Agenda MEMORANDUM

Streets & Stormwater Department

Natural Resources ● Stormwater ● Streets & Traffic

To: City Council

From: Gregg Strakaluse, Director – Streets & Stormwater Department
Erica Martin, Director – Planning Department
Craig Mole, Director - Building Department

Date: April 5, 2021

Workshop Meeting Date: May 3, 2021

SUBJECT:
Discussion on lot coverage limitations.

BACKGROUND:
While the City thoroughly regulates building coverage (via setbacks), the City does not have definitive regulation for maximum impervious coverage areas on lots. The City provides minimum setback requirements to limit building coverage, limits building area as a percentage of the lot area, and applies stormwater design criteria to all development, including single family homes. The City does not specifically limit the amount of impervious area beyond the building footprint, other than requiring landscape buffers for some land uses and the City currently allows for exceptions to building area for roofed areas that are open or screened on the sides. Lot coverage (multiple family and non-residential) and building area (single family) are defined as follows:

> *"**Lot coverage** means that percentage of a lot or parcel of land that is covered or occupied by all buildings, including accessory buildings, under the terms of this land development code. Fences, shuffleboard courts, swimming pools and the like shall not be included in computing lot coverage. Balconies and means of egress shall be included in determining building coverage if either of the following conditions exists and to the extent that such conditions exist:*
> *(1) Balconies and means of egress project more than six feet from the building wall of any floor.*
> *(2) The combined length of balconies and means of egress on any one floor level along a building wall exceeds 50 percent of the length of the wall."*
>
> *"**Building area**, relative to single-family residential lots, means that portion of lot coverage which is the sum total of all lot area covered by roof and which is enclosed by walls or any other enclosure system. Mesh screening shall not be considered a wall or enclosure system. Building area is calculated as the area within the outermost perimeter of the enclosing walls or enclosure system."*

Code Comparison

Planning staff reviewed the codes of other communities to see if there are examples of the regulation of impervious areas beyond the building footprint. The chart included with this item indicates whether the communities regulate building area, impervious coverage beyond the building footprint and if they apply stormwater design standards. Each was reviewed relative to single family, multiple family and commercial development.

Staff found that Naples is somewhat unique in the regulation of stormwater standards, particularly for single family homes. While many communities have stormwater standards for the purpose of assessing stormwater fees, and some of those standards apply design credits, most do not have the specific stormwater design requirements that Naples has. Regulating impervious area beyond the building footprint is also unique.

One community that regulates in all three areas is *Key West*. The following definition and scope are from Key West's Code and are related to the limits of impervious surfaces.

> **"*Sec. 122-1143. - Impervious surface requirements for all uses.***
>
> *(a) Definition; scope. The term "impervious surface" is defined as that portion of the land which is covered by buildings, pavement, nonporous fill, or other cover through which water cannot penetrate. The impervious surface ratio requirement controls the intensity of development, by restricting the amount of the land covered by any type of impervious surface.*
>
> *(b) Calculation. The impervious surface ratio (ISR) is calculated for the gross site by dividing the total impervious surface by the gross site area. Waterbodies are impervious and shall be included as such in the ISR calculation.*
>
> *ISR = Total Impervious Surface / Total Lot Area = 2,000 + 4,000 / 10,000 = 60%"*

The City of *Winter Park* also regulates all three areas with limits for building coverage, maximum floor area ratio and maximum impervious coverage. For some districts there is an increase of 25-30% between the building area coverage and impervious area coverage.

Dania Beach regulates impervious surfaces in addition to building area with the following standards.

> *"**Sec. 215-130. - Impervious area standards.***
>
> *(A) Maximum allowable impervious area. To effectively provide for the drainage of stormwater the area of land covered by buildings, structures and impervious surfaces shall not exceed sixty-three (63) percent for open space, residential and mobile home zoning districts, seventy-five (75) percent for commercial, eighty (80) percent for industrial and eighty-five (85) percent for residential office zoning districts, excluding the CRA form-based zoning districts for which open space standards are provided in the district regulations of article 303. PEDD requirements are provided in the district regulations in article 320.*
>
> *(B) [Commercial use category.] For the purpose of this section, all other uses such as, but not limited to, community facilities, utilities, transportation and office parks, shall be included in the commercial use category. In mixed-use developments located outside of the CRA form-based zoning districts, the most restrictive of the applicable impervious area limitations shall be utilized.*
>
> *(C) Allowable use of pervious area. Subject to compliance with all other regulations, pervious areas may be used to satisfy requirements for landscaping and setbacks, buffer strips, drain fields, passive recreation areas and any other purpose that does not require*

compaction, or filling or covering of the ground with a material that prevents infiltration of water into the ground."

Naples

For the City of Naples, the requirements for stormwater management provide for on-site filtration and percolation and have the combined effect of both reducing the quantity and improving quality of stormwater runoff. Setbacks and building area limitations help to provide open space and separation from neighboring properties which improve the aesthetics of the community while also providing potential areas of open space which may be pervious. The issue is whether the City would also like to regulate the amount of impervious coverage on site.

For the more urban, nonresidential areas of the City, stormwater requirements compensate for stormwater detention and treatment. For residential areas and neighborhood commercial there may be an aesthetic and drainage benefit to limiting impervious. Not allowing impervious coverage over exfiltration trenches would be one way to limit coverage and improve the function of the detention areas. As stormwater systems are more expensive than providing open space, there is already a financial incentive for pervious areas. However, the financial incentive has not proved substantial enough encourage open space over drainage devices.

Staff looked at six recently permitted single family homes which all met the building area limit and had impervious coverage of between 47% to 71%, with an average of 58%. Generally, the smaller the lot the greater the percentage of coverage. The pervious limits in other communities appear to be around 65%. Two of the six homes reviewed would exceed that limit. Setting the pervious requirement at a similar limit as other communities would not likely make a change in the design of homes.

To determine whether or not to limit impervious lot coverage the City should identify the intended outcome. Is the City concerned about the amount of stormwater runoff, the appearance of pavement in the front yard, the lack of landscaping in rear yards, the quality of runoff next to waterways or are there other concerns that staff has not identified? Once an outcome or goal is agreed upon, staff can begin to look for solutions and begin to draft legislation, if necessary.

RECOMMENDATION:

Discuss the issue of lot coverage and identify the issues of concern with current, recent development projects and provide direction to staff on the next steps.