



CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS UPDATE



BRIEFING BOOK

January 22, 2016 update

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BACKGROUND

In 2013, the City of Key West updated its Comprehensive Plan and set new Goals, Objectives and Policies related to development within the City over the next 10-20 years. As a next big step and in order to ensure consistency with the changes made to the Comprehensive Plan, a revision to the land development regulations (LDR) and other parts of the zoning code is also required. This process began with a kick-off meeting in May and was followed by a series of public workshops held in July and September where participants were asked to identify what regulations they wished to reinforce and which ones they wanted to move away from in terms of making appropriate changes to the City's land development regulations in order to create the community they want.

In summary, the overarching goal of the LDR revisions will be to:

- *Create regulations to implement the 2013 Comprehensive Plan, including a small number of Zoning Map Amendments*
- *Resolve inconsistent definitions, terms, standards and processes within the LDRs*
- *Codify zoning practices implemented through administrative interpretations*
- *Incorporate new standards, programs, processes and methods to facilitate context-sensitive growth, community preservation and sustainable community development.*
- *Include appropriate graphic illustrations when such illustrations may serve to explain the desired effect of the regulation*

The issues within the LDR have been codified and grouped into five major categories as referenced below.

- 1.** *Complete Streets, Parking and Transportation Demand Management*
- 2.** *Affordable Workforce Housing*
- 3.** *Signage, Landscape and Urban Design*
- 4.** *Green Building, Adaptation Planning and Disaster Planning*
- 5.** *Code Format & Process*

This briefing book is a summary of some of the key issues identified at the public workshops along with issues raised by staff and comments received through the project website portal. Initial recommendations are also outlined for further vetting and discussion by the City.

AFFORDABLE WORKFORCE HOUSING



“The City’s Comprehensive Plan identified the City of Key West median household income as \$52,004 while the average annual wages earned by a worker in the City are approximately \$37,844 indicating that by standard guidelines for mortgage lending at the median level, a home should cost no more than \$166,012, or three times the median income. This is clearly inconsistent with actual cost of housing in the City, when the Key West Board of Realtors reports that at the end of July 2014 the median sales prices of 162 single family homes sold in the preceding 7 months was \$630,000 and the median sales prices for Condo/Townhouses was \$368,000. Clearly persons and families making the median income or average wage cannot afford for-sale housing, even if such were being built. As to rental housing, the situation is not better. Even though dated and most assuredly higher, the 2010 reported median gross monthly rent in the City was \$1,359. In order to be affordable to the average wage earner in the City, the monthly rent should be no more than \$946. Rent such as this is not available in the City at this point and time and results in workers sharing housing in increasing numbers, or paying 40-50% of their income for housing.”

Affordable Housing Solutions White Paper (Oct. 2014)

INITIAL OBSERVATIONS

1. Transition from workforce to retirement housing is a challenge.
2. Housing is most expensive for a single individual; one bedroom units and efficiencies in high demand and scarce.
3. Only new development projects (not redevelopment of existing) are required to offer a percentage of redeveloped units as affordable.
4. Low cost workforce housing is severely limited due to height and density restrictions.
5. People do not seem to be taking advantage of existing incentives.
6. Loss of housing due to conversion to transient living accommodations.
7. Accessory dwelling units and detached habitable space.
8. Building Permit Allocation System (BPAS).
9. Rate of Growth Ordinance (ROGO) allocation.
10. Lot size requirements.
11. Workforce housing versus Affordable Housing.
12. Rental and sales limits still difficult for workforce to afford.

CITY OF KEY WEST
Work Force Housing
Owner Occupied Income and Sales Limits
2015

Based on Monroe County Annual Median Income (AMI) for a family of four of \$70,400

Household Size	Low 80%	Median 100%	Moderate 120%	Middle 140%
1 Person	\$ 48,900	\$ 61,200	\$ 73,440	\$ 85,680
2 Persons	\$ 55,850	\$ 69,900	\$ 83,880	\$ 97,860
3 Persons	\$ 62,850	\$ 78,600	\$ 94,320	\$ 110,040
4 Persons	\$ 69,800	\$ 87,300	\$ 104,760	\$ 122,220
5 Persons	\$ 75,400	\$ 94,300	\$ 113,160	\$ 132,020
6 Persons	\$ 81,000	\$ 101,300	\$ 121,560	\$ 141,820
7 Persons	\$ 86,600	\$ 108,300	\$ 129,960	\$ 151,620
8 Persons	\$ 92,150	\$ 115,300	\$ 138,360	\$ 161,420

Income Limits for Married or Domestic Partners				
Household Size	Low 80%	Median 100%	Moderate 120%	Middle 140%
2 Persons	\$ 74,467	\$ 93,200	\$ 111,840	\$ 130,480
3 Persons	\$ 83,800	\$ 104,800	\$ 125,760	\$ 146,720
4 Persons	\$ 93,067	\$ 116,400	\$ 139,680	\$ 162,960
5 Persons	\$ 100,533	\$ 125,733	\$ 150,880	\$ 176,027
6 Persons	\$ 108,000	\$ 135,067	\$ 162,080	\$ 189,093
7 Persons	\$ 115,467	\$ 144,400	\$ 173,280	\$ 202,160
8 Persons	\$ 122,867	\$ 153,733	\$ 184,480	\$ 215,227

Per City Ord. Sec.122-1469(13)

Maximun Sales Price				
Unit Size	Low 80%	Median 100%	Moderate 120%	Middle 140%
Efficiency	\$ 122,250	\$ 214,200	\$ 367,200	\$ 556,920
1 bedroom	\$ 139,625	\$ 244,650	\$ 419,400	\$ 636,090
2 bedrooms	\$ 157,125	\$ 275,100	\$ 471,600	\$ 715,260
3 bedrooms	\$ 174,500	\$ 305,550	\$ 523,800	\$ 794,430
4 bedrooms	\$ 188,500	\$ 330,050	\$ 565,800	\$ 858,130

Per City Ord. Sec.122-1466 Definitions

Income limits are based upon figures provided by the
United States Department of Housing and Urban Development and
published by Florida Housing Finance Corporation

CITY OF KEY WEST
Work Force Housing
Income and Rental Limits
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Per City Ord. Sec.122-1469(13)

Maximum Monthly Rental Rates				
Unit Size	Low 80%	Median 100%	Moderate 120%	Middle 140%
Efficiency	1,223	1,530	1,836	2,142
1 Bedroom	1,396	1,748	2,097	2,447
2 Bedrooms	1,571	1,965	2,358	2,751
3 Bedrooms	1,745	2,183	2,619	3,056
4 Bedrooms	1,885	2,358	2,829	3,301

Per City Ord. Sec.122-1466 Definitions

Income limits are based upon figures provided by the
United States Department of Housing and Urban Development and
published by Florida Housing Finance Corporation

PUBLIC COMMENTS (Summarized)

1. Would like to see incorporation of guidelines to address transitional housing which plays a critical role in homeless progress.
2. Review transient unit transfer prohibition as well as other areas of the transient section.
3. We need to take a closer look at the transition from worker to retiree and from renter to owner.
4. Incentives for young professionals
5. We also need to look at affordable housing for larger families - not just singles, couples or smaller families.
6. If we put affordable housing stock into the pipeline without addressing hotel rooms we won't be successful.
7. For a developer additional density is an attractive incentive.
8. We need incentives to bring market rate housing that was once affordable back to affordable housing.
9. We need to look at language pertaining to mother-in-law units
10. Second home owners that rent out their units should be required to be licensed or pay a bed tax.

