

**Table 5.17-4**

TABLE 5.17-4: MIXED USE ZONING DISTRICT DIMENSIONS <sup>1</sup>									
Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections <del>Error! Reference source not found, 5-16</del> Use Specific Standards, <del>Error! Reference source not found, 5-18</del> Special Dimensional and Site Layout Standards, <del>Error! Reference source not found, 5-19</del> Parking Standards and <del>Error! Reference source not found, 5-20</del> Landscaping, Screening, and Buffering.									
DISTRICT	FLOOR AREA AND FAR		OPEN SPACE AND BUILDING COVERAGE	REQUIRED SETBACKS			HEIGHT	LOT DIMENSIONS	
	FLOOR AREA	FAR	% LOT AREA	FRONT	SIDE	REAR	FEET AND STORIES	AREA	WIDTH
O	None	Max: 75%	None	Min: 15 ft. Max: 40 ft. (A)	Min: 30 ft. (C) when abutting R district, otherwise 0 ft.		Max: 55 ft. and 4 Stories when within 300 ft. of abutting R zone, otherwise none.	Min: 6,000 sq. ft.	Min: 50 ft.
C1	Max: 8,000 sq. ft. per non-residential use	Max: 100%	None	Min: 10 ft. Max: 25 ft. (A)	Min: 30 ft. (C) when abutting R district, otherwise 0 ft.		Max: 35 ft. and 3 Stories	Min: 2,000 sq. ft.	Min: 20 ft.
C1B	None	Max: 150%	None	Min: 10 ft. Max: 25 ft. (A)	Min: 30 ft. when abutting R district, otherwise 0 ft.		Max: 50 ft. and 4 Stories	Min: 3,000 sq. ft.	Min: 20 ft.
C1A	None	Max: 200%	None	None	Min: Equal to minimum of abutting R district		None	None	None
C1A/R	None	Max: 300%	None	Min: 10 ft.	Min: Equal to minimum of abutting R district		None	None	None
C2B	None	Max: 200%	None	Min: 10 ft. Max: 25 ft. (A)	Min: 30 ft. (C) when abutting R district, otherwise 0 ft.		Max: 55 ft. and 4 Stories	Min: 4,000 sq. ft.	Min: 40 ft.
C3	None	Max: 200%	None	Min: 10 ft. Max: 25 ft. (A)	Min: 30 ft. (C) when abutting R district, otherwise 0 ft.		Max: 55 ft. and 4 Stories	Min: 6,000 sq. ft.	Min: 60 ft.
D1	None	<del>Max: Up to 900%</del> with premiums (Section 5.18.6); otherwise 400%	None	See Tables 5.17-6 and 5.17-7			Min: 24 ft. and 2 Stories (B)	None	None

<sup>1</sup> Ordinance No. ORD-21-19, effective July 25, 2021.

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DISTRICT	FLOOR AREA AND FAR		OPEN SPACE AND BUILDING COVERAGE	REQUIRED SETBACKS			HEIGHT	LOT DIMENSIONS	
	FLOOR AREA	FAR	% LOT AREA	FRONT	SIDE	REAR	FEET AND STORIES	AREA	WIDTH
D2	None	Max: Up to 100% with premiums (Section 5.18.6); otherwise 200%	Open Space Min: 10%  Building Coverage Max: 80%	See Tables 5.17-6 and 5.17-7			Min: 24 ft. and 2 Stories (B)	None	None
TC1	See Section <del>5.16.3</del> P	None	None	Min: 0 ft. Max: 15 ft. Mixed Use (A), 20 ft. Townhouses/ Apartments (A)	Min: 30 ft. when abutting R district, otherwise 0 ft.		Min: 2 Stories (B) Max: 55 ft. within 80 ft., 75 ft. between 80-300 ft., 120 ft. between 300-1000 ft., 300 ft. more than 1000 ft. from R district.	None	None

**Footnotes:**

- (A) Maximum front setback applies to new detached Buildings; no maximum front setback for Buildings or additions to Buildings constructed before January 16, 2011. For Lots with more than one Front Lot Line, maximum Required Front Setback shall only apply to one Front Lot Line, excluding Lots in the TC1 district.
- (B) Minimum Height and Stories applies to new Buildings; no minimum Height or Story requirement for Buildings constructed before December 26, 2009. The Floor Area of the required second Story must be at least 75% of the Floor Area of the first Story.
- (C) Plus one foot of additional setback for each foot of Building Height over 30 feet.

