



MEMO

TO: Mayor and City Council

FROM: Jan K. Seiden, City Attorney

DATE: January 25, 2016

SUBJECT: **Restriction on Impervious Coverings/Surfaces in Rear Yard Areas of Residential Homesites**

Both the City Planner and City Building Official have advised that the City Code does not presently contain a provision to restrict the installation of ground coverings with impervious materials in the rear yard areas of residential homesites.

While front yard areas are currently protected by the code's "Driveway Ordinance Provisions" (see code Section 150-016(E)), and the rear yard is somewhat protected by the "Accessory Building Coverage Limitations of Fifteen Percent" (150-041(2)), There are no provisions which would currently prevent the "covering over" of the remainder of rear yard areas of residential homesites with impervious materials.

Obviously, without proper restrictive provisions in place, properties with "covered over" rear yards would have no other places to drain than onto adjacent private and City properties. It is exactly these types of conditions that increase the potential for flooding and long standing water.

Therefore, proposed for consideration is the following City Code ordinance amendment which provides appropriate restrictions for the control of rear yard lot coverage.

Sec. 150-041. - R-1A district.

(A) Uses permitted.

(1) Single-family dwelling. In no case shall there be more than one main building on a lot.

(2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. Accessory structures shall occupy not more than 15 percent of the area of the rear yard. Further, no more than an additional 15 percent of the "Total Rear Yard Area" may be covered by impervious ground level improvements such as concrete slabs or strips, patios, or pool decks. Notwithstanding the permitted percentages of rear yard coverage, a minimum pervious area of five feet must be provided from the side and rear yard property lines into the rear yard area. Additionally, up to a 10 percent credit towards the allowed rear yard coverage may be permitted by the use of approved pavers in coverage areas in accordance with the provisions of Code of Ordinance Section 150-016 (G)(7). Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. All additions constructed onto existing single-family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. The placement and location of all such accessory structures in rear yards of properties shall provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single-family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single-family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.

(3) Signs. See Signs, § 150-030