GENERAL RECOMMENDATIONS

1. Maximize infill potential
2. Density bonuses or height increases in appropriate areas.
3. Modify income rental and sales limits.
4. Utilize land authority funding.
5. Utilize tourist impact tax revenues for affordable workforce housing (Senate Bill 1216).
6. Examine recapture of Building Permit Allocation System (BPAS) units for current residents.
7. Examine recapture of lost market rate units due to second home conversion.
8. Develop an affordable housing incentive zone.
9. Include both new and redeveloped properties in affordable housing requirement.

POLICY DISCUSSION

1. DEFINITION OF WORKFORCE/AFFORDABLE HOUSING

Should the definition of Workforce/Affordable housing be modified to the following?

Sec. 122-1466. ~~Affordable-Workforce/Affordable~~ housing shall include very low, low income, median income and moderate income ~~and middle income~~ housing. (Median Income Based)

City of Key West Workforce Housing Income and Rental Limits 2015			
Very Low (50%)	Low (80%)	Median (100%)	Moderate (120%)
\$30,600	\$48,900	\$61,200	\$73,440
\$765	\$1,396	\$1,748	\$2,097

2. INCLUSIONARY HOUSING REQUIREMENT

Should the requirements for inclusionary housing be modified from the current which requires 30% for new development not redevelopment to the following?

For **ALL** Residential Developments, at least 15 percent (15%) of the total units must be Inclusionary Units restricted for occupancy by moderate-, low- or very low-income Households at either the **Affordable Rent** or **Affordable Ownership** cost appropriate for the income of the Household in perpetuity. Include set aside for family (3+ bedroom units).

RENTAL REQUIREMENTS

Total Units	Inclusionary Units (15%) (A+B)	80%-51% of Median (A)	50% of Median and Below (B)
4 TO 9	1	0	1
10 TO 16	2	1	1
17 TO 23	3	1	2
24 TO 29	4	1	3
30 TO 36	5	1	4
37 TO 43	6	2	4
44 TO 49	7	2	5
50+	15%	20%	80%

OWNERSHIP REQUIREMENTS

Total Units	Total Inclusionary (A+B)	120% of Median (A)	80% of Median (B)
2 TO 6	1 or in-lieu	1 or in-lieu	0
7 TO 9	1	1	0
10 TO 13	2	2	0
14 TO 16	2	2	1
17 TO 23	3	2	1
24 TO 29	4	2	1
30 TO 36	5	3	2
37 TO 43	6	4	2
44 TO 49	7	4	3
50+	15%	60%	40%

3. INCLUSIONARY HOUSING – NEW TERMS

Creation of the following new terms/definitions:

Affordable Rent - means monthly rent that does not exceed the following calculation for a Household of the applicable income level (moderate and low-income):

For low-income rental households: 1/12 of 30% of 80% of median income;
or \$1,396 per month based on the 2015 median income.

For very low income households: 1/12 of 30% of 50% of median income;
or \$765 per month based on the 2015 median income.

City of Key West Workforce Housing Income and Rental Limits 2015		
Income Level	Very Low (50%)	Low (80%)
Income	\$30,600	\$48,900
Monthly Rent	\$765	\$1,396

Affordable Ownership - means the median sales price of the maximum sales price as defined by Monroe County Code Section 101-1 and adopted by the City of Key West annually.

4. INCLUSIONARY HOUSING – EXEMPTIONS

Creation of possible exemptions to Inclusionary Housing:

- The reconstruction of any structures that have been destroyed by fire, flood, hurricane or other act of nature.
- Developments that already have more units that qualify as affordable to moderate-, low- and very low- income Households than required.
- Housing constructed by other government agencies.
- Secondary dwelling units.
- Rental Projects with 3 units or less
- Rebuilding back same units (type/size)

5. INCLUSIONARY HOUSING – IN LIEU FEES

For Residential Developments of a for-sale project of six or fewer units, including Inclusionary Units may be satisfied by paying an in-lieu fee to the Workforce/Affordable Housing Trust Fund.

For Residential Developments with more than six units, including Inclusionary Units, the City Commission may allow the inclusionary requirements to be satisfied by paying an in-lieu fee and/or a combination with one or more of the following production alternatives:

- Off-Site Construction
- Land Dedication
- Credit Transfers (Private and City Owned Properties)

6. INCLUSIONARY HOUSING – IN LIEU FEES CALCULATION

The fee shall be the difference between the Median Sales Price of a dwelling unit in Key West single family, or condo, whichever is applicable) minus the Median Affordable Ownership Cost, (single family, or condo, whichever is applicable) multiplied by the inclusionary units required.

EXAMPLE OF A 4 UNIT FOR-SALE DEVELOPMENT IN-LIEU FEE

Median Price Factor (Single Family)	\$615,000* - \$281,600 / = \$339,900
x In-Lieu Fee Rate (Single – Family)	\$333,400
x Inclusionary units required	x 1 @ 120% of median (15% of 4 Units)
In-lieu fee due from project =	\$333,400

*Key West Association of Realtors

7. WORKFORCE/AFFORDABLE HOUSING – DENSITY BONUS

The City can grant incentives to an applicant or developer of a Housing Development who agrees to provide the following:

- At least 20 percent of the total units of the Housing Development (less the density bonus units) as Target Units affordable to Lower Income Households (80% of Median Income); or
- At least 10 percent of the total units of the Housing Development (less the density bonus units) as Target Units affordable to Very Low Income Households (50% of Median Income); or
- At least 50% of total units if a senior citizen development (residents over 62 years of age).

Incentives may include the following:

- (a) DENSITY BONUS - a minimum density increase of at least 35 percent over the otherwise Maximum Residential Density
- (b) DENSITY BONUS W/ ADDITIONAL INCENTIVES - Additional Incentives may include, but are not limited to, any of the following:
 - Reduction of development standards or a modification of design requirements.
 - Regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions or avoidance.
 - Deferred permit, and/or impact fees.
 - Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs.
 - Property tax exemption
- (c) EQUIVALENT FINANCIAL INCENTIVES – means a monetary contribution (paid from trust fund), based upon a land cost per dwelling unit value, equal to one of the following:
 - Density Bonus and an Additional Incentive(s); or
 - Density Bonus, where an Additional Incentive(s) is not requested or is determined to be unnecessary

Calculating Density Bonus

In determining the minimum number of Density Bonus Units to be granted, the Maximum Residential Density for the site shall be multiplied by 0.35.

When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer.

When calculating the number of Targeted Units, any fractions of shall be rounded down to the lowest integer. In determining the number of Target Units to be provided the Maximum Residential Density shall be multiplied:

FOR SALE

- by 10% for 80% of Median Income
- by 20% for 120% of Median Income

FOR RENT

- by 10% for 50% of Median Income
- by 20% for 80% of Median Income

The Density Bonus Units shall **not** be included when determining the total number of Targeted Units in the Housing Development.

