



Legislation Details (With Text)

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File created: 7/21/2021 **In control:** City Council

On agenda: 8/3/2021 **Final action:**

Title: PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8 - Zoning Districts to add provisions regulating garage conversions; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. (UDC-21-0006)

Attachments: 1. 080321_UDC Amend-Garage Conversions_Ordinance.pdf, 2. 080321_UDC Amend-Garage Conversions_Exhibit A.pdf, 3. Item H-6 UDC Text Amendment

Date	Ver.	Action By	Action	Result
8/3/2021	1	City Council	close the public hearing	Pass
8/3/2021	1	City Council	table	Pass

To: Mark Hafner, City Manager

From: Julie Smith, Community Development Department

Subject:

PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8 - Zoning Districts to add provisions regulating garage conversions; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. (UDC-21-0006)

Background:

- The UDC permits conversions of garages to conditioned space in any zoning district as long as the replacement garage capable of parking two vehicles is constructed at the same time.
- A resident recently requested converting his garage without building a replacement garage. The Applicant indicated it may be years before he could build a replacement garage.
- Council discussed the policy implications at a work session on June 1, 2021, of amending the UDC to permit the garage conversions with garage replacements. The discussion included the following:
 - In response to Council's questions whether there had been many requests for such conversions. Staff noted there were few requests each year and they were usually for homes in the SF-8.4 zoning district. Staff did not recall any such requests in the SF-36 zoning district. For the particular resident inquiry, because the property was on a long cul-de-sac, such a conversion would also trigger a fire sprinkler for the entire home. (A separate structure would not require a sprinkler system.)

- Staff observed that in smaller-lot zoning districts where there had historically been garage conversions, the conversions pushed vehicle parking onto the streets potentially causing challenges for first responders, service vehicles, and traffic generally.
- Two councilmembers suggested it might be appropriate to allow such conversions without a replacement garage if the property was zoned SF-36. The assumption was that in SF-36 zoning, the lots would provide ample room for onsite parking.
- Council asked staff to take a proposal to the Zoning Commission to consider whether to allow garage conversions in the SF-36 zoning district only.
- At the Commission's June 22, 2021, meeting, the Commission discussed the proposal during the work session:
 - Some commissioners did not see a reason to amend the UDC given the lack of demand for garage conversions generally and particularly in the SF-36 zoning district.
 - Commissioner Thompson pointed out that some parcels zoned SF-36 were smaller than their zoning and may not be capable of parking on site if the garage was converted. He suggested using a minimum lot size similar to triggering requirements for accessory dwelling units (ADUs) and agricultural accessory structures (both require a minimum 1.5 acres before a request can be made.)
 - There was concern expressed regarding potential property value impact (given the recent hail storm, covered parking could be important), though support for more flexibility for individual homeowners was also expressed.

Proposed Amendment:

Article 8.03(C)(d) *Parking Regulations. (Current)*

- 1) A garage with a minimum capacity of two (2) cars shall be constructed on the same lot as the primary dwelling unit. The garage shall be maintained for parking and shall not be converted to living space.

To permit garage conversions in SF-36, with a minimum lot-size trigger, staff would suggest the following language:

- 1) A garage with a minimum capacity of two (2) cars shall be constructed on the same lot as the primary dwelling unit. The garage shall be maintained for parking and shall not be converted to living space **unless a garage with a minimum capacity of two (2) cars is constructed on the same lot as the primary dwelling unit at the same time as the garage conversion or the lot is at least 1.5 acres in size (in which case a replacement garage is not required).**

Staff would recommend "as long as on-site parking for two cars is provided to clarify the intent.

Citizen Input:

An amendment to the text of the UDC requires a public hearing notice to be published in the local newspaper ten days prior to the Planning and Zoning Commission meeting date. The notice was published in the June 27, 2021, edition of the Fort Worth Star-Telegram. To date, staff has not received a response from the Public.

Planning and Zoning Recommendation:

On July 13, 2021, the Planning and Zoning Commission unanimously recommended denial of the item. The majority of the Commission mentioned the lack of need to amend the UDC change and the potential impacts to property values as reasons to not support the application. No one spoke in favor or opposition.

Alternatives:

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

- Approve.
- Approve with modified or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny as recommended by the Planning and Zoning Commission.

Supporting Documents:

- Exhibit A - Proposed Language