

*City of* **KELLER**



## Flag Lot Overview

April 2018

Susan Kenny, AICP  
Director of Community  
Development

Alonzo Liñán, PE  
Director of Public Works

Excellence • Integrity • Service • Creativity • Communication

## Item G-1

### Purpose

- To review impacts of and recommend improvements to the use of flag lots in the city

### Impetus

- Concerns regarding views and vehicle access.

# Flag Lot Defined

Street frontage is less than the lot width

AND

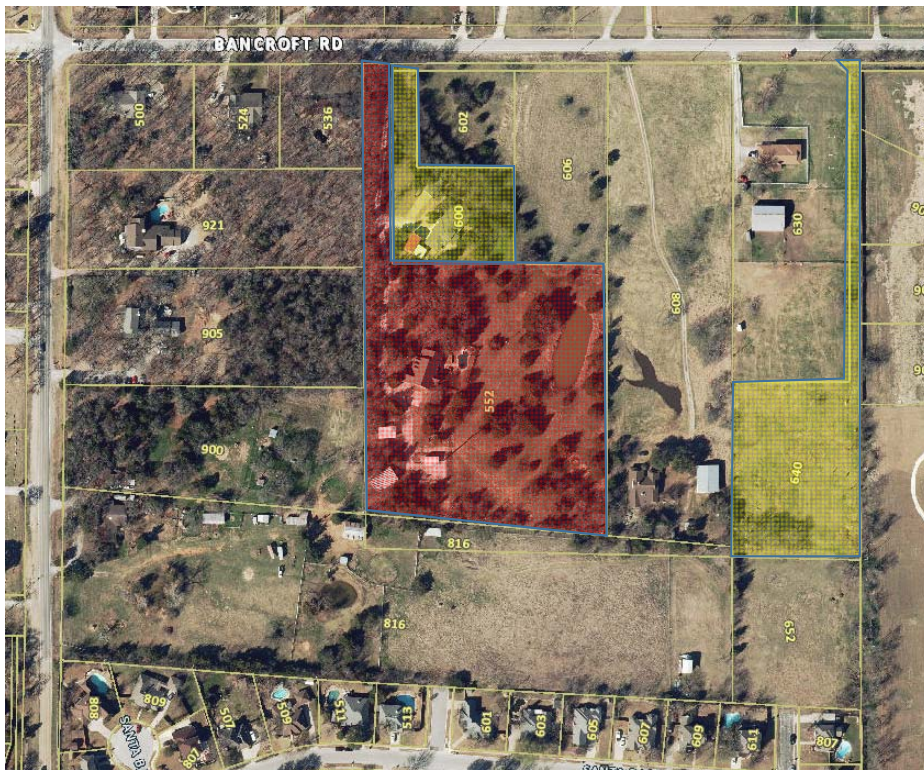
The “Flag” is behind another lot (as seen from the street)

