



## Office of the Mayor and Town Council

Michael P. Callahan  
Council Member

# MEMORANDUM

**To:** Honorable Mayor and Members of the Town Council

**From:** Council Member Michael P. Callahan, Seat 2

**Date:** June 17, 2020

**Re:** Amending Article XI. – Supplemental Standards, Sec. 3-164. - Impervious Area. and Sec. 3-251. - Definitions Relating to Pavers (*Second Reading*)

## REQUEST

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-164 RELATING TO ALTERNATIVE MATERIALS AND PAVERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

## BACKGROUND AND ANALYSIS

In 2012, the Town had adopted its own land development regulations to facilitate safe and orderly growth which forms an integral part of the community.

One of the areas that was discussed was the ratio of pervious (penetrable to the ground) vs. impervious (non-penetrable) area of a lot. Examples of the above are lawn area (100% pervious); brick pavers on compacted sand or soil (only 35% of area counted per 3-164); or a house or asphalt driveway (100% impervious).

Within the last several years the Town has experienced an increase in home renovations. Many renovations have included replacement or expansion of existing driveways. The use of concrete driveways with spacing between larger concrete pavers have become a trend to “modernize” the look of the front area of any home.

More recently, the Town has experienced an increase in construction practice which pours these pavers in place on-site over soil.

The Town Council has received several comments from residents concerning Sec. 3-164, which provides discounts/allowances for alternative material/pavers that further decrease the front yard’s lot coverage.





I recommend that the Town Council amend Sec. 3-164 by deleting Subsections (b) and (c) – Impervious Area and creating a new Section to address previous permitted driveways.

The maximum amount of impervious front yard coverage permitted are as follows:

- Under Section 3-54 ER (Estate Residential District): 25%
- Under Section 3-55 SR (Single-Family Residential District): 40%.

These are not dependent on the type of material utilized. I believe these maximum percentages are adequate to provide the needed front yard green or open space and that further discounts/allowances should not be given based on the type of material.

Under ARTICLE XI. – Supplemental Standards, the following amendments are proposed (Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words):

Sec. 3-164. - Impervious area.

- (a) Impervious area coverage provides a control of the intensity of development of land, by controlling the amount of the land which may be covered by any type of impervious area. The impervious surface ratio is calculated by dividing the total impervious area by the gross site area.
- (b) ~~Alternative materials. If porous paving materials (grasscrete, gravel or other like materials) are used in accordance with the state building code, then only 20 percent of the area covered with porous paving materials shall be counted as impervious area unless manufacturer information indicates a higher percentage of pervious penetration.~~
- (b) In the event a property has been granted a permit which utilized the previously authorized allowances for alternative materials or pavers, such credits shall be permitted to continue as long as said alternative materials or pavers remain located on the property.
- (c) ~~If pavers are used in accordance with the state building code, then only 35 percent of the area covered with pavers shall be counted as impervious surface unless manufacturer information indicates a higher percentage of pervious penetration.~~

## **RECOMMENDATION**

It is recommended that the Town Council adopt at Second Reading the proposed amendments to Chapter 3 Land Development Regulations; more specifically, Sec. 3-164. – Impervious Area to Delete existing Subsections (b) and (c) Relating to Alternative Materials and Pavers and create a new Section to address previous permitted driveways.

## **ATTACHMENT(S)**

- Attachment “A” – Miami Herald Neighbors Section Advertisement  
(dated June 7, 2020)

