



**Project #18-045  
Town Center Density/Height Bonuses  
UPDATED (1/24/19)  
Code Amendment**

**REPORT SUMMARY...**

<i>Project Name:</i>	TC Density & Height Bonus Program
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Town Center Zones
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	January 10, 2019
<i>Submitted By:</i>	Mike DeSimone, Director

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This memo and the attached draft Chapter 17.34 have been updated to reflect the discussion at the January 10, 2018 hearing.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council to amend Land Development Code Chapter 17.34 to include a Residential Density & Height Bonus Program in the Town Center zones.

**REQUEST**

This proposal is to amend Chapter 17.34 to include a density and height bonus program for the Town Center (TC-1) zone.

**Background**

In the previous packet, staff sent the Planning Commission minutes from the June 19, 2018 Logan Municipal Council meeting (see page 9) and the July 17, 2018 Logan Municipal Council meeting (see pages 7-8). The Council wanted the Planning Commission to review and consider a bonus program with a recommendation to the Council.

Based on the discussion from the January 10, 2019 Planning Commission meeting, we refined the proposal to only apply the density/height bonus in the TC-1 zone, to change the reference to "brick" to a reference to "traditional" materials, to eliminate a bonus for ground floor commercial, to eliminate a bonus for row housing, and to eliminate a bonus for LEED (or similar) projects. We also modified the level of incentive based on the level of cost and/or importance. Providing structured parking is very expensive yet, in the downtown, extremely important so it was assigned a density bonus of 30 units/acre and a height bonus of 24' or two additional floors. The superior design using traditional materials and elements was assigned a density bonus of 15 units/acre and a height bonus of 12' or one additional floor. A reference to brick or stone was eliminated and replaced with "traditional materials" to avoid limiting the building's design too much. While traditional design is relatively subjective, it would at least preclude the more modern designs.

As was mentioned during the last two meetings, in looking for other examples of density bonus programs, there are few if any, other jurisdictions using a density or height bonus program similar to what we are proposing. Rather, the primary purpose of many other systems is to facilitate the provision of affordable housing for low or very low income residents, provide for

open space, senior housing, or public infrastructure. The State of California has adopted state legislation mandating density bonuses for affordable housing, senior housing and/or day care facilities. The rate of bonus is based on the total percentage of affordable units a project provides, whether they are considered affordable, very low income, low income, moderate income, or other specific types of housing (senior, disabled, etc.) with each category providing for a different bonus percentage. They also have included waiver provisions that give a developer a right to request waivers for such things as parking requirements, setbacks, housing types, etc., and which a city must grant. Regardless of the overall purpose, goals, or even type of program, the mechanics of most programs is similar to what the Planning Commission is reviewing. Each jurisdiction defines what is important (new development downtown), why it is important (people, activity, businesses, etc., downtown), what is happening in the market place that currently precludes it from happening (high cost of land acquisition downtown), and what is necessary to help bridge the gap (offer additional density = additional revenue/profit to incentivize something to happen). A very challenging distinction in how our system is proposed is that a decision to offer a density bonus is based on a qualitative assessment of a building's design whereas the decision to offer a density bonus for affordable housing is much simpler as it is based on a quantifiable accounting of numbers of units. The assignment of a bonus for structured parking is also much simpler as it is based on a very quantitative assessment.

**Purpose**

The purpose of the density and height bonus program is to encourage new residential development in the TC-1 zone by offering additional residential units and/or additional building height in exchange for a higher level of development. We are defining a higher level of development as a project using superior and traditional materials that respects and is compatible with historic Logan, or a project incorporating structured parking to accommodate a majority of the necessary parking.

**Application**

Residential density and building height bonuses being considered in Chapter 17.34 apply only in the TC-1 zone (see map). A project could be awarded both a density and a height bonus based on whether they meet both criteria. There are specific caps on both density and height bonuses (See Table 17.37.040.A).

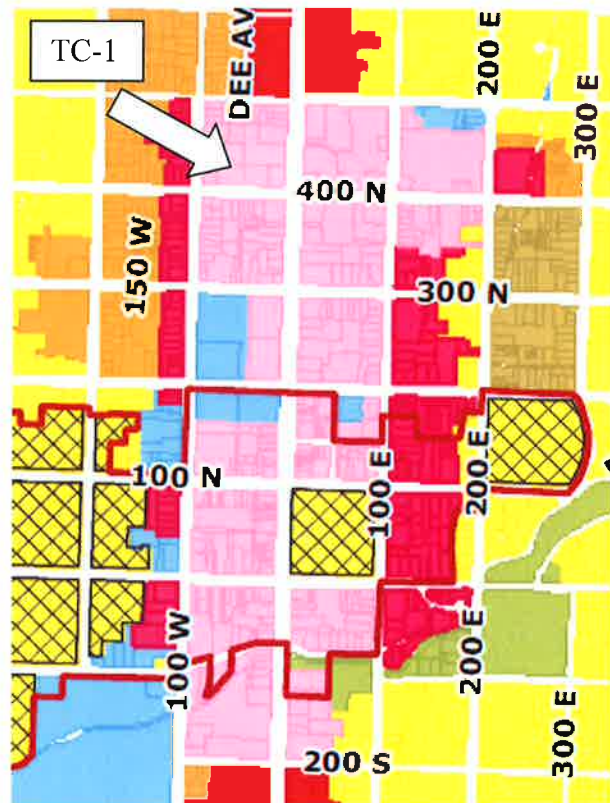
**Methodology**

Density bonuses can be awarded for a superior building design utilizing traditional materials and design elements, or for providing structured parking for up to 75% of the project's parking requirements.

