



PLANNING
DEPARTMENT

Density Bonus 90 (DB90)

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Background

2022

City Council adopted Ordinance No. 20220609-080, creating a second tier of the VMU program, referred to as VMU2, which allowed for increased height in exchange for increased community benefits.

City Council adopted Ordinance No. 20221201-055, creating an incentive program that allows residential uses in commercial zoning districts, referred to as Residential in Commercial, which allowed for the construction of residential uses in exchange for increased community benefits.

2023

Ordinance No. 20220609-080, Ordinance No. 20221201-055, and Ordinance No. 20221201-056 were invalidated.

2024

City Council adopted Ordinance No. 20240229-073 on an 8-2 vote, which created the Density Bonus 90 (DB90) combining district and density bonus program with requirements and incentives mirroring VMU2 provisions.

City Council adopted Ordinance No. 20240829-158 on a 9-0 vote, which amended regulations applicable to the Density Bonus 90 (DB90) combining district.



DB90 Requirements and Incentives

■ Affordability

- Rental:
 - 10% of units set-aside affordable to 50% Median Family Income (MFI); OR
 - 12% of units set-aside affordable to 60% MFI
- Ownership:
 - 12% of units set-aside affordable to 80% MFI
 - Requirements for ownership units may be satisfied by a fee-in-lieu of on-site units

■ Mix of Uses

- Requirements for pedestrian-oriented commercial uses
- Floors beyond the second must be residential

■ Subchapter E Design Standards

- Streetscape, building placement, and design standards

■ Site Development Standards

- Exemptions from standards include the following:
 - Minimum site area requirements
 - Maximum floor area ratio
 - Maximum building coverage
 - Minimum street side yard setback and interior yard setback
 - Minimum front yard setback
 - Article 10 Compatibility Standards Subchapter C
 - Compatibility Buffer requirements will apply

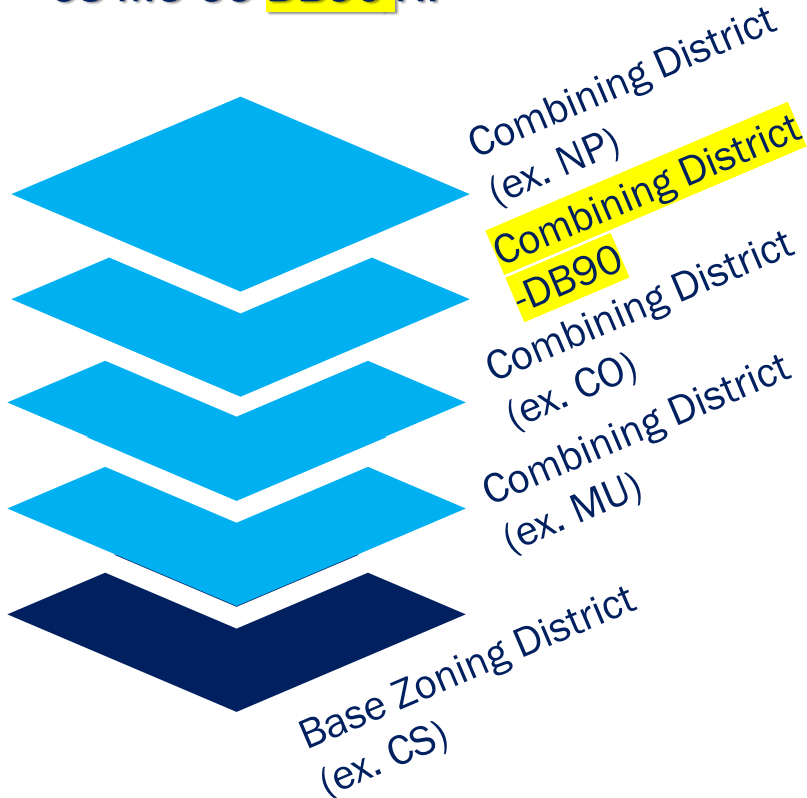
■ Height

- 30 ft in additional height from the base zone up to a maximum of 90 ft



DB90 Combining District

Example Zoning String:
CS-MU-CO-DB90-NP



Eligible Districts:

