

STAFF REPORT

Case Number: 19-ZA-05

Request: Conduct a public hearing and consider a request to amend the Comprehensive Zoning Ordinance including amending: Article 2.9. Accessory Uses and Structures as it relates to accessory buildings; and Article 7. Definitions as it relates to modifying existing definitions and/or adding definitions; and take appropriate action.

Applicant: City of Farmers Branch

Planning & Zoning Commission Meeting: July 8, 2019

Background:

This is a city-initiated zoning amendment to the Comprehensive Zoning Ordinance (CZO) Article 2.9. Accessory Uses and Structures as it relates to accessory buildings, and Article 7. Definitions as it relates to modifying existing definitions and/or adding definitions. At their meeting on April 16, 2019, City Council directed staff to determine a faster, more streamlined approval process for accessory buildings (structures), including not requiring a specific use permit (SUP) for these types of buildings. Additionally, Council has previously asked staff to consider removing SUP requirements that may no longer be the necessary or appropriate means for regulating certain uses and/or improvements.

The proposed amendments to Article 2.9 and Article 7 remove the SUP requirement for accessory buildings, except for guest/servants quarter; establish maximum building square footages depending upon the type of accessory building; and remove inconsistent and/or conflicting regulations.

Existing Zoning/Zoning History:

The last major overhaul of the current CZO was adopted by City Council in January of 2017. During that amendment, Article 2.9 had been modified to a limited extent.

Prior to the 2017 amendment, the CZO required SUP approval for any accessory structure greater than 120 square feet in size, excluding garages and carports. The CZO also did not distinguish between accessory structures constructed with no full walls (for example, gazebos, pergolas, outdoor kitchens and other open sided structures), and accessory buildings constructed with one or more full walls (such as workshops, storage buildings, pool houses, and similar structures).

It is with the amendments in January 2017, when distinctions were made related to the types of accessory buildings based on number of walls (i.e. one full wall or more versus no walls) and applicable maximum size square footages that would be allowed by right. Excluding garages and

carports, accessory buildings with one or more full walls were allowed a maximum 120 square feet, and accessory buildings with no full walls were allowed a maximum 200 square feet. If a property owner wanted to exceed the maximum square footages allowed by right, then approval of a SUP would be required, thus requiring public notification and consideration by the Planning and Zoning Commission and Council.

During 2018, there were other amendments to the CZO, one of them being the residential setback requirements that included updating the definitions of front, side, and rear yards as well as amending building setbacks and related dimensional standards. However, there occurred an unintended consequence of the amendment as it relates to accessory structures location, specifically, the location of accessory structures solely within the rear yard.

The last five SUP applications processed for accessory structures were either related to size limitations or the applicant requesting a bathroom within an accessory structure. At their April 16, 2019 meeting while considering an accessory structure SUP application, Council directed staff to determine a faster, more streamlined approval process including not requiring Council approval of a SUP for accessory structures.

Following that directive, staff is proposing to streamline these regulations so that SUPs will not be required beyond certain parameters. Additionally, staff from both the Planning and Building Departments have had difficulties with consistently interpreting the accessory structures regulations. Therefore, it is appropriate to consider amendments to the CZO to remove the ambiguity and promote consistent interpretation and application of city regulations.

Proposed Amendments:

The current ordinance provisions are attached with this staff report, as well as a red-lined version showing the proposed ordinance changes. The proposed amendments have three main focus areas:

1. Remove the SUP requirement for accessory buildings (except for guest/servants quarters) so that these buildings do not require Commission and Council approval;
2. Clarify and remove confusing regulations to assist with staff interpretation and administrative implementation; and
3. Update related definitions within the ordinance.

SUP Requirement Changes

Living Units/Amenities

With the proposed ordinance amendments, no accessory buildings will be allowed to have a kitchen or food preparation facility, except for: 1) those accessory buildings being used as a guest/servants quarters located within a R-1 or R-2 district; and 2) accessory buildings designed as outdoor kitchens in any residential district. Currently, a property owner could request a SUP to build a kitchen within an enclosed (or partially enclosed) accessory structure within the R-3 through R-6 and D-1 to D-2 zoning districts.

The ordinance is also being amended so that any accessory structure may have a bathroom facility with proper building permit approval; the current SUP requirement is being removed.

