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## Sec. 94-131. - Incentive programs—General.

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- a. *Intent.* The intent of the downtown incentive programs is to promote a variety of public benefits such as historic preservation, the creation of urban open spaces, the construction of office uses, the development of below market rate housing units, and hotels. The incentive programs will provide additional development capacity for the property owners in compensation for the public benefit provided. In general terms, the incentive programs allow additional height and FAR for proposed development projects which provide the specified public benefit. Incentives are intended to be distributed through the city's TDR program so that there is no net increase in commercial development in compliance with the city's comprehensive plan and the downtown transportation concurrency exemption area (TCEA).
- b. *General standards.*
  1. Proposed developments using an incentive program shall be subject to all requirements and conditions of this chapter.
  2. Proposed developments using an incentive program shall comply with the particular TDR receiving site designation indicated in [Figure IV-35](#) and its corresponding incentive building requirement table, as set forth in Tables IV-42 through IV-68.
  3. Multiple incentives may be used together in conjunction with development, unless otherwise prohibited by this chapter.
  4. Total increases in height or FAR permitted by one or a combination of incentive programs shall not exceed the maximum height or FAR as established by [Figure IV-35](#) and the corresponding incentive building requirement table.
  5. Designated historic properties, conservation districts, and properties eligible for historic designation, shall not be eligible for incentives which increase height or FAR unless all eligible historic structures located within the subject site are preserved according to the secretary of interior standards, and integrated as part of the new development in a manner which maintains the integrity of the historic structure.
  6. Lots on which buildings eligible for designation as historic structures exist as of June 29, 2009, shall not be eligible for any incentive program if such eligible historic structures are demolished. [Table IV-41](#) Eligible sending sites, maintained by the historic preservation division and updated from time to time, identifies all the buildings eligible for historic designation within the downtown master plan area.
  7. For properties indicated as containing a future ROW in Figure 4 of the Zoning Atlas, there is no obligation to dedicate such ROW unless the property owner elects to use the applicable incentive program. If an incentive program is used, the actual dedication of the future right of way shall occur prior to the issuance of final CO. The city may elect to design the future ROW as either a full vehicular use street or as a pedestrian passageway. In some cases, the city may accept a public access easement in lieu of a right of way dedication.

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009; Ord. No. 4315-11, § 1, 1-24-2011; Ord. No. 4547-15, § 1, 4-13-2015; Ord. No. 4563-15, § 1, 7-6-2015; Ord. No. 4691-17, § 4, 2-13-2017; Ord. No. 4674-16, § 5(Exh. E), 2-27-2017; Ord. No. [4904-20](#), § 3 (Exh. C), 09-21-2020; Ord. No. [4958-21](#), § 5 (Exh. A), 08-09-2021; Ord. No. [4986-21](#), § 4 (Exh. A), 02-07-2022)