AND

The lot does not “Front” a public/private street

# Flag Lot Examples

Individual Private Drive



Shared Private Drive



Excellence • Integrity • Service • Creativity • Communication

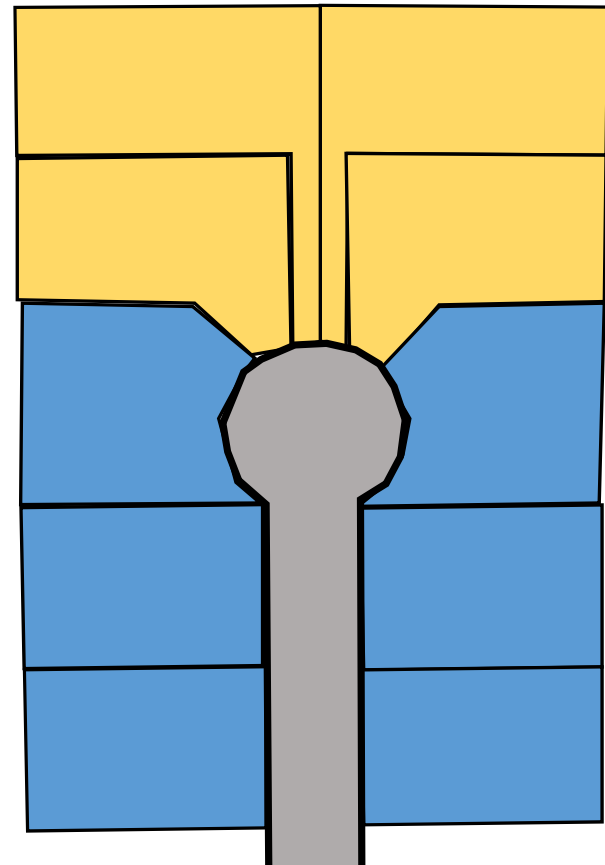


# Flag Lot Examples

Typical Cul de Sac



“Short” Public Street



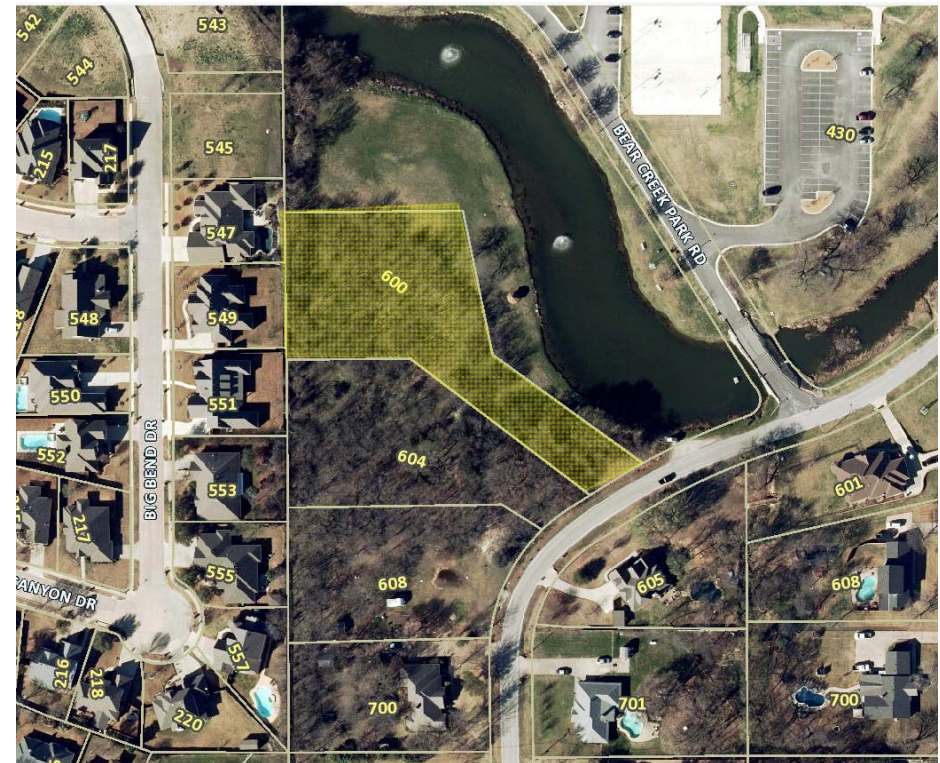
Excellence • Integrity • Service • Creativity • Communication

# Flag Lot Examples

Magner Way



Necessary Uses

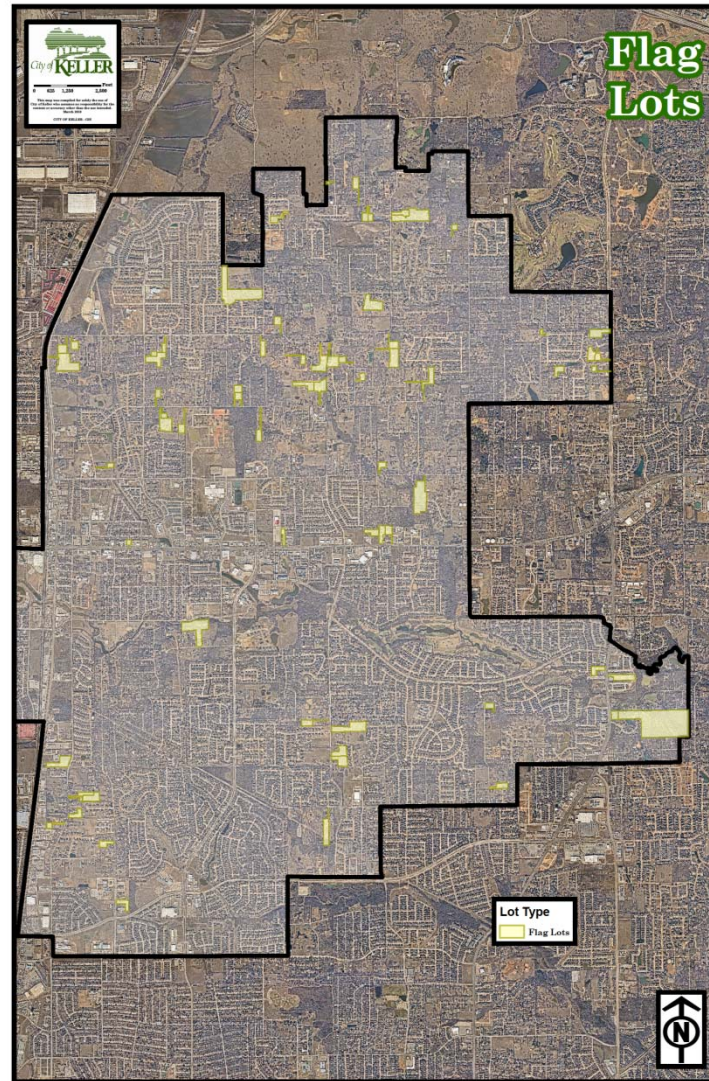


Excellence • Integrity • Service • Creativity • Communication

# Why do flag Lots Exist?

- Lack of Street Network
- Current Development Standards
- Avoidance of Development Costs
- Misunderstanding of Property Rights





