

21A.25.010: GENERAL PROVISIONS:

A. Intent: The intent of this chapter is to create a scale of form based, mixed use districts that can be used in different areas of the city based on the land use policies identified in the general plan. The regulations are intended to provide places for small and large businesses, increase the supply of a variety of housing types in the city, and promote the public health by increasing the opportunity for people to access daily needs by walking or biking. The regulations focus on the form of development, the manner in which buildings are oriented toward public spaces, the scale of development, and the interaction of uses within the city.

B. Allowed Uses: Land uses shall be allowed as a permitted or conditional use based on the land use tables for each listed district in Chapter 21A.33. Any permitted or conditional use shall also be limited by any specific provision in this chapter or as determined by the building type definitions found in Section 21A.62.060.

1. Accessory Uses and Structures: Accessory uses and structures shall be allowed subject to the requirements of Sections 21A.36.020, 21A.36.030, and Chapter 21A.40 of this title and any other provisions that specifically applies to accessory uses and structures that may be found in this title.

2. Obnoxious or Offensive Uses: No use of land shall be permitted which creates a nuisance by reason of odor, dust, smoke, vapors, noise, light, vibration, or refuse matter. Any nuisance shall be considered a violation of this title.

C. Building Forms and Standards:

1. Allowed building forms shall be determined based on the definitions in Section 21A.62.060.

2. Building form standards for each allowed building form are listed in the building form standards tables of each zone in this section.

D. Open Space Area Requirements: When required by the building form standards in this chapter, the following open space standards apply.

1. Open Space Area: A minimum of ten percent (10%) of the lot area shall be provided as open space area, unless otherwise specified in this chapter. Open space area may include landscaped yards, patios, dining areas, common balconies, rooftop gardens, and other similar outdoor living spaces. Private balconies, required parking lot landscaping, or required perimeter parking lot landscaping, shall not be counted toward the minimum open space area requirement, except where specifically authorized by the individual district.

a. A minimum of twenty percent (20%) of the required open space area shall include vegetation. Tree canopy at maturity shall count toward the vegetation area requirement.

b. At least one open space area shall have a minimum dimension of fifteen feet (15') by fifteen feet (15'). This does not apply to the row house building form, except when the required open space area is consolidated into a shared common space.

c. Open space areas that are greater than five hundred (500) square feet shall contain at least one useable element from the following list:

(1) A bench for every two hundred fifty (250) square feet of open space area;

(2) A table for outdoor eating for every five hundred (500) square feet of open space area;

(3) An outdoor amenity intended to provide outdoor recreation and leisure opportunities including walking paths, playgrounds, seating areas, gardens, sports courts, or similar amenities intended to promote outdoor activity;

(4) Trees with a minimum spread of twenty feet (20') at mature height to shade a minimum of thirty three percent (33%) of the open space area; and/or

(5) Vegetation that equals at least thirty three percent (33%) of the open space area.

d. For development sites that involve subdividing the site into multiple lots, the open space area requirement may be applied to the entire site instead of per lot.

E. Midblock Walkways: The purpose of requiring midblock walkways is to ensure that pedestrian facilities are provided in areas where the general plan identifies an increase in density, population, and people who will rely on using existing sidewalks to fulfill daily needs. A minimum width is required to ensure that sidewalks and walkways are sufficient to accommodate the anticipated number of people. When required by this chapter, midblock walkways are subject to the following requirements:

1. Width: The midblock walkway shall be a minimum of ten feet (10') wide, except those identified in the downtown plan shall be a minimum of fifteen feet (15') wide. If the walkway is more than twenty percent (20%) of the lot width, the midblock walkway may be reduced to six feet (6'). The width of the midblock walkway may be located within and included as a portion or all of a required setback.

2. Location: The midblock walkway may be incorporated into the interior of the building provided it is open to the public. A sign shall be posted indicating that the public may use the walkway.

3. Encroachments: The following building encroachments are permitted in an outdoor midblock walkway:

a. Balconies: All balconies must be located at the third story or above;

b. Building overhangs and associated cantilever: These coverings may be between nine and fourteen feet above the level of the sidewalk and may project up to six feet (6').

c. Skybridge: A single skybridge is permitted and may only be located at the third, fourth, or fifth stories; and

d. Other architectural element(s) not listed above that offer refuge from weather and/or provide publicly accessible usable space, projecting up to one foot into the midblock walkway.

F. Uses Not Associated with Building Form: Allowed uses that do not involve the construction of a building, such as parks and open space, are not required to comply with any specific building form regulation. All other buildings shall be classified as one of the identified building types allowed in the zoning district.

