

PLANNING COMMISSION STAFF REPORT



Planning and Zoning Division
Department of Community and
Economic Development

PLNPCM2010-00783 Conditional Building and Site Design Review January 25, 2012

Applicant:

Mayor Ralph Becker

Staff:

Doug Dansie, 535-6182
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Tax ID:

Citywide

Current Zone:

Citywide

Master Plan Designation:

NA

Council District:

Citywide

Community Council:

Citywide

Lot Size:

Citywide

Current Use:

NA

Applicable Land Use Regulations:

21A.50.050: Standards for general
amendments
21A.06.030 Planning Commission
21A.59 Conditional Building and
Site design

Notification (hearing)

- Notice: January 12, 2012,
- Web: January 12, 2012

Attachments:

- A. Department Comments
- B. Proposed ordinance

Request

This is a request to update the Conditional Building and Site Design review process in order to remove design features from the conditional use process (land use), create a distinct and separate design review process (design features) and to eliminate conflicts and to clarify design criteria.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the proposal generally meets the applicable standards and therefore, recommends the Planning Commission forward a positive recommendation to the City Council to approve the requested zoning text amendments associated with petitions PLNPCM2010-00783..

Background

When the zoning code was rewritten in 1995, certain zoning districts had design criteria added to them in the City's first attempt to create some form based zoning. During the early 2000's, additional criteria were added to most commercial and mixed-use zoning districts in order to make them more pedestrian friendly. As part of that process, there was an "out" written for those projects that met the intent of the ordinance, but not the literal interpretation of the ordinance. At that time the only discretionary process the City used was the conditional use process; even though design features are not a land use. Since that time state law has evolved regarding conditional uses; requiring approval of conditional uses if impacts are mitigated.

This specific proposal eliminates the need for design issues to be consider with the conditional use process (land use) and creates a separate approval process for design standards (design process).

Also, at some point, an effort was made to clarify the philosophical criteria used to approve design modifications that did not meet the strict standard. Unfortunately there was some miscommunication and the final product made the "out" even stricter than the standard. This issue needs resolution. The proposal provides clarification to the design standards and their philosophical basis, providing a process to allow builders to create a product that meets the intent of the code, if not the exact standards.

Project Description

The intent of the proposal is to create a design process for those developments that do not meet the strict design standards, but do meet the intent of the design standards.

The proposal is to separate all design criteria from the land use category, provide clear standards, an approval process for those projects that meet the intent, but not the distinct standards and to correct existing errors in the code. For example: The existing CN zoning district requires 40% glass at the ground level. An exemption from the standard is presently required to be processed though the existing Conditional Building and Site Design review and the Conditional Use review and the exemptions from the Conditional Building and Site design review are presently written so that it would require meeting a requirement more restrictive than the 40% glass requirement, instead of meeting the intent. This existing process is neither efficient nor effective.

Comments

Public Comments

- An Open House introducing these petitions and potential regulations was held on September 18 2011.
- There was an initial briefing with the Planning Commission at the June 22, 2011 meeting.

City Department Comments

Department comments are attached. There were generally no significant issues raised.

Project Review

Analysis and Findings

Options

Most of these design criteria are already in the zoning ordinance. If the ordinance is not changed they would still remain, but would also remain subject to the conditional use criteria, which is directed more towards land use than design and does not facilitate meaningful review. There are also conflicts in the ordinance that will remain unresolved if the ordinance is not changed: specifically the language that requires the exemption be more stringent than the original standard, instead of more being lenient to provide design flexibility if the design intent is met. Failure to change the ordinance would keep a system intact that is not working.

Findings

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, In making its decision concerning a proposed text amendment, the city council should consider the following factors:

A. 1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;

Analysis: The Urban Design Element calls for the creation of basic design criteria which to organize the city. This is not strict design review of any particular style or theme, but a general approach to having basic guidelines that produce a walkable and pedestrian friendly city. The design standards were placed within the ordinance to insure that most development is oriented to a human scale. A review process in the event that the strict standards may not be met has been included to insure compliance with basic design goals of creating a pedestrian friendly city while allowing design freedom.

Finding: The proposed zoning text amendments are supported by general policy of the City

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;

Analysis: The proposed zoning amendments separate design issues from land use issues. Design is not a use. Formerly, design concepts were also approved under the conditional use process due to the lack of a separate design process. Recent changes in State law require the approval of any conditional use with modification to mitigate impacts. The fundamental criteria for use and design are not the same. This petition separates and clarifies the design process and eliminates conflicts.

Finding: The proposed zoning text amendments are designed to be consistent with City master plan goals while also remaining consistent with State law.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

Analysis: The proposed changes are supportive of Historic Landmark overlays and do not otherwise inhibit or conflict with any other overlay.

Finding: The proposed zoning map amendment is consistent with overlay districts.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Analysis: The creation of a design process, independent of a land use process, is part of the emerging concept of form based zoning where fundamental design of a community is as (or more) important separation of land uses. The criteria for design are inherently different than the criteria for land use. This change separates and clarifies the process.

Finding: The proposed zoning text amendment is supported by general policy of increasing the use of form based zoning.

Summary

Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the requested zoning text amendments associated with petitions PLNPCM2010-00783.

Attachment A
Department Comments

Fire Ed Itchon

No Comment

Engineering Scott Weiler

No objections

Transportation Barry Walsh

In reviewing the draft submitted, I find no change to required parking or circulation other than reduced issues on parking lot locations - 21A.59.060 E (1,2,&3.) On the last page - 21A.58.070 E THERE IS A TYP-O
...BUILDING AND SIDE DESIGN...

Attachment B
Proposed Ordinance

21A.06.030: PLANNING COMMISSION:

- A. Creation: The planning commission is created pursuant to [title 2, chapter 2.20](#) of this code under the enabling authority granted by section 10-9-201, [title 10, chapter 9](#) of the municipal land use development and management act of the Utah Code Annotated or its successor.
- B. Jurisdiction And Authority: The planning commission shall have the following powers and duties in connection with the implementation of this title:
1. Prepare and recommend to the city council for adoption, a comprehensive, general plan and amendments to the general plan for the present and future needs of the city and the growth and development of the land within the city or any part of the city;
 2. Make comprehensive surveys and studies of the existing conditions and trends of growth and of the probable future requirements of the city and its residents as part of the preparation of the general plan;
 3. Initiate amendments to the text of this title and to the zoning map pursuant to the provisions of section [21A.50.020](#) of this title;
 4. Review, evaluate and make recommendations to the city council on proposed amendments to this title pursuant to the procedures and standards set forth in sections [21A.50.030](#) and [21A.50.040](#) of this title;
 5. Review, hear and decide applications for conditional uses, including planned developments, pursuant to the procedures and standards set forth in chapter 21A.54, "Conditional Uses", of this title [and Conditional Building and Site Design review, pursuant to the procedures and standards set forth in Chapter 21A.59, Conditional Building and Site Design Review.](#);
 6. Hear and decide appeals from administrative hearing decisions of the planning director; and
 7. Hear and decide applications for subdivision amendments and approvals pursuant to the municipal land use development and management act, [title 10, chapter 9](#) of the Utah Code Annotated.
- C. Membership: The planning commission shall consist of eleven (11) voting members, appointed by the mayor with the advice and consent of the city council from among qualified electors of the city in a manner providing balanced geographic, professional, neighborhood and community interests representation. The director of the planning division (or the planning director's designated representative) shall serve as an ex officio member without vote. Voting members may serve a maximum of two (2) consecutive full terms of four (4) years each. The mayor shall appoint a new commission member to fill any vacancy that might arise and such appointment shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.
- D. Officers: The planning commission shall annually elect a chair and a vice chair who shall serve for a term of one year each. The chair or vice chair may not be elected to serve consecutive terms in the same office. The secretary of the planning commission shall be designated by the planning director.
- E. Meetings: The planning commission shall meet at least once each month.