Excellence • Integrity • Service • Creativity • Communication



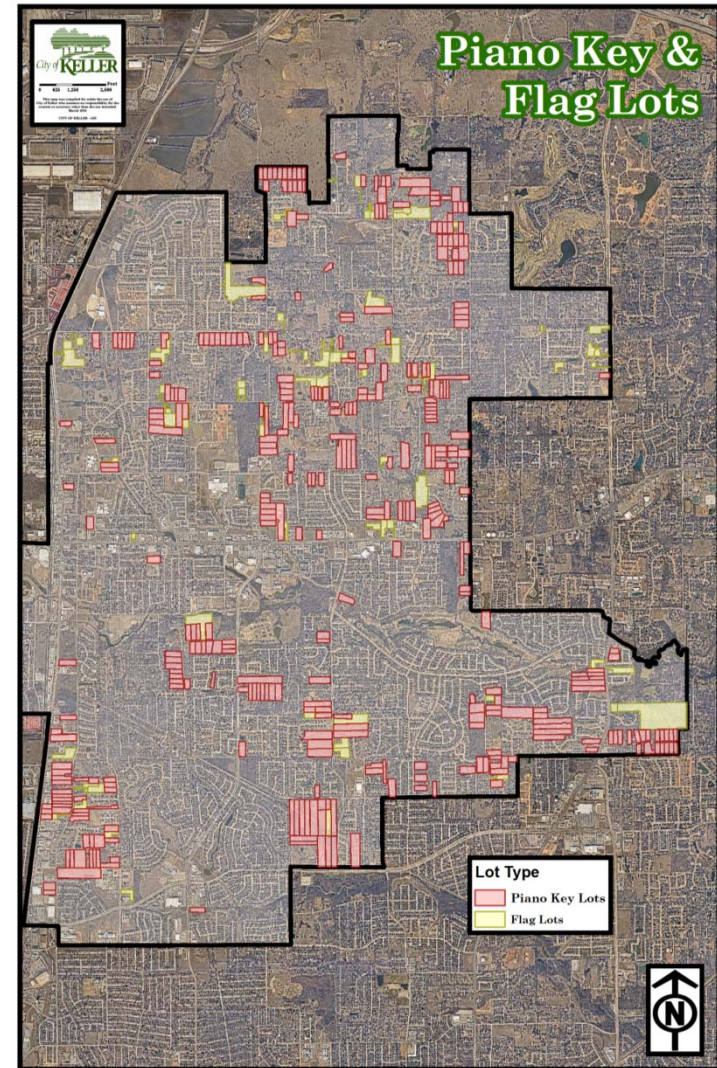
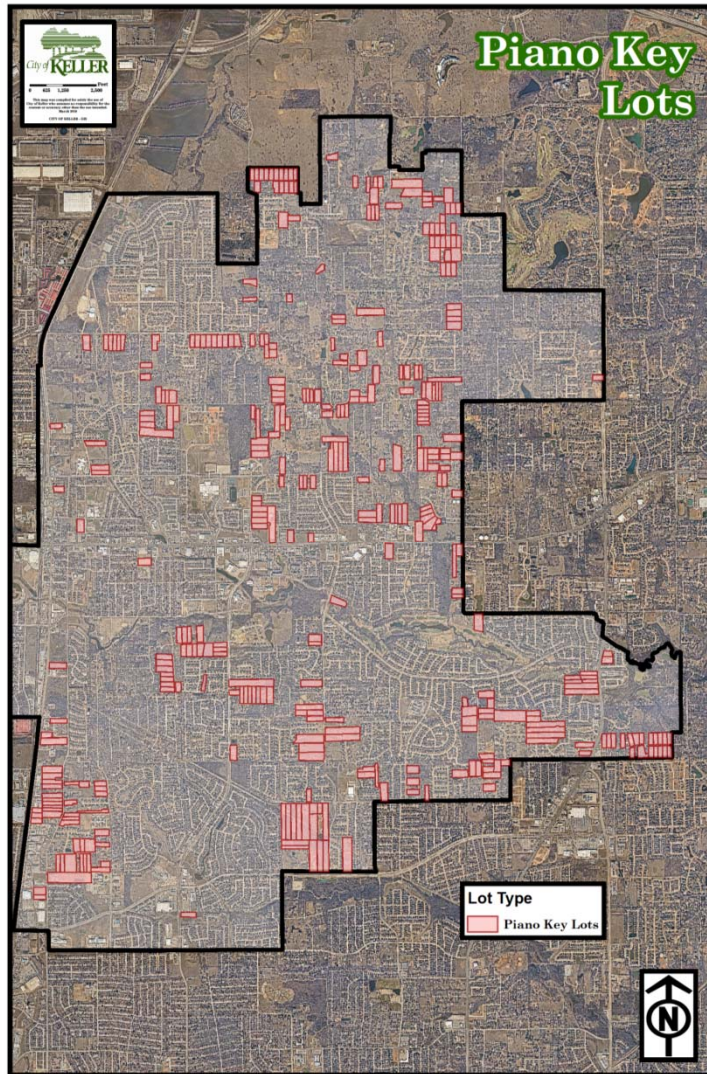
# Flag Lot Impacts

Perspective	Current Impacts of Flag Lots	
	Pros	Cons
Property Owner	Flexible Use Can "Gift" land Provides Privacy Lower "development" costs Typically no HOA Private Drive	No control of "Front" No Curb Appeal Diminished "Views" Neighbor Privacy Shared Maintenance Responsibilities Length of "Private Utility Lines"
Emergency Services	- - - -	Vehicle Access Address Location Vehicle Turnaround Driveway Surface Strength
Traffic	Access to "Locked Land" - - - -	Creates More Locked Land/ Development Holes Limited Parking Multiple Street Intersections Reduced Return of Public Street Investment Decreased Street Capacity Limited/No Street Network
Planning	Easy Development Process Can Accommodate Hardships Less Public Asset to Maintain	Long Term Dev Patterns A Way to Circumvent Codes
PW/Utilities	- - -	Dead End Fire Hydrants Arterial Imbalances Circumvent Sewer Requirements Utility Locate Challenges

