



INFORMATION MEMORANDUM

TO: Mayor and City Council

FROM: Charles S. Cox
City Manager

DATE: November 15, 2018

SUBJECT: Ordinance No. 3513 – Comprehensive Zoning Ordinance amendment as it relates to measurement and exception standards, and one-family residence and two-family residence bulk, area, siting and dimensional standards, as well as modifying existing definitions and/or adding definitions

Update for November 27, 2018 City Council Meeting:

This zoning case was tabled indefinitely on September 11, 2018 in order to allow the City Council to have further discussion during study session regarding how best to proceed as it relates to residential setbacks and building height. On November 6, 2018, Council discussed these topics further and provided staff the following direction:

For lots with a minimum lot size of 8,700 sq. ft. or less (i.e. R-5, R-6, D-1 and D-2 districts):

- Minimum front setback: 25 ft.
- Minimum side setback: 5 ft.
- Minimum rear setback: 10 ft.
- Maximum building height: 35 ft. (plus an additional 5 ft. for encroachments)
- Maximum number of stories: eliminate this requirement altogether.

For lots with a minimum lot size of 10,000 sq. ft. or larger (i.e. R-2, R-3 and R-4 districts):

- Minimum front setback: 25 ft.
- Minimum side setback: 5 ft.
- Minimum rear setback: 10 ft.
- Maximum building height: 40 ft. (plus an additional 5 ft. for encroachments)
- Maximum number of stories: eliminate this requirement altogether.

Additionally, Council concurred with having the minimum rear yard setback measured from the rear property line only (instead of easements, if existing) for the R-2 through D-2 districts.

The required public hearing notice was published in the Dallas Morning News on November 11, 2018 for Council's consideration of this zoning case on November 27, 2018, and Ordinance 3513 has been updated to reflect Council's direction. However, since the Planning and Zoning Commission has not provided a recommendation regarding residential building heights (including stories), a separate follow-up zoning case related to residential building heights will be proposed at a future date.

The information below is the zoning amendment as originally presented to City Council for their September 11, 2018 meeting.

Proposed Request:

This is a city-initiated zoning amendment to amend the Comprehensive Zoning Ordinance (CZO) as it relates to measurement and exception standards, and one-family residence and two-family residence bulk, area, siting and dimensional standards (i.e. minimum yard dimensions/setbacks, lot coverage, etc.), as well as modifying existing definitions and/or adding definitions. On December 12, 2017, City Council directed staff to move forward with amending the CZO as it relates to reducing residential setbacks in order to provide a larger building area (or building envelope) for single-family and two-family lots to accommodate new home construction and additions onto existing homes within the city.

It is appropriate to review the City's CZO from time to time to ensure relevancy with current land use policies and development conditions, particularly with respect to regulations that may have been established many years ago. The CZO was initially adopted in February 1969, and primarily established the zoning districts that exist today, along with bulk, area, siting and dimensional standards for each respective district.

The City is experiencing new home construction and investment within the City's established residential neighborhoods, of which many improvements can be attributed to the City's Demolition/Rebuild program intended to assist property owners with investing in single-family neighborhoods within the city. However, the existing site/area development standards can be limiting thus preventing homes from being designed to meet the needs of today's homeowners. Additionally, homeowners wanting to expand their existing residences may be limited by the current regulations due to the residence originally being built at the minimum yard dimension (i.e. setback line).

Proposed Amendment:

Per City Council's direction, staff is proposing to amend the bulk, area, siting and dimensional standards for the zoning districts listed below as provided for in Article 3 of the CZO:

- One-Family Residence District-2 (R-2)
- One-Family Residence District-3 (R-3)
- One-Family Residence District-4 (R-4)

- One-Family Residence District-5 (R-5)
- One-Family Residence District-6 (R-6)
- Two-Family Residence District-1 (D-1)
- Two-Family Residence District-2 (D-2)

Additionally, staff did an assessment of the related measurement and exceptions standards provided in the CZO in order to ensure consistency amongst the standards and the desired objective of reducing siting/dimensional standards. In order to accommodate the reduced siting/dimensional standards, staff determined that it is necessary to modify several related measurement and exceptions standards provided for in Article 3 of the CZO, as explained within this report.

Yard Area Requirements/Setbacks:

The tables below summarize the existing siting/dimensional standards, as well as the proposed siting/dimensional standards for the R-2 through D-2 zoning districts.

Existing Area Regulations for Single-Family Homes

District	house size (min square feet)	lot area (min square feet)	lot coverage (max)	lot width (feet)	lot depth (feet)	front yard (feet)	side yard (min % lot width)	side yard (max feet)	rear yard (feet)
R-2	1,900	13,000	35%	100	110	30	10%	10	15
R-3	1,800	10,000	35%	80	110	30	10%	10	15
R-4	1,600	10,000	35%	80	110	30	10%	10	15
R-5	1,500	8,700	40%	70	110	30	10%	10	15
R-6	1,300	8,700	50%	70	110	30	10%	6	15*
D-1	1,200	8,700	40%	70	110	30	10%	10	15
D-2	1,000	7,500	40%	60	110	30	10%	10	15