- F. Record Of Proceedings: The proceedings of each meeting and public hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the government records access and management act. The audio recording of each meeting shall be kept for a minimum of sixty (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the planning commission. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The commission shall keep written minutes of its proceedings and records of all of its examinations and official actions.
- G. Quorum And Vote: No business shall be conducted at a meeting of the planning commission without at least a quorum of six (6) voting members. All actions of the planning commission shall be represented by a vote of the membership. A simple majority of the voting members present at the meeting at which a quorum is present shall be required for any action taken. The decision of the planning commission shall become effective upon the posting of the record of decision.
- H. Public Hearings: The planning commission shall schedule and give public notice of all public hearings pursuant to the provisions of chapter 21A.10, "General Application And Public Hearing Procedures", of this title.
- I. Conflicts Of Interest: No member of the planning commission shall participate in or be present at the hearing or disposition of any matter in which that member has any conflict of interest prohibited by [title 2, chapter 2.44](#) of this code. The planning commission may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.
- J. Removal Of A Member: Any member of the planning commission may be removed by the mayor for violation of this title or any policies and procedures adopted by the planning commission following receipt by the mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.
- K. Policies And Procedures: The planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning. (Ord. 69-09 § 1, 2009; Ord. 26-95 § 2(3-3), 1995)

21A.10.020: PUBLIC HEARING NOTICE REQUIREMENTS:

Providing all of the information necessary for notice of all public hearings required under this title shall be the responsibility of the applicant and shall be in the form established by the zoning administrator and subject to the approval of the zoning administrator pursuant to the standards of this section.

- A. Special Exception Permits, Variances And Appeals Of Zoning Administrator Decisions: The board of adjustment shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator. Such hearing shall be held after the following public notification:
1. Mailing: Notice by first class mail shall be provided a minimum of twelve (12) calendar days in advance of the public hearing to all owners and tenants of the land, as shown on the Salt Lake City geographic information system records, included in the application for a special exception, variance, or an appeal of a decision by the

zoning administrator, as well as to all owners of land and tenants, as shown on the Salt Lake City geographic information system records, within eighty five feet (85') or three hundred feet (300') if the proposal involves construction of a new principal building of the periphery of the land subject to the application for a special exception for a variance, or an appeal of a decision by the zoning administrator. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium ownership.

2. Posting: The land subject to an application shall be posted by the city with a sign giving notice of the public hearing at least ten (10) calendar days in advance of the public hearing.

a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

3. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to [title 2, chapter 2.62](#) of this code.

B. Conditional Uses: The planning commission, or administrative hearing officer when applicable, shall hold at least one public hearing to review, consider and approve, approve with conditions or deny an application for a conditional use after the following public notification:

1. Mailing: Notice by first class mail shall be provided a minimum of twelve (12) calendar days in advance of the public hearing, to all owners of the land, as shown on the Salt Lake City geographic information system records, included in the application for a conditional use, as well as to all owners of land and tenants, as shown on the Salt Lake City geographic information system records, within three hundred feet (300') of the periphery of the land subject to the application for a conditional use. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium ownership.

2. Posting: The land subject to an application shall be posted by the city with a sign giving notice of the public hearing at least ten (10) calendar days in advance of the public hearing.

a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

3. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of twelve (12) calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to [title 2, chapter 2.62](#) of this code.

C. Conditional Building And Site Design Review: The planning commission, or administrative hearing officer when applicable, shall hold at least one public hearing to review, consider and approve, approve with conditions or deny an application for a conditional building and Site Design Review after the following public notification as is required and detailed in 21A.10:

1. Mailing: Notice by first class mail shall be provided a minimum of twelve (12) calendar days in advance of the public hearing, to all owners of the land, as shown on the Salt Lake City geographic information system records, included in the application for a conditional use, as well as to all owners of land and tenants, as shown on the Salt Lake City geographic information system records, within one hundred feet (100') of the periphery of the land subject to the application for a conditional use. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium ownership.

2. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of twelve (12) calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code

~~The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:~~

~~1. Notification: The city shall provide written notice a minimum of twelve (12) days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, included in the application, as well as to the planning commission and to all owners of land and tenants as shown on the Salt Lake City geographic information system records adjacent to and contiguous with the land subject to the application. At the end of the twelve (12) day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the planning commission may authorize the planning director to decide the issue administratively.~~

~~2. Notification To Recognized And Registered Organizations: The city shall also provide notification to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.~~

~~3. Posting: The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.~~

~~a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.~~

~~b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.~~

~~4. Public Hearing: If the planning commission holds a public hearing, the city shall provide written notice a minimum of twelve (12) calendar days in advance of the public hearing to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, included in the application, as well as to the planning commission and to all owners of land and tenants as shown on the Salt Lake City geographic information system records adjacent to and contiguous with the land subject to the application. The city shall also provide notification to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code. The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.~~

In the event that the city and applicant are aware of advanced interest in the project, the applicant may request to forgo the time frame for determining interest and request a public hearing with the planning commission

Chapter 21A.59

CONDITIONAL BUILDING AND SITE DESIGN REVIEW

21A.59.010: PURPOSE STATEMENT:

21A.59.020: AUTHORITY:

21A.59.030: SCOPE OF APPLICATION:

21A.59.040: SCOPE OF MODIFICATIONS AUTHORIZED:

21A.59.050: APPLICATION REQUIREMENTS:

21A.59.060: STANDARDS FOR DESIGN REVIEW:

21A.59.070: PROCEDURES FOR DESIGN REVIEW:

21A.59.010: PURPOSE STATEMENT:

The intent of building and site design review regulations is to provide for the flexible implementation of the specific design requirements set forth within individual zoning districts. The purpose statement of each zoning district provides the philosophical approach to defining that flexibility. This process is intended to supplement the review and administrative procedures which are carried out under this title or other city ordinances and regulations. The conditional building and site design review process is intended to help ensure that newly developed properties and redeveloped properties are designed to encourage pedestrian access, circulation and orientation while acknowledging the need for transit and automobile access. (Ord. 3-05 § 11, 2005)

21A.59.020: AUTHORITY:

Design review shall be required pursuant to the provisions of this chapter for uses as specified within individual zoning districts before zoning certificates, building permits or certificates of occupancy may be issued.

A. The planning commission shall approve design criteria upon consideration of comments received from city departments and determining whether modification of specific design regulations meets the intent of the individual zoning district.

B. The planning commission may modify individual design requirements for specific projects if they find that the intent of the basic design criteria of the zoning district has been met. (Ord. 3-05 § 11, 2005)

21A.59.030: SCOPE OF APPLICATION:

Design review approval shall be required for all permitted uses, conditional uses and accessory uses when specifically authorized and referenced by individual zoning districts. (Ord. 3-05 § 11, 2005)

21A.59.040: SCOPE OF MODIFICATIONS AUTHORIZED:

The authority of the planning commission through the design review process shall be limited to modification of the specific element referenced within each zoning district. (Ord. 3-05 § 11, 2005)

In the TSA zoning district, the planning commission or administrative hearing officer, shall have the authority to determine if a proposal generally compiles with the transit station area development guidelines and may make modifications to the Building and Site Design proposal to insure compliance.

