




MEMORANDUM

Date: April 11, 2024

To: Honorable Mayor and Commissioners

Via: Albert P. Childress 
City Manager

From: Katie P. Halloran
Planning Department Director

Subject: **24-5319 - Text Amendment of the Land Development Regulations** – An ordinance to the City Commission to amend Chapter 122 of the Land Development Regulations, entitled “Zoning”, Article V Entitled “Supplementary district regulations”, Division 3 entitled “Area requirements”, Section 122-1143 entitled, “Impervious surface requirements for all uses” to allow for an increase in the maximum permitted Impervious Surface Ratio subject to the submission of stormwater management; pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Introduction

The City of Key West Building Department, with support from Commissioner Carey, has proposed a text amendment to the Land Development Regulations (LDRs) to allow for a revised definition and limitations for the term “impervious surface”, consequently transforming how impervious surface ratio is calculated. To achieve this, Section 122-1143 of the Land Development Regulations must be amended. This text amendment is one of several text amendments the Building Department has brought forward with the intention of alleviating site data calculation issues at residential properties in order to enable construction of additions or accessory dwelling units.

This item was recommended for approval by the City of Key West Planning Board at their hearing on January 18, 2024, under Resolution No. 2024-006. The City Commission also recommended approval of the proposed amendments at First Reading on February 8, 2024. At Second Reading before the City Commission, this matter was adjourned to April 11, 2024 to provide additional time to resolve remaining concerns among the Utilities, Engineering, Building, and Planning Departments.

produce. It is noted that the intent of the zoning regulations is to properly balance the intensity of development of an individual lot with broader regional concerns related to stormwater management, community character, open space, habitat preservation, and land use compatibility – including the need to protect privacy among neighbors.

Request/Proposed Text Amendment:

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. The areas beneath elevated structures shall not be considered impervious, so long as those areas beneath the elevated structures are maintained fully permeable. Any skirting enclosing crawlspaces must be a fully permeable metal mesh or other material approved by the City Engineer. For the calculation of impervious surface, properties with structures that have overhangs and/or eaves may consider the areas beneath the overhangs and/or eaves, as pervious, so long as these areas remain otherwise free of buildings, pavement, nonporous fill, or other cover through which water cannot penetrate.

(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.~~ On residential properties, the water surface area of an uncovered garden pond or a swimming pool with at least six (6) inches of freeboard from the top of the skimmer to the bottom of the coping shall be calculated as a pervious surface.

Proposed new language is underlined below and deleted language is struck through at first reading.

Procurement:

Planning Department staff are currently coordinating with Building and Utilities Department staff to minimize or eliminate unanticipated impacts to commercial property stormwater assessments. A final revised draft ordinance is not yet ready for City Commission review at this time.

Recommendation:

The Planning Department recommends that the Utilities and Engineering Departments confirm that the proposed 75% credit for pool surface area is reasonable and will sufficiently mitigate potential stormwater related impacts associated with the proposed amendment. City Commission should also carefully consider the potential consequences associated with the increased development density that will occur as a result of this change. Increased development density will likely place additional strain on local resources including ground and surface water, open space, habitat, community character...etc.