Inclusionary Units shall be included when determining the total number of Targeted Units in the Housing Development.

DENSITY BONUS – FOR SALE EXAMPLE

Site Area	Density	Base Units	Inclusionary Units	Density Bonus	PROJECT BREAKDOWN	
					120% of Median	OR 80% of Median
1 Acre	22 u/a	22	3 units 2 units @ 120% of Median 1 unit @ 80% of Median	8 units	30 Units 4 units at 120% 1 unit at 80% 25 Market Rate	30 Units 2 units at 120% 2 units at 80% 26 Market Rate
					Overall Affordability 16.6%	Overall Affordability 13.3%

DENSITY BONUS CALCULATION

Base units x Density Bonus = **Density Bonus Units**

$$22 \text{ units} \times .35 = 7.7 \text{ (round up) } \mathbf{8 \text{ units}}$$

TARGETED UNITS CALCULATION*

Base units x targeted multiplier** (.10 or .20) = **Targeted Units**

$$22 \text{ units} \times .10 = 2.2 \text{ (round down) } \mathbf{2 \text{ units}}$$

OR

$$22 \text{ units} \times .20 = 4.4 \text{ (round down) } \mathbf{4 \text{ units}}$$

**Inclusionary Units count towards satisfying this number*

*** Targeted multiplier is equal to 10% (.10) for 80% of median income*

Targeted multiplier is equal to 20% (.20) for 120% of median income

DENSITY BONUS - RENTAL EXAMPLE

Site Area	Density	Base Units	Inclusionary Units	Density Bonus	PROJECT BREAKDOWN	
					80% of Median	OR 50% of Median
1 Acre	22 u/a	22	3 units 2 units @ 50% of Median 1 unit @ 80% of Median	8 units	30 Units	30 Units
					4 units at 80%	4 units at 50%
					2 unit at 50%	1 units at 80%
					24 Market Rate	25 Market Rate
					Overall Affordability	Overall Affordability
					20%	16.6%

DENSITY BONUS CALCULATION

Base units x Density Bonus = **Density Bonus Units**

$$22 \text{ units} \times .35 = 7.7 \text{ (round up) } \mathbf{8 \text{ units}}$$

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**Inclusionary Units count towards satisfying this number*

***Targeted multiplier is equal to 10% (.10) for 80% of median income*

Targeted multiplier is equal to 20% (.20) for 120% of median income

Table A1-5. Affordable Housing Deficit/Surplus by Income Group, 2009

	30% of Median	50% of Median	80% of Median	120% of Median	200% of Median
Owners	(500)	(851)	(1,571)	(2,225)	(2,101)
Renters	(349)	(796)	(214)	+270	(288)

Comprehensive Plan (adopted March 5, 2013)

8. ADAPTIVE DWELLING UNITS

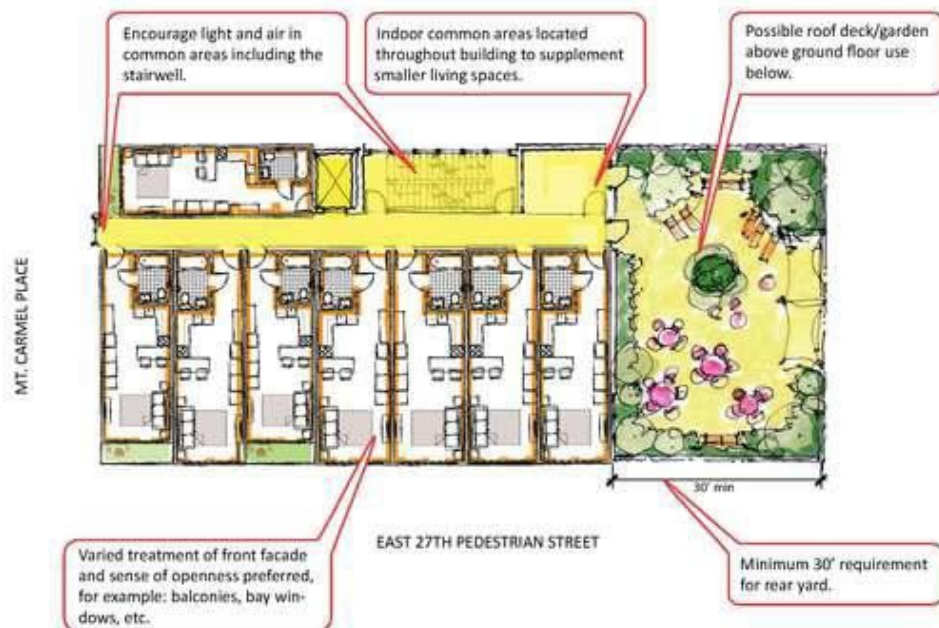
Regulatory components:

- Infill and redevelopment
- Transition areas only
- Design consistent with surrounding
- No height bonus; underlying zoning controls
- 5,000 SF Lot Minimum (.11 AC)

Max Density 50 Units/Acre; .11 AC x 50 = 4 units

LOT SIZE: 45 X 105

ILLUSTRATIVE BUILDING LAYOUT - second floor



9. MICRO-UNITS

Small, studio apartment, between 300 and 400 square feet with a fully functioning, accessibility compliant kitchen and bathroom.

Micro-Units shall not be used for transient accommodations.



10. FLOATING/OVERLAY ZONE OR AFFORDABLE HOUSING INCENTIVE ZONE

- In exchange for affordable units (rental 50 years, renewable for 50 years) a project would be property tax exempt for 12 years.
- A threshold of possibly 4 units or more.
- On a mixed use project approximately 50% of the floor area (or some similar factor) would make up the affordable unit requirement in order to receive the exemption.

Components	Minimum	Maximum
Height	1 Story	40 feet; up to 60 feet* (see Height Bonus)
Height Bonus (Multifamily and Mixed Use) Average income total 80% or below Average income total 100% or below Average income total 120% or below	60 feet max 50 feet max 40 feet max	
Density	None (Controlled through BPAS Allocation) Minimum number of Units: 5	
Lot size	.25 Acres	None
Vehicular Parking	0 Spaces; \$2,500 per unit for Streetscape Improvements	1 Space/2 Units
Bike/Scooter Parking	1 Space/Unit	
Unit Size (Micro Units)	300 SF	400 SF
Floor Height	9 Feet	None
Unit Size (BPAS Unit) ➤ Micro Units (.5 units proposed*) ➤ Efficiency (.78 unit) ➤ 1 Bedroom (1 unit) ➤ 2 Bedroom (1 unit)	300 SF 401 SF 601 SF 751 SF	400 SF 600 SF 750 SF 900 SF
Green Building/Development Certification	Required	
Affordable/Workforce Agreement	Required	
Building Permit Timeframes	60 days to apply for permit, one month extension	

**Requires Charter Amendment*



PARKING, COMPLETE STREETS & TRANSPORTATION DEMAND MANAGEMENT

“The goal for parking management is an efficiently utilized parking resource that (1) supports the economic and social health of a district (2) allocates parking resources according to priority user groups (3) provides space-access predictability (4) provides consumer choice (5) manages traffic impacts (6) returns revenue for capital and operating costs.”