21A.59.050: APPLICATION REQUIREMENTS:

Each application for design review shall include the same information as required for site plan review as identified in section 21A.58.060 of this title. (Ord. 3-05 § 11, 2005)

21A.59.060: STANDARDS FOR DESIGN REVIEW:

In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for design review:

A. Development shall be primarily oriented to the street, not an interior courtyard or parking lot.

~~1. Primary building orientation shall be toward the street rather than the parking area. The principal entrance shall be designed to be readily apparent.~~

~~2. At least sixty percent (60%) of the street frontage of a lot shall have any new building located within ten feet (10') of the front setback. Parking is permitted in this area.~~

~~3. Any buildings open to the public and located within thirty feet (30') of a public street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the building's architectural design, and shall be open to the public during all business hours.~~

~~4. Each building shall incorporate lighting and changes in mass, surface, or finish to give emphasis to its entrances.~~

B. Primary access shall be oriented to the pedestrian and mass transit.

~~1. Each building shall include an arcade, roof, alcove, portico, awnings, or similar architectural features that protect pedestrians from the rain and sun.~~

C. Building facades shall include detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction.

~~1. At least forty percent (40%) of any first floor wall area that faces and is within thirty feet (30') of a primary street, plaza, or other public open space shall contain display areas, windows, or doorways. Windows shall allow views into a working area or lobby, a pedestrian entrance, or display area. First floor walls facing a side street shall contain at least twenty five percent (25%) of the wall space in window, display area, or doors. Monolithic walls located within thirty feet (30') of a public street are prohibited.~~

~~2. Recessed or projecting balconies, verandas, or other usable space above the ground level on existing and new buildings is encouraged on a street facing elevation. Balconies may project over a public right of way, subject to an encroachment agreement issued by the city.~~

D. Architectural detailing shall [be included on the ground floor to](#) emphasize the pedestrian level of the building.

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on adjacent neighborhoods. [Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods.](#)

~~1. Parking areas shall be located behind or at one side of a building. Parking may not be located between a building and a public street.~~

~~2. Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each six (6) parking spaces. Parking shall be adequately screened and buffered from adjacent uses.~~

~~3. Parking lots with fifteen (15) spaces or more shall be divided by landscaped areas including a walkway at least ten feet (10') in width or by buildings.~~

~~F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods.~~

~~G. F. Parking and on site circulation shall be provided with an emphasis on making safe pedestrian connections to the street or other pedestrian facilities.~~

~~1. Connections shall be made when feasible to any streets adjacent to the subject property and to any pedestrian facilities that connect with the property.~~

~~2. A pedestrian access diagram that shows pedestrian paths on the site that connect with a public sidewalk shall be submitted.~~

~~H. G. Dumpsters and loading docks shall be appropriately screened or located within the structure.~~

~~1. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor permitted between the building and the street.~~

~~2. Appropriate sound attenuation shall occur on mechanical units at the exterior of buildings to mitigate noise that may adversely impact adjacent residential uses.~~

~~I. H. Signage shall emphasize the pedestrian/mass transit orientation.~~

~~J. I. Lighting shall meet the lighting levels and design requirements set forth in chapter 4 of the Salt Lake City lighting master plan dated May 2006.~~

~~K. Streetscape improvements shall be provided as follows:~~

~~1. One street tree chosen from the street tree list consistent with the city's urban forestry guidelines and with the approval of the city's urban forester shall be placed for each thirty feet (30') of property frontage on a street. Existing street trees removed as the result of a development project shall be replaced by the developer with trees approved by the city's urban forester.~~

~~2. Landscaping material shall be selected that will assure eighty percent (80%) ground coverage occurs within three (3) years.~~

3. Hardscape (paving material) shall be utilized to designate public spaces. Permitted materials include unit masonry, scored and colored concrete, grasscrete, or combinations of the above.
4. Outdoor storage areas shall be screened from view from adjacent public rights of way. Loading facilities shall be screened and buffered when adjacent to residentially zoned land and any public street.
5. Landscaping design shall include a variety of deciduous and/or evergreen trees, and shrubs and flowering plant species well adapted to the local climate.

~~L. Street trees shall be provided as follows:~~

- ~~1. Any development fronting on a public or private street shall include street trees planted consistent with the city's urban forestry guidelines and with the approval of the city's urban forester.~~
- ~~2. Existing street trees removed as the result of a development project shall be replaced by the developer with trees approved by the city's urban forester.~~

~~M.J.~~-The following additional standards shall apply to any large scale developments with a gross floor area exceeding sixty thousand (60,000) square feet:

1. The orientation and scale of the development shall conform to the following requirements:
 - a. Large building masses shall be divided into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
 - b. No new buildings or contiguous groups of buildings shall exceed a combined contiguous building length of three hundred feet (300').
2. Public spaces shall be provided as follows:
 - a. One square foot of plaza, park, or public space shall be required for every ten (10) square feet of gross building floor area.
 - b. Plazas or public spaces shall incorporate at least three (3) of the five (5) following elements:
 - (1) Sitting space of at least one sitting space for each two hundred fifty (250) square feet shall be included in the plaza. Seating shall be a minimum of sixteen inches (16") in height and thirty inches (30") in width. Ledge benches shall have a minimum depth of thirty inches (30");
 - (2) A mixture of areas that provide shade;
 - (3) Trees in proportion to the space at a minimum of one tree per eight hundred (800) square feet, at least two inch (2") caliper when planted;
 - (4) Water features or public art; and/or
 - (5) Outdoor eating areas ~~or locations for food vendors.~~

~~N.K.~~ Any new development shall comply with the intent of the purpose statement of the zoning district and specific design regulations found within the zoning district in which the project is located as well as adopted master plan policies, the city's adopted "urban design element" and design guidelines governing the specific area of the proposed development. Where there is a conflict between the standards found in this section and other adopted plans and regulations, the more restrictive regulations shall control. (Ord. 61-08 § 2 (Exh. B), 2008: Ord. 89-05 § 8, 2005: Ord. 3-05 § 11, 2005)

21A.59.065: STANDARDS FOR DESIGN REVIEW FOR HEIGHT:

In addition to standards provided in 21A.59.065, the following standards shall be applied to all applications for conditional building and design review regarding height

- A. The roofline contains architectural features that make it distinctive on the skyline; flats roofs are discouraged unless also being used for other purposes such as rooftop gardens, common space for building occupants or the public, heliport etc.
- B. There is architectural detailing at the cornice level.
- C. Lighting highlights the architectural detailing of the entire building but shall not exceed the maximum lighting standards as further described elsewhere in this title.

21A.59.070: PROCEDURES FOR DESIGN REVIEW:

~~A. Preapplication Conference: Before filing an application for design review, the applicant is encouraged to confer with the development review team (DRT) regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the planning director, the DRT or other city departments during such conference shall be binding upon the city with respect to an application subsequently submitted.~~

~~B. A.~~ Fees: Every design review application shall be accompanied by a fee as established in the fee schedule, chapter 21A.64 of this title.

~~C. B.~~ Submission Of Final Plans; Review And Approval:

1. Planning Commission Review: After the plans and related materials and fees have been submitted pursuant to section 21A.59.050 of this chapter, and the application has been determined by the planning director to be complete pursuant to section 21A.10.010 of this title, the application shall be reviewed and processed through the planning commission in coordination with the appropriate city departments. If the plan is approved, the planning director shall certify approval and state the conditions of such approval, if any. If the design is disapproved, the planning director shall indicate reasons for such in writing to the applicant.
2. Appeal Of Planning Commission Decision: Any appeal of the planning commission decision shall be made to the land use appeals board, pursuant to title 2, chapter 2.88 of this code within ten (10) calendar days of the date on which a record of decision is issued.
3. Certification By Planning Commission: The decisions of the planning commission approving the application shall be noted on all copies of applicable plans to be retained in the record, including any changes or conditions required as part of the design review approval. One such copy shall be returned to the applicant, and others

retained as required for records or further action by the planning commission or other affected agencies of the city.

4. Building Permits: Building permits shall be issued in accordance with approved plans. A copy of the approved plan shall be retained in the records of the office of the division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved design review.

5. Amendments Or Modifications To Approved Design Review: Amendments or modifications to approved design review must be submitted to the planning director. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate departments for review. The planning director may waive this requirement if the planning director determines that such modification of the original design review has no significant impact upon the original proposal and still remains in conformance with design concepts approved by the planning commission.

6. Time Limit On Approval: Approval of design review shall be void unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing within ~~one year~~ two years from the date of approval. The planning director may grant an extension of a design review approval for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the planning director in writing prior to the expiration of the design review approval. (Ord. 11-10 § 9, 2010: Ord. 69-09 § 11, 2009: Ord. 3-05 § 11, 2005)

21A.59.080: BUILDING AND SITE DESIGN REVIEW AND CONDITIONAL USES:

A. When a development is proposed which requires Building and Site Design Review along with a conditional Use approval, the Planning Commission shall review ~~upon~~ the applications together. The proposed applications shall be reviewed and approved, reviewed with conditions, approved with modifications, or denied.

21A.24.164: R-MU-35 RESIDENTIAL/MIXED USE DISTRICT:

E. Maximum Building Height: The maximum building height shall not exceed thirty five feet (35'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than thirty five feet (35'), up to a maximum of forty five feet (45'), may be authorized ~~as through the conditional building and site design review process conditional uses, subject to the requirements of chapter 21A.54, "Conditional Uses", of this title;~~ and provided, that the proposed ~~height conditional use~~ is supported by the applicable master plan.

