

Section 21A. Mixed-use Riverfront Zone or MR Zone.

- (1) Purpose. The purpose of this zone is to implement the General Plan policies for the creative redevelopment of mill site properties adjacent to the Deschutes River. It is intended to allow for a mix of uses that:
 - (a) Provide a variety of employment opportunities and housing types;
 - (b) Foster pedestrian and other non-motor vehicle activity;
 - (c) Ensure functionally coordinated, aesthetically pleasing and cohesive site planning and design;
 - (d) Ensure compatibility of mixed-use developments with the surrounding area and minimize off-site impacts associated with the development; and
 - (e) Encourage access to, and enjoyment of, the Deschutes River.
- (2) Development Plans Required. The Mixed-use Riverfront zone shall only be applied to the area designated on the Bend Area General Plan Map. Before development of properties can occur in the MR zone, a Facilities Plan shall be reviewed and approved. Before development of properties, other than property described in Section 4(d) below can occur in the MR zone, a Master Development Plan shall be reviewed and approved. The Facility Plan shall be processed as a Type II Activity. The Bend Urban Area Planning Commission acting as the Design Review Board shall review and approve the Master Development Plan..
- (3) Facilities Plan. Prior to or concurrent with submitting a Master Development Plan the owners shall submit for review and approval a Facilities Plan that shows how the area will be served by roads and utilities.
 - (a) Due to the size and physical variations of the MR zone area the Facilities Plans shall be prepared for three subareas:
 - (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.
 - (b) The Facilities Plan shall, at a minimum, include:
 - (A) A map of existing and planned water and sewer facilities to serve the subarea 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

subarea and of the general route of planned collector, arterial, and major local streets through the subarea 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.
- (D) A written narrative that explains or describes:
 - i. How the proposed water, sewer, and street system will be adequate to serve the type and size of development planned for the area;
 - ii. How the location and sizing of facilities on- site will be consistent with the existing and planned utilities;
 - iii. How adequate water flow volumes will be provided to meet fire flow and domestic demands; and
 - iv. The function and location of any private utility systems.
- (c) The Facilities Plan shall be approved if it is determined to be consistent with the Utilities Master Plan and the Transportation Element of the Bend Area General Plan and other information required by the City.
- (4) Master Development Plan. The minimum acreage for a Master Development Plan shall be ten acres unless specifically exempted as described in Section (4)(d) below. The Master Development Plan shall include maps and descriptive text as described in (a) and (b) below which shall serve as approval standards for the Master Development Plan.
 - (a) The Master Development Plan shall include a plan view drawing with dimensions that show the following elements and how they fit together as a functional design:
 - (A) Building envelope;
 - (B) Parking area location, size and access;
 - (C) Access points to local streets and major street network;
 - (D) Pedestrian/bicycle corridors;
 - (E) Landscape areas; and
 - (F) Other open space and common areas.
 - (b) The Master Development Plan shall demonstrate that the proposal satisfies the planning and design objectives of a mixed-use development. Such text shall address:
 - (A) The expected uses to be developed and approximate square footage of

building area in each category;

- (B) 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;
 - (C) 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;
 - (D) Encouraging access to and enjoyment of the Deschutes River;
 - (E) Providing for traffic and service vehicle circulation between on-site uses as appropriate;
 - (F) Maintaining and improving the aesthetic and location advantages provided by the terrain and natural features of the site and minimize alteration thereof as much as practicable;
 - (G) Reducing to a minimum any negative impacts of proposed uses on adjacent properties and ensure the livability of residential areas when applicable;
 - (H) Any private development covenants, conditions or restrictions that will be recorded with the property;
 - (I) Any other information the City may require;
 - (J) How the types and levels of uses are consistent with the planned function, capacity and level of service of transportation facilities.
- (c) Upon approval of a Master Development Plan all subsequent building and site development must comply with the approved Master Development Plan and the standards and conditions in this section. Minor alterations to an approved Master Development Plan may be revised or modified as a Type II Activity using the procedures and 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 re-location of plazas and open space within the master plan area provided the approved Master Development Plan concept is not compromised.
- (d) Exemptions:
- (A) Properties less than ten (10) acres in size that are not a part of a previously approved and valid Master Development Plan and cannot practicably be combined with surrounding properties in the MR zone may apply independently for a Master Development Plan in accordance with Section (4)

above; and

- (B) As an alternative to sub-section (A) above, properties that were less than ten (10) acres in size on or before August 4, 1995 and that are not part of a previously approved and valid master Development Plan may develop after obtaining site plan and design review approval from the Bend Urban Area Planning Commission after demonstrating compliance with Sections 10.10.23, 10.10.23A(6)(a)(E) and 10.10.24 of the City Zoning Ordinance. The Commission shall use the master planning and design objectives set forth in Sections 10.10.21A(4)(b)(A)-(J), to the extent applicable to the subject property, when determining compliance with Section 10.10.23. Section 10.10.23A(6)(a)(E) applies to a Section (d)(B) site plan review even if Section 10.10.23(A)(6)(a)(E), by its express terms, would not otherwise apply to such an application.

- (5) Permitted Uses. The following permitted uses are subject to the building and site design standards of subsection (4) of this Section. Permitted uses may be restricted or mitigation measures applied if the use conflicts with existing uses adjacent to the MR zone. 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 Section 22A.

