



# **INFORMATION MEMORANDUM**

TO: Mayor and City Council

FROM: Charles S. Cox  
City Manager

DATE: December 21, 2018

SUBJECT: Ordinance No. 3548 – Comprehensive Zoning Ordinance amendment as it relates to measurement and exception standards, and one-family residence and two-family residence building area and dimensional standards as it relates to building height/stories.

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## **Proposed Request:**

On November 6, 2018, City Council directed staff to move forward with amending the Comprehensive Zoning Ordinance (CZO) as it relates to modifying residential building heights and removing the maximum stories requirement for the One-Family Residence District-2 (R-2) through Two-Family Residence District-2 (D-2) zoning districts. This direction was received in conjunction with other CZO amendments being considered earlier this year (November 2018) as it related to lessening residential building setbacks, increasing maximum lot coverages and other related items, in order to facilitate allowing larger single-family residences being constructed to meet the needs of families today, within existing residential neighborhoods.

Therefore, this is a city-initiated zoning amendment to amend the CZO as it relates to measurement and exception standards, and one-family residence and two-family residence bulk (i.e. building mass), area, siting and dimensional standards as it specifically relates to building heights and stories.

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.

**Proposed Amendment:**

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-1 (R-1)
- 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)

Upon further review of the CZO and in alignment with direction received from Council during November 2018 as it relates to increasing residential building heights and removing the maximum stories requirement in the R-2 through D-2 districts, staff is proposing to amend the R-1 district due to the minimum lot size for the R-1 zoning district being one acre (43,560 sq. ft.). The R-1 district's minimum lot size exceeds the minimum 10,000 sq. ft. lot size threshold Council applied to justifying allowing for taller residences in the R-2 through R-4 districts. Council's reasoning was that the larger lot sizes were able to absorb the additional five feet height increase while having less of an impact on adjacent properties, compared to neighborhoods with much smaller minimum lot sizes and structures; this same reasoning holds true for the R-1 district.

Additionally, staff did an assessment of the related measurement and exceptions standards as provided in the CZO for building height and encroachments in order to ensure consistency amongst the standards and remove any conflicting provisions.

***Building Height and Stories:***

The table on the following page summarizes the existing maximum building height (including encroachments) and stories requirements, as well as the proposed maximum height (including encroachments) and stories requirements, for the R-1 through D-2 zoning districts.

(continued)

### Existing and Proposed Maximum Building Heights and Number of Stories

Zoning District	Min. Lot Size	Existing Building Height (max.)	Proposed Building Height (max.)	Existing Encroachments Height (max.)	Proposed Encroachments Height (max.)	Existing Building Stories (max.)	Proposed Building Stories (max.)
R-1	1 acre (43,560 SF)	35 ft.	40 ft.	40 ft.	45 ft.	2.5	None
R-2	13,000 SF	35 ft.	40 ft.	40 ft.	45 ft.	2.5	None
R-3	10,000 SF	35 ft.	40 ft.	40 ft.	45 ft.	2	None
R-4	10,000 SF	35 ft.	40 ft.	40 ft.	45 ft.	2	None
R-5	8,700 SF	35 ft.	35 ft.	40 ft.	40 ft.	2	None
R-6	8,700 SF	35 ft.	35 ft.	40 ft.	40 ft.	2	None
D-1	8,700 SF	35 ft.	35 ft.	40 ft.	40 ft.	2	None
D-2	7,500 SF	35 ft.	35 ft.	40 ft.	40 ft.	2	None

Overall, staff is proposing to:

- Increase the maximum building height by 5 feet, from 35 feet to 40 feet for structures in the R-1 through R-4 districts.
- Increase the maximum building height for encroachments by 5 feet, from 40 feet to 45 feet in the R-1 through R-4 districts (to correspond with the 5-foot height increase proposed for the structures as described above).
- Remove the maximum number of stories in the R-1 through D-2 districts to allow for the maximum building height established in the respective zoning districts to govern, and since the Building Code regulates building stories.

#### *Other:*

The following additional amendments are being proposed to the CZO as a result of eliminating the maximum stories requirement in the R-1 through D-2 residential districts:

1. Included mansard roof types to be measured to the peak of the roof similar to hip and gable roof types for height measurement consistency, instead of the height for mansard roof types being measured at the deck line.
2. Removed measurement inconsistencies specified in Section 3.3C. Height Encroachments in order to allow the maximum height encroachments in the respective individual zoning districts to govern, and removed stories references for residential districts (where needed) as a result of eliminating maximum stories references in the individual R-1 through D-2 districts.

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.

### **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 November 29, 2018 for the Planning and Zoning Commission meeting, and subsequently on December 13, 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 December 10, 2018, the Planning and Zoning Commission voted unanimously to recommend approval of the zoning amendment as presented in Ordinance No. 3548.

### **Possible Council Action:**

1. Motion to adopt Ordinance No. 3548.
2. Motion to adopt Ordinance No. 3548 with the following modifications ...
3. Motion to deny Ordinance No. 3548.
4. Motion to continue discussion at the next meeting.