1. Maximum height for nonresidential buildings: Twenty feet (20').

2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: One floor.

21A.24.168: R-MU-45 RESIDENTIAL/MIXED USE DISTRICT:

E. Maximum Building Height: The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than

forty five feet (45'), up to a maximum of seventy five feet (75'), may be authorized ~~as through the building conditional building and site design review process conditional uses, subject to the requirements of chapter 21A.54, "Conditional Uses", of this title;~~ and provided, that the proposed ~~height conditional use~~ is supported by the applicable master plan.

1. Maximum height for nonresidential buildings: Twenty feet (20').

2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: One floor.

21A.24.170: R-MU RESIDENTIAL/MIXED USE DISTRICT:

F. Maximum Building Height: The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section. Buildings taller than seventy five feet (75'), up to a maximum of one hundred twenty five feet (125'), may be authorized ~~as through the building conditional building and site design process conditional uses, subject to the requirements of chapter 21A.54, "Conditional Uses", of this title;~~ and provided, that the proposed ~~height conditional use~~ is located within the one hundred twenty five foot (125') height zone of the height map of the east downtown master plan.

1. Maximum height for nonresidential buildings: Forty five feet (45').

2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: Three (3) floors.

J. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized ~~as conditional through the conditional~~ building and site design review ~~process~~, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may approve a modification to this requirement, if the planning director finds:

a. The requirement would negatively impact the historic character of the building,

b. The requirement would negatively impact the structural stability of the building, or

c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection J1 of this section.

3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

4. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These

elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

21A.24.180: RO RESIDENTIAL/OFFICE DISTRICT:

- I. Offices In Existing Buildings On Lots Less Than Twenty Thousand Square Feet: Offices occupying existing buildings are permitted on a five thousand (5,000) square foot minimum lot. Additions to existing buildings that are greater than fifty percent (50%) of the existing building footprint or that exceed the height of the existing building shall be subject to [conditional building and site design review conditional use approval](#). (Ord. 61-09 § 12, 2009; Ord. 19-01 §§ 1 _ 5, 2001; Ord. 26-95 § 2(12-17), 1995)

21A.24.190: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to ~~the conditional use process~~ [a conditional building and site design review](#).

21A.26.010: GENERAL PROVISIONS:

J. Modifications To Maximum Height: Additions to the maximum height due to the natural topography of the site may be approved pursuant to the following procedures and standards:

~~1. Modifications Of Ten Percent Or Less Of Maximum Height:~~

~~a. The board of adjustment may approve, as a special exception, additional height not exceeding ten percent (10%) of the maximum height pursuant to the standards and procedures of chapter 21A.52 of this title. Specific conditions for approval are found in subsection 21A.52.100G of this title.~~

~~1. Modifications Of Ten Percent Or Less Of Maximum Height:~~

~~a. The planning commission may approve, as a special exception, additional height not exceeding ten percent (10%) of the maximum height pursuant to the standards and procedures of chapter 21A.52 of this title. Specific conditions for approval are found in chapter 21A.52 of this title.~~

~~2. Modifications Of More Than Ten Percent Of Maximum Height:~~

~~a. [Conditional Use Conditional Building and Site Design Review](#): ~~As a conditional use~~ [Through conditional building and site design review](#) for properties on a sloping lot in commercial zoning districts, pursuant to chapter 21A.54 ~~59~~ of this title, the planning commission, [or in the case of an administrative approval the Planning Director or designee](#) may allow additional building height of more than ten percent (10%) of the maximum height, but not more than one additional story, if the first floor of the building exceeds twenty thousand (20,000) square feet. The additional story shall not be exposed on more than fifty percent (50%) of the total building elevations.~~

21A.26.020: CN NEIGHBORHOOD COMMERCIAL DISTRICT:

F. Minimum Yard Requirements:

1. Front Or Corner Side Yard: A fifteen foot (15') minimum front or corner side yard shall be required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission.
2. Interior Side Yard: None required.

3. Rear Yard: Ten feet (10').

4. Buffer Yards: Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of chapter 21A.48 of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to table 21A.36.020B of this title.

6. Maximum Setback: A maximum setback is required for at least sixty five percent (65%) of the building facade. The maximum setback is twenty five feet (25'). Exceptions to this requirement may be authorized as-through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

I. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized through the as conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

- a. The requirement would negatively impact the historic character of the building, or
- b. The requirement would negatively impact the structural stability of the building.

Appeal of administrative decision is to the planning commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection I1 of this section.

3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

4. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

21A.26.030: CB COMMUNITY BUSINESS DISTRICT:

D. Lot Size Requirements: No minimum lot area or lot width is required, however any lot exceeding four (4) acres in size shall be allowed only ~~as a conditional use~~ through the conditional building and site design review process.

E. Maximum Building Size: Any building having a fifteen thousand (15,000) gross square foot floor area of the first floor or a total floor area of twenty thousand (20,000) gross square feet or more, shall be allowed only ~~as a conditional use~~ through the conditional building and side design review process. An unfinished basement used only for storage or parking shall be allowed in addition to the total square footage.

F. Minimum Yard Requirements:

1. Front Or Corner Side Yard: No minimum yard is required. If a front yard is provided, it shall comply with all provisions of this title applicable to front or corner side yards, including landscaping, fencing, and obstructions.

2. Interior Side Yard: None required.

3. Rear Yard: Ten feet (10').

4. Buffer Yards: Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of chapter 21A.48 of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to table 21A.36.020B of this title.

6. Maximum Setback: A maximum setback is required for at least seventy five percent (75%) of the building facade. The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized ~~as through~~ the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

I. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement.

Exceptions to this requirement may be authorized ~~asthrough the~~ conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

a. The requirement would negatively impact the historic character of the building,

b. The requirement would negatively impact the structural stability of the building, or

c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection I1 of this section.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

21A.26.050: CC CORRIDOR COMMERCIAL DISTRICT:

F. Maximum Height: No building shall exceed thirty feet (30'). Buildings higher than thirty feet (30') may be allowed in accordance with the provisions of subsections F1 and F2 of this section.

1. Procedure For Modification: A modification to the height regulations in this subsection F may be granted ~~as a conditional use~~ through the conditional building and site design process in conformance with the provisions of chapter 21A.54 59 of this title. In evaluating an application submitted pursuant to this section, the planning commission shall find that the increased height will result in improved site layout and amenities.

2. Landscaping: If an additional floor is approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floor.

3. Maximum Additional Height: Additional height shall be limited to fifteen feet (15'). (Ord. 61-09 § 17, 2009; Ord. 3-01 § 1, 2001; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(13-4), 1995)

21A.26.060: CSHBD SUGAR HOUSE BUSINESS DISTRICT (CSHBD1 AND CSHBD2):

D. Conditional Building And Site Design Review: All new construction of principal buildings that exceed fifty feet (50') in height in the CSHBD1 district or thirty feet (30') in height in the CSHBD2 district or twenty thousand (20,000) square feet in size in either district shall be subject to conditional building and site design review. The planning commission has the authority to approve projects through the conditional building and site design review process. Conditional building and site design review shall be approved in conformance with the business district design guideline handbook and the provisions of chapter 21A.59 of this title.

E. Minimum Lot Size: No minimum lot area or width is required.

F. Minimum Yard Requirements:

1. Front And Corner Side Yards: No minimum yard is required.

2. Maximum Setback: The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk, and/or the modification conforms with the business district design guidelines handbook. Appeal of an administrative decision is to the planning commission.

3. Interior Side Yards: None required.

4. Rear Yards: No minimum yard is required.

5. Buffer Yards: All lots abutting a lot in a residential district shall conform to the buffer yards and landscape requirements of chapter 21A.48 of this title. In addition, for those structures located on properties zoned CSHBD that abut properties in a low density, single-family residential zone, every three feet (3') in building height above thirty feet (30'), shall be required a corresponding one foot (1') setback from the property line at grade. This additional required setback area can be used for landscaping or parking.

H. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the CSHBD Sugar House business district zones, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized through the conditional building and site review process subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement, if the planning director finds:

1. The requirement would negatively impact the historic character of the building; or

2. The requirement would negatively impact the structural stability of the building; or

3. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%). Appeal of administrative decision is to the planning commission.

21A.26.070: CG GENERAL COMMERCIAL DISTRICT:

F. Maximum Height: No building shall exceed sixty feet (60'). Buildings higher than sixty feet (60') may be allowed in accordance with the provisions of subsections F1 and F2 of this section.

1. Procedure For Modification: A modification to the height regulations in this subsection F may be granted ~~as a conditional use in through the conditional building and site design review process in~~ conformance with the provisions of chapter 21A.5459 of this title. In evaluating an application submitted pursuant to this section, the planning commission ~~or in the case of an administrative approval the Planning Director or designee,~~ shall find that the increased height will result in improved site layout and amenities.

2. Landscaping: If additional floors are approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floors.

3. Maximum Additional Height: Additional height shall be limited to thirty feet (30'). (Ord. 61-09 § 18, 2009: Ord. 3-01 § 2, 2001: Ord. 35-99 § 27, 1999: Ord. 26-95 § 2(13-6), 1995)

21A.26.077: TC-75 TRANSIT CORRIDOR DISTRICT:

E. Minimum Yard Requirements:

1. Front And Corner Side Yards: Fifteen feet (15'). Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. Exceptions to the minimum setback are limited to the two (2) lower levels of the building only; the main tower of the building must maintain the minimum setback. Exceptions are limited to structural elements that enhance the pedestrian experience of the space such as, but not limited to, patio covers, building entry canopies, etc.

2. Interior Side Yards: None required.

3. Rear Yards: None required.

4. Buffer Yards: All lots abutting property in a residential district shall conform to the buffer yard requirement of chapter 21A.48 of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to table [21A.36.020B](#) of this title.

6. Maximum Building Setback: Twenty five feet (25'). Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The majority of the ground level facade of a building shall be placed parallel, and not at an angle, to the street. Where an arcade facing the street is provided, the maximum setback for the building shall be measured to the supporting beams for the arcade or the facade of the upper floors, not the facade of the arcade level. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of this section.

Any appeal of an administrative decision made pursuant to subsection E6 of this section may be made to the planning commission.

F. Landscape Yard Requirements: A landscape yard of fifteen feet (15') shall be required on all front and corner side yards, conforming to the requirements of section [21A.48.090](#) and subsection [21A.48.100C](#) of this title, except as authorized ~~as a conditional use~~ [through the conditional building and site design review](#), subject to conformance with the standards and procedures of chapter 21A.~~54~~ [59](#) of this title.

G. Maximum Nonresidential Building Height: The maximum building height in the TC-75 zoning district shall not exceed thirty feet (30') for those buildings used exclusively for nonresidential purposes.

1. Additional building square footage may be allowed up to a maximum building height of seventy five feet (75') (or to a building height of 125 feet through the conditional building and site design review process, subject to conformance with the standards and procedures of chapter 21A.59 of this title and conformity with applicable master plan policy) provided that for each additional floor of nonresidential use above thirty feet (30'), the equivalent amount of square footage, inclusive of the first thirty feet (30'), is required to be built as residential square footage.

2. The residential component may be transferred off site to another property in the TC-75 zoning district along the 400 South Street frontage generally located between 200 East and 925 East. For such off site residential configuration, the amount of residential development required is equal to the square footage of the total amount of square footage obtained for the nonresidential floors rising in the total project.

3. For those developments where the required residential component is transferred off site, prior to the issuance of a building permit for the nonresidential structure, the applicant must identify specifically where the residential structure will be located in the area zoned TC-75 along to 400 South Street corridor generally located between 200 East and 900 East and enter into a development agreement with the city to ensure the construction of the residential structure in a timely manner. In such cases where the residential use is built off site, one of the following shall apply:

a. Construction of the off site residential use must be progressing beyond the footings and foundation stage, prior to the nonresidential portion of the development obtaining a certificate of occupancy, or

b. A financial assurance that construction of the off site residential use will commence within two (2) years of receiving a certificate of occupancy for the nonresidential component of the development. The financial assurance shall be in an amount equal to fifty percent (50%) of the construction valuation for the residential component of the development as determined by the building official. The city shall call the financial assurance and deposit the proceeds in the city's housing trust fund if construction has not commenced within two (2) years of the issuance of the certificate of occupancy for the nonresidential component of the development.

4. Maximum building height may be obtained to one hundred twenty five feet (125') for any building subject to at least ninety percent (90%) of all parking for said building being provided as structured parking.

H. Maximum Residential Building Height: No residential building, or mixed use building shall exceed seventy five feet (75') in height. Building heights in excess of seventy five feet (75'), but not more than one hundred twenty five feet (125') may be approved through the conditional building and site design review process, subject to conformance with the standards and procedures of chapter 21A.59 of this title and conformity with applicable master plan policy.

1. Maximum building height may be obtained to one hundred twenty five feet (125') where at least ninety percent (90%) of all parking for said building is provided as structured parking.

2. The ground floor shall include either nonresidential uses or public service portions of residential buildings.

I. Restrictions On Parking Lots And Structures: The following regulations shall apply to surface or aboveground parking facilities.

1. Block Corner Areas: Within block corner areas, surface parking lots and structures shall be located behind principal buildings, or at least sixty feet (60') from front and corner side lot lines.

2. Mid Block Areas: Within the mid block areas, parking structures shall be located behind principal buildings, or above the first level, or at least thirty feet (30') from front and corner side lot lines. A modification to this requirement may be granted ~~as a conditional use through the conditional building and site design review~~, subject to conformance with the standards and procedures of chapter 21A.54 59 of this title. Parking structures located above the first level and less than thirty feet (30') from a front or corner side yard shall meet the following:

a. Retail goods/service establishments, offices and/or restaurants shall be provided on the first floor adjacent to the front or corner side lot line.

b. Levels of parking above the first level facing the front or corner side lot line shall have floors and/or facades that are horizontal, not sloped.

Mid block surface parking lots shall have a twenty five foot (25') landscaped setback.

3. Accessory And Commercial Parking Structures: Accessory parking structures, built prior to the principal use, and commercial parking structures, shall be permitted ~~as conditional uses through the conditional building and site design review~~ with the approval of the planning commission pursuant to the provisions of chapter 21A.54 59 of this title.

4. Belowground Parking Facilities: No special design and setback restrictions shall apply to belowground parking facilities.

5. Landscape Requirements: Surface parking lots shall meet interior landscape requirements as outlined in chapter 21A.48 of this title.

6. Waiver: The planning director may modify or waive this requirement if the planning director finds the following:

a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.

b. The parking is not part of a series of incremental additions intended to subvert the intent of this section.

c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.

d. The landscaped setback is consistent with the surrounding neighborhood character.

e. The overall project is consistent with section 21A.59.060 of this title.

Any appeal of an administrative decision made pursuant to this subsection 16 may be made to the planning commission.

7. Conditional Building And Site Design Review: A modification to the restrictions on parking lots and structures provisions of this section may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission.

J. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings, or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. There must be visual clearance behind the glass for a minimum of two feet (2'). All first floor glass shall be nonreflective. The reflectivity in glass shall be limited to eighteen percent (18%) as defined by ASTA standards. Display windows that are three- dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized ~~through the as~~ conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

1. The requirement would negatively impact the historic character of the building, or

2. The requirement would negatively impact the structural stability of the building.

3. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Any appeal of an administrative decision made pursuant to this subsection may be made to the planning commission.

21A.26.080: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D of this chapter and chapter 21A.59 of this title.

21A.26.090: SUMMARY TABLE OF YARD AND BULK REQUIREMENTS; COMMERCIAL DISTRICTS: (see attached tables)

21A.30 Downtown Districts:

D. D-1 District General Regulations: The regulations established in this section apply to the D-1 district as a whole.

1. Minimum Lot Size: No minimum lot area or lot width is required, except in block corner areas as specified in subsection E5 of this section.

