



City of Keller

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Legislation Text

File #: 18-101, **Version:** 1

To: Mark R. Hafner, City Manager

From: Susan Kenney, Director of Community Development

Subject:

PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code, adopted by Ordinance No 1746, dated July 7, 2015 to prohibit flag lots and amend the definition for lot width, building setback line, and flag lot and a definition for building line by amending Article 3 Definitions, and Article 5, Subdivision Design and Improvement Requirements, Section 5.13 Lots, providing a conflicting ordinance clause; authorizing publication; and establishing an effective date. City of Keller, applicant. (UDC-18-0005)

Background:

After the April 23, 2018, Planning and Zoning Commission Meeting, Staff added ([See Section 5.04 Private Street Developments](#)) to Section 5.13 Lots. This was added because private streets are only permitted by Planned Development approval.

At the April 23, 2018 Planning and Zoning Commission Meeting, the Planning and Zoning Commission recommended approval of the proposed flag lot regulations. They had four stipulations with the approval:

- 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 Planning and Zoning Commission discussed this item and then tabled the item at their March 26th and April 9th meetings. A public hearing was held at their March 26th meeting.

Staff received direction from City Council to investigate the prohibition of flag lots. Council's concern is to have desirable development patterns, protect property values, and provide for emergency access.

Two sections of the Unified Development Code (UDC) concern flag lots:

1. Subdivision Regulations Section 5.13 Lots (B) which allows for flag lots
2. Definitions Section 3.01(Flag Lot is defined)

A comparison of nearby cities was completed and is included as a Staff Attachment.

In summary, staff looked at nearby cities and found that the majority prohibit flag lots or discourage them. Also, the majority require that lots be on a public/private street (not an access easement).

Southlake prohibits flag lots. Lots are required to be on a public/private street.

Colleyville prohibits flag lots; however, they have specific circumstances in which they can be approved. (Our proposal is fashioned after Colleyville's regulations.) Lots are required to be on a public/private street.

North Richland Hills strongly discourages flag lots. They require a 50 foot strip all the way back to the flag lot portion. Lots are required to be on a public/private street.

Westlake does not address flag lots. Lots are required to be on a public/private street.

Flower Mound does not address flag lots. Lots are required to be on a public street or an approved alternate means of access.

Grapevine prohibits flag lots.

Have flag lots become a problem?

- There are a number of flag lots in the City which are highlighted in yellow on the Flag Lots Map. (see Attachment)
- There are also a number of long narrow lots (described as Piano Keys) highlighted in red on the Piano Keys Map (see Attachment)
- A map of both existing flag lots and piano keys shows that there is the potential for many more flag lots in the future, as shown in Piano Key and Flag Lots Map. (see Attachment)
- Staff has identified a number of pros and cons regarding flag lots (Flag Lot Analysis - Pros & Cons - see Attachment).

In summary, some of the pros of flag lots are that the property owner has lower developments costs, typically has no HOA, has access to locked land, has an easy development process, can "gift" land, can accommodate hardships, and from the City standpoint there is less public asset (roads) to maintain. Some of the cons of flag lots are that there is no curb appeal, less neighbor privacy, shared maintenance responsibilities, length of "private utility lines", emergency vehicle access, difficult for emergency vehicles and visitors to find address, vehicle turnaround is difficult, driveway surface strength for emergency vehicles, creates more locked land/development holes, limited parking, multiple street intersections, decreased street capacity, limited/no street network among properties, dead end fire hydrants, arterial imbalances, owners circumvent sewer requirements if more than 300 feet from sewer line, and utility locate challenges.

Current UDC Regulation:

Our current UDC Regulations allow for Flag Lots in Section 5.13 Lots Subdivision Regulations. In the past property owners have been providing a 50 foot frontage at the street right-of-way line and then have tapered down the pole portion to a 24 foot wide access strip to the flag portion of the lot. The

proposed changes to Section 5.13 (B) Lots require that the lot shall front on a public/private street or public/private access easement and shall meet the minimum required lot width. The current code is also conflicting, because it says that the lot shall front on a dedicated public street right-of-way in the first sentence of (B), but then it says later in the paragraph that the access easement shall be listed as private access/public drainage/utility easement. Staff's proposal intends to make the requirement consistent and allow for public/private streets or public/private access easements.

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 street right-of-way or an approved recorded paved public access easement. Lots shall have a minimum of fifty feet (50') frontage along a dedicated street right-of way or public access easement. 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 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](#). 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.
- C. Irregular-shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all necessary utilities.

Below, the proposed changes to Section 5.13 Lots and 3.01 Definitions of the UDC are highlighted in red with either underline for proposed additions or strikeover for proposed deletions. Changes proposed at the Planning and Zoning Commission's April 23rd meeting, are in green.

Proposed Changes to Section 5.13:

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. ~~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.
- 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, 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.

- D. No lot shall be platted less than one hundred feet (100') in depth except as approved as part of a Planned Development (PD) ordinance or in cases where an irregular-shaped tract is platted into lots and a remnant piece of property has sufficient area to plat one or more lots. In this case, the Planning and Zoning Commission may approve a waiver of the width and depth requirement, if needed, to prevent a hardship.
- E. Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
- F. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials (Thoroughfare Types A6D, A4D, C4U, C2U, or C3) or to overcome specific disadvantage to topography and orientation. Where lots have double frontage, a front building line shall be established for each street (see [Section 8.18 - Figure 6](#)). Double frontage lots in subdivisions will not be allowed without providing screening walls in accordance with this Code. Lot depths adjacent to thoroughfares shall exceed normal standards and shall not be less than one hundred forty feet (140'). Additional rear yard setback of a minimum forty feet (40') also shall be provided if the lot backs up to a 4-lane thoroughfare or larger and a solid masonry screening wall is not provided as a buffer.
- G. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this Code, Building Code and other applicable ordinances, laws, and regulations. Driveway access shall be provided to buildings on the lots from a street, alley, or public access easement as approved for a development.
- H. Dimensions of corner lots shall be large enough to allow for erection of buildings. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in this Code.

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.

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 pole dimensions of the flag lot meet or exceed the minimum emergency access standards of the City of Keller.

Proposed Changes to Definitions:

1. Building Line. Building Setback Line (see definition below)
2. **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 <file:///D:\Flag%20Lots%20Section%205.13%20Lots%20Latest%20Version.docx>).

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).~~

3. **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 <file:///D:\Flag%20Lots%20Section%205.13%20Lots%20Latest%20Version.docx>). For irregular-shaped lots see Section 5.13 (C) the distance at front and rear setbacks can be averaged.

Professional Opinion:

Flag lots create unusually shaped lots which present challenges to city services and emergency vehicle access. Allowing flag lots only under specific circumstances will create a more orderly layout of lots in the City and provide for the delivery of efficient emergency services and traffic circulation. 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 or the 60 foot wide access easement. For example, 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.

Alternatives:

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

