



- 27 (d) cultural services:
- 28 (e) performance venue;
- 29 (f) personal improvement services; or
- 30 (g) theater.

31 (3) CREATIVE SPACES DISTRICT means an area designated and zoned as  
32 density bonus creative spaces (DBCS) combining district.

33 **§ 25-2-452 APPLICATIONS AND CRITERIA FOR DISTRICT DESIGNATION.**

34 (A) Application Requirements.

- 35 (1) The Land Use Commission may consider no more than a total of three  
36 applications per month to designate a creative spaces district and to apply  
37 density bonus creative spaces (DBCS) combining district zoning to the  
38 property within the creative spaces district.
- 39 (2) An application to designate a creative spaces district must demonstrate that  
40 the area satisfies the criteria for designation and include the information  
41 required by the director of the Economic Development Department.
- 42 (3) An applicant must submit proposed supplemental standards as described in  
43 Section 25-2-454 (*District Designation Ordinance and Designation on*  
44 *Zoning Map*) as part of an application to designate an area a creative spaces  
45 district.
- 46 (4) The director of the Economic Development Department is authorized to  
47 adopt rules under Chapter 1-2 (*Administrative Rules*) that requires an  
48 applicant to provide certain information as part of an application to designate  
49 an area a creative spaces district.

50 (B) Except as provided in Subsection (E), the council may designate an area a creative  
51 spaces district if:

- 52 (1) the area is at least three acres;
- 53 (2) the base zoning for each site within the area is a commercial or less  
54 restrictive base zoning district;

- 55 (3) at least 25 percent of the primary uses within the proposed district are  
56 existing creative spaces or are proposed to be used as creative spaces; and
- 57 (4) at least 50 percent of the existing uses are non-residential.
- 58 (C) The council may enlarge an existing creative spaces district if the site to be  
59 included contains uses that qualify as existing creative spaces or is proposed to  
60 contain new creative spaces and the creative spaces add or will add value to the  
61 district.
- 62 (D) Except as provided in Subsection (E), the council may reduce the boundary of an  
63 existing creative spaces district if the site to be excluded:
- 64 (1) does not contribute to the preservation or creation of creative space,  
65 including affordable creative space;
- 66 (2) does not include a creative space; and
- 67 (3) has not utilized the benefits of the density bonus program.
- 68 (E) Limitations.
- 69 (1) A site within a creative spaces district is not eligible to be combined with  
70 any other density bonus combining district.
- 71 (2) If a site's base zoning is combined with the planned development area  
72 (PDA) combining district, the site is not eligible to be included in a creative  
73 spaces district.

74 **§ 25-2-453 LAND USE COMMISSION REVIEW.**

- 75 (A) Before an application can be reviewed by the Land Use Commission, the director  
76 of the Planning Department must obtain recommendations from the directors of the  
77 following departments:
- 78 (1) Economic Development Department; and
- 79 (2) Housing Department.
- 80 (B) The Land Use Commission shall consider the criteria established in Section 25-2-  
81 452 (*Applications and Criteria for District Designation*) when reviewing an  
82 application to designate a creative spaces district.

83 **§ 25-2-454 DISTRICT DESIGNATION ORDINANCE AND DESIGNATION ON**  
84 **ZONING MAP.**

85 (A) An ordinance designating an area as a creative spaces district and zoning or  
86 rezoning property to include density bonus creative spaces (DBCS) combining  
87 district must:

- 88 (1) describe the existing creative spaces to be preserved throughout the creative  
89 spaces district;
- 90 (2) adopt supplemental standards that will apply to the creative spaces district;  
91 and
- 92 (3) identify one or more creative spaces that will be permitted uses on each  
93 property within the creative spaces district.

94 (B) Supplemental standards apply to the creative spaces district and must assist with  
95 preserving creative spaces, creating creative spaces, and furthering the purpose of  
96 the combining district by:

- 97 (1) modifying regulations relating to building setbacks, building height,  
98 compatibility, landscaping, parking design, and signs; and
- 99 (2) prescribing regulations relating to design, scale, or placement for public  
100 facilities, including street lighting, street furniture, signs, landscaping, utility  
101 facilities, sidewalks, and streets.

102 **PART 4.** Division 5, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is  
103 amended to add a new Section 25-2-655 to read:

104 **§ 25-2-655 DENSITY BONUS CREATIVE SPACES (DBCS) COMBINING**  
105 **DISTRICT REGULATIONS.**

106 (A) This section applies to a property with density bonus creative space (DBCS)  
107 combining district zoning.

108 (B) This section governs over a conflicting provision of this title or other ordinance.

109 (C) Pre-requisites.

- 110 (1) To utilize the supplemental standards and regulations described in  
111 Subsections (E) and (F), the site's zoning must include density bonus

112 creative spaces (DBCS) combining district zoning and applicant must  
113 comply with Subsection (D).

- 114 (2) To reserve affordable creative spaces and to preserve existing non-  
115 residential spaces, an applicant must comply with Article 2 (*Density Bonus*  
116 *and Incentive Programs*) of Chapter 4-18 (*General Permitting Standards*)  
117 before applying for a building permit or site plan that relies on the  
118 regulations described in Subsections (E) and (F).

119 (D) Existing Non-Residential Spaces.

