

Land Development Code Excerpts – Compatibility Standards

Chapter 25-2, Zoning

Subchapter C. Use and Development Regulations

ARTICLE 10. COMPATIBILITY STANDARDS.

Division 1. General Provisions.

§ 25-2-1051 APPLICABILITY.

§ 25-2-1052 EXCEPTIONS.

Division 2. Development Standards.

§ 25-2-1061 STREET FRONTAGE FOR A CORNER SITE.

§ 25-2-1062 HEIGHT LIMITATIONS AND SETBACKS FOR SMALL SITES.

§ 25-2-1063 HEIGHT LIMITATIONS AND SETBACKS FOR LARGE SITES.

§ 25-2-1064 FRONT SETBACK

§ 25-2-1065 SCALE AND CLUSTERING REQUIREMENTS

§ 25-2-1066 SCREENING REQUIREMENTS

§ 25-2-1067 DESIGN REGULATIONS

§ 25-2-1068 CONSTRUCTION OF PARKING LOTS AND DRIVEWAYS BY CIVIC USES
PROHIBITED

Division 3. Waivers.

§ 25-2-1081 LAND USE COMMISSION OR COUNCIL WAIVER

§ 25-2-1082 ADMINISTRATIVE WAIVER FOR PROPERTY IN DEVELOPMENT RESERVE (DR)
DISTRICT

Land Development Code Excerpts – Compatibility Standards

ARTICLE 10. COMPATIBILITY STANDARDS.

Division 1. General Provisions.

§ 25-2-1051 APPLICABILITY.

(A) Except as provided in Section [25-2-1052](#) (*Exceptions*), this article applies to a use in a townhouse and condominium residence (SF-6) or less restrictive zoning district and to a civic use described in Subsection (B) that is located on property:

(1) across the street from or adjoining property:

(a) in an urban family residence (SF-5) or more restrictive zoning district;

(b) on which a use permitted in an SF-5 or more restrictive zoning district is located, other than a dwelling permitted by Section [25-2-894](#) (*Accessory Uses For A Principal Commercial Use*); or

(c) in a traditional neighborhood (TN) zoning district; or

(2) located 540 feet or less from property in:

(a) an SF-5 or more restrictive zoning district;

(b) a TN district; or

(c) a development reserve (DR) zoning district.

(B) In Subsection (A), a civic use is a:

(1) college and university facilities use;

(2) community recreation (private) use;

(3) community recreation (public) use;

(4) day care services (commercial) use;

(5) park and recreation services (special) use;

(6) private primary educational facilities use;

(7) a private secondary educational facilities use;

(8) a public primary educational facilities use;

(9) a public secondary educational facilities use; or

(10) a religious assembly use.

Land Development Code Excerpts – Compatibility Standards

(C) Under this article, residential property in a planned unit development (PUD) zoning district is treated as property in an SF-5 zoning district if the PUD land use plan establishes the density for the residential area at 12.44 units per acre or less.

Source: Sections 13-2-731(a) and (d) and 13-2-25(2); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1052 EXCEPTIONS.

(A) This article does not apply to:

(1) construction for a residential use permitted in an urban family residence (SF-5) or more restrictive zoning district;

(2) property in a historic landmark (H) or historic area (HD) combining district;

(3) a structural alteration that does not increase the square footage, area, or height of a building;
or

(4) a change of use that does not increase the amount of required off-street parking.

(B) This article does not apply if property that triggers the compatibility standards is located in an SF-5 or more restrictive zoning district and is:

(1) in the 100-year floodplain, in a rural residence (RR) zoning district, and not developed with a single-family dwelling;

(2) a buffer zone established before March 1, 1984;

(3) a right-of-way, utility easement, or railroad line that is not located on property protected by this article; or

(4) developed with a use not permitted in an SF-5 or more restrictive zoning district, if the use fronts on:

(a) an arterial street defined by the Transportation Plan; or

(b) an industrial street with a right- of-way of at least 80 feet.

(C) For a property that contains a structure in which a use permitted in an SF-6 or less restrictive district is located and a structure in which a use permitted in an SF-5 or more restrictive use is located, this article does not apply to that portion of the property that is closer to the structure containing the use permitted in an SF-5 or more restrictive district.