Parking Management for Smart Growth by Richard Wilson, FAICP (2015)

INITIAL OBSERVATIONS

1. Excessive amount of parking variances
2. Driveway conversion to habitable space results in loss of on-site parking and puts demand on on-street parking; also results in private encroachment onto the swale.
3. Corner lot visibility and sight distance triangles.



4. Alternate modes of transportation abound (bike, scooter) but safety is a concern.

Means of Transportation to Work			
Drove alone	With someone or Walked	Taxi, Motorbike	Public Transit
21.5%	19.8%	0.3%	1.1%

American Community Survey 2013



5. Vehicles parked at non-designated areas.



6. Loading and delivery vehicles.



7. Work Commute - loss of affordable housing (in Old Town) has meant workers forced to move to more affordable locations in New Town, Stock Island, or further up the Keys and then commute in placing pressure on the on-street parking spaces.
8. Congestion relief.
9. On street parking turnover.

PUBLIC COMMENTS (Summarized)

1. Installation of mid-block barriers to make bike routes safer and encourage more bike and pedestrian traffic.
2. Include vehicle tax for those with two or more vehicles as part of transportation fund.
3. Regulate the size of City buses and large tour buses similar to the treatment of RV's on the street; limit the size of vehicles allowed to be parked in the right-of-way.
4. Clarify the dimensional and design requirements for the right of way.
5. Where off-street parking is required for new or remodeled construction the number of required off-street parking should be the number presently required PLUS the number of on-street parking places eliminated for the entrance to the new off-street parking.
6. Incentives for moving parking demand back on-site particularly in the case of renovations.
7. Incentives for alternative modes of transportation for bed & breakfast and hotel sites, particularly those resulting from conversion of a home.
8. Encourage downtown businesses/private property owners to create more parking on-site, reducing the demand on the City to provide it.
9. Three days of on-street parking does not accommodate those who leave town and park in violation of the 72-hour rule.
10. Too many tour buses!

GENERAL RECOMMENDATIONS

1. Waive parking for change of use or small expansion within the historic district.
 2. Linkage fees with parking garage for commercial expansion or workforce housing.
 3. Create true shared parking.
 4. Establish a parking fund linked to parking and public transportation improvements.
 5. Incentivize use of parking garages versus surface lots.
 6. Loading and delivery vehicle restrictions.
 7. Establish a parking management system.
 8. Require an up-graded public realm dedication of elements in New Town (such as enhanced streetscaping, open space, amenities, furnishings and bicycling amenities) as part of the site plan approval process.
 9. Promote street furniture including bus benches, parklets, outdoor seating.
-

POLICY DISCUSSION

1. PARKING REDUCTIONS (CITYWIDE)

Any minimum required amount of parking may be reduced only upon issuance of a special permit from the Planning Board. A special permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units. In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:

1. The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a transit stop.
2. Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces. The use of **Shared Off Site Parking** (*new term*) may be permitted.

Shared Off Site Parking - Where accessory parking facilities are allowed on land other than the lot on which the use being served is located said other land shall be in identical ownership or binding commitments shall exist to guarantee, to the reasonable satisfaction of the City Attorney, that the off-site parking will continue to be available for the period during which the use or uses that the parking serves may be expected to be in existence. Such commitments shall be evidenced by negotiated lease agreement, recorded covenant or comparable legal instrument. Such instrument shall be duly recorded by the Monroe County Clerk.

3. Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and
4. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city, or loss of pedestrian amenities along public ways.
5. The provision of required parking for developments containing workforce/affordable housing units, and especially for developments employing the increased density for workforce/affordable housing, will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.

6. The *Institute of Transportation Engineers (ITE) Reference Manual* entitled *Parking Generation* allows a lesser number of parking spaces for the proposed use or a use of similar characteristics.

For a project seeking a reduction in required off-street parking, a **Parking Analysis** (*new term*) shall be required as part of the Special Permit Application as set forth in [that section]

2. **PARKING ANALYSIS**

Parking Analysis. The purpose of a Parking Analysis is to provide quantitative data to assist a special permit granting authority in considering certain projects. If the Institute of Transportation Engineers (ITE) Reference Manual entitled *Parking Generation* allows a lesser number of parking spaces for the proposed use or a use of similar characteristics, then the number of parking spaces required for a development may be reduced, including the use of a the ULI Shared Parking methodology.

However, should further reductions be needed, a Parking Analysis shall be submitted where it is specifically required by any provision of this Zoning Ordinance. A special permit granting authority may also request that elements of a Parking Analysis be provided when considering a project that proposes a deviation from parking requirements specified in the Zoning Ordinance or an increase in development density above the maximum allowed as-of-right under base zoning regulations.

Where a Parking Analysis is specifically required by any provision of this Zoning Ordinance, the proponent shall first consult with the Planning Department to determine the scope and methodology of such an analysis. The results of the Parking Analysis shall be included in any Special Permit Application for the project.

For residential projects, a Parking Analysis shall include some or all of the following, with the specific type and level of analysis to be determined by the Planning Department based on the relevant characteristics of the proposal:

- Estimates of the project's parking demand, as evidenced by vehicle ownership rates and peak parking occupancy data for comparable nearby residential projects, resident parking permit and motor vehicle registration data for the area, and/or other indicators of parking demand. These estimates should account for daytime and nighttime parking. Estimates may account for differences in parking demand given the occupancy of units, such as owner-occupied vs. rental units, market-rate vs. below- market-rate units, or elderly-oriented vs. conventional units. Estimates may also account for anticipated vacancy rates.
- Maps showing the distance to alternate transportation options in the area, including bus/transit routes, bike facilities, and car-sharing services.

- Studies of on-street parking capacity and utilization in the vicinity of the project. Such studies should be conducted at night, and should account for the normal activity hours of other land uses in the area.
- Where applicable, inventories and peak occupancy data for nearby off-site parking that will be available to the project's residents or visitors, either on a round-the-clock basis or by way of a shared use arrangement. Private, off-site parking shall only be applicable to the analysis if a long-term leasing arrangement is proposed to be made. Shared parking arrangements should be studied thoroughly to determine the minimum amount of parking required to satisfy the demand from all proposed land uses during any given time period.
- With the intent of protecting the residential neighborhoods by lessening the impact of commercial parking into the neighborhoods, a **Parking Management Program** would be required to reduce demand for private automobile use, inclusive of car-sharing programs and/or incentives for residents or employees to walk, bicycle, or use public transportation, and estimates of the anticipated impact of those measures on parking demand.
 - For example, the commercial parking component of a mixed use project could be reduced if the business shows, and certifies annually with the renewal of the Business Tax Receipt (BTR), that employees have secured off-site parking at a parking garage, bike/walk to work, are provided with annual bus passes and/or provide for a car-share for the employees.
 - Given the intertwined nature of Guest Houses in Residential neighborhoods, an additional component could be to require Guest Houses to provide the number of employee parking spaces and location at BTR renewal. If parking demand is not being met on-site, a Parking Management Plan would need to be implemented and renewed annually as part of the BTR renewal.

3. PARKING EXEMPTIONS

1. All uses within the following districts are exempt from off-street parking requirements:
 - HRCC1
 - HRCC3
 - HNC1
 - HRO
2. All deed restricted Workforce/Affordable Housing Units are exempt from off-street parking requirements.
3. Accessory dwelling units are exempt from off-street parking requirements.