Industrial:

- (a) Manufacture, assembly, and packaging of products from previously prepared materials such as cloth, plastic, paper, leather, and precious or semi-precious metal or stone.
- (b) Manufacture, assembly, and processing of food and beverages.
- (c) Manufacture, assembly, and testing of communications equipment, medical instruments and apparatus, optics, photographic equipment and supplies, timing equipment, musical instruments and related equipment.
- (d) Research, engineering and development facilities or laboratories.
- (e) Motion picture or video production facilities and sound stages.
- (f) Printing, publishing, and book binding.
- (g) Warehouse, storage, and distribution center, with any retail space limited to 15% of the gross floor area or a maximum 15,000 square feet, for:
 - (A) Postal and package delivery or mail order companies;
 - (B) Household or consumer goods; and
 - (C) Plumbing, electrical, heating, hardware and similar goods used in the construction industry.
- (h) Studio for manufacturing of pottery items, metal sculpture, and other artistic products.

Commercial:

- (i) Branch banks and other financial institutions designed to serve the area businesses and adjacent neighborhoods.
- (j) Business support services including copying, blueprinting, film developing and processing, photo reproduction, accounting, computer services, building and grounds maintenance, security services, and temporary help.

- (k) Motel, hotel or similar lodging facilities.
- (l) Conference center and meeting facilities when associated with a motel, hotel or similar lodging facility.
- (m) Commercial recreational facilities such as indoor theaters and athletic clubs but excluding intensive outdoor facilities such as go-cart tracks, bumper boats, BMX courses, and target ranges.
- (n) Offices.
- (o) Restaurants, delicatessens, cafes, and similar food service establishments excluding drive-through service.
- (p) Retail sales and service businesses with less than a total of 15,000 square feet of gross floor area, but excluding the following uses:
 - (A) Motor vehicle or equipment repair and painting;
 - (B) Motor vehicle sales or storage;
 - (C) Veterinary clinics with kennels;
 - (D) Drive-up windows for motor vehicle service.
 - (E) Notwithstanding the above, structures in existence at the time of the adoption of Ordinance No. NS-1636 creating the MR Zone that exceed 15,000 square feet may be leased as a single retail sales and service unit regardless of total gross floor area.
- (q) Child day care centers and pre-schools subject to the special standards in Section 25(17) of this ordinance.
- (r) Vocational, training, or technical schools.
- (s) Automobile service stations subject to the special standards in Section 25(1) of this ordinance.

Residential:

- (t) Single family detached or attached homes.
- (u) Duplex, triplex, and multi-family dwellings subject to site plan and design review approval.
- (v) Apartments, lofts and similar dwelling units located above ground floor commercial

and industrial uses.

Miscellaneous:

- (w) Utility facilities that are necessary to serve the developments within the MR zone such as power substations, pump stations, wells and reservoirs.
 - (x) Public facilities such as a park, library, fire station, amphitheater, and armory.
 - (y) Planned Unit Development (PUD) subject to the standards in Section 30 of this ordinance.
 - (z) Pedestrian amenities such as seating areas, drinking fountains, low level directional signs, and waste receptacles.
 - (aa) Other compatible uses subject to approval by the Design Review Board.
- (6) Building and Site Development Standards. In addition to the Master Development Plan approval in Section (4) the development of individual buildings and related areas shall comply with the following standards. Building and Site Development shall be processed as a Type II Activity.
- (a) Deschutes River Corridor Design Review. Property within 100 feet of the ordinary high water mark of the Deschutes River shall comply with Section 10.10.22A of this ordinance.
 - (b) Bed and Banks of Deschutes River. Any fill or removal of material or vegetation within the bed or banks of the Deschutes River shall comply with Section 10.10.25(26) of this ordinance.
 - (c) Height limitations. No new building or modification to an existing building shall exceed 35 feet in height without receiving conditional use approval in Section 29.
 - (d) 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.
 - (e) 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.
- (f) 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.
 - (g) 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.
 - (h) 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.
 - (i) Lighting: Parking lot lights, security lights, and other lights on a development site shall not exceed a height of 25 feet above the site's finish grade. All on-site lighting shall be designed to direct light down onto the site and away from adjacent residential property.
 - (j) 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.
 - (k) Parking: Motor vehicle and bicycle parking shall comply with the standards in Section 24 of this ordinance. The following exceptions to the parking standards may be allowed if part of the approved Master Development Plan: the use of parking areas away or separated from the buildings or uses, and parallel parking on collector streets if bicycle lanes and adequate vehicle lanes are provided.

- (l) Utilities: Electric power, natural gas, telephone and cable lines shall be installed underground.
- (m) Signs: Directional and identification signs shall be in proportion with and visually related to the architectural character of the building and restrained in size. Pole signs are not allowed in the Mixed-use Riverfront Combining zone.
- (n) Industrial Air Emissions: There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities from industrial operations as to be readily detectable along or outside the MR zone boundary as to produce a public nuisance or hazard.
- (o) 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, the Director shall:
 - (A) Ensure that public access is not restricted except as agreed to by the City.
 - (B) Provide adequate access for emergency vehicles and for school buses as necessary.
 - (C) Provide that construction standards and specifications are satisfactory to the City.

SECTION 2. The zoning map is amended to designate the property shown on Exhibit A (attached) as zoned MR.

[Section 21A added by ORD. No. NS-1636, passed July 5, 1995]

[Section 21A(2) amended by ORD No. NS-1694, passed June 3, 1998]

[Section 21A(4)(c) amended by ORD No. NS-1694, passed June 3, 1998]

[Section 21A(5) amended by ORD No. NS-1694, passed June 3, 1998]

[Section 21A(6) amended by ORD No. NS-1694, passed June 3, 1998]

[Section 21A(2) amended by ORD No. NS-1845, passed November 6, 2002]

[Section 21A(4) amended by ORD No. NS-1845, passed November 6, 2002]

[Section 21A(4)(d) added by ORD No. NS-1845, passed November 6, 2002]

[Section 21A(5)(p) added by ORD No. NS-1952, passed December 15, 2004]