*10 ft within R-6 district; however, 3.3.J.2.requires 15 ft setback

Proposed Area Regulations for Single-Family Homes

District	house size (min square feet)	lot area (min square feet)	lot coverage (max)	lot width (feet)	lot depth (feet)	front yard (feet)	side yard (min)	rear yard (feet)
R-2	1,900	13,000	45%	100	110	25	5	10
R-3	1,800	10,000	45%	80	110	25	5	10
R-4	1,600	10,000	45%	80	110	25	5	10
R-5	1,500	8,700	50%	70	110	25	5	10
R-6	1,300	8,700	50%	70	110	25	5	10
D-1	1,200	8,700	40%	70	110	25	5	10
D-2	1,000	7,500	40%	60	110	25	5	10

Overall, staff is proposing to:

- Reduce the front yard, side yard, and rear yard minimum dimension requirements by 5 feet; an exception to this is the minimum side yard requirement for the R-6 district which has a proposed 1-foot side yard reduction.
- Simplify the minimum side yard calculation so that it is standard minimum whole number, instead of a percentage of minimum lot width with a maximum setback.
- Increase the maximum lot coverage requirement by 10% within the R-2 through R-5 districts in order to accommodate the increased buildable area (or building envelope) as a result of the proposed reduced building setbacks.

Yard Requirements – Platted vs. Zoning:

The CZO currently allows for if a building line (i.e. setback line) was established by plat or some other ordinance outside of the CZO, and said line requires a greater or lesser front yard setback than what the zoning district requires, that the building line established by plat or some other ordinance governs. In order for a property owner to utilize the proposed reduced building setbacks in the R-2 through D-2 zoning districts, this provision is being amended to allow the zoning to govern in addition to the plat or some other ordinance, whichever is least restrictive.

Other:

The following additional amendments are being proposed to the CZO to accommodate the proposed reduced yard area requirements:

1. Added clarification to yard area requirements that the minimum horizontal dimension is also considered a minimum setback, since the CZO has numerous references throughout referring to setback requirements.
2. Excluded the R-2 through D-2 zoning districts from the average front yard setback within a block provision, in order to allow residential structures within the R-2 through D-2 districts to be able to fully utilize the proposed reduced front yard requirements.
3. Deleted the minimum 30-foot side yard requirement for one-family attached dwellings so that the front yard requirement is regulated by the applicable zoning district.
4. Modified rear yard dimensional requirements as measured from the rear property line or easement line (if easement present) so that it is consistent with the proposed reduced rear yard requirements for the R-2 through D-2 districts.
5. Corrected plat approval reference due to City Council approving plats.
6. Modified the provision related to the appeals process to the setback requirement along Dallas Parkway so that any proposed reduction is considered as part of the Detailed Site Plan process, consistent with current practices today.

With exception of the proposed definition changes described below, edits to Article 3 are shown in the attachment included within this staff report. Proposed text deletions are shown as red, strike-through text, and proposed additions are shown as underlined, highlighted text.

Definitions:

The following definition within the CZO is proposed to be modified for clarification:

Lot: An undivided parcel or tract of land having its principal frontage upon a public street or officially approved ~~placed~~ place and designated as a distinct tract.

The following definitions are proposed to be added to the CZO to offer further clarification since these terms are currently not defined in the CZO:

Lot, Corner: A lot that is abutting two or more intersecting streets.

Lot, Interior: A lot whose side property lines do not abut upon any street.

Lot, Through: A lot other than a corner lot abutting more than one street and having access to more than one street.

Comprehensive Plan Recommendation:

The Central Area Plan is the long-range plan (policy document) for the city's central area, of which many of the city's established neighborhoods are located within. The Neighborhood Redevelopment Strategies portion of the Plan organizes the city's neighborhoods into three categories – preservation, conservation, and rehabilitation. Within neighborhood preservation areas, the Plan recommends that any new infill development, such as demolition/rebuild units, be compatible with the neighborhood framework, and that it does not intrude on the privacy of adjacent residential properties. Additionally, the Plan recommends as a housing strategy tool for all neighborhood areas, that the city should consider a living space expansion program recognizing that existing homes may be structurally sound, but that the living spaces desired by residents or the current market conditions may not meet the needs of today's homeowners. Lastly, an overall goal of the Plan is to provide quality, diverse and attractive neighborhoods making Farmers Branch a community for a lifetime.

The proposed amendments to the CZO are consistent with the Plan's recommendations, thereby allowing for infill development of new residences and/or expansion of existing residences in a manner that is consistent with the existing neighborhood framework and respective of the existing built environment, while at the same time allowing for additional living space desired by today's homeowners and providing additional housing opportunities and investment within existing neighborhoods.

Public Response:

The required public hearing notice was published in the Dallas Morning News on July 6, 2018 for the Planning and Zoning Commission meeting. Additionally, the required public hearing notice

was published in the Dallas Morning News on July 20, 2018 for the City Council meeting. No zoning notification signs nor mailed notices are required for amendments to the CZO. Staff has received no letters related to this zoning request.

Recommendation:

On July 16, 2018, the Planning and Zoning Commission voted 8-1 to recommend approval of the Zoning amendment as presented in Ordinance No. 3513.

Possible Council Action:

1. Motion to adopt Ordinance No. 3513.
2. Motion to adopt Ordinance No. 3513 with the following modifications ...
3. Motion to deny Ordinance No. 3513.
4. Motion to continue discussion at the next meeting.