4. Small Business. The minimum amount of parking required by Section shall be waived for any nonresidential use in an office, business, or industrial district if such use would require four (4) or fewer spaces. However, such nonresidential use shall be located in a building or row of attached buildings which contains a total of ten thousand (10,000) square feet or less of gross floor area devoted to nonresidential use.

4. **RESIDENTIAL PARKING REQUIREMENTS**

NEW TOWN

Single Family/Duplex	1 space per unit
Townhouse/Multifamily	1 space per unit
Hotel/Motel/Inn	.5 spaces per key

OLD TOWN

Single Family/Duplex	<p>Maximum of 1 parking space per unit and shall be located in the rear yard.</p> <p>Where parking cannot be provided in the side or rear yard and where not more than two units exist on the parcel, one on-street parking space per each 18 linear feet of lot frontage (up to a maximum of two spaces) may be counted toward the required number of off-street parking spaces, provided that such space is located directly in front of and on the same side of the street as the use in question, along a public street where on-street parking is permitted.</p>
Townhouse/Multifamily	1 space per unit
Hotel/Motel/Inn	.5 spaces per key

5. COMPLETE STREETS DESIGN OPTIONS

MID-BLOCK CROSSWALKS

Mid-block crosswalks facilitate crossing needs within an area where people want to go but are not well served. A traffic warrant needs to be met prior to the installation of Midblock crossings. Midblock crossings are located according to the study of pedestrian volume, traffic volume, roadway width, traffic speed and type, desired paths for pedestrians, land use, and transit connectivity.



TRAFFIC CALMING

Traffic calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for pedestrian users.

- **Recommended streets are Catherine Street and Southard Street.**

A. Raised Intersection



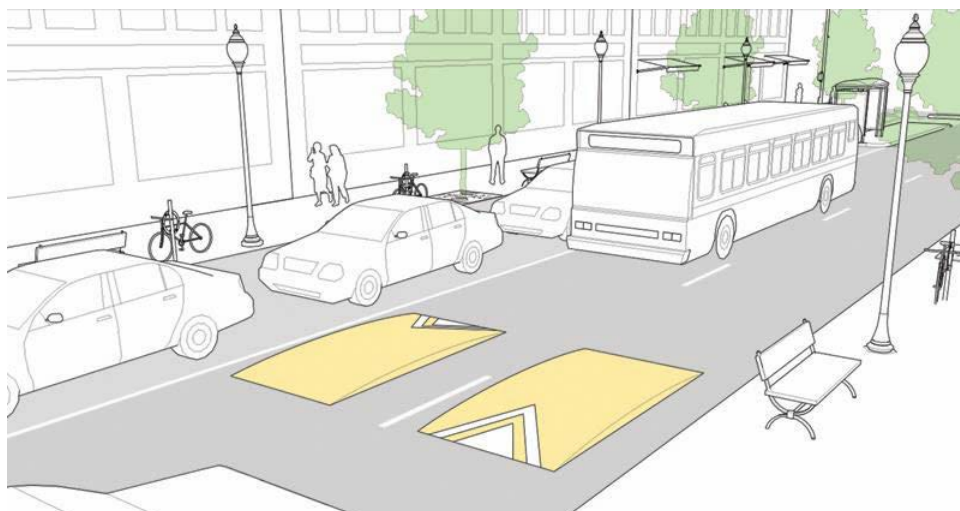
B. Neighborhood Traffic Circle



C. Speed Table



D. Speed Cushion



E. Road Diet

A road diet is the narrowing and/or removal of vehicle lanes. Usually, the regained space is used for other purposes such as wider sidewalks, landscaped spaces, bicycle lanes, and on-street parking.

- **Recommended streets are Southard Street and Duncan Street.**



STREET TYPOLOGIES

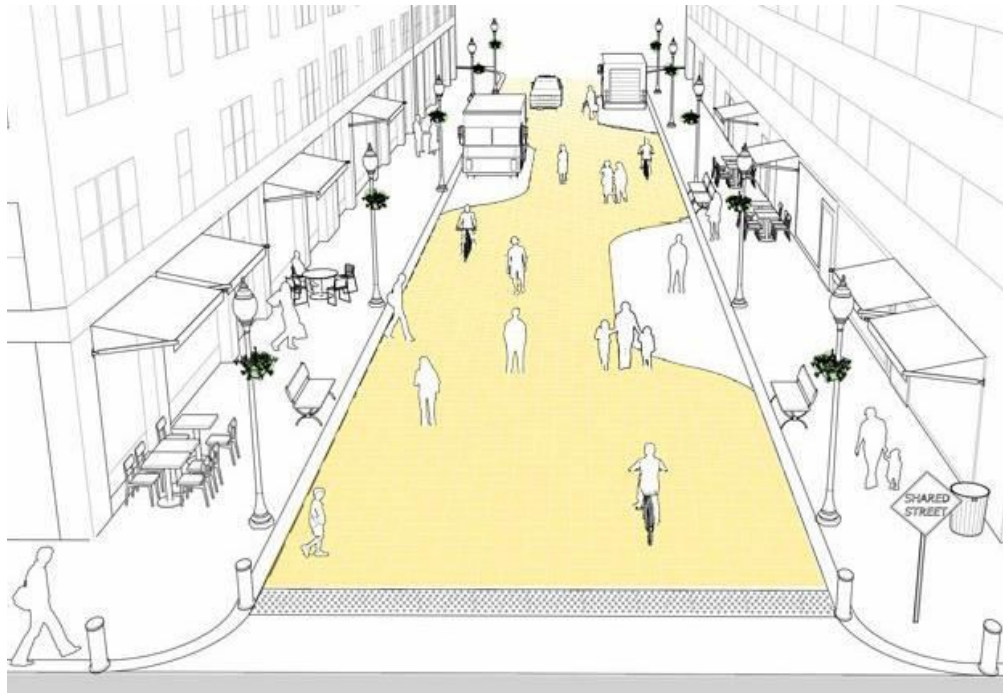
A. Yield Street

Two-way yield streets are appropriate in residential areas with very narrow road widths where drivers are expected to travel at low speeds.



B. Commercial Shared Street

Low-volume commercial streets that may be crowded during certain times of day such as when cruise ships are in port resulting in higher pedestrian activity or when loading and unloading of trucks are occurring.



C. Residential Shared Street

Low-volume residential streets that are often too narrow to accommodate elements such as sidewalks on both sides of the street, on-street parking and dedicated bike lanes, resulting in a de-facto shared space between cars, pedestrians and cyclists.



D. Pedestrian-Only Street

This street type includes pedestrians, bicyclists and other non-motorized users.