### 5.18.6 ~~Premiums~~ **RESERVED**

~~A premium is an increase in allowable Floor Area to exceed the normal maximum Floor Area Ratio established by this chapter for Structures in the C1A, C1A/R, D1 and D2 Zoning Districts.~~

#### ~~A. Purpose~~ **Purpose**

~~The intent of incorporating premiums into this chapter is:~~

- ~~1. To provide an incentive for affordable residential housing opportunities in and in close proximity to the City's downtown where such opportunities might not otherwise be provided.~~
- ~~2. To encourage Development which reinforces pedestrian activity along streets within the central Business core and to achieve a greater mixture of land uses and intensities than might occur in the absence of such premiums in order to strengthen the economic vitality and diversity which is essential to a healthy and vibrant street life.~~
- ~~3. To provide an incentive for the Development of public spaces and pedestrian amenities and to encourage excellence in urban design through the provision of Open Space and landscaped approaches to Buildings at appropriate corners.~~
- ~~4. To provide incentives for the Development of energy efficient and environmentally sustainable Buildings.~~
- ~~5. To encourage the inclusion of public parking in the Development of new private Parking Structures.~~
- ~~6. To encourage the preservation of historic Buildings not currently located in an historic district.~~

#### ~~B. Premiums Not Intended for Historic Buildings~~ **Premiums Not Intended for Historic Buildings**

~~Premiums shall not be used as a justification for the demolition of Buildings in historic districts in order to increase density.~~

#### ~~C. Availability~~ **Availability**

~~A premium is not available unless a Building and its surrounding Site incorporates and maintains certain architectural features or land uses, or both, as designated by this chapter.~~

#### ~~D. Floor Area Premium Options~~ **Floor Area Premium Options**

~~In the C1A, C1A/R, D1 and D2 zoning districts, the normal maximum Floor Area Ratio set forth in Table 5.17-2 may be exceeded on Lots located entirely outside of an historic district and Floodplain when amenities as described in this section are provided, subject to the premium limits designated in Table 5.17-4.~~

#### ~~1. General Regulations~~ **General Regulations**

- a. ~~Premium options may be applied only to Lots that are located entirely outside of an historic district, as designated by Chapter 103 and that contain no part of a Floodplain, according to City's adopted Floodplain map as designated by Chapter 100 and Section 5.14.2D.~~
- b. ~~Premium options apply only to any Structure located on the same Lot as the amenities or land uses, or both, which give rise to the premium.~~
- c. ~~The use of multiple options to acquire premiums is permitted.~~
- d. ~~All amenities or land uses used to acquire a Floor Area premium shall remain for the life of the Structure. The feature(s) shall only be diminished or discontinued if the additional Floor Area is permanently removed or if another premium option(s) of at least equivalent Floor Area value, as described in this section, is approved as part of a site plan.~~
- e. ~~Any property that received additional Floor Area through a premium option(s) which was lawfully established prior to, and lawfully continuing in existence on the effective date of this section, shall be deemed a conforming use and/or Structure. When modifications to any such property are requested, compliance with the current premium options is required.~~
- f. ~~As a condition of receiving the additional Floor Area through a premium option, the Building must comply with the following energy efficiency standards for the construction of all new Floor Area:~~
  - i) ~~A minimum of two points must be achieved under the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Energy & Atmosphere Credit No. 1. The most recent version in effect at the time of site plan approval shall be applied.~~
  - ii) ~~Compliance with this requirement shall be verified and documented by the property owner using an industry standard software energy modeling tool (EQUEST or equivalent) prior to the issuance of building permits.~~
- g. ~~Provisions implementing the premium options, and ensuring future compliance with the premium options, where applicable, shall be included as a condition to the approval of a site plan, and in a Development Agreement, or both, as determined by the City Attorney.~~

~~**2. Affordable Residential Unit Premium Option**~~

- a. ~~In the D1 and D2 districts, additional Floor Area may be earned to exceed the normal maximum FAR when Affordable Housing Dwelling Units are included in a Development as provided below.~~

**TABLE 5.18-1: AFFORDABLE RESIDENTIAL UNIT PREMIUM OPTION**

AMENITY	ADDITIONAL FLOOR AREA	SPECIFIC STANDARDS
<del>15% of all residential Floor Area is dedicated to Affordable Housing Dwelling Units</del>	<del>D1 District: 150% of Lot Area D2 District: 100% of Lot Area</del>	<del>1. Residential Floor Area of the Development must equal at least 150% of the Lot Area in the D1 district or 100% in the D2 district. 2. Up to half of the amenity Floor Area may be offered at market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund.</del>
<del>20% of all residential Floor Area is dedicated to Affordable Housing Dwelling Units</del>	<del>D1 District: 300% of the Lot Area D2: 200% of the Lot Area</del>	<del>1. Residential Floor Area of the Development must equal at least 300% of the Lot Area in the D1 district or 200% in the D2 district. 2. Up to half of the amenity Floor Area may be offered at market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund.</del>
<del>30% of all residential Floor Area is dedicated to Affordable Housing Dwelling Units</del>	<del>D1 District: 500% of the Lot Area D2 District: Not available</del>	<del>1. Residential Floor Area of the Development must equal at least 250% of the Lot Area in the D1 district. 2. The maximum height limit of the character overlay district may be increased by 15% 3. Up to half of the amenity Floor Area may be offered at market rates when a payment in lieu for the Floor Area has been made to the Affordable Housing Fund</del>

