC license. In no case may a conversion from a medical marijuana dispensary to a marijuana retailer occur after July 1, 2017. A change from a medical marijuana dispensary to a marijuana retailer must be approved by issuance of a Minimum Development Standards decision no later than December 31, 2016. An existing medical marijuana dispensary that converts to a marijuana retailer is not eligible for the Minimum Development Standards Review exemption under [BDC 4.2.400\(B\)\(2\)](#).

f. Marijuana Retailer. No marijuana retailer may operate or conduct business within:

i. One thousand feet of a public or secondary school for which attendance is compulsory under ORS [339.020](#) (2013); or a private or parochial elementary or secondary school, teaching children as described in ORS [339.030\(1\)\(a\)](#) (2013);

- ii. One thousand feet of another marijuana retailer;
- iii. One hundred fifty feet of a licensed child care facility, as defined in [BDC Chapter 1.2](#); or
- iv. One hundred fifty feet of a Bend Park and Recreation District developed park facility including neighborhood parks, community parks, regional parks, natural areas, urban plazas and community river parks, or an Oregon State Park.

g. Existing Marijuana Retailer.

i. A marijuana retailer existing at the time any use listed in subsection (P)(4)(f) of this section is subsequently sited within the specified proximity of the retailer may remain at that location and is considered a permitted use and not a nonconforming use.

ii. An existing marijuana retailer may change to a marijuana dispensary provided the business complies with applicable State laws and permitted and conditional use tables and this subsection (P).

h. Building Site. The medical marijuana dispensary or marijuana retail facility must be located and operated completely inside a permanent building. Outdoor storage of any merchandise, plants, or other materials is not allowed.

i. Display. All marijuana plants, products, and paraphernalia must be completely screened from view. There must be no marijuana, marijuana product, or marijuana paraphernalia visible from the exterior of the building.

5. Production and Growing of Commercial Marijuana.

a. Production of Marijuana. Production (growing) facilities are prohibited in all residential, commercial MR and PO zoned and designated areas. It is allowed in industrial and ME designated areas, as further set forth in the use tables in [BDC Title 2](#). Retail marijuana is not permitted at the same facility as production.

b. Medical Grow Sites. Medical grow sites are permitted as allowed by State law up to the possession limitations for registered cardholders or designated primary caregivers of the cardholder in all zones.

c. The private growing or cultivating of marijuana for noncommercial personal use, as defined by State law, is not regulated by this chapter.

6. Commercial Marijuana Wholesale. Marijuana wholesale is permitted in CL, CG, MR and ME zones, similar to other wholesale uses (more than 75 percent of the business use needs to be wholesale). Wholesale is not permitted in residential designated areas. Wholesale is permitted in all industrial zoned and designated areas. See use tables in [BDC Title 2](#).

7. Marijuana Processing.

a. Residential Zones. Marijuana processing is prohibited in residentially zoned and designated areas.

b. Marijuana processing of cannabinoid concentrates and cannabinoid products not including processing of cannabinoid extracts is permitted in all CB, CC, CL, CG and MR zoned and designated areas, and in the commercial zoned and designated areas provided the building area is 5,000 square feet or less and the use includes a retail component as identified in the use tables in [BDC Title 2](#). It is permitted conditionally subject to size limitations in the CL zoned and designated areas, and it is permitted in all industrial zoned and designated areas. See use tables. All marijuana processing is subject to Fire Marshal approval.

c. Marijuana processing of cannabinoid concentrates and cannabinoid products and cannabinoid extracts is allowed in industrial and ME designated areas. Marijuana processing of cannabinoid extracts is subject to State law and Fire Marshal approval. See use tables in [BDC Title 2](#).

8. Marijuana Testing Laboratory. Marijuana testing laboratories are permitted in IL, IG, CB, CC, CL, CG, ME and MR zoned and designated areas, as further set forth in the use tables in [BDC Title 2](#).

9. Operating License Required. All marijuana businesses operating in the City of Bend must obtain an operating license pursuant to [BC Chapter 7.50](#), Marijuana Business Operating License. This applies to existing businesses (businesses currently operating at the time of adoption of this code) in order to continue operating and as a condition to obtaining land use approval under this chapter.

10. Marijuana Businesses – Prohibited Uses. In addition to the other prohibitions identified in this section, the following uses or practices are also prohibited:

a. Drive-through dispensaries or facilities in any zone.

b. Temporary dispensaries or facilities in any zone.

c. On-site consumption of marijuana at a licensed medical marijuana dispensary or marijuana retailer unless: (i) the consumption is conducted for testing in compliance with OAR [333-008-1190](#); or (ii) the consumption is allowed under the medical exception granted in OAR [333-008-1200](#).

d. Co-location of medical marijuana dispensaries or marijuana retailers at grow or marijuana producing sites.

e. Marijuana businesses in residential zones or designations.

f. Retail medical marijuana dispensaries or marijuana retailers in industrial zones.

g. Marijuana businesses as a home occupation in any zone.

h. Marijuana businesses as a neighborhood commercial use.

i. Walk-up windows at medical marijuana dispensaries or marijuana retailers in any zone.

11. Abandonment of Use.

a. Notwithstanding [BDC Chapter 5.2](#), Nonconforming Uses and Developments, if a marijuana business ceases operations for a period of more than 180 days, all marijuana development approvals will be void with no further proceedings.

b. Failure to continuously maintain the Marijuana Business Operating License as provided in [BC Chapter 7.50](#) will also be considered abandonment of use.

12. Compliance and Enforcement.

a. Any premises, house, building, structure or place of any kind where marijuana is sold, manufactured, bartered, or distributed in violation of State law or this City code is a public nuisance. The City may institute an action in Deschutes County in the name of the City to temporarily or permanently enjoin such nuisance.

b. This remedy is in addition to, and not in lieu of, any other civil, criminal or administrative remedies available to the City authorized under this code, or by law or equity.

Q. Small Hydroelectric Facilities.

1. Small hydroelectric facilities are subject to [BDC Chapter 4.2](#), Minimum Development Standards Review, Site Plan Review and Design Review.

Exception: Small hydroelectric facilities located underground or inside an existing structure are exempt from [BDC Chapter 4.2](#).

2. For small hydroelectric facilities that are subject to [BDC Chapter 4.2](#), the following design elements are required in addition to the criteria of [BDC Chapter 4.2](#):

a. Structures and roofing must be constructed of nonreflective materials and finished in a color that blends with the surrounding vegetation and landscape.

b. New powerlines associated with the small hydroelectric facility must be buried even if they are not located in the right-of-way. Existing overhead lines may remain.

3. Prior to issuance of a building permit, the applicant must provide the City with any required documentation of all Federal Energy Regulatory Commission (FERC) and State water right permits for the small hydroelectric facility. [Ord. NS-2353, 2019; Ord. NS-2303, 2018; Ord. NS-2265, 2016; Ord. NS-2264, 2016; Ord. NS-2256, 2015; Ord. NS-2195, 2013; Ord. NS-2158, 2011; Ord. NS-2150, 2010; Ord. NS-2122, 2009; Ord. NS-2016, 2006]