

Project Name | City of Wyoming Ordinance**Date** | 6-30-2020**To / Contact info** | CLFLWD Board of Managers**Cc / Contact info** | Mike Kinney**From / Contact info** | Greg D. Graske, P.E.**Regarding** | Review of Proposed Changes to Impervious Limits

Background

A potential amendment to Wyoming's zoning ordinance text and impervious surface regulations was briefly discussed at the June 25th CLFLWD Board meeting. This memo provides an added summary of the proposed changes and how those changes may interact with District Rules. At the end of the memo are some recommended comments for the CLFLWD Board to consider forwarding to the City of Wyoming for consideration.

Discussion

The following changes to the City of Wyoming Ordinances have been proposed by the City:

Areas outside of Shoreland District

- Increase area of buildings from 20% to 30% of buildable lot area
- Increase area of total impervious from 30% to 50% of gross area for residential uses
- Increase area of total impervious from 50% to 75% of gross lot area for non-residential uses.

Areas inside of the Shoreland District

- Maintains limit of 25% impervious for buildable lot area, however, now allows for a Conditional Use Permit (CUP) for up to 75% impervious of buildable lot area.

Under certain scenarios for single-family residential development these changes could potentially result in lots with a high amount of impervious surface without triggering District stormwater rules. Currently the City rules would require a variance for single family residential lots exceeding 25-30% impervious, which would then trigger the stormwater rules. Under the new proposed scenario there could be small lot splits or site expansions that would have high percentages of impervious that would no longer trigger District stormwater rules. At the June 23rd meeting with the City, the District Engineer suggested that the CUP would not be allowed for single family residential exceeding the current impervious standards and that a variance would still be the only option for increased impervious surfaces for this land use.

The City of Wyoming was amenable to hearing concerns and revising the language to address aforementioned gaps. They indicated that it was not their intent to bypass any District rule requirements, and that they felt that the single-family development scenario was not the land use they were trying to address with the proposed changes. Their primary concern was that the current impervious standards were not always compatible with commercial/industrial or multi-family residential developments and it did not make sense to always run these through a variance process.

For the commercial/industrial or multi-family residential the District stormwater rules would still be triggered if the amount of new or reconstructed impervious area exceeds 5,000 square feet. Under CLFLWD rules, as these sites increase the amount of proposed impervious, the rules would require increased amounts of stormwater treatment to address District rate, volume, and water quality requirements.

It was also discussed at the June 23rd meeting with the City, that the CLFLWD would like to be added to the official notification list for CUP or variances requests, such that the District can provide comments during the process.

Upon further review of the City Ordinance changes after the June 23rd meeting, another potential gap was identified. The District's rules generally trigger buffer requirements under subdivision scenarios, however there is also a trigger related to variances from impervious percentages. In the shoreland zones, higher impervious percentages would generally be permitted at the City under a CUP instead of a variance. The CUP calls for increasing setbacks from the ordinary highwater level and limiting vegetation removal and/or riparian vegetation restoration. This could potentially serve the same mitigating purpose as implementing District Buffer; however, the vagueness of the language leaves some lack of clarity as to how and when this would be required. It is recommended that the District request further clarification on how this would be implemented.

Recommendations

It is recommended that the following comments be conveyed to the City of Wyoming.

For single-family residential request that they keep standards as is:

- Area of building 20% of buildable lot area
- Area of total impervious 30% of gross area
- In Shoreland District, maximum of 25% total impervious for buildable lot area

Request that the City provides added clarity to the CUP requirements regarding increased setbacks from the ordinary highwater level and limitations on vegetation removal and /or riparian vegetation restoration.

Request that the CLFLWD be added to the official notification list for CUPs or variances requests, so that comments can be provided in a timely manner.