Excellence • Integrity • Service • Creativity • Communication

# Why the Concern?

- More Coming
- Piano Keys



Excellence • Integrity • Service • Creativity • Communication



# Proposed Action

Not a Blanket Prohibition, but allowed only in specific circumstances

Tighten Current Code to provide Positive Guidance

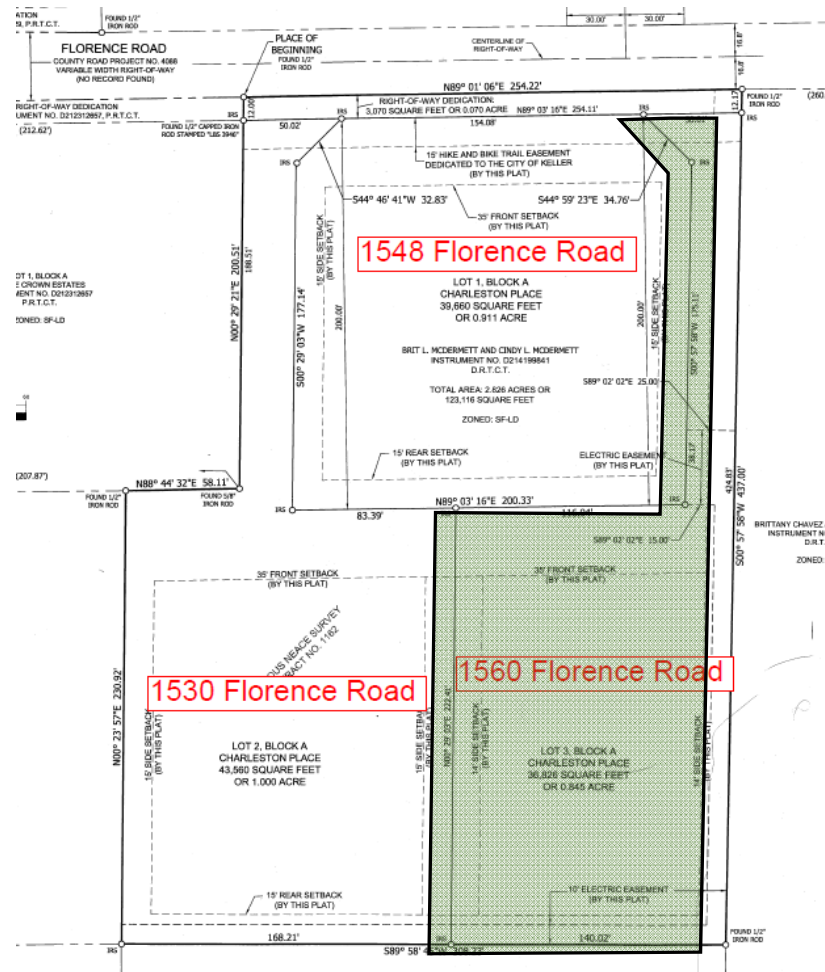
# Impacts of Proposed Changes to Flag Lots

Perspective	Proposed Changes to Flag Lots	
	Pros	Cons
Property Owner	Reduced Sprinkler Costs	Possible HOA
	Increased Curb Appeal	Public Perception
		Increased Subdivision Restrictions
	Improved "Views"	-
	Backyard Privacy for All	-
Emergency Services	City Maintenance	-
	-	-
	Clear Addresses	-
	Turn Around/Connection	-
	Solid Surfaces	-
Traffic	Vehicle Access	-
	Internal Street Network	More Cul-De-Sacs
	Higher Return of Investments	-
	On Street Paking	-
	-	-
Planning	-	-
	-	-
PW/Utilities	Streamlined Reviews	Grandfathered Conditions
	Fewer Access Easements	-
	Fewer Dead Ends	-
	Clear Utility Access	-
	-	-
	-	-

# Proposed UDC Changes

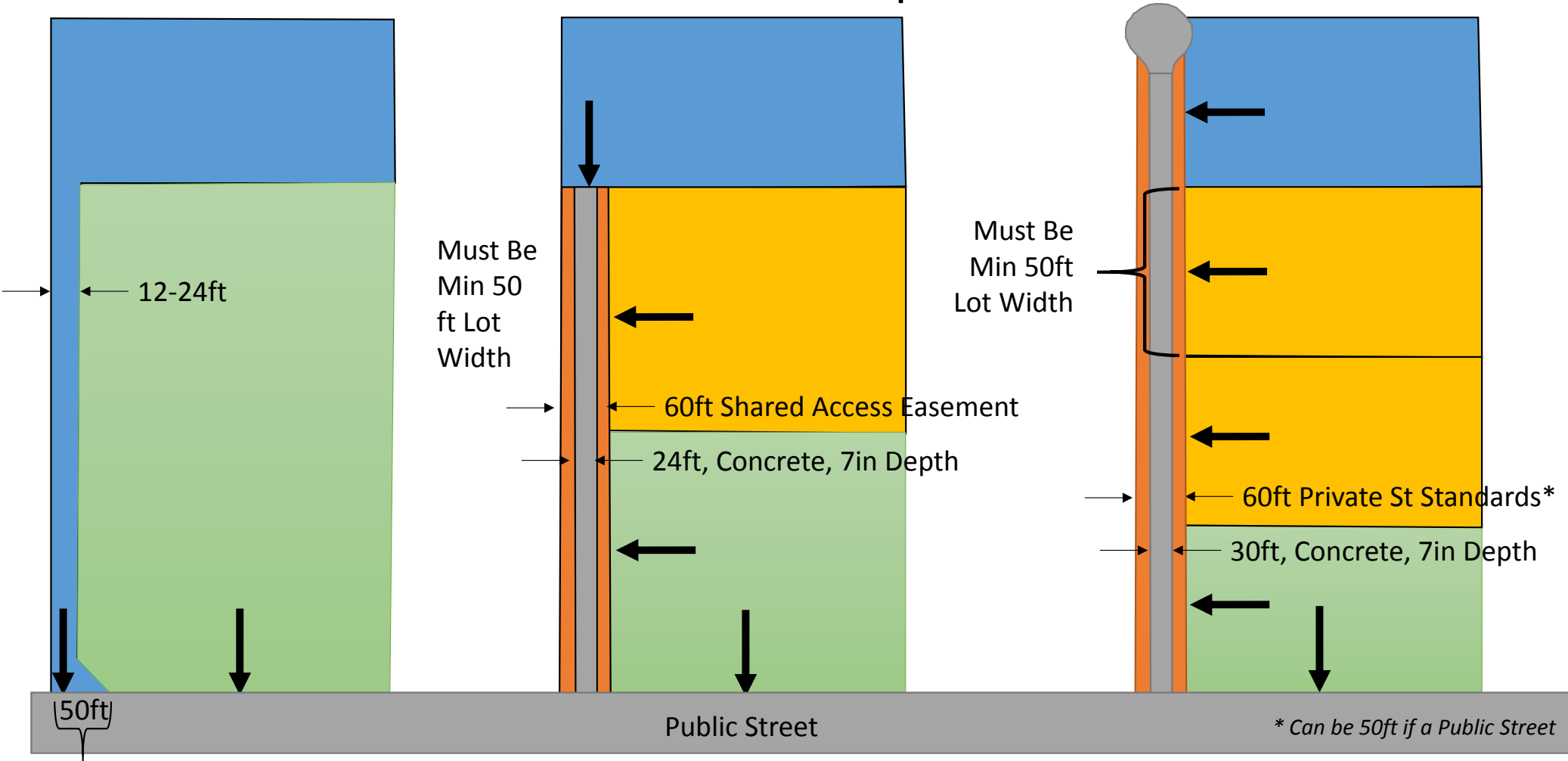
- Section 5.13 Lots (Flag lots allowed only in specific circumstances)
- Section 3.01 Definitions (Flag Lot, Building Line, Building Setback Line, Lot Width)