Base Zoning Districts				
Base Zones	Description	Base Max Height	Max Height with Bonus	Impervious Cover
CS (CS-1)	Commercial Services	60ft	90ft	95%
GR	Community Commercial	60ft	90ft	90%
GO	General Office	60ft	90ft	80%
LR	Neighborhood Commercial	40ft	70ft	80%
LO	Limited Office	40ft	70ft	70%



Commercial Requirements

■ Pedestrian-Oriented Commercial Spaces

- At least **75%** of the building frontage along the principal street and on the ground floor must be **designed for** one or more **commercial or civic** uses
 - A lobby serving occupants of the building will not count
 - Rezoning may request modification on certain roadways
- A non-residential use may not be located on or above the third story of a building

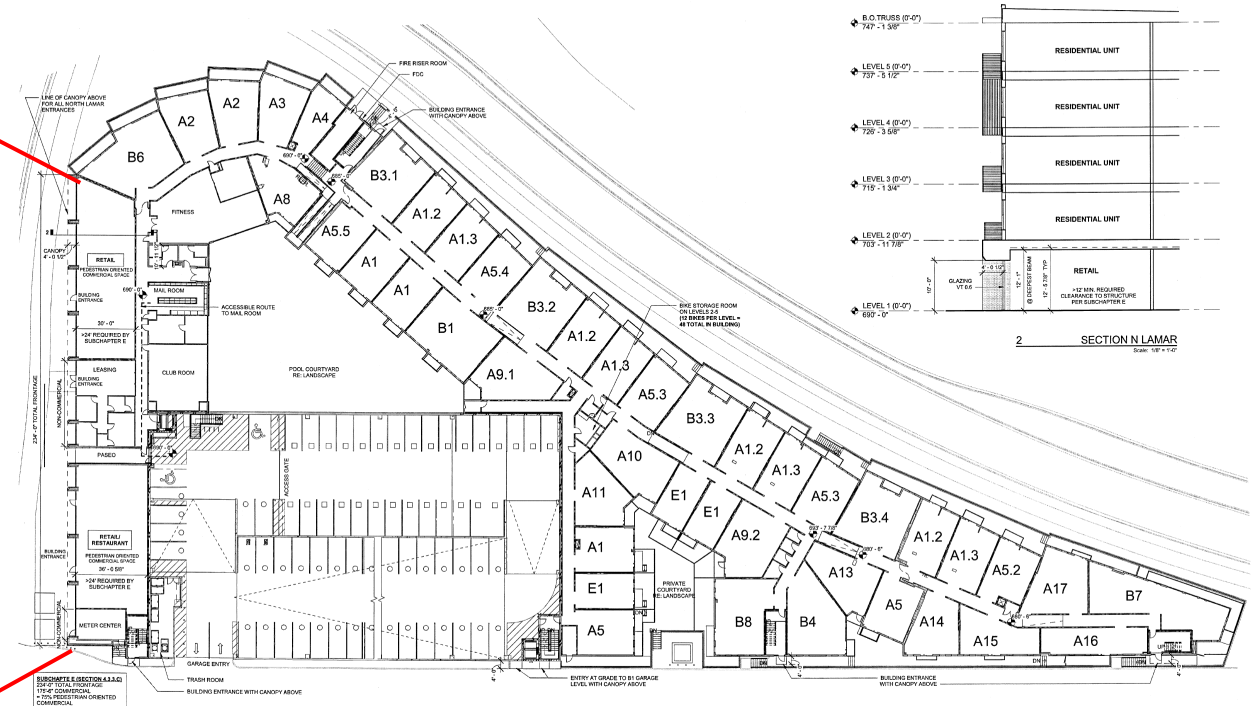
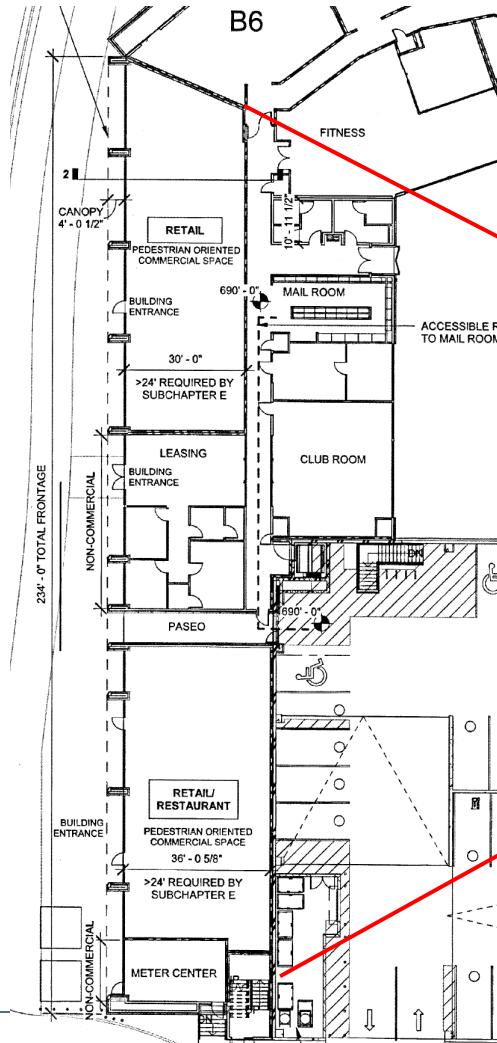
■ Commercial Uses added to Office Districts