~~b. Every sleeping room in the Building shall have at least 1 window, sliding glass door, skylight, or other acceptable light transmitting media facing directly to the outdoors. The minimum total glazed area for every sleeping room shall not be less than 8% of the Floor Area of such room.~~

~~c. Affordable Housing Dwelling Units shall be provided on-site or, to the extent allowed as provided in Table 5.18-1, by payment of an affordable housing contribution in lieu of on-site units consistent with a formula adopted by resolution of City Council.~~

- d. ~~If Dwelling Units constitute a portion of a mixed use Building, Dwelling Units must be completed and receive a certificate of occupancy in advance or at the same time as the certificate of occupancy for nonresidential use, or the property owner shall provide a performance bond for the residential use at the time the certificate of occupancy is requested, subject to the provisions of Section 5.28.8.~~
- e. ~~The conditions to the approval of a site plan, or Development Agreement, or both, as required in Section g shall include provisions to implement and maintain Dwelling Units meeting the requirements for Affordable Housing Dwelling Units for 99 years from the date of issuance of the final certificate of occupancy or make payments for contributions in lieu of on-site units, or both.~~
- f. ~~The total Floor Area of the Affordable Housing Dwelling Units shall be subtracted from the total premium Floor Area when calculating off-street motor vehicle parking in Section 5.19.3 Special Parking Districts.~~
- g. ~~Failure to maintain the required Floor Area of Affordable Housing Dwelling Units in compliance with this section shall be a violation of this ordinance. The penalty for such violation shall be a fine deposited into the Affordable Housing Fund of five times the current payment for affordable housing contributions in lieu of on-site units adopted by resolution of City Council at the time of the violation of the applicable area of Dwelling Units.~~

### ~~3. Green Building Premium Option~~

- a. ~~In D1 and D2 districts, Floor Area in excess of the normal maximum Floor Area Ratio shall be allowed in the following increments for Site and/or Buildings achieving the following levels of the U.S. Green Building Council Leadership in Energy and Environmental Development (LEED) Certification for new construction (NC) or existing Buildings. The most recent version in effect at the time of site plan approval shall be applied.~~
  - i) ~~LEED Silver Certification, with a minimum of four points in Energy & Atmosphere Credits No. 1 and 2: 50% of Lot Area.~~
  - ii) ~~LEED Gold Certification, with a minimum of 6 points in Energy & Atmosphere Credits No. 1 and 2: 150% of Lot Area.~~
  - iii) ~~LEED Platinum Certification, with a minimum of 8 points in Energy & Atmosphere Credits No. 1 and 2: 250% of Lot Area.~~
- b. ~~Prior to issuance of any building permits, the Applicant shall submit proof of LEED registration and a letter in a form satisfactory to the City Attorney stating his/her commitment to achieving the requested LEED Certification and to demonstrating compliance with that commitment.~~
- c. ~~Within six months of receiving the final certificate of occupancy, the Applicant shall submit to the Planning Manager documentation of the credits earned from the U.S. Green Building Council and achievement of~~

~~the requested Certification. This time period may be extended by the Planning Manager at their discretion for a period not to exceed three months if additional time is needed to complete the LEED Certification process, and the Applicant has been diligently working towards completion.~~

~~d. Failure to submit documentation from the U.S. Green Building Council within the required time period demonstrating the Applicant's achievement of the requested LEED Certification premium shall be a violation of this ordinance. The penalty for such violation shall be \$500 per day from the date when the report was due to the date it is submitted.~~

~~e. Failure to demonstrate full compliance with the Applicant's commitment to achieve the requested LEED Certification premium shall be a violation of this ordinance. The penalty for each violation is an amount determined by the following formula:~~

$$P = [(LC - CE) / LC] \times CV \times GPUP$$

~~Where:~~

~~P is the penalty;~~

~~LC is the minimum number of credits to earn the requested LEED Certification;~~

~~CE is the number of credits earned as documented by the U.S. Green Building Council report;~~

~~CV is the construction value, as set forth on the building permit for the new Structure;~~

~~GPUP, the Green Premium Utilization percentage, is the greater of (i) 0.075; or (ii) a fraction, the numerator of which is LEED FAR, the denominator of which is TFAR.~~

~~LEED FAR is the minimum amount of Floor Area proposed that is attributable to the Green Building Premium;~~

~~TFAR is the total Floor Area proposed.~~

~~f. Failure of the Applicant to comply with the Applicant's commitment to achieve the requested LEED Certification premium shall not affect the right to occupy any of the premium Floor Area if a penalty is paid to the City in the amount determined in this section. No additional penalty shall be imposed for failure to comply with the commitment.~~