2. Yard Requirements:

a. Front And Corner Side Yards: No minimum yards are required, however, no yard shall exceed five feet (5') except as authorized ~~as a conditional use through the conditional building and site design review process.~~ Such ~~conditional uses conditional building and site design reviews~~ shall be subject to the requirements of chapter 21A. ~~54 59~~ of this title, ~~as well as design review by the planning commission.~~ Where an entire block frontage is under one ownership, the setback for that block frontage shall not exceed twenty five feet (25'). Exceptions to this requirement may be authorized ~~as conditional uses through the conditional building and site design review,~~ subject to the requirements of chapter 21A. ~~54 59~~ of this title, ~~and the review and approval of the planning commission.~~

b. Interior Side And Rear Yards: None required.

3. Restrictions On Parking Lots And Structures: An excessive influence of at or above ground parking lots and structures can negatively impact the urban design objectives of the D-1 district. To control such impacts, the following regulations shall apply to at or above ground parking facilities:

a. Within block corner areas and on Main Street, parking lots and structures shall be located behind principal buildings, or at least seventy five feet (75') from front and corner side lot lines.

b. Within the mid block areas, parking lots and structures shall conform to the following:

(1) Retail goods/service establishments, offices and/or restaurants shall be provided on the first floor adjacent to the front or corner side lot line. The facades of such first floor shall be compatible and consistent with the associated retail or office portion of the building and other retail uses in the area.

(2) Levels of parking above the first level facing the front or corner side lot line shall have floors/facades that are horizontal, not sloped.

c. Accessory parking structures built prior to the principal use, and commercial parking structures, shall be permitted as conditional uses with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title.

d. No special restrictions shall apply to belowground parking facilities.

e. Parking lots, proposed as a principal use to facilitate a building demolition, shall be permitted as a conditional use with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title, where it is found that the parking lot is:

(1) Associated with a proposed principal land use; or

(2) Shown to be necessary for an existing adjacent land use(s). Demand shall be demonstrated through affidavits or executed lease agreements for off site parking. Said lot shall be located within five hundred feet (500') of the principal use(s) that it is proposed to serve, and shall not exceed more than fifty percent (50%) of the required parking stall count for said use(s); or

(3) Not associated with a principal land use or a specific increase in parking demand. The applicant shall document to the planning commission's satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the overall downtown token program.

4. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the D-1 central business district shall be at least forty percent (40%) glass surfaces, except that in the Main Street retail core where this requirement shall be sixty percent (60%). All first floor glass in the Main Street retail core shall be nonreflective type glass. Exceptions to this requirement may be authorized ~~as conditional uses through the conditional building and site design review process, subject to the requirements of chapter 21A.54 59 of this title. The zoning administrator may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures found in chapter 21A.14 of this title, if the zoning administrator finds:~~ The Planning Director may approve a modification to this requirement, if the Planning Director find:

a. The requirement would negatively impact the historic character of the building, or

b. The requirement would negatively impact the structural stability of the building.

c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty-five percent (25%).

Appeal of Administrative Decision is to the Planning Commission.

E. Special Controls Over Block Corners:

1. Intent: Special controls shall apply to land at block corners to encourage greater commercial vitality in the downtown by focusing a higher level of development intensity at street intersections. Control over the intensity of development on blocks is needed due to the large size of blocks and streets and the resulting effects on pedestrian/vehicular circulation and business activity.

2. Block Corner: "Block corner" means the ninety degree (90°) intersection of private property adjacent to the intersection of two (2) public street rights of way both of which are at least one hundred thirty two feet (132') wide.

3. Corner Building: "Corner building" means a building, the structure of which rises above the ground within one hundred feet (100') of a block corner on the street face and one hundred feet (100') in depth.

4. Application: For corner buildings, the provisions of this subsection shall extend to one hundred sixty five feet (165') from the block corner on the street face and one hundred sixty five feet (165') in depth.

5. Lot Size And Shape: The size and shape of the lot shall conform to the following. Lots existing prior to April 12, 1995, which do not meet these requirements shall be exempt.

a. Minimum lot area: Ten thousand (10,000) square feet.

b. Minimum lot width: One hundred feet (100').

6. Height Regulations: No corner building shall be less than one hundred feet (100') nor more than three hundred seventy five feet (375') in height. The minimum one hundred foot (100') high portion of the building shall be located not further than five feet (5') from the lot line along front and corner lot lines. Buildings higher than three hundred seventy five feet (375') may be allowed in accordance with the provisions of subsections E6a and E6b of this section.

a. Conditions For Taller Corner Buildings: Corner buildings may exceed the three hundred seventy five foot (375') height limit provided they conform to the following requirements:

(1) To minimize excessive building mass at higher elevations and preserve scenic views, some or all of the building mass over the three hundred seventy five foot (375') height level shall be subject to additional setback, as determined appropriate through the ~~conditional use approval process~~ conditional building and site design process.

(2) Not less than one percent (1%) of the building construction budget shall be used for enhanced amenities, including art visible to the public, enhanced design elements of the exterior of the building or exterior spaces available to the public for cultural or recreational activities. The property owner shall not be required to exceed one hundred thousand dollars (\$100,000.00) in required amenities.

(3) The operation of uses within the building, including accessory parking facilities, shall comply with the adopted traffic demand management guidelines administered by the city traffic engineer.

b. Additional Standards For Certain Height Modifications:

(1) The first one hundred feet (100') of height shall not be set back from the street front more than five feet (5') except that setbacks above the first fifty feet (50') may be approved ~~as a conditional use through~~ the conditional building and site design process.

(2) Modifying the height will achieve the preservation of a landmark site or contributing structure in an H historic preservation overlay district.

(3) Modifying the height will allow interim service commercial uses to support the downtown community.

c. Conditional Use Conditional Building and Site Design Approval: A modification to the height regulations in subsection E6a of this section may be granted ~~as a conditional use through the conditional building and site design process~~, subject to conformance with the standards and procedures of chapter 21A.5459 of this title. ~~Such conditional uses shall also be subject to design review.~~

F. Special Controls Over Mid Block Areas:

1. Intent: Special controls shall apply to land located at the middle of blocks. Such controls are needed to establish coordinated levels of development intensity and to promote better pedestrian and vehicular circulation.

2. Area Of Applicability: The controls established under this subsection shall apply to:

a. Buildings constructed after April 12, 1995; and

b. All intervening land between block corner properties, as established in subsection E2 of this section.

3. Height Regulations: No building shall be more than one hundred feet (100') in height; provided, that taller buildings may be authorized ~~as a conditional use through the conditional building and site design review~~, subject to the requirements of chapter 21A.5459 of this title, ~~and design review~~.

21A.30.030: D-2 DOWNTOWN SUPPORT DISTRICT:

D. Maximum Building Height: No building shall exceed sixty five feet (65'). Buildings taller than sixty five feet (65') but less than one hundred twenty feet (120') may be authorized ~~as conditional uses through the conditional building and site design process~~, subject to the requirements of chapter 21A.5459 of this title.

21A.30.040: D-3 DOWNTOWN WAREHOUSE/RESIDENTIAL DISTRICT:

E. Maximum Building Height: No building shall exceed seventy five feet (75'). Buildings taller than seventy five feet (75') but less than ninety feet (90') may be authorized ~~as conditional uses through the conditional building and site design review process~~, provided the additional height is supported by the applicable master plan, the overall square footage of the buildings is greater than fifty percent (50%) residential use, and subject to the requirements of chapter 21A.54 59 of this title.

G. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the D-3 downtown warehouse/residential district, shall be at least forty percent (40%) glass surfaces. Exceptions to this requirement may be authorized ~~as conditional uses through the conditional building and site design review process~~, subject to the requirements of chapter 21A.5459 of this title. ~~The zoning administrator may approve a modification to this requirement, as a routine and uncontested special exception pursuant to the procedures found in chapter 21A.14 of this title if the zoning administrator finds: The Planning Director may approve a modification to this requirement, if the Planning Director finds:~~

1. The requirement would negatively impact the historic character of the building, or

2. The requirement would negatively impact the structural stability of the building.

3. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty-five percent (25%).