SIGNAGE, LANDSCAPE & URBAN DESIGN



INITIAL OBSERVATIONS

1. Current regulations do not reflect the context or pattern of existing structures.
2. Urban Design pattern of new construction in Old Town is not responsive to the historic quality of adjacent buildings.
3. New Town has an excessive amount of signage that promotes visual clutter.
4. Underutilized commercial properties in New Town.
5. The existing code allows for large, big-box type of development with ample 'blank walls'.
6. Front setbacks in New Town are excessive and are suburban in character – they do not contribute to a good streetscape quality nor do they promote walkability.
7. Properties, principally those along Roosevelt Ave, have frontages with excessive impervious pavement.
8. Excessive amount of variances and waivers for lot coverage, setbacks, open space and landscape buffering - particularly as it relates to remodeled properties.
9. Overlap/conflict between open space, impervious surface, building coverage and vegetative requirements.
10. Excessive buffering requirements that are not applied uniformly throughout the City.
11. Transformation of accessory structures into units (for example deck or patio becomes enclosed into a living space reducing pervious area or encroaching onto setbacks).
12. Existing code has a plant list that does not work for Key West.
13. There are no planting requirements that curtail the use of swales for vehicular parking.
14. The City needs more canopy trees, not sub-canopy trees.
15. Sod and gravel are currently being used as cheaper groundcover alternatives to shrub plantings.
16. Code does not ensure ample anchoring and root-growth areas for vegetation; the result is shallow root growth areas which creates a possible storm hazard due to the shallow soil depth.

17. Continuity of landscape quality in commercial and multi-family properties is not guaranteed by the code – when vegetation dies or is damaged, there are no mechanisms to ensure it is replaced.
18. No ‘teeth’ to the code to help enforce landscaping requirements.

PUBLIC COMMENTS (Summarized)

1. Correct scrivener’s error in Sec. 122-1151, footnote 9: “The maximum height along North Roosevelt Boulevard, from Seventh ~~Avenue~~ Street west to Eisenhower Drive and Jose Marti Drive, shall be 30 feet.”
2. Great need for clear, up-to-date informational signage and way-finding signage.
3. Consider a revision of section 108-284 – Exterior lighting.
4. There needs to be a threshold or trigger for upgrading properties. For example in New Town if you doing remodeling over a certain percentage we could require you to have to install trees (Monroe County requires 2 trees).
5. Landscape planting encroachments onto the right of way.
6. Uprooting of public sidewalks by tree plantings.
7. Need to take a look at setbacks in mixed use districts – for example on Truman or Duval - these mixed use corridors have the residences set back but the commercial has a zero lot line.
8. Need to address the height of walls in New Town.
9. Line of sight needs to be defined - recommend 30 miles or lower there must be 25 feet clear line of sight.
10. We need to set a maximum square footage for signs, especially for buildings that are 2 stories.
11. If sign amortization is considered, the amortization should be less than 5 years otherwise new businesses have the unfair disadvantage of having to get established amidst a sea of larger, more prominent signs.
12. Impacts to overhead utility wires (Keys Energy V-cutting).



GENERAL RECOMMENDATIONS

1. Utilize rain gardens for better pervious area.
 2. Require front yard landscape planting in Old town to ensure that there is a clear legibility between what is historic versus new construction.
 3. Develop a comprehensive strategy for redevelopment and infill of large commercial properties.
 4. Minimize driveways and driveway widths in New Town on Roosevelt Ave and provide incentives for side- and rear-access opportunities.
 5. Reduce left-turn exits onto Roosevelt from properties to reduce the impact of FDOT-mandated sight visibility restrictions on median planting for a more enriched street planting opportunity.
 6. Require architectural massing innovation in New Town by creating maximum building wall planes and minimum articulation parameters.
 7. Consider language that allows City to remove landscape plantings within the right of way and define the conditions where these would be preferred.
 8. Require *Right-Tree-Right-Place* with regards to overhead utility wires and salt tolerance issues.
 9. Develop a City-wide street tree master plan that promotes continuity, consistency, placement of vegetation, and installation standards.
 10. Require understory shrub plantings instead of gravel or sod.
 11. Promote streetscape wayfinding signage.
-

POLICY DISCUSSION

1. SETBACKS

NEW TOWN

- Require front yard setbacks in New Town that promotes street frontages which contribute to the creation of a vibrant, walkable public realm.
- Establish 'Build-to lines' instead of 'minimum setbacks' to create shallower frontages

OLD TOWN

- Establish a front setback requirement that provides an 'urban street front' that celebrates and recognizes the value of historic structures with
 - (a) maximum setback value to ensure good urban continuity,
 - (b) placement of new infill buildings' setback from any abutting historic structures [5 feet for ground floors; 20 feet for second stories – both up to the maximum value]
-

2. VARIANCES

Incorporate language that prohibits the granting of variances unless a severe hardship is met and establishes a very strict requirement for trade-offs of required elements that shall be provided if a variance is granted.

3. LANDSCAPE REQUIREMENTS

- Require that swale landscape areas be surrounded by a non-mountable curb designed in a way that promotes better storm water management.
- Establish minimum base standard buffers that apply to all properties based on a distribution of 'landscape planting units', allowing for flexibility in Old Town where existing conditions prevent meeting the requirements (this will reduce the number of variances being requested but allows for the transfer of those units elsewhere on the property so the requirement is still met)
- Clarify landscape 'minimum requirements' to facilitate code enforcement determination if a property is not in compliance; establish a schedule for amortization where all properties should be brought up to code.
- Update the native plant list to be more in line with Floristic Inventory of the Florida Keys Database, Native Palm List and Canopy and Fruit Tree List.
- Utilize structural soils, require 36 inches minimum excavation areas for all tree root planting areas and minimum growth areas; encourage the use of elevated 18" tree planters with seat walls and the use of root barriers.
- Provide more credit if trees meet a larger size at the time of installation, or are Florida Keys native or are drought-tolerant; provide disincentives for the planting of small vegetation in lieu of canopy trees

4. LANDSCAPE DEFINITIONS

Update definitions to differentiate between gardeners, landscapers, landscape architects and arborists.

Pre-qualification

Establish a pre-qualification program for landscape professionals.

5. LANDSCAPE MAINTENANCE

- Include maintenance requirements in the Land Development Regulations.
- Require annual landscape recertification process for commercial and multi-family projects to ensure quality and continuity of landscape requirements; ensure the process by which recertification is met is not burdensome on City Staff (eg. Inspection signed off by licensed landscape architect).
- Require any tree pruning to be done by a certified arborist.