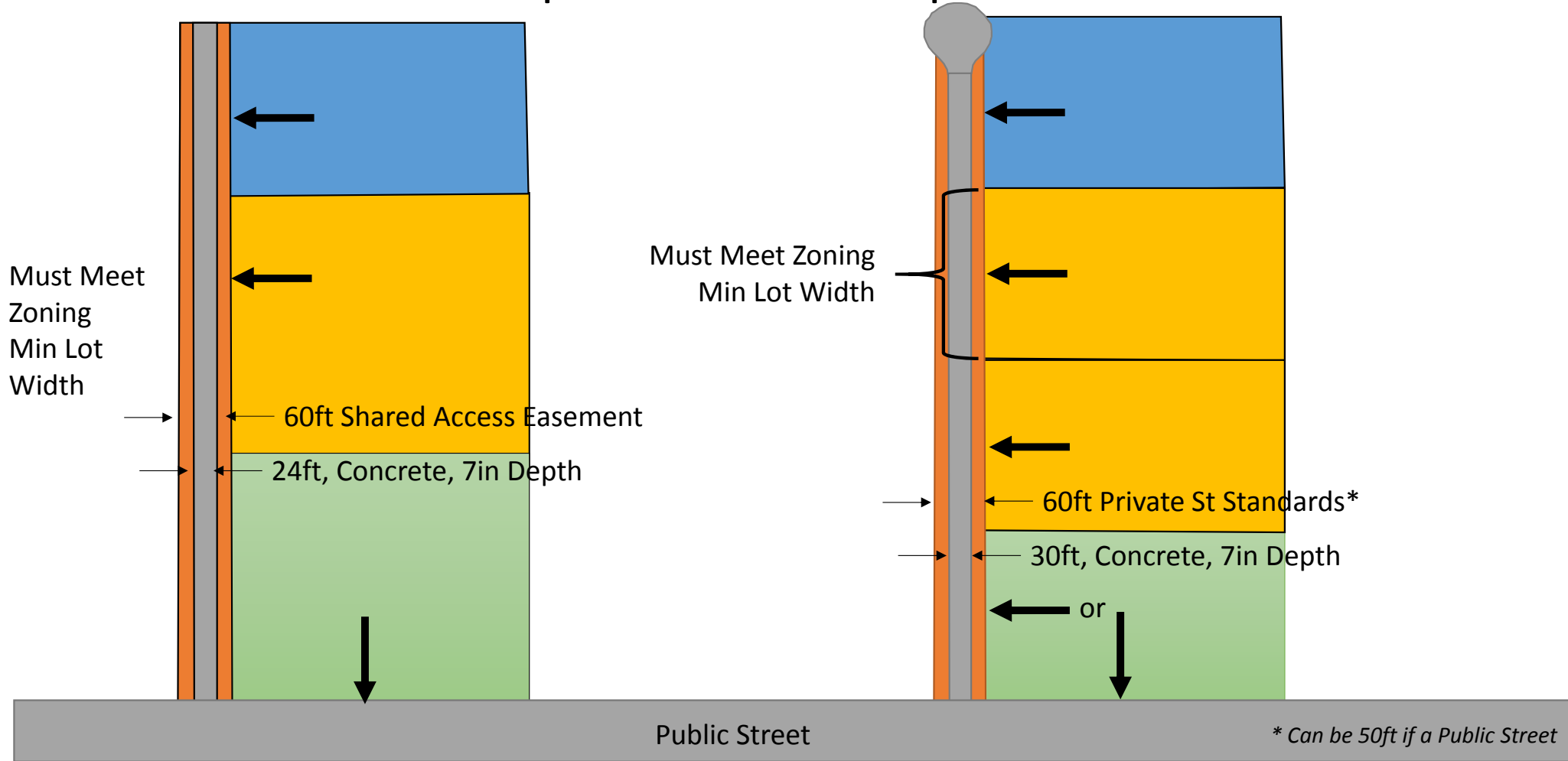
Excellence • Integrity • Service • Creativity • Communication

