

**ARTICLE 27-1100 PROPORTIONATE COMPLIANCE****SECTION 27-1101 PURPOSE AND APPLICABILITY****A. PURPOSE**

To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying proportional development standards. This section identifies the process for determining specific site compliance with a proportionate standard.

**B. APPLICABILITY**

1. **New Development**  
New development shall comply fully with all site development and zone district standards.
2. **Existing Development**  
Applicants for some types of redevelopment may qualify for the proportionate application of site or zone district standards as described in this section.
3. **No New or Increased Noncompliance**  
Any redevelopment of a structure or site shall be designed to either increase compliance with this Zoning Code or, at a minimum, not increase existing noncompliance. Redevelopment shall not establish new noncompliance with this Zoning Code, regardless of the applicability of this section.

**C. FIVE-YEAR TIMEFRAME**

1. Any application by a property owner to expand, remodel, or replace part of an existing structure shall remain on record for five years from the date of work completion.
2. Any subsequent application by the same property owner(s) to expand or replace part of an existing structure shall be cumulative to any requests made within the previous five years.
3. The total shall be used by the City to determine the property owner's necessary level of compliance.

**D. SITE DEVELOPMENT STANDARDS**

An applicant may request the application of proportionate compliance with the following site development standards pursuant to Section 27-1102:

1. Section 27-1200, Landscaping
  - (a) 27-1203, Street Frontage Landscaping
  - (b) 27-1204, Bufferyards Standards
  - (c) 27-1205, Off-Street Parking Lot Standards
2. Section 27-1300, Parking and Loading
  - (a) Table 27-1300.1, Off-Street Parking Standards
  - (b) 27-1303 Loading Spaces

**E. ZONE DISTRICT STANDARDS**

An applicant may request the application of proportionate compliance with eligible zone district standards pursuant to Section 27-1103.

**SECTION 27-1102 SITE DEVELOPMENT STANDARDS ELIGIBILITY AND MEASUREMENT**

**A. ELIGIBILITY FOR PROPORTIONATE COMPLIANCE**

Proportionate compliance with eligible site development standards as applicable to a specific development or structure type may be requested for development types in Table 27-1100.1 according to the calculations described in Section 27-1102.B.

**Table 27-1100.1: Applicability of Development Standards**

	Res. Multi-Unit	Mixed-Use and Public	Comm.	Ind.
<b>New Development</b>	<b>Percent compliance with development standards</b>			
<b>New Development</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Existing Development</b>				
<b>Interior Change(s),</b>	<b>Apply Sec. 27-1102.B.2</b>			
<b>Redevelopment:</b>				
<b>Less than 10% GFA</b>	n/a	n/a	n/a	n/a
<b>Between 10% and 75% GFA</b>	<b>Apply Sec. 27-1102.B.2</b>			
<b>Greater than 75% GFA</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Use Change with Increased Parking</b>	<b>Apply Sec. 27-1102.B.3</b>			
<b>Nonconformities</b>	<b>See Section 27-1500 for applicability of nonconformity standards</b>			

**B. MEASURING REQUIRED COMPLIANCE**

1. Interior Changes

In the CBD, DX, CMU1, CMU2, NO, NMU, and EBURD districts, Section 27-1203, Street Frontage Landscaping requirements shall be applicable on a proportionate basis when a building is remodeled by 10% or more. This shall be calculated based on the value of the remodel permit as a percentage of the building’s most recent assessed valuation.

For example, a property owner with a building assessed at \$1,500,000 who submits an application for a remodel permit valued at \$300,000 shall be responsible for 20% compliance with the applicable street frontage landscaping requirements.

2. Gross Floor Area (GFA) Changes

(a) Site development standards shall be proportionately applied to all increases in GFA as follows:

- (1) Minimal Change. Square footage changes that increase the total gross floor area of a structure by less than 10 percent, as determined by the building permit application, shall not be required to comply with these development standards.
- (2) Proportionate Change. Square footage changes that increase the total

gross floor area of a structure by more than 10 percent but less than 75 percent, as determined by the building permit application, shall require a

corresponding percent increase in compliance with these development standards or until the site reaches compliance, whichever is less.

- (3) Full Compliance. Square footage changes that increase total gross floor area of a structure by 75 percent or greater, as determined by the building permit application, shall be required to fully comply with these standards.

- (b) Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

**3. Increased Parking Requirement**

Where a change of use triggers a requirement for increased parking on a lot, the calculations of Section 27-1102.B.2 shall be applied to calculate required landscaping improvements from Section 27-1205, Off-Street Parking Lot Standards.

**SECTION 27-1103 ZONE DISTRICT STANDARDS ELIGIBILITY AND MEASUREMENT**

The following proportionate compliance standards apply to redevelopment in the N1, N2, N3, NX, NMU, NO, CMU1, CMU2, and DX districts.

**A. GENERAL SITE AND STRUCTURE REQUIREMENTS**

For any site or structure renovations, the regulations applicable to all neighborhood districts (Section 27-303) or commercial and or mixed-use districts (Section 27-403) shall be met for that aspect of the site or structure subject to renovation.

**B. ZONE DISTRICT SPECIFIC REGULATIONS**

Any renovation involving the addition of 50% or more gross building square footage, measured cumulatively within a five-year period as determined by the building permit application(s), shall comply with applicable zone district site and structure standards as follows:

**1. Build-to Zones**

- a. Build-to zones are locations, when required by the zone district, on a lot in which the front or street side facade of a building shall be placed. Refer to Section 27-1802.B, Building and Parking Siting Measurements and Terms.
- b. The renovation or expansion of existing structures is exempt from compliance to place any part of the structure within the required build-to zone identified in the zone district building siting standards unless the renovation is designed to encroach into a build-to zone. Where the expansion does encroach into a required build-to zone, that aspect of the building design shall comply with the build-to standard.

**2. Façade Regulations**

- a. Façade regulations are those zone district-specific regulations that apply to the design of the front or street side of a building; façade regulations include doors and windows.

b. Renovations are required to comply with façade regulations only when the renovation is to a front or street façade that exists or will exist in the required build-to zone and which meets one of the following:

1. Expansion or change in location of 50 percent or more of the doors or windows on any street façade of the building; renovations to garage openings are not included in this calculation. Refer to Section 27-1800 for the definition of street façade.
2. In the EBURD (Section 27-900) district only, replacement of 50 percent or more of facade materials on any street facade of the building with a different facade material.

**3. Roof Renovations**

If the renovation of the shape or style of more than 50 percent of the roof occurs, the applicable roof pitch regulations shall be met. Changing shingle types is not a change in shape or style (see Article 27-1802.E). Renovations that do not extend or change the roof of an existing structure do not trigger the application of the zone district's roof regulations.