- Commercial uses permitted in office base zoning districts (GO and LO):
 - Consumer convenience services
 - Food sales
 - General retail sales (convenience or general)
 - Restaurant (limited or general) without drive-through service



Commercial Requirement Calculation Example

Calculation		
Commercial Frontage	Total Frontage	%
175 Ft	234 Ft	75%





Compatibility Buffer

- **25' Compatibility Buffer** required along a property line shared with a triggering property:
 - **10' Screening Zone** with trees and shrubs
 - **15' Restricted Zone** with low-intensity uses such as driveways and fire lanes
 - Stormwater infrastructure allowed in the screening and restricted zones
- Screening for certain objects including vehicle lights, mechanical equipment, and refuse collection areas

Screening Zone Requirements	
Minimum width	10'
Large shade tree ¹ per 25 linear feet	1
Small understory trees per 25 linear feet	1
Shrubs per 25 linear feet	10

¹ 20' minimum height at maturity

*Native plantings required (existing native plants can count)



Process





Process

- Owners of eligible properties must request a rezoning to add DB90
 - Requires a Commission recommendation and Council action
 - Notice of the rezoning will be provided pursuant to 25-1-132, which includes utility account holders and property owners located within 500 feet of the subject property
 - Property owners within 200 feet can protest the rezoning
- Eligible Districts:
 - Commercial Liquor Sales (CS-1)
 - Community Commercial (GR)
 - General Office (GO)
 - General Commercial Services (CS)
 - Neighborhood Commercial (LR)
 - Limited Office (LO)



Housing Certification

- Requirements for Housing Certification letter found in Chapter 4-18
- Pre-Application Conference
 - Applicants must meet with the Housing Department prior to submitting an application to provide an overview of their projects
- Certification
 - Creates a process for certification by Housing Department
 - Required prior to site plan submittal
- General Provisions
 - Provisions for simultaneous availability of units, similar unit size/location, prohibiting income source discrimination, inclusion of tenant protection lease addendum, etc.