~~g. If, within 90 days, or such longer period as the Planning Manager may allow for good cause, the application shall demonstrate, through a supplemental report from the U.S. Green Building Council that it has made sufficient alternations to improvements to earn the requested LEED Certification, or to earn more credits toward such a Certification, then the~~

~~penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be final.~~

#### ~~4. Historic Preservation Premium Option~~

~~In D1 and D2 districts, additional Floor Area of up to 50% of the Lot Area shall be allowed in excess of the normal maximum Floor Area Ratio for a development that preserves a historic resource, as defined in Chapter 103, that is currently listed on or eligible for the National Register of Historic Places and/or the State Register of Historic Sites. For purposes of calculating the maximum Floor Area Ratio for the Lot, the Floor Area of the historic resource shall not be counted in the total.~~

#### ~~5. Pedestrian Amenity Premium Option~~

##### ~~a. General~~

~~In C1A, C1A/R and D1 districts, ten square feet of Floor Area in excess of the normal maximum Floor Area Ratio shall be allowed for each square foot of pedestrian amenity improvements, up to a maximum of 8,000 square feet of additional Floor Area. Any space in which a pedestrian amenity is used to acquire a premium shall not be used for the off-street parking of any vehicle, including but not limited to automobiles, bicycles, motor bikes, and scooters; nor shall such area be used for access drives, loading, or trash collection stations, except as noted in Section 5.18.6D.5.iv) Interconnections of pedestrian amenities between two or more Lots are required to the extent feasible. A public Open Space used to acquire a premium shall be designed to avoid creation of isolated areas, to maintain lines of sight into the space from streets and major pedestrian walkways, and to provide a secure environment. Lighting shall be provided for public Open Space premiums which are open at night. Pedestrian amenities may include the options listed below.~~

##### ~~b. Inner Arcade~~

##### ~~i) General~~

~~A non-publicly owned, continuous, covered space that runs through or along a non-Street side of a Building and connects public Streets, arcades, Open Space, or Sidewalks and is readily accessible and identifiable from the public Street, arcade, or Sidewalk. An arcade shall meet the following requirements:~~

- ~~1. Connect and be accessible from at least two public Streets, or a public Street and a public or non-public arcade fronting on another public Street, or a public Street and a public or non-public plaza fronting on another public street, or a public or non-public arcade and another public or non-public arcade fronting on another public Street; or a public parking garage and a public Street; and~~
- ~~2. Measure not less than 12 feet wide; and~~



~~3. Have an open and unobstructed headroom of at least 12 feet in height; and~~

~~4. Remain open for use by the general public during all Business Hours common in the area.~~

~~ii) **Art Work**~~

~~Art works may occupy up to five percent of the total arcade area if a minimum clearance of 6 feet for circulation is provided.~~

~~c. **Plaza**~~

~~A non-publicly owned continuous space, open to the sky for its entire width and length which fronts on a public Street or public Sidewalk, which is directly and conveniently accessible to the public at all times for passive recreational activities. Up to 2/3 of the surface area of the plaza may be occupied by features such as seating, permanent planting areas, water features or works of art. When landscaping is provided for a plaza amenity premium, a variety of living trees, shrubs, ground covers, and seasonal plantings shall be used and shall be located in permanently installed beds or planters serviced by automatic irrigation systems or in large containers, provided they cannot be readily removed. A plaza shall meet the following requirements:~~

~~i) Have a minimum dimension of ten feet; and occupy not less than 500 square feet; and~~

~~ii) Be at the same grade as the adjacent public Sidewalk or not more than 24 inches above or below the grade of adjoining public Sidewalk for no more than 50% of either length of the sides adjoining and measured at the Lot Line; and~~

~~iii) Be readily identifiable from the public Sidewalk; and~~

~~iv) A portion of a plaza may be used for the parking of bicycles, provided the square footage of the plaza is increased beyond the minimum requirement at the rate of 96 square feet for each two bicycles parked, and permanently installed bicycle facilities are provided; and~~

~~v) When seating and/or tables are provided, they shall be available for use by the general public at all times the space is open.~~

~~6. **Public Parking Premium Option**~~

~~In the D1 district, the Floor Area of above-grade Parking Structures reserved for vehicular Parking Spaces in excess of the minimum requirement shall not be counted toward the maximum Floor Area Ratio, up to a maximum of 200% of the Lot Area, if the following conditions are met:~~

~~a. The Parking Spaces are made available to the general public;~~

- ~~b. The number, location, size, access, layout and design of the Parking Spaces meet standards for public parking, as determined by the Downtown Development Authority;~~
- ~~c. The property owner signs and records a Development Agreement or other document approved by the City Attorney outlining the operating conditions for this parking.~~