A SUP application for an accessory structure will only be required for those accessory buildings being used as a “guest/servants’ quarters” (including accessory buildings that may or may not have bathroom, kitchen, cooking and/or food preparation facilities) within R-1 and R-2 zoning districts, which is currently status quo.

Size Limitations

Size limitations are being proposed for accessory structures in order to eliminate the current SUP requirement. Accessory structures constructed with no full walls (for example, gazebos, pergolas, outdoor kitchens and other open sided structures) shall not exceed 600 square feet per lot or lot of record. This proposed change benefits property owners by increasing the maximum square footage allowed by right from 200 square feet to 600 square feet, and caps the building size at 600 square feet.

Accessory structures with at least one full wall with or without windows and/or door openings (such as workshops, storage buildings, pool houses, etc.) shall be limited to 200 square feet per lot or lot of record. This proposed change benefits property owners by increasing the maximum square footage allowed by right from 120 square feet to 200 square feet, and caps the building size at 200 square feet.

In either situation stated above, the accessory structure shall not be allowed to exceed the CZO specified maximum lot coverage for that zoning district (per Article 3.3J.b). Today, a property owner could request a SUP to build a larger accessory structure while still being within the maximum lot coverage allowed. If the proposed ordinance amendment is approved, the property owner will not be allowed to request an SUP for a larger structure (or structures cumulatively) due to the maximum square footage cap even if they have available lot area to cover.

Height

Today, detached accessory structures may exceed 12 feet in height with approval of an SUP. This provision is being modified to limit accessory buildings to one story in height (i.e. 14 feet per definition of story height) except for the following:

1. Detached garage or carport used for vehicle storage only shall be allowed to be 20 feet in height (note: this allows for someone to construct a carport to cover a recreational vehicle); and
2. Attached accessory structures shall not exceed the maximum allowable height of the main structure to which it is attached.

Definitions (proposed)

The following definitions are proposed to be modified to read as follows:

Accessory Building - A separate building or structure from the main building, used for purposes subordinate to and incidental to the main use of the premises.

Accessory Building (Attached) - An accessory building that is either physically attached to the main building or that by its location on the lot is closer than or equal to 10 feet from the main building.

Accessory Building (Detached) - An accessory building that is located entirely in the rear half of the lot and is more than 10 feet from the main building.

Guest/Servants Quarters - An accessory building (either attached or detached) designed and used for the housing of immediate family members, personal guests or the housing of a full-time domestic service worker and may be furnished with a bathroom, kitchen, or cooking and food preparation facilities.

One of the unintended consequences from the CZO residential setback amendments adopted in 2018 was the change in definition of the rear yard. The current definition of the detached accessory building requires the building to be located entirely in the required rear yard. However, the required rear yard is an area bound by the 10-foot rear setback line, two side property lines, and the rear property line. As a result, no feasible accessory building can fit entirely in the required rear yard while the structure is also required to be 3 feet away from any property line. With the proposed definition of detached accessory building, the buildings will not be required to be “entirely” within the rear yard, rather within the “rear half of the lot,” thus removing the size and location constraint.

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. All three categories of the Redevelopment Strategy discuss code enforcement and its importance of educating and notifying property owners about continuous maintenance, upkeep and compliance.

It is not uncommon for accessory structures to fall into despair as maintenance can be overlooked. Sometimes these structures are built without necessary permits and/or may not meet the City’s standards. The proposed amendments will not only streamline review of the accessory structures, it will also assist with enforcement and encourage home owners to apply for building permits upfront (when required) as the process will be much simpler.

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. By allowing larger accessory structures with no full walls (such as pergolas, gazebos and outdoor kitchens), this allows for outdoor living areas as an amenity for residents to enjoy. Additionally, for existing residents with smaller homes in need

of accessory buildings for storage, the proposed ordinance amendments allow for a limited amount of storage on private property.

Retaining the SUP requirements for the accessory buildings in R-1 and R-2 zoning districts to be used as a guest/servants' quarters also serves the purpose of thorough review to ensure quality and compatibility as directed in the Plan.

The proposed amendments to the CZO are consistent with the Plan's recommendations.

Public Response:

The required public hearing notice was published in the Dallas Morning News on June 28, 2019. No zoning notification signs nor mailed notices are required for amendments to the CZO. Staff has received no correspondence related to this CZO amendment request.

Staff Recommendation:

Staff recommends approval of the proposed Zoning request.