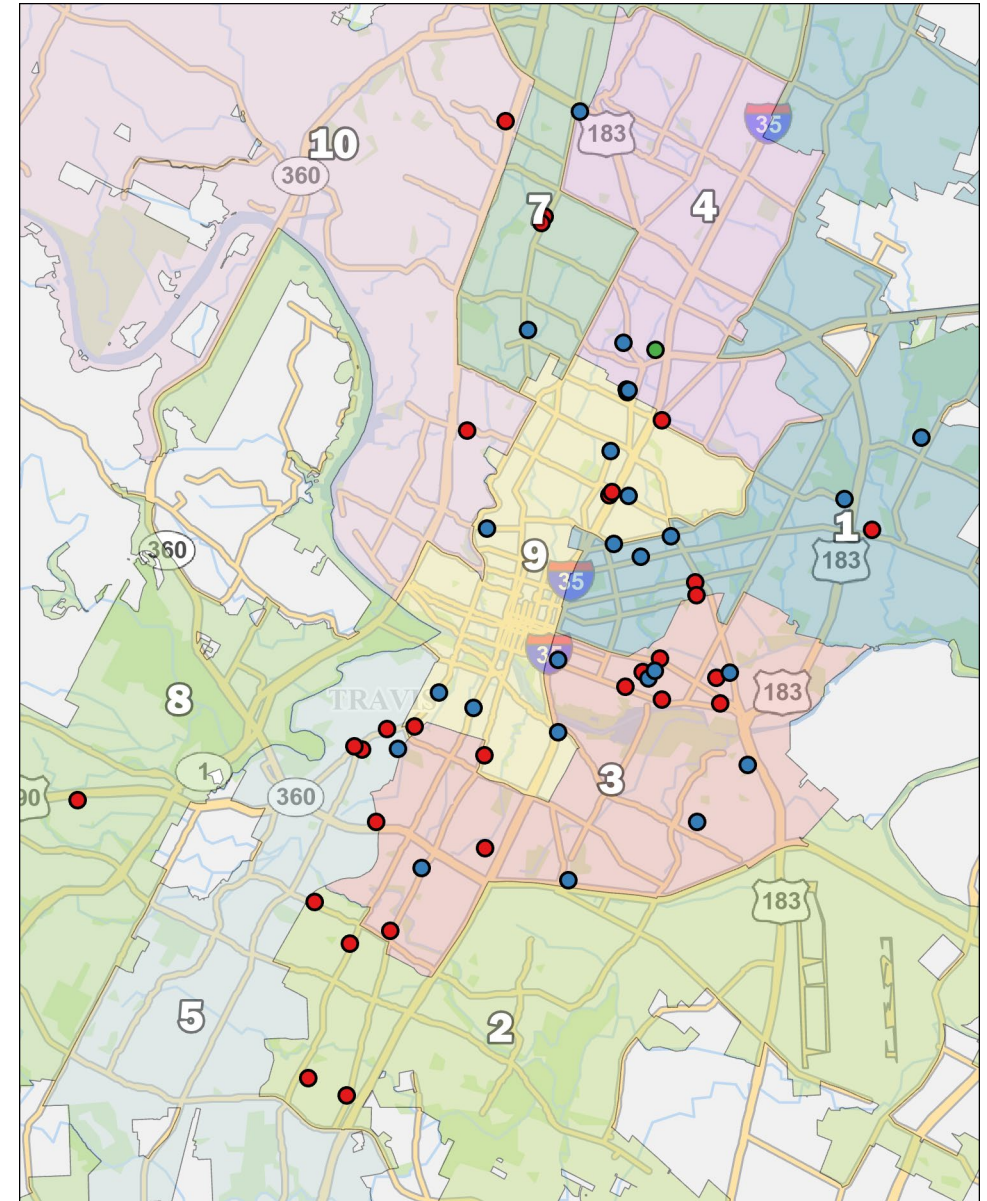
Compliance with Chapter 4-18-32

- Redevelopment of Existing Multifamily Structure
 - Tenants' Notice, Lease Termination, and Security Deposits
 - Notice required at least 120 days prior to approval of a demolition permit
 - Security deposits returned by earlier of 60 days following the tenant's moveout date or the date required by the tenant's lease
 - Relocation Benefits
 - Payment of relocation benefits prior to approval of a demolition permit
 - Right to Return
 - Codified in land use agreement
 - Must be included in tenants' notice



DB90 Zoning Cases – Total

- 56 Cases Total
- 26 Cases In-Process
- 29 Cases Closed
- 1 Case Withdrawn





Contact Us

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Thank You