

LOCAL GOVERNMENT ASSISTANCE GUIDE

Lot Coverage

February 2012

Background

In the spring of 2008, House Bill 1253 amended the provisions of § 8-1808 of the Natural Resources Article of the Annotated Code of Maryland pertaining to limiting the footprint of development activity of properties designated as Limited Development Area (LDA) and Resource Conservation Area (RCA) within the Critical Area. The amendment involved primarily a change in terminology from “impervious surface” to “lot coverage.” The effect of this change was to include all developed areas of a property that are not vegetated or in a naturally permeable state as part of lot coverage limitations set forth in the law.

The purpose of this amendment was to focus on limiting the “footprint of development activity” by providing a clear and inclusive definition that could be applied consistently and uniformly throughout the Critical Area.

This document summarizes current law regarding limitations on lot coverage within LDAs and RCAs in the Critical Area.

Definition

The Critical Area Law (§8-1802) includes a definition of lot coverage that reads as follows:

“Lot Coverage” means the percentage of a total lot or parcel that is:

1. Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material.

Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck.

Lot coverage does not include:

1. A fence or wall that is less than one foot in width that has not been constructed with a footer;
2. A walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier (local governments shall ensure that impacts to the Buffer associated with access are minimized);
3. A wood mulch pathway; or
4. A deck with gaps to allow water to pass freely.

NOTE: (In response to numerous inquiries from local jurisdictions, the following is meant for clarification purposes):

Impermeable Decks - Lot coverage includes the ground area covered or occupied by an impermeable deck, even when that deck is not directly touching the ground surface.

Decking Material - Any decking material that is not attached to a dwelling is considered lot coverage,

Stairways - Lot coverage does not include walkways or stairways in the Buffer that provide direct access to a community or private pier. All other walkways or stairways must be included in lot coverage calculations.

Stormwater Management and Shore Erosion Control Measures - Lot coverage does not include these practices when they are designed and permitted for the specific purpose of performing stormwater management or shore erosion control.

See Figure 1 for an example of how to calculate lot coverage for a residential property.

Lot Coverage Limits

For new subdivisions, lot coverage within the subdivision as a whole is limited to 15 percent; however, an individual lot less than one acre may exceed the 15 percent limit. The maximum lot coverage limit for these lots is no longer capped at 25 percent as long as the subdivision as a whole, including its internal roads, complies with the 15 percent limit. The following standards summarize the lot coverage requirements:

1. In general, lot coverage is limited to 15 percent of a parcel or lot.
2. If a parcel or lot existed on or before December 1, 1985 in the Chesapeake Bay Critical Area, or on or before June 1, 2002 in the Coastal Bays Critical Area, and is one-half acre or less in size, then lot coverage is limited to 25 percent of the parcel or lot.

3. Unless otherwise restricted by a local government, a lot in a subdivision approved after December 1, 1985 in the Chesapeake Bay Critical Area or after June 1, 2002 in the Coastal Bays Critical Area may exceed the 15 percent lot coverage limit on the individual lot itself; however, lot coverage for the entire subdivision cannot exceed 15 percent.
4. Lot coverage limits do not apply to a trailer park that was in residential use on or before December 1, 1985 in the Chesapeake Bay Critical Area or on or before June 1, 2002 in the Coastal Bays Critical Area.
5. For grandfathered lots that pre-date the Critical Area Program, a local government may allow a property owner to exceed the lot coverage limits outlined above and comply with the lot coverage limits set forth in the table below if the following requirements are met:
 - (a) Lot coverage associated with new development activities has been minimized;
 - (b) Water quality impacts associated with runoff from development activities that contribute to lot coverage have been minimized; and
 - (c) The property owner performs on-site mitigation or pays a fee-in-lieu of mitigation as required by the local jurisdiction to offset potential adverse water quality impacts.

LOT/PARCEL SIZE	LOT COVERAGE
0 – 8,000 SF	25% of Parcel + 500 SF
8,000 – 21,780 SF	31.25% of Parcel
21,781 – 36,300 SF	5,445 SF
36,301 – 43,560 SF	15 % of Parcel
Over 43, 560 SF	15 % of Parcel

