



## **MEMORANDUM**

**Date:** November 18, 2016

**To:** Houghton Community Council

**From:** Dorian Collins, Senior Planner, AICP  
Paul Stewart, Deputy Director, AICP

**Subject:** Report on City Council Discussion – Code Amendments for Low Impact Development (LID), File CAM16-02154

## **RECOMMENDATION**

1. Retain the October 24, 2016 recommendation of the Houghton Community Council for amendments to Section 115.90.3 of the Zoning Code, or
2. Based on additional information provided to the City Council, reconsider the October 24, 2016 recommendation of the Houghton Community Council for amendments to Section 115.90.3 of the Zoning Code and make a new recommendation on the amendments, or
3. Provide clarification or additional information regarding the rationale for the October 24, 2016 recommendation of the Houghton Community Council

## **BACKGROUND DISCUSSION**

The City Council considered Ordinance 4541 (Zoning Code amendments) and Ordinance 4542 (Municipal Code amendments) at their meeting on November 15, 2016. The materials prepared for the meeting can be found at this [link](#). The City Council passed Ordinance 4542, approving the changes to the Municipal Code. The Council did not approve Ordinance 4541, due to a lack of consensus on the proposed changes to Zoning Code Section 115.90.3. John Kappler attended the City Council meeting and responded to questions regarding the HCC recommendation. The City Council will be discussing this issue at its December 13<sup>th</sup> meeting.

The Planning Commission and Houghton Community Council agreed on all of the proposed amendments to the Zoning Code and Municipal Code related to the LID update, with the exception of the proposed changes to Zoning Code Section 115.90.3 (see existing text, Attachment 1). This section allows for partial exemptions (50%, not to exceed an area equal to 10 percent of the total lot area) for surfaces from being included in the lot coverage calculation, in situations where the proposed material is considered to provide partial cleansing or percolation benefits. The exemptions were adopted in 2012 as part of the package of "Green Code" incentives to encourage people to use pervious surfaces in development. Staff had proposed that this section be deleted, since the use of pervious surfaces will now be required, as much as is feasible, under the new surface water design manual.

The PC recommendation (shown in Attachment 2) was to **remove** all of the exemptions, with the exception of Subsection c, which allows for "open grid decking over pervious area". The recommendation of the HCC (shown in Attachment 3) was to **retain** Section 115.90.3 in its entirety. Since the issue is somewhat complex to understand, staff provided definitions of relevant terms and illustrative diagrams for the City Council meeting, to clarify understand the differences among alternatives and the implications of each alternative. These definitions and diagrams are presented in the next section.

### Discussion – Zoning Code Section 115.90.3

Following the public hearing, staff reviewed development permits that have been approved to evaluate the impacts of retaining some (or all) of the exemptions provided in this code section. The lot coverage exemptions result in different overall coverage of hard surfaces on lots. For example, on an **8,000** square foot single family lot:

- With the **staff recommendation** of no exemptions, the total lot coverage of hard surfaces is 4,000 square feet (**50%**).
- The **PC recommendation** is to retain an exemption for open grid decking; therefore the total lot coverage of hard surfaces would be 4,400-4,800 square feet (**55-60%**).
- The **HCC recommendation** to retain exemptions for pervious pavement and grassed modular grid pavement, would result in 4,800 square feet (**60%**).

The diagrams that follow provide information on the calculations listed above. The greater coverage of hard surfaces per lot shown is consistent with the average increase in 9% of hard surfaces, (may include larger house footprints and/or other hard surfaces) found in actual development from 2013 and 2016, following the adoption of these incentives in 2012. Increases in hard surfaces and building square feet make it more difficult to incorporate or site low impact development facilities on the property.

### Terminology

- **Hard Surfaces:** Constructed surfaces such as rooftops, driveways, patios, decks, and walkways (pervious or impervious)
- **Maximum Lot Coverage:** The maximum percentage of the surface of the subject property that may be covered with materials which will not allow for the percolation of water into the underlying soils.
- **Pervious Surfaces:** Hard surfaces that are currently given a partial exemption (are counted as 50% of their area) when calculating lot coverage in KZC 115.90.3.
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### Illustration of Alternative Recommendations

In each of the examples shown below, the lot size is 8,000 square feet.