The proposed Chapter 17.34 of the Land Development Code is attached.

**GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments to the Land Development Code to include a density and height bonus provision



for high quality development in the Town Center zones, are consistent with the General Plan is it attempts to further densify the downtown area where the physical and economic infrastructure is available to support increased densification.

### **STAFF RECOMMENDATION AND SUMMARY**

The proposed changes to the Land Development Code to include residential density and height bonus provisions will encourage higher quality development in the Town Center zones which is consistent with the principles of both the Logan General Plan as well as the Downtown Specific Plan. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

### **PUBLIC COMMENTS**

The Planning Commission has reviewed the public comments received thus far.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 12/1/18, posted on the City's website and the Utah Public Meeting website on 1/14/18, and noticed in a quarter page ad on 1/14/18. This meeting was continued from the January 10, 2019 public meeting.

### **AGENCY AND CITY DEPARTMENT COMMENTS**

As of the time the staff report was prepared, no comments have been received.

### **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments are consistent with the Downtown Logan Specific Plan.
5. The proposed Code Amendments including density and height bonus provisions will encourage higher quality development in the Town Center (TC-1) zone.
6. The application of a density or height bonus to a project does not eliminate nor vary any other standard applicable to a project.
7. The Geographic area of downtown as established in the Town Center zones generally extends from 3<sup>rd</sup> South to 5<sup>th</sup> North, and from 1<sup>st</sup> West to 2<sup>nd</sup> East.
8. The use of density and height bonuses in the TC-1 zone will not negatively impact Logan's Center Street Historic District boundaries as projects occurring within the district boundaries, regardless of zoning, are required to comply with the historic guidelines.
9. No public comment has been received regarding the proposed amendments.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

## **Chapter 17.34: Residential Density and Height Bonuses**

### **§17.34.010. Purpose and Intent**

The purpose of this Chapter is to promote exceptional site and building design in conjunction with the efficient and flexible use of land in the Town Center zones by encouraging the incorporation of residential density and height bonuses into exceptional projects. The intent of this Chapter is to encourage and incentivize higher quality building design utilizing traditional building materials and historic elements that complement the character of the existing neighborhoods.

### **§17.34.020. Applicability**

Residential density and height bonuses apply in the Town Center (TC-1) zone only.

### **§17.34.030. General Requirements, Limitations and Eligibility**

- A. All residential density and height bonus considerations require approval through the Track 2 Design Review process.
- B. Projects seeking a density or height bonus are still subject to the Neighborhood Residential height and setback transition standards.
- C. The application of a density or height bonus to a project does not eliminate nor vary any other standard applicable to a project, e.g., parking, landscaping, open space, setbacks, design requirements, etc.
- D. An applicant shall provide all necessary graphics, calculations, buildings plans, site plans, vicinity maps, and other materials required to adequately demonstrate compliance with the density and height bonus standards.
- E. A covenant (development agreement, deed restriction, contract, etc.) shall be submitted in writing and approved by the City to ensure that any systems or features developed and installed to obtain a bonus will be functionally and aesthetically maintained in perpetuity, that the timing of the construction and/or installation of said features is sufficient to guarantee their construction and/or installation at the front end of a project and ultimate completion prior to the issuance of a Certificate of Final Occupancy by the City, and such covenant shall require that any systems or features be replaced or renewed if failure or partial failure occurs for the system or feature considered for a bonus.

### **§17.34.040. Specific Standards for Density & Height Bonuses**

A project may request a residential density or building height bonus by utilizing one of the bonus paths outlined below. Table 17.37.040.A lists the maximum density bonuses and building height bonuses based on the selected path. A project may qualify for both a density bonus and a height bonus. Density bonuses are not cumulative.

#### **A. Residential Density Bonus.**

1. **Building Design.** The use of traditional building materials along with the integration of historic design characteristics is important to Logan City as it reflects the historical character of the community and increases the likelihood of compatibility between new development and existing neighborhoods. A residential density bonus of up to fifteen (15) additional units per acre shall be given where a project demonstrates a superior building design through the use and integration of traditional building materials and design elements.
2. **Structured Parking.** A residential density bonus of up to thirty (30) additional units per acre shall be given if the project design includes a parking structure for at least

## DRAFT 17.34: Residential Density and Height Bonuses

75% of the required parking stalls. Structured parking excludes garages, carports, or other similar structures.

**B. Building Height Bonus.**

1. **Building Design.** The use of traditional building materials along with the integration of historic design characteristics is important to Logan City as it reflects the historical character of the community and increases the likelihood of compatibility between new development and existing neighborhoods. A height bonus of up to twelve (12) feet shall be given where a project demonstrates a superior building design through the use and integration of traditional building materials and design elements.
2. **Structured Parking.** A height bonus of up to twenty-four (24) feet shall be given where the project design includes structured parking for at least 75% of the minimum parking.

**Table 17.34.040.A: Maximum Residential Densities (Dwelling Units Per Acre) and Maximum Building Height**

<b>Zone</b>	<b>Standard Maximum Density</b>	<b>Density Bonus</b>	<b>Maximum Density w/Bonus</b>	<b>Standard Maximum Height</b>	<b>Height Bonus</b>	<b>Maximum Height w/Bonus</b>
<b>Town Center (TC-1)</b>	<b>70/acre</b>			<b>55'-80'</b>		
TC-1 w/Superior Design	70	15	85	55'-80'	12'	55'-92'
TC-1 w/structured parking	70	30	100	55'-80'	24'	55'-104'

**§17.34.050. Failure to Comply**

Failure to comply with any bonus requirements, covenants and/or conditions of approval shall result in a restriction of the use of bonuses granted, until compliance is achieved.