6. SIGNAGE

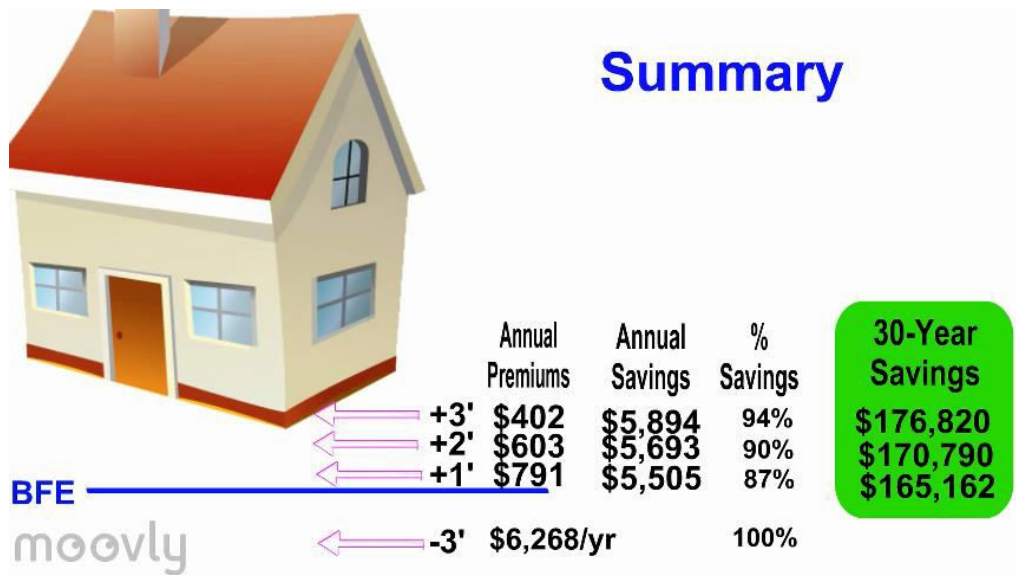
- Establish a sign amortization schedule
- Provision of incentives to reduce sign height
- Regulate size and placement of signage in New Town, with absolute maximum heights and landscape requirements which ties to industry legibility standards of the United States Sign Code Standards baselines.
- Establish the requirement of a 'Sign Plan' that quantifies cumulative sign area and establish a maximum of 10% of the fronting wall façade area as the maximum allowable area for the sum of all sign areas visible from any street; encourage a flexible units-approach, similar to that of the landscape code
- Regulate material choices for signage and require design consistency throughout larger properties
- Eliminate Section 114-36 Flat and Façade Signs all-together, wherein it states that "flat and façade signs shall not be regulated as to area"
- Establish an amortization schedule for sign compliance of 5 years for window and façade signs and 10 years for all signs on a property.

GREEN BUILDING, ADAPTATION PLANNING & DISASTER PLANNING



PUBLIC COMMENTS (*Summarized*)

1. Build-back after post-disaster recovery (Build-back Ordinance) – concern for historic structures.
2. Construct bioswales as part of the streetscape particularly along the right of way around 1400 block of Seminary/United Street
3. Require all new construction to produce some renewable energy possibly as part of a points system.
4. Clearly indicate that redeveloped sites are not exempt from stormwater requirements
5. Consider prohibiting fill as part of the Land Development Regulations recommendations in order to improve the CRS rating.
6. We need to incorporate “Shelter in Place” concepts. We also need to consider elevating parking when considering sheltering in place, otherwise people can shelter in place but will lose their car.
7. Right now adaptation is only triggered when there is a disaster; we need to create incentives so that people do things now instead of waiting for a trigger.
8. Would be nice to see green rooftops but we are hamstrung in the Historic District.
9. Greywater tanks may not be able to fit in some Key West homes, we need a gradual push towards green.
10. Would like to see encouragement of fruit trees and vegetable trees in the code.
11. Remove retention/detention criteria in Section 108-777 (2) (c) and adopt by reference the South Florida Water Management District (SFWMD) environmental resource permit guidelines as may be amended.
12. Flood protection building height.
13. Existing code, Secs. 122-27, 122-28, and 122-32, regarding replacement/reconstruction of structures involuntarily destroyed does not provide sufficient guidelines as to which provisions of the LDR Chapter 108 applies to the application regarding site improvements, i.e., stormwater management system, solid waste storage, and parking facilities. Additional language should be included that goes beyond stating replacement should not expand or increase nonconforming use or noncomplying building. (Sec. 122-28(g)).



GENERAL RECOMMENDATIONS

1. Explore linkages in addressing stormwater.
2. Obtain Community Rating System (CRS) as part of floodplain management activities.
3. Establish incentive programs for green building, water use reduction, energy reduction, stormwater retention, etc.
4. Develop water and energy conservation standards along with green building requirements.

POLICY DISCUSSION

1. GREENHOUSE GAS STRATEGIES

- A. Transportation Management Programs, including:
 - “True” Shared Parking
 - Parking Maximums instead of Minimums
 - Bike Corrals - On-street bicycle parking facility that replaces an on-street parking space
- B. Solar Reflective Coating to Surface Parking Lots
- C. Permeable Pavement- Pave Drain Technology: Absorption of 700 Gal./minute
- D. Use of Bioswales

2. SEA LEVEL RISE

A. Floodplain Conservation Overlay Zone

- a. Designed to protect natural resources and provide for the gradual relocation of development in highly vulnerable areas.
- b. Could include highly vulnerable areas that have sensitive natural resources and

that are unsuitable for hard-shoreline protection

c. Regulatory Framework

- **Downzone:** limit development and redevelopment to low-density/low-intensity uses such as recreational, or open space
 - Florida Land Acquisition Trust Fund (Amendment 1)
 - Monroe County Land Trust
 - Transfer of Development Rights
- **Increase setbacks:** require that structures be setback on the lot as far landward or upland on a site as feasible (“maximum practicable setbacks”).
- **Limit the size and height:** minimize the economic consequences of floods.
- **Restrict rebuilding:** prohibit redevelopment of storm-damaged structures in highly vulnerable areas or prohibit redevelopment of repetitive loss structures.
 - Historic Exemption

B. Floodplain Accommodation Overlay Zone

- a. Designed to allow for continued development while requiring that structures be sited and built to be more resilient to impacts.
- b. May include areas with intense to moderate existing development, some

ecologically sensitive resources, and limited viability for hard-shoreline armoring.

c. Regulatory Framework

- **Transfer of Development Rights**
- **Increase setbacks:** apply erosion-based or tiered setbacks for waterfront properties.
- **Increased freeboard:** require additional freeboard consistent with estimates for projected SLR and raising of infrastructure/ROW.
- **Allow for larger accessory units:** consider allowing larger accessory units as a result of the increased cost to raise and/or harden the main structure so that the owner can live in the accessory unit during construction of the main structure.

C. Residential Equivalency based on median sales price.

Example:

Value= \$2.4 million

Median=\$360,000

Units – 7 (6.67)

TDR Sale/Transfer = 7 Residential Units (Affordability Component)

Market Driven - City approves receiving site not price

3. GREEN INFRASTRUCTURE & BUILDING STANDARDS

A. Stormwater Fee Discount: Require a stormwater fee that is based on impervious surface area. If property owners reduce need for service by reducing impervious area and the volume of runoff discharged from the property, the municipality reduces the fee.

B. Development Incentives: Offered to developers during the process of applying for development permits. Examples include: zoning upgrades, expedited permitting, reduced stormwater requirements and increases in floor area ratios.

C. Height Increase: As the new FEMA Flood Maps are published consider language that would allow for an automatic adjustment of the height as a result of the increase in base flood elevation. The intention would be for new homes constructed would not be penalized by having a smaller living area or less units as the building envelope shrinks.

D. Open Space. There are three major regulator components:

- i. Impervious Surface Area (ISR) Requirement - that portion of the land which is covered by buildings, pavement, nonporous fill, or other cover through which water cannot penetrate.
- ii. Building Coverage Requirement - percentage of lot area covered by buildings and including roofed porches, eaves, decks and similar structures as well as all structures, including structural elements such as raised decks, 30 inches or more above grade.

