



## MAYOR AND COUNCIL COMMUNICATION

DATE: //2016

**REGULAR**

ITEM #: 22

**AGENDA ITEM:** Lot Coverage Requirements as they pertain to Pools

**SUBMITTED BY:** Stephen Wensman, Planning Director

**THROUGH:** Kristina Handt, City Administrator

**REVIEWED BY:** Emily Becker

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### **BACKGROUND:**

The City of Lake Elmo Code, Section 11.01 Definitions, defines impervious surfaces and includes swimming pools as an impervious surface. It has been brought to Staff's attention that the past practices in the City of Lake Elmo was to treat swimming pools as pervious. In a recent building permit application for a pool, Staff rejected the permit because the lot would exceed the impervious surface requirements if the pool were constructed. The developer brought this issue before the City Administrator and requested the issue be brought before the City Council for discussion.

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### **ISSUE BEFORE COUNCIL:**

The City Council is respectfully being requested to discuss whether the lot coverage (maximum impervious surface) requirements be amended to address the desire of residents to have more impervious surfaces for structures such as pools.

### **PROPOSAL DETAILS/ANALYSIS:**

The City's definition of impervious surface clearly defines swimming pools as an impervious surface:

**IMPERVIOUS SURFACE.** Any structure or surface which interferes to any degree with the direct absorption of water into the ground, including but not limited to building footprints, sidewalks, paved or gravel driveways and parking areas, patios, sport courts, swimming pools, or any other similar surface. Decks, pervious landscaping fabric, and retaining walls shall not be included as impervious surface.

Pools clearly are not pervious and do not infiltrate water into the ground, or they would not be pools. Since November, 2016 Planning Staff has been reviewing building permit applications for pools with the understanding that pools are impervious as defined above, regardless of alleged past practice by Staff. Swimming pools and their surrounding patios can add significantly to impervious surfaces on lots, and on urban lots, push them beyond the maximum impervious surface allowance. The maximum impervious surface allowed for the LDR, MDR and HDR zoning districts are 40%, 50% and 75% respectively. As with all building permit reviews, Staff reviews setbacks, impervious limits, easements and other

requirements to ensure City standards are being met. In many cases, Staff rejects applications because of nonconformance with City standards, swimming pool applications included. In the building code, and by definition, swimming pools are impervious structures and like all structures, need to adhere to City standards.

**FISCAL IMPACT:**

None

**OPTIONS:**

The City Council is respectfully being requested to consider the swimming pool issue and whether Staff should increase the lot coverage requirements in the urban districts.

**RECOMMENDATION:**

Staff recommends the City Council consider the swimming pool issue and to provide Staff guidance as to whether the urban district lot coverage requirements should be increased.

**ATTACHMENTS:**

*None*