G. General Yard and Setback Provisions:

1. Front/Corner Side Yard Exceptions and Modifications:

a. Landscape Yard Exceptions: Plazas, courtyards, outdoor dining, or similar areas, may be located in any required or provided front/corner side landscape yard and may exceed the impervious surface limits of Subsection 21A.48.060.C. However, the minimum vegetation requirement still applies.

b. Utility Easements Exception: When an existing utility easement prevents a building from complying with the maximum front/corner side yard or build-to requirement, the maximum front yard setback or build-to requirement shall be at the edge of the easement.

c. Active Outdoor Spaces Exception: The maximum front/corner side yard setback and build-to requirements may be increased if the additional setback area is used for plazas, courtyards, outdoor dining areas, or other similar uses.

d. Curb Distance Exception: No minimum setback is required for the front or corner side yard if the respective lot line is more than thirty feet (30') from the street curb face.

e. Design Review Modifications: In addition to the by-right modifications allowed in this chapter, all front and corner side yard and build-to regulations of this chapter may be modified through the design review process in Chapter 21A.59.

2. General Yard/Setback Applicability: Minimum required yards apply to the perimeter of a development site and not to the individual lots within the development site.

3. Maximum Setbacks/Build-To Lines: Where not otherwise specified, maximum setbacks and build-to lines only apply to seventy five percent (75%) of the front building line.

4. Side/Rear Yard Setback Abutting Alleys: The width of an abutting alley may be counted toward the abutting required side or rear yard setback requirement.

5. Doorways and Zero Setbacks: Doors are not allowed to swing into the public right-of-way.

6. Accessory Building Setbacks: Accessory buildings are not subject to the maximum setback or build-to requirements.

H. Public Street Frontage:

1. Buildings without Frontage: Multiple buildings are allowed on a single lot regardless of street frontage. When lots are authorized without frontage according to subsection 2, all principal buildings within the development site are exempt from having public street frontage. The buildings may exceed the maximum front yard setback and build-to requirements, provided that:

a. At least one principal building on the lot or development site has public street frontage and meets front yard setback and build-to requirements;

b. Each building has legally established access to a public street that includes a minimum five foot (5') wide paved walkway and vehicle access to any provided parking on the lot, and

c. Each ground floor dwelling unit of the row house, urban house, two family, and cottage development forms shall include an entry feature allowed by Section 21A.37.050, regardless of street frontage.

2. Lots without Frontage: Lots without public street frontage, used for individual dwelling units or buildings, are allowed subject to a preliminary subdivision plat process and recording a final subdivision plat that:

a. Documents that new lots have adequate access to a public street by way of easements or a shared driveway; and

b. Includes a disclosure of private infrastructure costs for any shared infrastructure associated with the new lot(s) per Section 21A.55.110 of this title and all other requirements therein.

I. Building Heights:

1. Measurement: Building height in this chapter is measured from finished grade.

2. Additional Height Allowance: When a qualifying "Enhanced Active Ground Floor Use" is provided within the ground floor use area required by Subsection 21A.37.050.A or this chapter, any additional vertical ceiling space over eight feet (8') in height (measured to the finished ceiling) on that floor may be added to the total allowable height of the building.

3. Topographic Exception: The maximum height of buildings may be increased up to ten percent (10%) on any building face due to the natural topography of the site pursuant to the following standards:

a. At least fifty percent (50%) of the building complies with the maximum height of the underlying zoning district; and

b. The modification allows the upper floor of a building to be level with the portion of the building that complies with the maximum building height of the zone without the ten percent (10%) modification.

J. Site Plan Review: In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out 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. Site plan review is required for all conditional uses, and all permitted uses except single-family dwellings, two family dwellings, and twin homes. All uses in these districts shall be subject to the site plan review regulations contained in Chapter 21A.58.

K. Terms:

1. Lot/Parcel: For the purposes of this chapter, the terms lot and parcel shall have the same meaning. See the definition of parcel.
2. Block corners: For the purposes of this chapter, the term “block corner” applies to a corner of a block located at the intersection of rights-of-way at least sixty feet (60') wide.

L. Other Applicable Regulations: The following additional regulations apply:

1. Chapter 21A.33 Land Use Tables.
2. Chapter 21A.36 General Provisions.
3. Chapter 21A.37 Design Standards.
4. Chapter 21A.38 Nonconforming Uses and Noncomplying Structures.
5. Chapter 21A.40 Accessory Uses, Buildings, and Structures.
6. Chapter 21A.42 Temporary Uses.
7. Chapter 21A.44 Off Street Parking, Mobility, and Loading.
8. Chapter 21A.46 Signs.
9. Chapter 21A.48 Landscaping and Buffers. (Ord. 47A-25, 2025: Ord. 37-24, 2024)