Appeal of Administrative Decision is to the Planning Commission.

I. Special Provisions:

1. All new buildings constructed in the D-3 downtown district shall have a minimum of seventy percent (70%) of the exterior material of brick, masonry, textured or patterned concrete and/or cut stone. The seventy percent (70%) includes the windows of the building.

a. Except for minor building designs (e.g., soffit, fascia) the following materials are only allowed under the conditional use process: EIFS, vinyl, tilt-up concrete panels, corrugated metal and aluminum siding and other materials.

b. Two-dimensional curtain wall veneer of glass, spandrel glass or metal as a primary building material is prohibited.

c. The fenestration of all new construction shall be three-dimensional (e.g., recessed windows, protruding cornices, etc.).

2. Notwithstanding the residential parking requirements, any building that has ten (10) or more residential units with at least twenty percent (20%) of the units as either affordable, senior housing, or assisted living units shall be allowed to have a minimum of one-half ($\frac{1}{2}$) of a parking space provided for each dwelling unit.

3. A modification to the special provisions of this section may be granted ~~as a conditional use through the conditional building and site design review process~~, subject to conformance with the standards and procedures of chapter 21A.54 59 of this title. ~~Such conditional uses shall also be subject to design review.~~

21A.30.045: D-4 DOWNTOWN SECONDARY CENTRAL BUSINESS DISTRICT:

B. Uses: Uses in the D-4 secondary central business district as specified in section 21A.30.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.30.010 of this chapter. In addition, all conditional uses in the D-4 district shall be subject to design ~~review~~ evaluation and approval by the planning commission.

C. D-4 District General Regulations:

1. Minimum Lot Size: No minimum lot area or lot width is required.

2. Yard Requirements:

a. Front And Corner Side Yards: No minimum yards are required, however, no yard shall exceed five feet (5') except as authorized ~~as a conditional use through the conditional building and site design review process~~. Such ~~conditional uses- designs~~ shall be subject to the requirements of chapter 21A.54 59 of this title, ~~as well as design review by the planning commission~~. Where an entire block frontage is under one ownership, the setback for that block frontage shall not exceed twenty five feet (25'). Exceptions to this requirement may be authorized ~~as conditional uses, through the conditional building and site design review process~~ subject to the requirements of chapter 21A.54 59 of this title ~~and the review and approval of the planning commission~~.

b. Interior Side And Rear Yards: None required.

4. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the D-4 secondary central business district, shall be at least forty percent (40%) glass surfaces. All first floor glass shall be nonreflective type glass. Exceptions to this requirement may be authorized ~~as conditional uses through the conditional building and site design process~~, subject to the requirements of chapter 21A.54.59 of this title. ~~The zoning administrator may approve a modification to this requirement, as a routine and uncontested special exception pursuant to the procedures found in chapter 21A.14 of this title if the zoning administrator finds: The Planning Director may approve a modification to this requirement, if the Planning Director finds:~~

a. The requirement would negatively impact the historic character of the building; or

b. The requirement would negatively impact the structural stability of the building.

c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty-five percent (25%).

Appeal of Administrative Decision is to the Planning Commission.

10. Mid Block Streets: Developments constructing mid block streets, either privately owned with a public easement or publicly dedicated, that are desired by an applicable master plan:

a. May use a portion or all of the overhead and underground right of way of the new mid block street as part of their developable area irrespective of lot lines, subject to design review and approval of the planning commission.

b. May increase the height of the building on the remaining abutting parcel, subject to [the conditional building and site design review process in](#) conformance with the standards and procedures of chapter 21A.5459 of this title. ~~Such conditional uses shall also be subject to design review approval by the planning commission.~~

21A.30.060: SUMMARY TABLE OF YARD AND BULK REQUIREMENTS; DOWNTOWN DISTRICTS: (see attached tables)

Chapter 21A.31 GATEWAY DISTRICTS

D. Conditional Uses: The uses specified as conditional uses in section [21A.31.050](#), "Table Of Permitted And Conditional Uses In The Gateway District", of this chapter, shall be permitted in the gateway district provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title, including the [urban design evaluation and/or the conditional building and site design review design review](#) process established in this chapter [and 21A.59](#).

E. Site Plan Review; Design Review: In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and oriented on lots without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. ~~Design review is a process that addresses elements of urban design. The design may also be evaluated to address elements of urban design.~~

Site plan review, pursuant to chapter 21A.58 of this title, for all of the gateway districts, is required to protect the local economy, maintain safe traffic conditions, maintain the environment, and assure harmonious land-use relationships between commercial uses and more sensitive land uses in affected areas.

Design ~~review~~ [evaluation](#) is necessary to implement the policies of the urban design plan as adopted by the city council. Design review shall apply ~~only~~ to conditional uses in the gateway district. In the gateway district, the conditional use process is used to evaluate and resolve urban design.

H. Restrictions On Parking Lots And Structures: The following regulations shall apply to surface or aboveground parking facilities:

8. ~~Conditional Use~~ [Conditional Building and Site Design](#) Approval: A modification to the restrictions on parking lots and structures provisions of this section may be granted ~~as a conditional use~~ [through the conditional building and site design process](#), subject to conformance with the standards and procedures of chapter 21A.54.59 of this title. Such conditional uses shall also be subject to [urban design ~~review~~ evaluation](#).

P. Urban Design: The urban design standards are intended to foster the creation of a rich urban environment that accommodates growth and is compatible with existing buildings and uses in the area. All general development and site plans shall be designed to complement the surrounding existing contiguous (historic) development. The following design standards will provide human scale through change, contrast, intricacy, color and materials where the lower levels of buildings face public streets and sidewalks. They will also spatially define the street space in order to concentrate pedestrian activity, create a clear urban character and promote visibility of commercial activities at the ground level. The standards will also encourage diversity through the use of building forms and materials, while respecting the patterns, styles and methods of construction traditionally used in the gateway area.

The following urban design standards will be reviewed as part of the site plan review process, with assistance from planning division staff as necessary:

1. Architectural Character And Materials:

a. A differentiated base (on a building over 45 feet high) will provide human scale through change, contrast, and intricacy in facade form, color and/or material where the lower levels of the building face the sidewalk(s) and street(s). Scaling elements such as insets and projections serve to break up flat or monotonous facades, and respond to older nearby buildings. Therefore, all buildings in the gateway districts are subject to the following standards:

(1) All buildings over forty five feet (45') in height shall be designed with a base that is differentiated from the remainder of the building. The base shall be between one and three (3) stories in height, be visible from pedestrian view, and appropriately scaled to the surrounding contiguous historic buildings. The base shall include fenestration that distinguishes the lower from upper floors. Insets and/or projections are encouraged.

(2) All new buildings in the gateway district shall have a minimum of seventy percent (70%) of the exterior material (excluding windows) be brick, masonry, textured or patterned concrete and/or cut stone. With the exception of minor building elements (e.g., soffit, fascia) the following materials are allowed only under the conditional use through the conditional building site and design review process: EIFS, tilt-up concrete panels, corrugated metal, vinyl and aluminum siding, and other materials.

3. Entrance And Visual Access:

a. The intent in the gateway district is to encourage pedestrian activity between the public street/sidewalk and buildings. Sidewalks shall provide continuous, uninterrupted interest to the pedestrian by providing visual interest and/or amenities. The gateway environment will benefit with increased pedestrian activity; this activity will only occur if opportunities are provided that make walking to a destination a preferred and an enjoyable pursuit. The use of blank building facade walls is discouraged. Therefore, all buildings in the gateway area are subject to the following standards:

(1) Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the gateway district shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional uses through the conditional building and site and design review process, subject to the requirements of chapter 21A-54 59 of this title, and the review and approval of the planning commission. The zoning administrator may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures found in chapter 21A.14 of this title, if the zoning administrator finds: The Planning Director may approve a modification to this requirement, if the Planning Director finds:

(A) The requirement would negatively impact the historic character of the building, or

(B) The requirement would negatively impact the structural stability of the building.

(C) The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty-five percent (25%).

Appeal of Administrative Decision is to the Planning Commission.