## Current Code Examples



Excellence • Integrity • Service • Creativity • Communication

## Proposed Code Examples



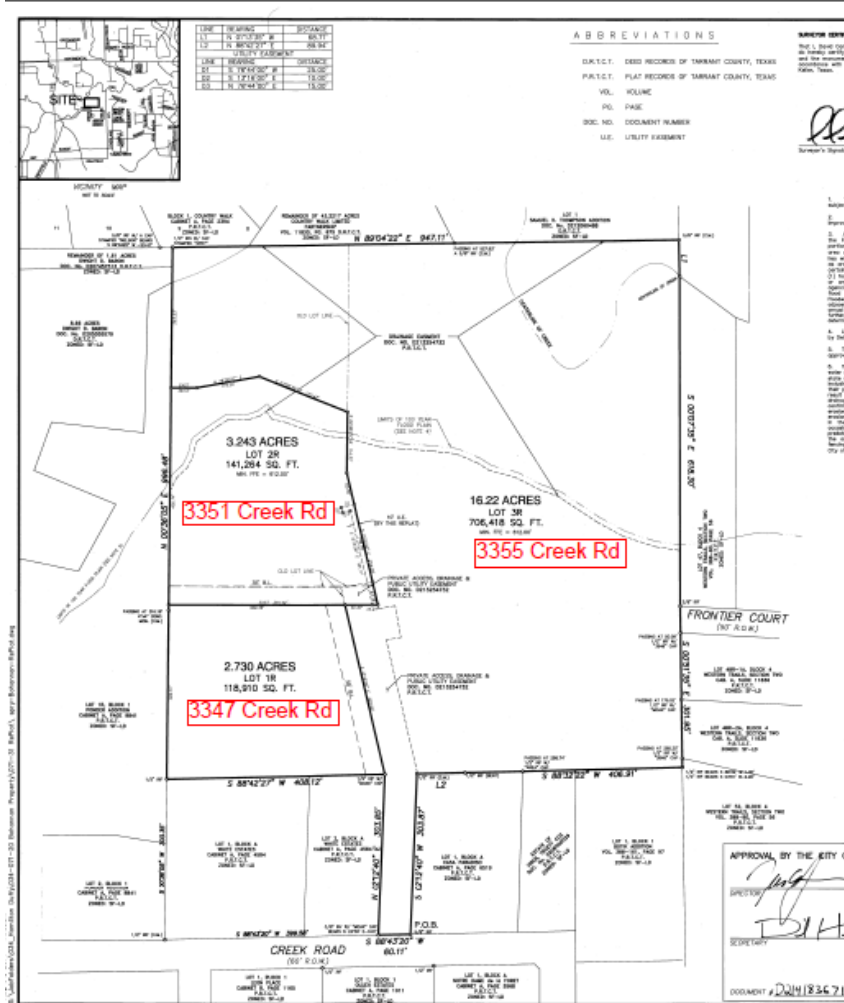
Excellence • Integrity • Service • Creativity • Communication



## Proposed UDC Changes

### Section 5.13 - Lots

- A. Lots shall comply with the minimum requirements of the established zoning district and with the minimum standards of this Code.
- B. Each residential lot shall front on a dedicated public/private street right-of-way or an approved recorded paved public/private access easement (See Section 5.04 Private Street Developments). ~~Lots shall have a minimum of fifty feet (50') frontage along a dedicated street right-of-way or public access easement.~~ Each lot shall meet the minimum required lot width at the front building setback line and for the entire depth of the property from the front property line to the rear property line. The minimum width of access easements for all platted/replatted lots, from the date of the adoption of this Code shall be sixty feet (60'). All access easements shall be listed as a public/private access/public drainage/utility easement. The paving standards for the access easements shall be in accordance with the Design Standards and Technical Construction Standards of this UDC (Section 5.23). Fire Department access shall be provided to all lots as required per the adopted Fire Code. The minimum width of pavement for an access easement shall be twenty-four feet (24'). Access easements that serve more than three (3) lots shall comply with the requirements established in Section 5.04 - Private Street Developments. Access easements shall be owned and maintained by the homeowners, PID or Home Owners Association (HOA) when applicable.



Excellence • Integrity • Service • Creativity • Communication

Flat Lots - Comparison of Nearby Cities		
Regulation and Lot Access/Frontage Requirement		
City	Regulations on Flag Lots	Lots must front on:
Keller	Allows w/50 ft. frontage at R-O-W or easement & can then taper to 24 ft.	Public street or public/?private access easement
Southlake	Prohibits Flag Lots	Public/private street
Colleyville	Prohibits Flag Lots; however allowed under specific circumstances	Public/private street
North Richland Hills	Strongly discourages Flag Lots. They require 50 ft. strip all the way back to flag lot portion	Public/private street
Westlake	Doesn't address Flag Lots	Public/private street
Flower Mound	Doesn't address Flag Lots	Public street or an approved alternate means of access
Grapevine	Prohibits Flag Lots	

Excellence • Integrity • Service • Creativity • Communication



## Proposed UDC Changes

- Section 5.13-Lots
- C. For Irregular-shaped lots, the lot width at the front and rear building setback lines can be averaged; however, the lot width at the front building setback line and at the frontage of the public/private street right-of-way or public/private access easement shall not be less than required by the particular zoning district or per Section 8.15 (A)(4) Supplementary Regulations (concerning cul-de-sacs). ~~shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, t~~The rear width shall be sufficient to provide access for all necessary utilities. Lots that front on a cul-de-sac shall have a minimum of fifty feet (50') frontage along the dedicated public/private street right-of-way or public/private access easement.