**1) Staff Recommendation**

**Staff Recommendation:**  
Removal of all Exemptions

800sf deck

2,400sf House Footprint

800sf driveway

2,400sf house  
800sf deck  
800sf driveway

Lot coverage:  $2,400+800+800=4,000$  s.f.

Hard Surface  $2,400+800+800=4,000$  s.f.

Area Coverage

Lot coverage: 50%

The removal of the incentives for low impact development would require that all hard surfaces on the lot be considered in the calculation of lot coverage. Maximum allowable lot coverage in single family areas is 50%, so the total coverage of the house and other hard surfaces could not exceed that percentage.

Since the lot contains 8,000 square feet, hard surfaces would be limited to 4,000 square feet (50% lot coverage).

2) Planning Commission Recommendation

**PC Recommendation:**  
Keep only exemption for open-grid decking

800sf deck

2,400sf House Footprint

extra 400sf

800sf driveway

2,800sf house (2,400+400)  
800sf deck (50%=400sf)  
800sf driveway

Lot coverage:  $2,400+400+800=4,000$  s.f.

Hard Surface  $2,800+800+800=4,400$  s.f.

Area Coverage

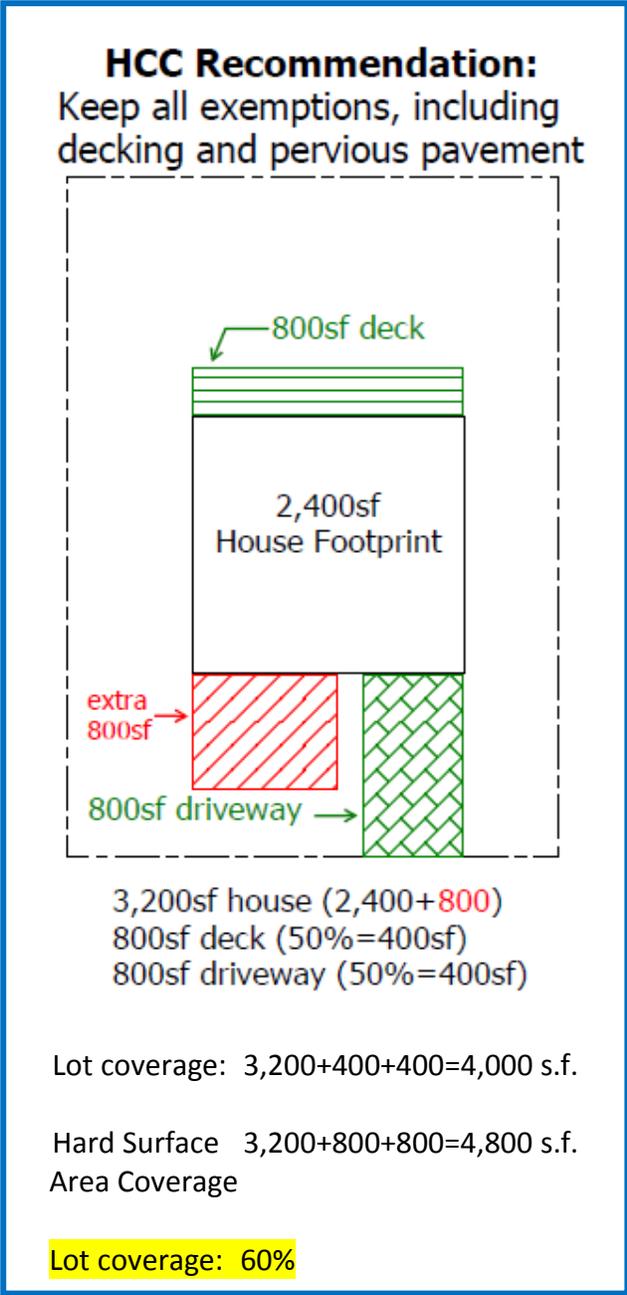
Lot coverage: 55%\*\*

The removal of all of the incentives except the exemption for open grid decking would allow for additional hard surfaces on the site. In this example, an additional 400 square feet would be allowed (either for a larger house, as shown, or for a larger deck).