Lot Coverage Within the 100-Foot Buffer

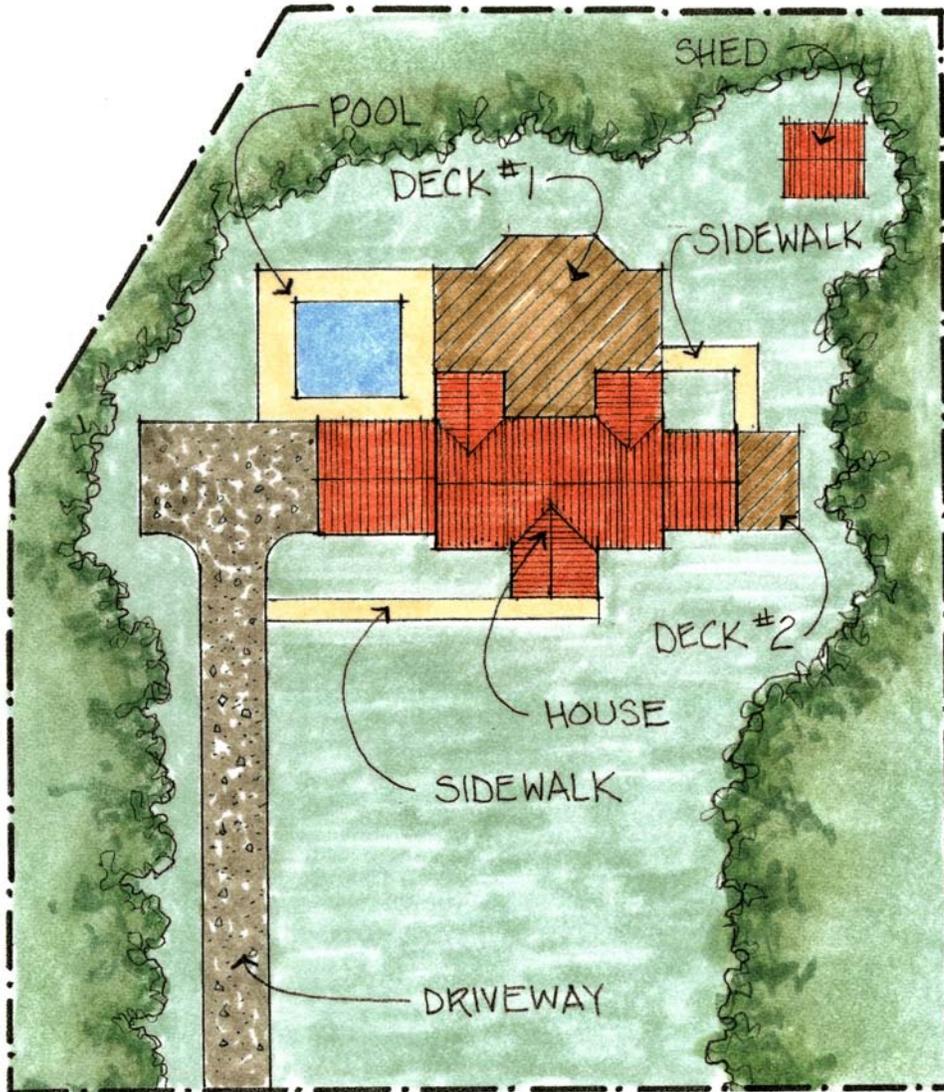
There is no allowable, by right, percentage or area of lot coverage within the 100-Foot Buffer. Exceptions include projects defined as

1. Water-dependent facilities;
2. Projects in a Buffer Exemption Area under an approved local program and in accordance with COMAR 27.01.09.01-7.
3. Variances granted in accordance with the variance procedures found in Natural Resources Article 8-1808(d) and
4. Projects in waterfront revitalization areas or waterfront industrial areas developed under an approved local program, such as in the City of Baltimore.

Grandfathering Provisions

Lots or parcels that are legally developed and either pre-date a local Critical Area program or were properly permitted in accordance with the local program and impervious surface policies in effect at the time of construction are considered legally nonconforming, even if the lot coverage on the property exceeds the specified limits. This means that all existing structures, accessory structures, and developed areas may remain in place. If an applicant wishes to reduce lot coverage or change the type of lot coverage onsite (for example, remove a patio in order to construct a shed of the same square footage), they should contact their local jurisdiction to determine what permits are required.

Figure 1: Example of Lot Coverage Calculation



LOT COVERAGE PLAN

SCALE: 1" = 40'-0"

LOT COVERAGE TABLE

Structure Type	Material	% Lot Coverage	Square Footage	Lot Coverage
HOUSE	TYPICAL	100	2520	2520
SHED	TYPICAL	100	252	252
DECK #1	WOOD W/ GAPS	0	2292	0
DECK #2	WOOD W/ GAPS	0	280	0
POOL	CONCRETE	100	1140	1140
SIDEWALKS	PAVERS	100	412	412
DRIVEWAY	GRAVEL	100	2488	2488
TOTAL	-----	-----	9384	6812

Lot Coverage 6812 SF / Lot Size 52000 SF = 13.1 %