- 120 (1) In this subsection,

- 121 (a) AFFORDABLE CREATIVE SPACE means the rent for the space is  
122 the lesser of 50 percent of the average retail space rent within the city  
123 or a fixed ratio of annual revenues.
- 124 (b) COCKTAIL LOUNGE means a cocktail lounge use described in  
125 Chapter 25-2 (*Zoning*) and established on or before October 31, 2024.
- 126 (c) CREATIVE SPACE means a use described in Chapter 25-2 (*Zoning*)  
127 that allows one or more of the following occupancies:
- 128 (i) art gallery;
  - 129 (ii) art workshop;
  - 130 (iii) cocktail lounge;
  - 131 (iv) cultural services;
  - 132 (v) performance venue;
  - 133 (vi) personal improvement services; or
  - 134 (vii) theater.
- 135 (d) EXISTING NON-RESIDENTIAL SPACE means a creative space use  
136 that has operated for a minimum of 12 continuous months.

- 137 (2) If a site includes an existing non-residential space, the proposed  
138 development must replace each existing non-residential space with a non-  
139 residential space that is comparable in size for a period of 10 years.
- 140 (3) Affordable Creative Spaces.
- 141 (a) At least 25 percent of the ground floor must be eligible to be leased to  
142 an operator of an affordable creative space.
- 143 (b) The director of the Economic Development Department determines  
144 the fixed ratio of annual revenues, which will be based on the annual  
145 revenues considered typical of and sustainable for the type of creative  
146 space.
- 147 (c) Rent for an affordable creative space tenant may not escalate more  
148 than 5 percent year-over-year.
- 149 (4) An applicant for a proposed development may elect to meet the affordability  
150 requirements in Subsection (E)(3) without providing affordable creative  
151 spaces by paying a fee-in-lieu to a fund managed by the Economic  
152 Development Department for the purpose of preserving existing creative  
153 spaces or creating affordable creative spaces. At a minimum, the fee-in-lieu  
154 shall be equivalent to 100 percent of the required percentage of affordable  
155 creative space. The fee-in-lieu shall be set by separate ordinance. The  
156 amount of fee-in-lieu due is determined using the fee schedule ordinance in  
157 effect at the time of site plan submittal.
- 158 (5) This subsection establishes an existing non-residential space subject to  
159 Division 2 (*Redevelopment Requirements*), Article 2 of Chapter 4-18  
160 (*General Permitting Standards*).
- 161 (6) A non-conforming use is not discontinued or abandoned under Section 25-2-  
162 945 (*Abandonment of Nonconforming Use*) if the non-conforming use  
163 qualifies as an existing non-residential space and is required to be replaced  
164 under this subsection.

165 (E) Development Standards and Mixed Use.

- 166 (1) The following uses are permitted on a property with density bonus creative  
167 spaces (DBCS) combining district zoning:

- 168 (a) uses permitted by the zoning ordinance that applies to the property;  
169 and
- 170 (b) creative spaces permitted in the ordinance designating the  
171 district.
- 172 (2) A development must comply with Article 2 (*Site Development*  
173 *Standards*) and Article 3 (*Building Design Standards*) of Subchapter E  
174 (*Design Standards and Mixed Use*) except when those provisions conflict  
175 with this section.
- 176 (3) Mix of Uses
- 177 (a) In this subdivision, PRINCIPAL STREET has the same meaning as  
178 principal street in and is applied consistent with Article 5  
179 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*).
- 180 (b) Pedestrian-Oriented Creative Spaces. When a site abuts a principal  
181 street, 30 percent of the building frontage along the principal street  
182 and on the ground floor must be designed for creative spaces and  
183 must comply with the requirements of Section 4.3.3.C (*Pedestrian-*  
184 *Oriented Commercial Spaces*) of Subchapter E (*Design Standards*  
185 *and Mixed Use*).
- 186 (4) A building may exceed the maximum building height in the base zoning  
187 district by a maximum of 30 feet except that no building may exceed 90 feet  
188 in height.
- 189 (5) A site is not required to comply with the base zoning district's:
- 190 (a) minimum site area requirements (if applicable);
- 191 (b) maximum floor area ratio;
- 192 (c) maximum building coverage
- 193 (d) maximum number of stories;
- 194 (e) minimum street side yard setback and interior yard setback; and
- 195 (f) minimum front yard setback; provided, however, that if the right-of-  
196 way is less than 60 feet in width, the minimum front yard setback for

197 buildings three or more stories in height shall be 30 feet from the  
198 centerline of the street to ensure adequate Fire Department access.

199 (6) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent*  
200 *Compliance*) of Subchapter E (*Design Standards and Mixed Use*) apply to  
201 a site developed under this section.

202 (7) A site developed under this section shall comply with the supplemental  
203 standards that are established in the ordinance that created the applicable  
204 density bonus creative spaces (DBCS) combining district.

205 (F) Compatibility Requirements.

206 (1) A building is not required to comply with Article 10 (*Compatibility*  
207 *Standards*) in Subchapter C (*Use and Development Regulations*).

208 (2) In this subsection,

209 (a) TRIGGERING PROPERTY means a site:

210 (i) with at least one dwelling unit but less than four dwelling units;  
211 and

212 (ii) is zoned urban family residence (SF-5) district or more  
213 restrictive; and

214 (b) STRUCTURE includes a portion of a structure.

215 (3) Compatibility Buffer. A compatibility buffer is required along a site's  
216 property line that is shared with a triggering property.

217 (a) The minimum width of a compatibility buffer is 25 feet.

218 (b) A compatibility buffer must comply with Section 25-8-700  
219 (*Minimum Requirements for Compatibility Buffers*).

220 (5) Exterior lighting must be hooded or shielded so that the light source is not  
221 visible from the site's property line or alleyway that is shared with a  
222 triggering property.

223 (6) Mechanical equipment may not produce sound in excess of 70 decibels  
224 measured at the site's property line or alleyway that is shared with a





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**APPROVED:** \_\_\_\_\_  
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Interim City Attorney

**ATTEST:** \_\_\_\_\_  
Myrna Rios  
City Clerk

DRAFT