## ARTICLE EIGHT Unified Development Code

Adopted: July 7, 2015



### Section 8.18 - Illustrations

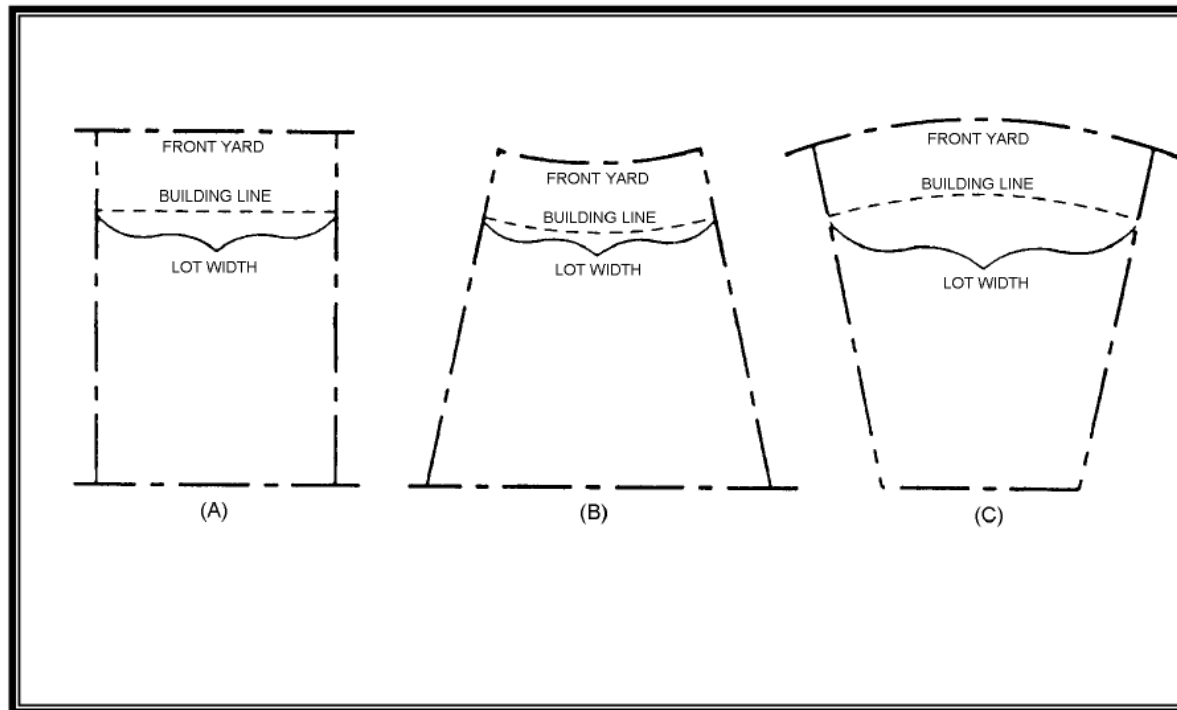


Figure 1 - Lot Width

Excellence • Integrity • Service • Creativity • Communication

## Proposed UDC Changes

- Section 5.13-Lots

I. Flag Lots are not permitted except under special circumstances recommended by the Planning and Zoning Commission and approved by City Council as described below:

- 1. Lots with greater depth relative to width which posture it for future necessity to create a flag lot shall not be permitted or created through platting or re-platting of an existing lot or lots.
- 2. City Council may, upon recommendation by the Planning and Zoning Commission, waive the lot width requirement and permit a flag lot if it finds that either:
  - a. A significant geographical, topographical, or other permanent constraint, including existing structures, presents a hardship to subdivision complying with this Code and creation of a flag lot is deemed the optimum solution.

Or

- b. The creation of a flag lot is not permanent and will, by means of future planned streets or adjacent development, be eliminated when those streets or adjacent development(s) are completed.

Or

- c. When necessary to accommodate the function of hiding or concealing utility buildings/substation, or radio, television or communication towers.

## Proposed UDC Changes

### Section 5.13-Lots (I) (Continued)

- And
  - d. The pole area of the flag lot is not included for purposes of calculating the minimum lot area under the established zoning district in which it sits.
  - e. The dimensions of the pole area meet or exceed the minimum emergency access standards of the City of Keller.



Excellence • Integrity • Service • Creativity • Communication



# Proposed UDC Changes

## Section 3.01 Definitions

- Building Line. Building Setback Line (see definition below)
- **Building Setback Line** - The line within a property defining the minimum required horizontal distance between a building or other structures and the property line and/or adjacent street line (measured from right-of-way line). (see [Section 8.18 - Figure 1](#)).
- **Lot, Flag** - ~~A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than fifty feet (50').~~ A lot that does not meet the minimum lot width and frontage requirements of the established zoning districts of the City of Keller or this Code because the sole point of access to a street is a narrow projecting strip of land. See Section 5.13(C) and (I).

## Proposed UDC Changes

- Section 3.01 Definitions
- ***Lot Width*** - The horizontal distance between side lot lines measured along a line that is parallel to the front lot line, and measured from the point on the building line (building setback line) that is closest to the front lot line (see Section 8.18 - Figure 1). For irregular-shaped lots see Section 5.13 (C) ~~the distance at front and rear setbacks can be averaged.~~

Section 2.06 (C) of the UDC, lists criteria for approval of an amendment to the Unified Development Code:

- Whether such change is consistent with the intent and purpose of this Development Code.
- The areas that are most likely to be directly affected by the amendment and in what way they will be affected.
- Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected.

### Professional Opinion:

- Flag lots create unusually shaped lots which present challenges to city services and emergency vehicle access. Allowing flag lots under special circumstances will create a more orderly layout of lots in the City and provide for the delivery of efficient emergency services. In addition, traffic safety will be increased because fewer driveway access points will be created.
- The proposed amendment changes are consistent with the Comprehensive Plan which calls for the facilitation of orderly, attractive and appropriate growth. In addition, the proposed amendments are consistent with Section 2.01 Policy and Purpose of the UDC. The areas that are most likely to be affected are long narrow properties which do not have enough width to their lot to provide for the 50 foot wide public/private right-of-way and the depth of the lot as required by the particular zoning district; i.e. in the SF-36 Zoning District, a property would need 250 feet of frontage to provide for the 50 feet of right-of way width and the 200 feet of lot depth.