4. Building Lines And Front Area Requirements:

a. A continuity of building frontage adjacent and parallel to the street encourages a more active involvement between building uses and pedestrians. Leftover or ambiguous open space that has no apparent use or sense of place will not contribute positively to an active street life. Therefore, all buildings in the gateway district are subject to the following standard:

(1) The majority of the ground level facade of a building shall be placed parallel, and not at an angle, to the street.

5. Public Amenities And Public Art:

a. Amenities and works of art enhance quality of life as well as visual interest. Public amenities and public art encourage pedestrian activity and contribute to the pedestrian experience. A cohesive, unified lighting and amenity policy will help give the gateway district its own distinctive identity. Therefore, public amenities and public art are subject to the following standards:

(1) Sidewalks and street lamps installed in the public right of way shall be of the type specified in the sidewalk/street lighting policy document.

(2) Public art (which may include artists' work integrated into the design of the building and landscaping, sculpture, painting, murals, glass, mixed media or work by artisans), that is accessible or directly viewable to the general public shall be included in all projects requiring [conditional building and site design review](#) ~~conditional use~~ approval for a site or design standard. The plan to incorporate public art shall be reviewed by the Salt Lake art design board.

6. ~~Conditional Use~~ [Conditional Building and Site Design Review](#) Approval: A modification to the urban design provisions of this section may be granted ~~as a conditional use through the conditional building and site design review process~~, subject to conformance with the standards and procedures of chapter 21A.5459 of this title. ~~Such conditional uses shall also be subject to design review.~~

21A.31.020: G-MU GATEWAY-MIXED USE DISTRICT:

D. Special Provisions:

3. Mid Block Street Development: Developments constructing mid block streets, either privately owned with a public easement or publicly dedicated, that are desired by an applicable master plan:

a. May use a portion or all of the overhead and underground right of way of the new mid block street as part of their developable area irrespective of lot lines, subject to design [review evaluation](#) and approval of the planning commission.

b. May increase the height of the building on the remaining abutting parcel, subject to conformance with the standards and procedures of [Conditional Building and Site Design](#) chapter 21A.54 59 of this title. ~~Such conditional uses shall also be subject to design review approval by the planning commission.~~

4. ~~Conditional Use Approval~~ [Conditional Building and Site Design Reviews](#): A modification to the special provisions of this section may be granted ~~as a conditional use through the building and site design review process~~, subject to conformance with the standards and procedures of chapter 21A.5459 of this title. ~~Such conditional uses shall also be subject to design review.~~

E. Building Height: The minimum building height shall be forty five feet (45') and the 200 South street corridor shall have a minimum height of twenty five feet (25'). The maximum building height shall not exceed seventy five feet (75') except buildings with nonflat roofs (e.g., pitched, shed, mansard, gabled or hipped roofs) may be allowed, up to a maximum of ninety feet (90') (subject to subsection I of this section). The additional building height may incorporate habitable space.

1. ~~Conditional Use Approval-~~ Conditional Building and Site Design Review: -A modification to the minimum building height or to the maximum building height (up to 120 feet) provisions of this section may be granted ~~as a conditional use through the conditional building and site design review process~~, subject to conformance with the standards and procedures of chapter 21A.5459 of this title, and subject to compliance to the applicable master plan. ~~Such conditional uses shall also be subject to design review.~~

2. Height Exceptions: Spires, tower, or decorative noninhabitable elements shall have a maximum height of ninety feet (90') and with ~~conditional use-~~ conditional building and site design review approval may exceed the maximum height, subject to conformance with the standards and procedures of chapter 21A.5459 of this title. ~~Such conditional uses shall also be subject to design review.~~

Chapter 21A.32 SPECIAL PURPOSE DISTRICTS

21A.32.020: RP RESEARCH PARK DISTRICT:

D. Maximum Building Height: Building height shall be limited to forty five feet (45'). Building heights in excess of forty five feet (45') but less than seventy five feet (75') may be approved ~~as a conditional use through the conditional building and site design review process~~; provided, that the additional height is supported by the master plan and compatible with the adjacent neighborhood.

21A.32.056: AG-20 AGRICULTURAL DISTRICT:

D. Maximum Building Height: Building height shall be limited to forty five feet (45'). Building heights in excess of forty five feet (45') but not more than sixty five feet (65') may be approved ~~as a conditional use through the conditional building and site design review process~~; provided that the additional height is compatible with adjacent properties and does not conflict with the airport flight path protection overlay zone.

21A.32.075: PL-2 PUBLIC LANDS DISTRICT:

D. Maximum Building Height:

1. Local government facilities, government offices, arenas, stadiums, and exhibition halls: Seventy five feet (75') provided, that where adjacent to a zoning district allowing greater height, the height standard of the adjacent district shall apply. A modification to the maximum building height provisions of this section may be granted only ~~as a conditional use through the conditional building and site design review process~~, subject to conformance with the standards and procedures of chapter 21A.5459 of this title, and subject to compliance with the applicable master plan.

2. Other uses: Thirty five feet (35').

21A.32.080: I INSTITUTIONAL DISTRICT:

D. Maximum Building Height: Building height shall be limited to thirty five feet (35'). Building heights in excess of thirty five feet (35') but not more than seventy five feet (75') may be ~~approved as a conditional use through the conditional building and site design review process~~; provided, that for each foot of height over thirty five feet (35'), each required yard shall be increased one foot (1').

21A.32.090: UI URBAN INSTITUTIONAL DISTRICT:

D. Maximum Building Height: Building height shall be limited to seventy five feet (75'). Building heights in excess of seventy five feet (75') but not more than one hundred twenty feet (120') may be approved ~~as a conditional use~~

through the [conditional building and site design review process](#); provided, that the additional height is supported by the master plan and compatible with the adjacent neighborhood.

21A.32.130: MU MIXED USE DISTRICT:

E. Minimum Yard Area Requirements:

6. Maximum Setback: A maximum setback is required for at least seventy five percent (75%) of the building facade. The maximum setback is twenty feet (20'). Exceptions to this requirement may be authorized ~~as conditional~~ through the [conditional building and site design review](#), subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

F. Maximum Building Height: The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and mixed use buildings shall be limited by subsections F1 and F2 of this section. Buildings taller than forty five feet (45'), up to a maximum of sixty feet (60'), may be authorized ~~as conditional uses~~ through the [conditional building and site design review process](#), subject to the requirements of chapter 21A.5459 of this title, provided that the additional height is for residential uses only.

1. Maximum Height For Nonresidential Buildings: Nonresidential buildings shall not exceed thirty feet (30') or two (2) stories, whichever is less.

2. Maximum Height Of Mixed Use Buildings Of Residential And Nonresidential Uses: Mixed use buildings shall not exceed forty five feet (45'). Nonresidential uses in a mixed use building are limited to the first two (2) stories.

21A.32.150: SUMMARY TABLE OF YARD AND BULK REQUIREMENTS; SPECIAL PURPOSE DISTRICTS: (see attached tables)

21A.34.090: SSSC SOUTH STATE STREET CORRIDOR OVERLAY DISTRICT:

2. Maximum Setback: A maximum setback is required for at least thirty five percent (35%) of the building facade. The maximum setback is twenty five feet (25'). Exceptions to this requirement may be authorized through ~~the~~ [conditional building and site design review process](#), subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission

E. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement.

Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

- a. The requirement would negatively impact the historic character of the building,
- b. The requirement would negatively impact the structural stability of the building, or
- c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

21A.58.070: STANDARDS FOR SITE PLAN REVIEW:

E. General Plan Conformity: The planning division shall review site plans for all applications for conditional uses (including planned developments) and conditional building and site design reviews with reference to adopted plans and the conformity of the site plans with the objectives and policies of the adopted plans.

21A.62.040: DEFINITIONS OF TERMS:

Conditional Building and Site Design Review: A design that is allowed only after review and approval by the Planning Commission which includes a comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, height, setbacks, front facade glass, architecture, materials, colors, lighting and signs in accordance with a set of adopted criteria and standards.

21A.64.010: FEE SCHEDULE:

Conditional <u>Building and</u> site <u>plan</u> review	\$664.44 plus \$110.74 per acre in excess of 1 acre
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