(D) This article does not apply to a passive use, including a park and hike and bike trail, in the 100 year flood plain if:

(1) the requirements of Chapter [25-8 \(Environment\)](#) are met; and

Land Development Code Excerpts – Compatibility Standards

(2) a license agreement to place the use in a dedicated drainage easement is obtained, if applicable.

(E) For an area used or developed as a residential infill or neighborhood urban center special use in a neighborhood plan combining district, this article applies only to the property along the perimeter of the area.

(F) This article does not apply within a transit oriented development (TOD) district after adoption of a station area plan in accordance with [Chapter 25-2, Subchapter C, Article 3, Division 10, Subpart C \(Station Area Plan\)](#), except that [Division 2 \(Development Standards\)](#) applies to property in a transition zone of a TOD district if triggered by property outside the TOD district.

Source: Sections 13-2-731(b), (c) and (e) and 13-2-737; Ord. 990225-70; Ord. 000406-81; Ord. 031211-11; Ord. 041202-16; Ord. 20050519-008.

Division 2. Development Standards.

§ 25-2-1061 STREET FRONTAGE FOR A CORNER SITE.

In Sections [25-2-1062 \(Height Limitations And Setbacks For Small Sites\)](#) and [25-2-1063 \(Height Limitations And Setbacks For Large Sites\)](#), street frontage for a corner site is measured along the more major street. If both streets are the same type, street frontage is measured along the shorter side of the site.

Source: Sections 13-2-733(a) and 13-2-734(b); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1062 HEIGHT LIMITATIONS AND SETBACKS FOR SMALL SITES.

(A) This section applies to a site that has:

- (1) an area that does not exceed 20,000 square feet; and
- (2) a street frontage that does not exceed 100 feet.

(B) If a site has a street frontage of 50 feet or less, a person may not construct a structure 15 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

(C) If a site has a street frontage that is more than 50 feet, but that does not exceed 100 feet, the side and rear setback requirements are as follows:

<u>Length of Street Frontage (Feet)</u>	<u>Side and Rear Setback (Feet)</u>
50.01 to 52.50	15.0
52.51 to 54.99	15.5

Land Development Code Excerpts – Compatibility Standards

55.00 to 57.50	16.0
57.51 to 59.99	16.5
60.00 to 62.50	17.0
62.51 to 64.99	17.5
65.00 to 67.50	18.0
67.51 to 69.99	18.5
70.00 to 72.50	19.0
72.51 to 74.99	19.5
75.00 to 77.50	20.0
77.51 to 79.99	20.5
80.00 to 82.50	21.0
82.51 to 84.99	21.5
85.00 to 87.50	22.0
87.51 to 89.99	22.5
90.00 to 92.50	23.0
92.51 to 94.99	23.5
95.00 to 97.50	24.0
97.51 to 99.99	24.5
100	25.0

(D) A person may not construct a structure that exceeds a height of:

(1) two stories or 30 feet if the structure is 50 feet or less from property:

(a) in an SF-5 or more restrictive zoning district; or

(b) on which a use permitted in an SF-5 or more restrictive zoning district is located; or

(2) three stories or 40 feet if the structure is more than 50 feet and not more than 100 feet from property:

(a) in an SF-5 or more restrictive zoning district; or

(b) on which a use permitted in an SF-5 or more restrictive zoning district is located;

(3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive; or

(4) for a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

Source: Section 13-2-733; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-1063 HEIGHT LIMITATIONS AND SETBACKS FOR LARGE SITES.

(A) This section applies to a site that has:

Land Development Code Excerpts – Compatibility Standards

- (1) an area that exceeds 20,000 square feet; or
 - (2) a street frontage that exceeds 100 feet.
- (B) A person may not construct a structure 25 feet or less from property:
- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
 - (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.
- (C) A person may not construct a structure that exceeds a height of:
- (1) two stories or 30 feet if the structure is 50 feet or less from property:
 - (a) in an SF-5 or more restrictive zoning district; or
 - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located; or
 - (2) three stories or 40 feet if the structure is more than 50 feet and not more than 100 feet from property:
 - (a) in an SF-5 or more restrictive zoning district; or
 - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located;
 - (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive; or
 - (4) for a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

Source: Section 13-2-734; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-1064 FRONT SETBACK.

