

2.3.300 Development Standards. Revised 3/18

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
Maximum Front Yard Setback (see subsection (A)(1) of this section)	10 feet/80 feet* (see subsection (A)(1)(e) of this section)	None**	10 feet	10 feet	10 feet
Rear Yard Setback	None/10 feet (see subsection (A)(2) of this section)	None**	None/10 feet (see subsection (A)(2) of this section)	None/10 feet (see subsection (A)(2) of this section)	None/10 feet (see subsection (A)(2) of this section)
Side Yard Setback	None/10 feet (see subsection (A)(2) of this section)	None**	None/10 feet (see subsection (A)(2) of this section)	None/10 feet (see subsection (A)(2) of this section)	None/10 feet (see subsection (A)(2) of this section)
Lot Coverage	None	None**	50%	None	None
Building Height (see subsection (B) of this section)	45 feet	45 feet, except within 100 feet from the ordinary high water mark of the Deschutes	45 feet	65 feet	45 feet

Table 2.3.300

Mixed-Use District Development Standards

Standard	ME	MR	PO	MU	MN
		River where the height is 35 feet**			
Minimum Residential Density	See subsection (C) of this section	None	See subsection (C) of this section	Subject to RM Zone minimum density (see subsection (C) of this section)	Subject to RM Zone minimum density (see subsection (C) of this section)
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, 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:

- (A) Canopies, marquees, and awnings.
- (B) Uncovered stairways and wheelchair ramps that lead to the street-facing facade.
- (C) Uncovered decks and stairways that are no more than two and one-half feet above ground.
- (D) 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 step back standards in subsection (B)(3) 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 2.3.300 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 (B)(1) of this section.

3. Building Height Step-Backs Abutting a Residentially Designated District. In the ME, MU, and MN Zoning Districts, portions of the building subject to this subsection (B) 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 nonresidential 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 nonresidential 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 (A) 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. [Ord. NS-2303, 2018; Ord. NS-2271, 2016; Ord. NS-2251, 2015; Ord. NS-2195, 2013; Ord. NS-2016, 2006]

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](#). [Ord. NS-2271, 2016; Ord. NS-2195, 2013; Ord. NS-2016, 2006]

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. [Ord. NS-2271, 2016; Ord. NS-2195, 2013; Ord. NS-2016, 2006]

2.3.600 Special Development Standards for the MR Zone.

A. Development Plans Required. The Mixed-Use Riverfront Zone shall only be applied to the area designated Mixed Riverfront on the Bend Comprehensive Plan Map. Before development of properties can occur in the MR Zone, a Facilities Plan shall be reviewed for conformance with this chapter. Before development of properties, other than property described in subsection (C)(4) of this section, can occur in the MR Zone, a Master Development Plan and a Facilities Plan must be approved.

1. The Facilities Plan shall be reviewed through a Type II procedure.
2. The Master Development Plan shall be reviewed by the Planning Commission through a Type III procedure.

B. Facilities Plan. Prior to or concurrent with submitting a Master Development Plan, a Facilities Plan that shows how the area will be served by roads and utilities shall be reviewed by the City through the Type II procedure.

1. Due to the size and physical variations of the MR Zone area, the Facilities Plans shall be prepared for three sub-areas:
 - a. West of the river and north of Colorado Avenue.
 - b. West of the river and south of Colorado Avenue.
 - c. East of the river.
2. The Facilities Plan shall, at a minimum, include:

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

3. The Facilities Plan shall be approved by the Review Authority if it is determined to be consistent with the criteria in subsection (B)(2)(e) of this section, and with the City's Sewer and Water Public Facility Plans and Transportation System Plan.

C. MR Zone Master Development Plan. The minimum acreage for an MR Zone Master Development Plan is 10 acres unless specifically exempted as described in subsection (C)(4) of this section. The MR Zone Master Development Plan shall include information that meets the requirements of subsections (C)(1) and (2) of this section.

1. The MR Zone Master Development Plan shall include a plan view drawing with dimensions that show the following elements and how they fit together as a functional design:
 - a. Building envelope;
 - b. Parking area location, size and access;

- c. Access points to local streets and major street network;
- d. Pedestrian/bicycle corridors;
- e. Landscape areas;
- f. Other open space and common areas;
- g. The expected uses to be developed and approximate square footage of building area in each category;
- h. Any private development covenants, conditions or restrictions that will be recorded with the property; and
- i. Any other information the City may require.

2. The MR Zone Master Development Plan shall demonstrate that the proposal satisfies the following approval criteria:

- a. Creation of a stimulating and attractive mixed-use environment through the use and inter-relationship of open spaces, building locations, building scale and design, and pedestrian amenities;
- b. Providing pedestrian access and movement to and through the site in a manner that maximizes foot traffic exposure to goods and services and minimizes conflicts with vehicle circulation areas;
- c. Encouraging access to and enjoyment of the Deschutes River;
- d. Providing for traffic and service vehicle circulation between on-site uses as appropriate;
- e. Maintaining and improving the aesthetic and location advantages provided by the terrain and natural features of the site and minimizing alteration thereof as much as practicable;
- f. Reducing to a minimum any negative impacts of proposed uses on adjacent properties and ensuring the livability of residential areas when applicable;
- g. How the types and levels of uses are consistent with the planned function, capacity and level of service of transportation facilities.