## **Item G-1 Planning and Zoning Action**

The Planning and Zoning Commission considered these proposed UDC Changes concerning Flag Lots on April 23, 2018 and recommended approval with four changes, as described below, by a vote of 7-0.

- 1) Take out any reference to flag lots causing a reduction in property values.
- 2) Change paving requirement for access easement to be consistent with the public street that it joins in with, and that the access easement pavement meet the required Gross Vehicle Weight for a fire truck.
- 3) Add existing structures under Section 5.13 (I) (a), which would allow existing structures to be considered a permanent constraint which could provide a special circumstance in which a flag lot would be permitted.
- 4) Revise the Piano Key Map to remove certain properties (four on the north side of the City).



The City Council has the following options when considering an amendment to the text of the UDC:

- Recommend approval as presented
- Recommend approval with modifications
- Table the item with clarification of intent and purpose
- Recommend Denial

# How to Avoid Forcing Flag Lots

Excellence • Integrity • Service • Creativity • Communication

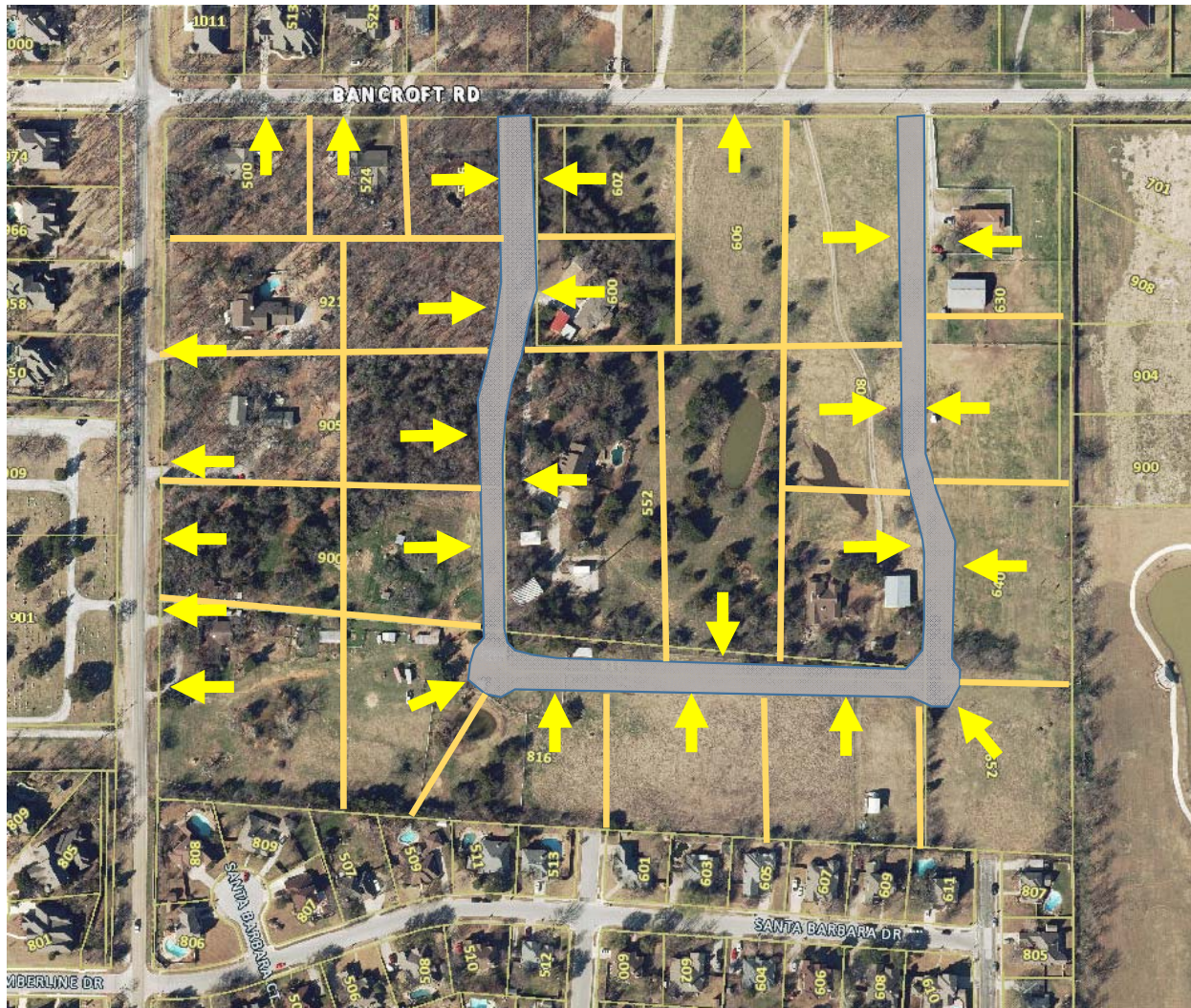


25 Lots  
21 Arterial Driveways  
4 Residential Driveways

12 Flag Lots

Excellence • Integrity • Service • Creativity • Communication





26 Lots  
7 Arterial Driveways  
19 Residential Driveways

0 Flag Lots

Excellence • Integrity • Service • Creativity • Communication

*City of* **KELLER**



Questions?

Excellence • Integrity • Service • Creativity • Communication