A building must have a front building line setback of at least 25 feet from a right-of-way if the tract on which the building is constructed:

- (1) adjoins property:
 - (a) in an urban family residence (SF-5) or more restrictive zoning district; or
 - (b) on which a use permitted in a SF-5 or more restrictive district is located; and
- (2) fronts on the same street as the adjoining property.

Land Development Code Excerpts – Compatibility Standards

Source: Section 13-2-736(a); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1065 SCALE AND CLUSTERING REQUIREMENTS.

(A) The massing of buildings and the appropriate scale relationship of a building to another building may be accomplished by:

(1) avoiding the use of a continuous or unbroken wall plane;

(2) using an architectural feature or element that:

(a) creates a variety of scale relationships;

(b) creates the appearance or feeling of a residential scale; or

(c) is sympathetic to a structure on an adjoining property; or

(3) using material consistently throughout a project and that is human in scale; or

(4) using a design technique or element that:

(a) creates a human scale appropriate for a residential use; or

(b) prevents the construction of a structure in close proximity to a single-family residence zoning district that is:

(i) significantly more massive than a structure in a single-family residence zoning district; or

(ii) antithetical to an appropriate human scale; and

(c) allows the construction of a structure, including a multi-family structure, that exhibits a human scale and massing that is appropriate for a residential use.

(B) Except for good cause, the first tier of buildings in a multi-family or mixed use project must be clustered in a group that is not more than 50 feet wide, as measured along the side of the buildings that are most parallel to the property line of the site.

(C) The depth of the first tier of buildings described under Subsection (B) may not exceed:

(1) two units; or

(2) 60 feet.

(D) A building must be at least 10 feet apart from another building, as measured from wall face to wall face.

(E) Subsections (B), (C), and (D) do not apply to a:

Land Development Code Excerpts – Compatibility Standards

- (1) private or public primary educational facility;
- (2) private or public secondary educational facility; or
- (3) a college or university.

(F) In Subsection (B), good cause may be shown by compliance with Subsection (A).

Source: Section 13-2-735(c) and (d); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-1066 SCREENING REQUIREMENTS.

(A) A person constructing a building shall screen each area on a property that is used for a following activity from the view of adjacent property that is in an urban residence (SF-5) or more restrictive zoning district:

- (1) off-street parking;
- (2) the placement of mechanical equipment;
- (3) storage; or
- (4) refuse collection.

(B) A person may comply with Subsection (A) by providing a yard, fence, berm, or vegetation. If a fence is provided, the height of the fence may not exceed six feet, except as otherwise permitted by Section [25-2-899](#) (*Fences As Accessory Uses*).

(C) The owner must maintain a fence, berm, or vegetation provided under this section.

Source: Section 13-2-736(c); Ord. 990225-70; Ord. 031211-11.

§ 25-2-1067 DESIGN REGULATIONS.

(A) Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

(B) The noise level of mechanical equipment may not exceed 70 db at the property line.

(C) A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property:

- (1) in an SF-5 or more restrictive zoning district; or

Land Development Code Excerpts – Compatibility Standards

(2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

(D) The location of and access to a permanently placed refuse receptacle, including a dumpster, must comply with guidelines published by the Department of Public Works and Transportation. The Watershed Protection and Development Review Department shall review and must approve the location of and access to each refuse receptacle on a property.

(E) A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven to a rise of 12, may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.

(F) An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property:

(1) in an SF-5 or more restrictive zoning district; or

(2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

(G) Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is:

(1) in an SF-5 or more restrictive zoning district; or

(2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

(H) If a site on which a parking area or driveway is constructed is less than 125 feet wide, the width and setback for the parking area or driveway must comply with the following schedule:

Total Site Width	Avg. Parking Width	Setback for Parking	Setback for Driveways
0 to 52.99'	45'	5'	0'
53 to 55.99'	46'	6'	1'
56 to 58.99'	47'	7'	2'
59 to 61.99'	48'	8'	3'
62 to 64.99'	49'	9'	4'
65 to 67.99'	50'	10'	5'
68 to 70.99'	51'	11'	6'
71 to 73.99'	52'	12'	7'
74 to 76.99'	53'	13'	8'
77 to 79.99'	54'	14'	9'
80 to 82.99'	55'	15'	10'
83 to 85.99'	56'	16'	11'
86 to 88.99'	57'	17'	12'
89 to 91.99'	58'	18'	13'
92 to 94.99'	59'	19'	14'
95 to 97.99'	60'	20'	15'
98 to 100.99'	61'	21'	16'
101 to 103.99'	62'	22'	17'

