

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 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 County 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) 27-1204, Street Frontage Landscaping
- (b) 27-1205, Bufferyard Standards
- (c) 27-1206, 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

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.
New Development	Percent compliance with development standards			
New Development	100	100	100	100
Existing Development				
Redevelopment:				
Less than 10% GFA	n/a	n/a	n/a	n/a
Between 10% and 75% GFA		Apply Sec. 27-1102.B.1		
Greater than 75% GFA	100	100	100	100
Use Change with Increased Parking		Apply Sec. 27-1102.B.1		
Nonconformities	<i>See Section 27-1500 for applicability of nonconformity standards</i>			

B. MEASURING REQUIRED COMPLIANCE

1. 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 zoning compliance 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 zoning compliance 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 zoning compliance 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.

2. Increased Parking Requirement

Where a change of use triggers a requirement for increased parking on a lot, the calculations of Section 27-1102.B.1 shall be applied.

SECTION 27-1103 ZONE DISTRICT STANDARDS ELIGIBILITY AND MEASUREMENT

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

A. GENERAL SITE DESIGN REQUIREMENTS

For any site renovations, the applicable neighborhood or mixed-use general site design requirements shall be met.

B. GENERAL RENOVATIONS

Where any renovation includes an addition of more than 50 percent in gross building square footage within a 5-year period, all site and structure regulations shall be met.

C. FACADE RENOVATIONS

If the building's façade exists or will exist within the required build-to zone of the district regulations, the facade regulations shall be met, if the renovation includes any one of the following:

1. Expansion or change in location of 50 percent or more of the windows on any street façade of the building. Refer to Section 27-1800 for the definition of street facade.
2. Replacement of 50 percent or more of facade materials on any street facade of the building with a different facade material.

D. ROOF RENOVATIONS

If the renovation of the shape or style of more than 50 percent of the roof occurs, the roof regulations shall be met.