3. Upon approval of an MR Zone Master Development Plan, all subsequent building and site development must comply with the approved MR Zone Master Development Plan and the standards and conditions in this section. Minor alterations to an approved MR Zone Master Development Plan may be processed as a Type II application using the standards in this section. A minor alteration to a master plan may include adjustments to local street and pedestrian corridor alignments, alterations to site design guidelines, changes to lot configurations, and the relocation of plazas and open space within the master plan area provided the approved MR Zone Master Development Plan concept is not compromised.

4. Exemptions.

a. Properties less than 10 acres in size that are not a part of a previously approved and valid MR Zone Master Development Plan and cannot practicably be combined with surrounding properties in the MR Zone may apply independently for an MR Zone Master Development Plan in accordance with this subsection (C); and

b. As an alternative to subsection (C)(4)(a) of this section, properties that were less than 10 acres in size on or before August 4, 1995, and that are not part of a previously approved and valid Master Development Plan may develop after obtaining Site Plan and Design Review approval from the Planning Commission after demonstrating compliance with [BDC Chapter 4.2](#), Site Plan Review and Design Review, [BDC 2.2.600](#), Commercial Design Review Standards, and [BDC Chapter 3.3](#), Vehicle Parking, Loading and Bicycle Parking. The Commission shall use the master planning and design objectives set forth in subsection (C)(2) of this section to the extent applicable to the subject property. When determining compliance with [BDC Chapter 4.2](#), [BDC 2.2.600](#) applies even if [BDC 2.2.600](#), by its express terms, would not otherwise apply to such an application.

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

D. Building and Site Development Standards. In addition to the Master Development Plan approval above, the development of individual buildings and related areas shall comply with the following standards:

1. Deschutes River Corridor Design Review. Property within 100 feet of the ordinary water mark of the Deschutes River shall comply with [BDC 2.7.600](#), Waterway Overlay Zone (WOZ).

2. **Building Design.** Buildings and structures shall have architectural elements and features which are in scale with each other. The colors and exterior material of buildings within the Master Development Plan shall be compatible. Buildings housing retail uses shall provide ample window area oriented toward pedestrian walkways or plazas.

3. **Landscaping and Open Space.** The design and development of landscaping and open space shall:

a. Retain and conserve riparian vegetation within the bed and banks of the Deschutes River and adjacent to the river to the maximum extent practicable. There shall be no net loss of natural wetlands adjacent to the river.

b. Emphasize the use of native trees, shrubs, or other plants adapted for survival and growth in the high desert life zone.

c. Include street trees and parking area trees which are in scale with the development.

d. Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.

e. Provide pleasing transitions between uses, soften and buffer utility and loading areas, and provide pleasing textures and variety particularly next to buildings, along walkways, and within pedestrian plazas.

f. Include open spaces and plazas which are in scale with the development and invite activity appropriate to adjoining uses.

4. **Operations within Buildings.** For industrial and commercial uses all manufacturing, processing, assembling, packaging, repairing, and storing of equipment, materials and supplies shall occur within enclosed buildings. Exceptions to this requirement may be allowed as necessary to comply with State and local safety regulations.

5. **Refuse Collection and Recycling.** Refuse collection and recycling areas for businesses shall be enclosed with a fence, wall or structure high enough to screen all collection bins.

6. **Outside Mechanical Equipment.** Industrial or commercial heating, ventilation, air conditioning, or other mechanical equipment on rooftops or ground shall be screened with a material and design that is visually compatible with the building.

7. Drainage. All drainage from buildings, parking/loading areas, and other impervious surfaces shall be retained on the development site or directed to a drainage facility as part of an overall drainage master plan using dry wells or other City-approved method such as landscaping, retention basin, swale, or similar bio-filtration systems that are not directly connected to a surface stream or canal.

8. Parking. Motor vehicle and bicycle parking shall comply with the standards in [BDC Chapter 3.3](#). The following exceptions to the parking standards may be allowed as part of the approved Master Development Plan:

- The use of parking areas away or separated from the building or uses; and
- Parallel parking on collector streets if bicycle lanes and adequate vehicle lanes are provided.

9. Utilities. Electric power, natural gas, telephone and cable lines shall be installed underground.

10. Industrial Air Emissions. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities from industrial operations as to produce a public nuisance or hazard.

11. Local Streets. Local streets approved as part of the Master Development Plan may be public or private streets. If private streets are proposed as part of a Master Development Plan, they shall comply with the standards for private streets found in [BDC Chapter 3.4](#). [Ord. NS-2271, 2016; Ord. NS-2195, 2013; Ord. NS-2016, 2006]