Land Development Code Excerpts – Compatibility Standards

104 to 106.99'	63'	23'	18'
107 to 109.99'	64'	24'	19'
110 to 112.99'	65'	25'	20'
113 to 115.99'	67'	25'	21'
116 to 118.99'	69'	25'	22'
119 to 121.99'	71'	25'	23'
122 to 124.99'	73'	25'	24'

Source: Section 13-2-738(a) through (f); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-2-1068 CONSTRUCTION OF PARKING LOTS AND DRIVEWAYS BY CIVIC USES PROHIBITED.

(A) Except as provided by Subsection (B), a parking lot or driveway may not be constructed to serve a civic use described in Section [25-2-6](#) (*Civic Uses Described*) if:

- (1) construction of the parking lot or driveway requires the removal of a single-family residential use; or
- (2) the civic use provides secondary access from the civic use through a lot.

(B) Subsection (A) does not apply if at least 50 percent of the property adjoining the lot on which the parking lot or driveway is located is in a townhouse and condominium residence (SF-6) or more restrictive zoning district. Property that adjoins the rear of the lot, property owned by the owner of the civic use, and right-of-way are not considered in making a determination under this subsection.

Source: Section 13-2-738(g); Ord. 990225-70; Ord. 031211-11.

Division 3. Waivers.

§ 25-2-1081 LAND USE COMMISSION OR COUNCIL WAIVER.

(A) Except as provided by Subsections (B) and (C), the Land Use Commission, or council on appeal from a Land Use Commission decision, may waive a requirement of this article if the Land Use Commission or council determine that a waiver is appropriate and will not harm the surrounding area.

(B) The Land Use Commission or council may not approve a waiver that reduces a required setback to less than five feet.

(C) The Land Use Commission or the council may approve a waiver of a height restriction imposed by Section [25-2-1062](#) (*Height Limitations And Setbacks For Small Sites*) and [25-2-1063](#) (*Height Limitations And Setbacks For Large Sites*) only if:

- (1) there is an existing structure located between the proposed structure and the closest property to the proposed structure that triggers the compatibility standards; or
- (2) the proposed development is located on and completely surrounded by property in a downtown mixed use (DMU) zoning district and the person applying for the waiver has:

Land Development Code Excerpts – Compatibility Standards

(a) provided notice of the requested waiver, by certified mail with return receipt requested, to the owner of each property that adjoins or is across the street from the proposed development and on which a use permitted in an urban residence (SF-5) or more restrictive zoning district is located; and

(b) submitted the return receipts to the director.

(D) A waiver approved under Subsection (C)(1) may not permit the construction of a structure that exceeds the height of the existing structure.

(E) This section does not prohibit the Board of Zoning Adjustment from granting a variance from a requirement of this article under Section [25-2-473](#) (*Variance Requirements*).

Source: Section 13-2-739; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

§ 25-2-1082 ADMINISTRATIVE WAIVER FOR PROPERTY IN DEVELOPMENT RESERVE (DR) DISTRICT.

(A) This section applies only to property to which the compatibility standards apply because the property is 540 feet or less from a development reserve (DR) zoning district.

(B) The director may waive the application of this article to property that is not located more than 1,000 feet from a roadway, if property in the development reserve (DR) district that triggers the compatibility standards has frontage on a road classified by the Transportation Plan as a minor arterial or larger roadway.

(C) Before waiving the application of this article under this section, the director must review for property 540 feet or less from the property for which the waiver is sought:

- (1) each existing land use and proposed development; and
- (2) each approved preliminary subdivision plan or final subdivision plat.

(D) The director shall issue notice of the director's decision on the waiver under Section [25-1-133](#)(B) (*Notice Of Applications And Administrative Decisions*). The granting or denial of a waiver under this section may be appealed to the Land Use Commission.

Source: Section 13-2-731(a)(4); Ord. 990225-70; Ord. 000309-39; Ord. 010607-8; Ord. 031211-11.