	ISR	Building Coverage
Single Family	50%	35%
Residential Med/High	60%	40%
Commercial/Historic Comm	60%	40%
Historic Comm/Duval & Tourist	70%	50%

EXAMPLE

Single Family	Commercial
Lot = 5,000 SF	Lot = 10,000 SF
ISR 50% = 2,500 SF	ISR 60% = 6,000 SF
Bldg Cov 35% = 1,750 SF	Bldg Cov 40% = 4,000 SF
Remaining ISR = 750 SF	Remaining ISR = 2,000 SF
Remaining Pervious = 2,500 SF	Remaining Pervious = 4,000 SF

- iii. Open Space Requirement - Open space shall be comprised of **permeable** open surfaces, excluding principal structures and impermeable surfaces. No parking or paved areas shall be included as open area. Active recreation areas may be counted as open area.

Open Space Requirements		
Residential	Non-Residential	Mixed Use
35% Min	20% Min	Percentage allotted to Residential and Non-Residential Square Footage

EXAMPLE

Single Family	Commercial
Lot = 5,000 SF	Lot = 10,000 SF
ISR 50% = 2,500 SF	ISR 60% = 6,000 SF
Bldg Cov 35% = 1,750 SF	Bldg Cov 40% = 4,000 SF
Remaining ISR = 750 SF	Remaining ISR = 2,000 SF
Remaining Pervious = 2,500 SF	Remaining Pervious = 4,000 SF
Open Space 35% = 2,500 SF	Open Space 20% = 2,000 SF
Remaining Pervious = 0 SF	Remaining Pervious = 2,000 SF
Remaining ISR = 750 SF	Remaining ISR = 2,000 SF

EXAMPLE OF EXISTING CONDITION

Almost **100% lot coverage** and approximately **2 feet side setbacks**.

Consider an absolute minimum of 5 feet side setbacks for detached structures for life safety and storm water.



CODE FORMAT & PROCESS

GENERAL RECOMMENDATIONS

1. Consider bifurcating the code into New Town and Old Town subchapters.
 2. Consider modifying the Major and Minor Review thresholds
 3. Explore consolidating the number of zoning categories
 4. Simplify the overall process and final approval; e.g. historic district approvals etc.
 5. Redefine “Practical Difficulty” Variance and provide for:
 - a. Alternative Development Options
 - b. Administrative and Board Review
 - c. Mitigation Required
 - d. Reduce amount of open space nonconformities
-

POLICY DISCUSSION

1. Given the uniqueness and future redevelopment potential of both New Town and Old Town, regulations and processes can be tailored to the individual areas and avoid confusion regarding whether a particular regulation applies.
2. Raising the Major/Minor Review Threshold to facilitate simplifying the process for applicants.
3. Consolidation of zoning districts
4. Simplify the overall review and approval process, clarify the Board composition and quorum, and identify who is the proper recommending body and approving body for various application types (i.e. what should go to Planning Zoning Board; HARC; City Commission).
5. Given the number of variances are for setbacks, open space and lot coverage consider changing the way variances are granted by redefining a “**Practical Difficulty Variance.**”

A Practical Difficulty Variance:

- a. Provides for a variance where the literal enforcement of a zoning regulation will create a “practical difficulty” in the use of a parcel of land for the purpose or in the manner for which it was zoned, considering various standards.
-

b. Based on the principle that the inability to satisfy some of the requirements in the City's land development regulations are "practical difficulties" and valid justifications can be provided for the issuance of a variance, where the strict hardship standard is not satisfied.

c. Criteria for Review:

- i. How substantial the variation is in relation to the requirement;
- ii. The effect the variance would have on government services;
- iii. Whether the variance will effect a substantial change in the character of the neighborhood or there will be a substantial detriment to neighboring properties
- iv. Whether the practical difficulty can be alleviated by a feasible method other than a variance;
- v. How the practical difficulty occurred including whether the landowner created the need for the variance; and
- vi. Whether, in light of all of the above factors, allowing the variance will serve the interests of justice and be in accordance with the spirit of the regulations.

d. Alternative Development Standards

Rather than a prescriptive "one size fits all" approach, flexible Alternative Development Standards" could be used in conjunction with a "Practical Difficulty" request. The maximum allowed variations could be capped by scaled percentage decreases from the standard regulations set forth in the Code and include a mitigation component.

For example, open space reductions for single-family residential could be limited to a **maximum** reduction of 1% to 15% of what is normally required regardless of the particular constraints associated with the proposed development.

Administrative Review	Planning and Zoning Board Review
1% to 9% of Standard	10% to 15% of Standard
Eligible Standards: <ol style="list-style-type: none">1. Lot Coverage2. Open Space3. Impervious Surface Area4. Landscape Area5. Buffer Area6. Screening7. Street Frontage8. Non-Vehicular Use Areas9. Boulevard Appearance Zone10. Boulevard Safety Zone	

e. Mitigation

Based on the deviation from the standards, the following mitigation actions are suggested below:

Standard	Mitigation Actions
1. Lot Coverage 2. Open Space 3. Impervious Surface Area 4. Landscape Area 5. Buffer Area 6. Screening 7. Street Frontage 8. Non-Vehicular Use Areas 9. Boulevard Appearance Zone 10. Boulevard Safety Zone	<ul style="list-style-type: none">• Annual Storm Water Fee Surcharge• Improve/Install Swale Area Adjacent to Property• Improve/Install sidewalk, curb & gutter• Participate in City's Tree Fund• Streetscape Improvement funding

6. Reduce Open Space Nonconformities:

- a. Changes may be made to the site that are in conformance with the applicable development standards that apply to the site.
- b. Changes that bring the site closer to conformance are allowed.
- c. Proposed changes that are not in conformance or do not move closer to conformance, are subject to the variance Adjustment process unless prohibited.
- d. Normal maintenance and repair of nonconformity is allowed
- e. Compliance Option:
 - I. Applies only to those nonconformities which were allowed when established or which were approved through a land use review AND maintained over time; these nonconformities will have legal nonconforming status.
 - II. Nonconformities which were not allowed when established or have not been maintained over time have no legal right to continue (often referred to as "grandfather rights") and must be removed or brought into compliance.

Purpose for Compliance Option:

- I. Aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site.
- II. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering/raising buildings.

f. Criteria

Criteria 1 - Standard evidence that the nonconformity was allowed when established is:

- i. Building, land use, development permits, or approval; or
- ii. Zoning codes or maps or land use plans or maps;

Criteria 2 - Proof that nonconformity was maintained over time. Standard evidence that the use has been maintained over time is:

- i. Utility bills;
- ii. Income tax records;
- iii. Business licenses;
- iv. Listings in telephone or business directories;
- v. Advertisements in dated publications;
- vi. Building, land use or development permits;
- vii. Insurance policies;
- viii. Leases;
- ix. Dated aerial photos;
- x. Insurance maps that identify use or development, e.g. Sanborn Maps
- xi. Land use and development inventories prepared by a government agency.

g. Timing and Cost of Required Improvements

RESIDENTIAL

- i. Required improvements must be made as part of the alteration that triggers the required improvements.
- ii. Cost of required improvements limited to 25% value of the proposed alterations.
- iii. When all required improvements are not being made, the applicant may choose which of the improvements.

COMMERCIAL

- i. Required improvements may be made over several years, based on a compliance period of between 2 to 5 years depending on the size of property.
- ii. Waiver for Historic Properties when applicable.