



## **FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM**

**Subject: Stairs encroaching the front building line**

**Current Ordinance/Requirement:**

**Zoning Ordinance**

**Section 7.Q.2. Residential Regulation Matrix (attached).**

**Section 7.Q.3. Area and height exceptions.**

### **Section 20. Definitions**

D. Building. Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

E. Building area. The surface of the lot covered or occupied by all structures placed thereon, excluding only driveways, walkways and uncovered patios.

F. Building line. A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

X. Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

CC. Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except for fences and walls.

DD. Yard, front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as specified in each zoning district.

### **SUMMARY / ORIGINATING CAUSE**

As a result of homeowners elevating their homes due to flooding, we have had a new issue arise. Two applications have been submitted for the Zoning Board of Adjustment regarding stairs encroaching the front building line. In both cases, the owners are rebuilding their homes on the foundation/footprint of the homes that were there before. With the home elevated, it requires stairs to access the structure.

Staff is proposing to change the ordinance to exempt uncovered stairs from having to be behind the front building line, similar to sidewalk or flatwork leading to a front door, in these situations.

### **IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

This action would provide relief for some owners elevating and/or rebuilding their homes as a result of Harvey and not require them to go through the variance process with ZBOA.

### **RECOMMENDATIONS**

Staff and the Ordinance Subcommittee have discussed the proposal and are in favor of the change provided the change only allows for uncovered stairs without columns or posts. Additionally, the stairs may only encroach the minimum area required to meet elevation standards, and if an application exceeds that standard, then they would be required to apply for a variance.

<b>ATTACHMENTS</b>
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Residential Regulation Matrix with proposed addition to Section 7.Q.3.

## REGULATION MATRIX - RESIDENTIAL DISTRICTS

Circled letters (letters in parentheses) refer to paragraphs in section 7-Q.3

	Units per Acre	Lot Area Minimum Square Feet	Lot Width	Yards - Minimum Feet					Height Maximum Feet (b and e)	Parking Requirement Unit	Zero Lot Lines Y or N	Maximum Lot Coverage
				Front	Rear (a)	Side						
						Interior (d)	Exterior (Corner Lot)					
							Backing Up to an Abutting Side Yard	Backing Up to an Abutting Rear Yard				
SFR Single Family Residential	2.7	11,600	90 A	25 B	25	10 F	25 A	20 C	40	K	No	35%
SFR Single Family Residential	2.7	15,600	120 A	25 B	25	10	25 B	20 C	40	K	No	35%
SFR - E Single Family Residential Estate	0.5	87,120	150 A	75	25	25	35	35	40	K	No	20
MFR - L Multi Family - Low	6 G	7,260 G	45 G	25 B	25	10 E, I	25 B	20 C	40	K	No	50

MFR - M Multi Family - Medium	9	—	—	<u>25</u> B	0	10 E, I	<u>25</u> B	<u>20</u> C	40	K	No	<u>50</u>
MFR - H Multi Family - High	12	—	—	<u>25</u> B	0	10 E, I	<u>25</u> B	<u>20</u> C	40	K	No	<u>50</u>
MHR Mobile Home	10	—	—	<u>25</u> B	<u>25</u>	10 I	<u>30</u>	<u>25</u> B	<u>20</u>	K	No	<u>50</u>
A I	—	—	—	<u>25</u> B	<u>25</u>	10 I	<u>25</u> B	<u>20</u> C	40	K	No	10%
MFR-GHD Garden Home District	6	6,000	60	<u>20</u> B, H	<u>20</u>	0 D, J	5 B, H	4 C, H	40	K	Yes D	<u>50</u>

A.Lots of less than 120 feet wide require curbs. Lots 120 feet wide or greater may use open ditches.

B.Thirty-five feet on thoroughfares.

C.Twenty-five feet on thoroughfares.

D.Zero set-back on side only, minimum five-foot separation between buildings.

E.Ten foot minimum separation between buildings.

F.Lots currently in existence with less than 90 feet of width that have structures already built upon them may continue with the same existing set back for additions provided they are not less than a minimum of five feet.

G.Developer must elect either units per acre or lot area. Two family residential units on two lots are required when lot area is elected.

H.Front yard and exterior side yard setbacks shall be measured from the edge of the street ROW or the edge of the Drainage Utility/Access easement (if streets are private) whichever is greater.

I.Twenty-five feet when abutting land zoned single-family residential (SFR) district.

J.Ten feet when abutting land zoned anything other than MFR - GHD (Garden Home District).

K.Parking is required in accordance with the Parking Group Table in the Design Criteria Manual.

3. Area and height exceptions.

a. Unattached accessory buildings or structures less than 25 feet in height, as measured from the adjacent grade to the highest point of any portion of such building or structure, may be located in required rear or side yards within residential districts, provided they are set back not less than five feet from any interior side lot line, 20 feet from any side lot line adjacent to a side street, and ten feet from any rear lot line.

b. A building structure may not exceed 40 feet in height measured from the minimum habitable floor elevation; provided, however, that:

1. Buildings or structures in Community Shopping Center (CSC), Neighborhood Commercial (NC), Office Park (OPD), Light Industrial (LI), Industrial (I), Business Park (BP) districts may exceed 40 feet in height when:

a. The building setback from the nearest property line is equal to the building height. Further, the building or structure shall fit under an imaginary line that is not greater than 45.0 degrees at the property line from a horizontal line established at the minimum habitable floor elevation. Provided, however, no building or structure on property adjacent to a residential zone shall have a height that exceeds 50 feet unless a specific use permit shall have been granted therefore in accordance with subsection 9.G. of this appendix.

b. Buildings or structures of 40 feet or less in height shall meet the setback requirements as defined in this appendix.

2. Exceptions: Structures located within a General PUD or PUD-Mixed Use shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a General PUD or PUD-Mixed Use application will be as established in the Ordinance authorizing and approving the Planned Unit Development.

3. The maximum height allowed for structures within the Downtown District (DD) is 70 feet as measured in accordance with the method prescribed in [Section 20](#), Definitions, subsection OO, Height.

c. Interior side yards shall not be required for abutting properties in the same zoning district if both properties are developed as a unit under a common development plan.

d. When individual attached townhouses or condominiums are to be sold separately, there shall be no minimum lot area requirements provided that the total land area of the project, including the land on which the units are located and the land held in common ownership by the unit owners, is equal to the total minimum land area required per dwelling unit or lot in the district in which the project is located.

e. The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment,

smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.

f. Minimum front yard setbacks for lots with predominant frontage on the curved radius of a cul-de-sac shall be 15 feet.

g. Stairs in Certain Situations. In residential zoning districts that have minimum front yard requirements, uncovered stairways associated with a residential use may project into the required front yard but shall remain a minimum of 10 feet from the front property line, if:

1. A building is being elevated or reconstructed on an existing foundation to meet or exceed current City Flood Ordinance regulations; and
2. The stairway projection into the required front yard is limited to the minimum area required to meet elevation standards per the adopted building code(s); and
3. The stairway, at its widest point, shall not exceed 10 feet.