The exempted area in this example is 400 square feet (50% of the deck), which results in a hard surface coverage of 55% on the lot.

\*\*The applicant could, however, choose to construct a 1,600 square foot deck, of which 800 square feet would be exempt. The resulting lot coverage on the lot would be 60% (A deck of this size would be unusual, so this would not be the typical expectation).

**3) Houghton Community Council Recommendation**



The retention of all of the incentives would allow for additional hard surfaces on the site. In this example, the exemptions would allow for additional hard surfaces of 400 square feet for the deck and 400 square feet for the driveway, resulting in a house (or other hard surface) that could be 800 square feet larger.

This approach results in lot coverage of 60%.

Next Steps

Since the City Council did not have concerns about any of the recommended amendments other than those for Zoning Code Section 115.90.3, staff will separate the amendments into two ordinances for the consideration of the City Council at their meeting on December 13, 2016. One ordinance will contain all of the amendments except those for Section 115.90.3, and the other will contain only the changes for that section. Alternatively, the Council may choose to re-open the original ordinance if one of the

members who voted against it requests this option. If the City Council takes action on the ordinances, they will be presented to the Houghton Community Council in January.

At the meeting on November 15, 2016, the City Council indicated support for a future task to be added to the Planning Commission work program for 2017. This task would include the study of an alternative approach related to the issue of lot coverage. In a potential alternative approach, the Zoning Code could establish the desired amount of open space to be retained on a property, and leave the standards for the installation of impervious surfaces and the treatment of resulting stormwater to the surface design manual. This approach might help to differentiate between the concerns about open space versus hardscape, rather than pervious versus impervious materials.

#### Attachments

1. Zoning Code Section 115.90.3
2. Planning Commission Recommendation - Section 115.90.3
3. Houghton Community Council Recommendation - Section 115.90.3

cc: CAM16-02154  
Stacey Rush, Senior Surface Water Engineer  
Jenny Gaus, Surface Water Engineering Supervisor  
Deborah Powers, Urban Forester

## Existing Zoning Code Section 115.90.3

### 115.90 Calculating Lot Coverage

 SHARE

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one (1) use, the maximum lot coverage requirements for the predominant use will apply to the entire development. Lot area not calculated under lot coverage must be devoted to open space as defined in KZC 5.10.610.
  2. Exceptions
    - a. An access easement or tract that is not included in the calculation of lot size will not be used in calculating lot coverage for any lot it serves or crosses.
    - b. Pervious areas below eaves, balconies, and other cantilevered portions of buildings.
    - c. Landscaped areas at least two (2) feet wide and 40 square feet in area located over subterranean structures if the Planning Official determines, based on site-specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.
  3. Exemptions – The following exemptions will be calculated at a ratio of 50 percent of the total area covered. Exempted area shall not exceed an area equal to 10 percent of the total lot area. Installation of exempted surfaces shall be done in accordance with the current adopted stormwater design manual.
    - a. Permeable pavement (non-grassed).
    - b. Grassed modular grid pavement.
    - c. Open grid decking over pervious area.
    - d. Pervious surfaces in compliance with the stormwater design manual adopted in KMC [15.52.060](#).
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## Planning Commission Recommendation for Section 115.90

### 115.90 Calculating Lot Coverage

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2. Exceptions

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d. Rockeries and retaining walls, unless located adjacent to or within twelve (12) inches of another impervious surface such as a patio, building or parking area.

d.e. Public sidewalk if located within a public easement on private property.

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~~b. Grassed modular grid pavement.~~

~~a. e. Open grid decking over pervious area.~~

~~d. Pervious surfaces in compliance with the stormwater design manual adopted in KMC 15.52.060.~~

(Ord. 4350 § 1, 2012; Ord. 4252 § 1, 2010; Ord. 4121 § 1, 2008; Ord. 4097 § 1, 2007; Ord. 4072 § 1, 2007;  
Ord. 3814 § 1, 2001)

## Houghton Community Council Recommendation for Section 115.90

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