

Chapter 21 Bonus Intensity Zone Overlay District

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11-21-1: Purpose

The purpose of the Bonus Intensity Zone (BIZ) Overlay District is to provide for variation from the application of residential densities and other development standards to allow greater intensity of development and encourage unique, innovative developments of superior quality. It must be demonstrated that the resulting development will further the goals and objectives of the General Plan, Specific Plans, and Council policies and will provide significant social or economic benefits to the City. This overlay district applies more frequently to individual projects which may consist of one or more buildings. Moreover, the purposes of this district are to:

- A. Encourage unique, innovative development of superior quality that utilizes sustainable development practices and promotes pedestrian activity.
- B. Allow for the establishment of unique land use regulations and development standards to achieve the goals of the General Plan for the area.
- C. Promote development patterns that encourage conservation of natural resources and provide opportunities for renewable energy production.

11-21-2: Land Use Regulations

The BIZ overlay-zoning district is used in conjunction with an underlying zoning district, thereby permitting the same uses as the underlying base zoning district, except those land uses that may be excluded by the City Council. Before the City Council excludes a land use from a base zoning district, a development agreement that also excludes those specified land uses shall be adopted previous to or concurrently with the adoption of the overlay district.

11-21-3: Development Standards

- A. Unless specifically modified by the City Council, the specified development standards are based upon the requirements of the underlying base zoning district; including but not

- limited to minimum lot area, maximum density, maximum building height, minimum setbacks, and maximum lot coverage for each underlying zoning district.
- B. The City Council may approve modifications to the underlying district standards proportionate to number of items and degree of compliance provided by projects that comply either with a combination of Items 1 and 2, below; or with a combination of 1 and 3, below. Projects with few modifications need comply with a lower percentage of criteria. Projects with a higher number and greater deviation from adopted standards shall comply with a higher percentage of criteria.
1. Provide distinctive, superior quality designs. (See Section 11-31-32, Superior Design)
 2. Address environmental performance standards outlined below:
 - a. Site selection criteria. Sites shall meet one or more of the following criteria.
 - i. Redevelop and rehabilitate economically distressed properties (particularly greyfield sites), damaged sites or environmentally contaminated 'brownfield' sites.
 - ii. Utilize areas with existing utility and transportation infrastructure and existing community services. This criterion is preferred for higher density and higher intensity development, when feasible.
 - iii. Utilize locations within ½ mile of a planned light rail line or ¼ mile from an existing or planned bus stop. This criterion is preferred for higher density and higher intensity development, when feasible
 - b. Site design criteria. Designing the site to facilitate alternative modes of transportation and to reduce onsite environmental impacts.
 - i. Provide safe and secure storage for bicycles. For commercial, employment or institutional projects, bicycle storage areas shall be within 200 yards of the building entrance, and shall have a designated and convenient pedestrian access route connecting the storage area to the building. For residential projects, safe and secure bicycle storage areas shall be provided on-site for a minimum 15% of the residents.

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- ii. Include priority location parking for low-emission vehicles in parking areas.
 - iii. Provide priority location parking spaces for carpool or vanpool vehicles.
 - iv. Provide the number of parking spaces designed to serve a development site consistent with the number of spaces required to meet the minimum parking ratio. Parking spaces over the minimum number is discouraged.
 - v. For greenfield sites, protect or restore natural areas on site with native vegetation to encourage biodiversity and for enjoyment by people. For previously developed sites, restore areas with native or adapted vegetation to encourage biodiversity and for enjoyment by people. The size of the space should be appropriate for the size of the site and the activity level or use of the site.
 - vi. Design the project to be energy efficient including, but not limited to, designed to reduce summer heat gain, reduce winter heat loss, utilize day lighting strategies and provide the opportunity for occupants to take advantage of renewable energy. The design also mitigates the effects of solar exposure for users and pedestrians. For purposes of this criterion, buildings that have efficient HVAC systems, incorporate passive solar heating, cooling and day lighting strategies within an efficient building envelope, as recommended by the Department of Energy's Energy Efficiency and Renewable Energy (EERE) section, including buildings designed to earn the EPA ENERGY STAR or designed to meet LEED™ Silver or equivalent third-party criteria are considered to be energy efficient and no higher standard shall be used
- c. Provide documented evidence that the building(s) will meet or exceed nationally recognized environmental performance standards. For purposes of this criterion, buildings that are designed to earn LEED™ Silver, Green Globes, and/or equivalent third-party criteria, and no higher standard shall be required. Avoid sites considered inappropriate, such as

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- prime farmland, land identified as habitat for endangered species, and wetlands or riparian areas associated with wildlife.
- d. Utilize areas with existing utility and transportation infrastructure and existing community services. This criterion is preferred for higher density and higher intensity development, when feasible.
 - e. Redevelop and rehabilitate economically distressed properties (particularly greyfield sites), damaged sites or environmentally contaminated 'brownfield' sites.
 - f. Utilize locations within ½ mile of a planned light rail line or ¼ mile from an existing or planned bus stop. This criterion is preferred for higher density and higher intensity development, when feasible.
3. Provide documented evidence that the building(s) will meet or exceed nationally recognized environmental performance standards. For purposes of this criterion, buildings that are designed to earn Green Globes, LEED™ Silver, or to be in compliance with the International Green Construction Code and/or equivalent third-party criteria, are considered to be energy efficient and no higher standard shall be required.

11-21-4: Supplemental Regulations

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- A. Land developed under this Chapter may consist of building(s) on individual or multiple lots.
- B. Common open space shall be an essential element of the plan. Open areas should provide an efficient, aesthetic, and desirable usage.
- C. Every structure containing residential, commercial, or industrial units shall have access to a public street. The access shall occur either directly to an abutting public right-of-way, or by use of a recorded access easement, or by utilizing a court, walkway, or other common area. If a common area is used, it shall be owned and maintained in common by a property owner's association organized through private covenants, conditions and restrictions attached to the deed.

11-21-5: Review of Plans

- A. Application. Requests for BIZ overlays shall follow the same procedures specified for zoning amendments in Article 7, Administration of this Ordinance.

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- B. Modifications to Plans. Changes to the approved development plan shall be reviewed and approved in accord with Chapter 67 Common Procedures.
- C. Building Permits and Regulations.
1. An approved development may be built in phases upon approval of a phasing plan. Any phasing plan must provide, at a minimum, that the construction and provision of all necessary elements associated with that phase, including parking, drainage, common open spaces, and public and recreational facilities, which are shown on the approved site plan, are constructed prior to or contemporaneously with the construction of buildings for that phase. If the City Manager or designee determines that the rate of building construction does not conform to the approved phasing plan, he shall notify the developer that no new building permits shall be issued until the developer obtains approval of a supplemental Phasing Plan designed to restore compliance with the previously approved Phasing Plan. In the alternative, the developer may submit a proposed revision to the Phasing Plan for Planning Director review and possible approval. Failure to comply with the terms of this Section in a timely manner following notification shall result in all building construction being halted and all existing building permits shall be suspended until a supplemental or revised Phasing Plan is approved by the Planning Director.
 2. When the project has been completed, the use of the land and the construction, modification, or alteration of any buildings or structures within the development shall remain in conformance with the development plan, except that any minor extension, alteration, or modification of existing buildings or structures may be authorized by the Zoning Administrator or Board of Adjustment in accordance with Article 7, Administration of this Ordinance if they are consistent with the purpose and intent of the approved development plan.

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