



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
October 09, 2012

**Council District** All

**Zoning Commission Recommendation:**  
Approved as Amended for one and two-family district  
by a vote of 9-0  
  
**Opposition:** none

Continued Yes \_\_\_ No X  
Case Manager Jocelyn Murphy  
Surplus Yes \_\_\_ No X  
Council Initiated Yes \_\_\_ No X

**Owner / Applicant:** City of Fort Worth Planning and Development Department

**Site Location:** Citywide Mapsco: N/A

**Proposed Use:** An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth, by Amending Article 1 "Standards for Selected Uses", of Chapter 6, "Development Standards" to: Amend various Sections to remove certain requirements when a Nonresidential Use is adjacent to another Nonresidential Use within a Residential Zoning District

**To review the proposed amendments:**  
<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

**Request:** **TEXT AMENDMENT: REQUIREMENTS ADJACENT TO  
NONRESIDENTIAL USES IN RESIDENTIAL ZONING**

The Zoning Ordinance has numerous protections for residential uses, particularly one and two-family residential zoning districts, in order to mitigate potential impacts from adjacent nonresidential uses. These protections are unnecessary when the property within the residential district is not used for residential and will not be used for residential in the future. The proposed amendments include:

- 1) Remove the off-street parking requirement for nonresidential uses adjacent to one- or two-family districts when the one- or two-family zoned property within 250 feet is used as a utility easement, right-of-way, waterway, railroad or other nonresidential utility use.
- 2) Add waterways and right-of-way at least 300 feet in width to those uses that exempt a nonresidential use from being required to provide supplemental setbacks and landscaped bufferyards adjacent to residential districts.
- 3) Specify that the 1,000 foot rule requiring a zoning change to "PD" Planned Development for a hotel will apply only when in proximity to a One or Two family district and will not include proposed hotels adjacent to One or Two Family zoned property that is used as a utility easement, right-of-way, waterway, railroad or other nonresidential utility use.
- 4) Specify that the side and rear yard regulations for Unified Residential Developments (multifamily) will not apply when the adjacent one or two-family zoned property is used as a utility easement, right-of-way, waterway, railroad or other nonresidential utility use, or is separated by a right-of-way of at least 300 feet in width.

***Attachments:***

- Summary Chart of Proposed Ordinance Amendments
- Minutes of the Zoning Commission meeting

**REQUIREMENTS ADJACENT  
TO NONRESIDENTIAL USES  
IN RESIDENTIAL ZONING  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 1 "STANDARDS FOR SELECTED USES", OF CHAPTER 6, "DEVELOPMENT STANDARDS" TO AMEND VARIOUS SECTIONS TO REMOVE CERTAIN REQUIREMENTS WHEN A NONRESIDENTIAL USE IS ADJACENT TO ANOTHER NONRESIDENTIAL USE WITHIN A RESIDENTIAL ZONING DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Zoning Ordinance has numerous protections for residential uses, particularly one and two-family residential zoning districts, with the intention of mitigating potential impacts from adjacent nonresidential uses; and

**WHEREAS**, certain uses such as utilities may allowed in residential zoning districts that are not residential uses or natural features may be zoned residential; and

**WHEREAS**, these protections are unnecessary when the property within the residential district is not used for residential and will not be used for residential in the future.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS**

**SECTION 1.**

Section 6.201 "Off Street Parking" of Chapter 6 "Development Standards" of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise to

provide that certain nonresidential uses adjacent to One- Or Two-Family Districts are not required to meet minimum parking requirements, to read as follows:

### **6.201 Off Street Parking**

#### **B. Required Off-Street parking**

1. Minimum parking requirements: The following table establishes the minimum parking requirements for uses located in residential zoned property or within two hundred fifty (250') feet of One or Two-Family zoned property. This regulation shall not include properties adjacent to One or Two-Family districts that are used as utilities, waterways, railroad right-of-way or other non-residential public use. When a property zoned and used for One or Two Family residential purposes is located within 250 ft. but is separated by one of the above uses, parking is not required only if access is not possible to the residential area. For all other uses, no minimum parking spaces shall be required.

## **SECTION 2.**

Section 6.300 “Bufferyard and Supplemental Building Setback”, Subsections A and K. of Chapter 6 “Development Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to provide that certain nonresidential uses adjacent to One- Or Two-Family Districts are not required to meet certain bufferyard and supplemental building setback requirements, to read as follows:

### **6.300 Bufferyard and Supplemental Building setback**

#### **A. When Required**

A bufferyard consisting of an open space of grass and other landscaping and a masonry wall or wood fence in combination with design features that screen or block vision, noise pollutants, and other negative by-products shall be provided and maintained along the entire length of the boundary line between any one- or two-family district, and adjacent nonresidential districts. A bufferyard shall be required even when an alley is located between a nonresidential district and an adjacent one- or two-family district. Temporary buildings, utility facilities, and additions to primary structures placed on the sites that are less than 30% and

under 3,000 square feet are ~~excepted~~exempted from the bufferyard requirements of this subsection. References in this section adjacent to One Or Two-Family Districts shall not include uses described in 6.300.K.4.

### **6.300 Bufferyard and Supplemental Building setback**

#### **K. Exemptions and Exceptions**

1. Remodeling work that does not increase the existing floor area or the restoration of a building that has been involuntarily damaged or destroyed shall be exempt from the supplemental bufferyard and building setback requirements.
2. When a legal use exists on property and subsequent to establishing such legal use, adjacent property or property across an alley is rezoned to a one- or two-family district, the construction of new buildings and the addition, remodeling, alteration, or total restoration due to involuntary destruction of existing buildings on the property are exempt from the requirements of a bufferyard, screening fence, and supplemental building setback.
3. When a residence is converted to a nonresidential use or when an existing nonresidential use expands the building square footage and/or parking area, then the minimum required bufferyard points shall be reduced to 15 points. If a masonry wall is used to satisfy the minimum point requirements, there shall be no bufferyard width requirement.
4. Nothing herein shall require a bufferyard to be placed on a nonresidential use site where such nonresidential use site is immediately adjacent to a waterway, railroad right-of-way, power transmission or other easement where such right-of-way or easements are at least 50 feet in width, or public street right-of-way at least 300 feet in width.
5. Any area located within an airport operating area, defined as those areas associated with aircraft movement, shall be exempt from the supplemental bufferyard and supplemental building setback requirements.

### **SECTION 3.**

Section 6.506, “Unified Residential Development, Subsection D. “Height and Yard Regulations”, of Chapter 6 “Development Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to provide that certain nonresidential

uses adjacent to one- or two-family are not required to meet minimum bufferyard and screening requirements, to read as follows:

#### **6.506 Unified Residential Development**

##### **D. Height and Yard Regulations**

1. Height: The maximum permitted height for buildings or structures in any Unified Residential Development shall be 32 feet as set forth in Section 6.100.
2. Street Frontage: There shall be a minimum front yard of not less than 20 feet on any portion of the site which has frontage on a public street. The required front yard cannot be paved, except for necessary driveways, and must remain as open space. No parking shall be permitted in the front yard.
3. Side and Rear yards.
  - a. There shall be side and rear yards of not less than five feet on any side except on a street frontage.
  - b. Structures shall meet the following requirements on any side which is adjacent to a one- or two-family district: The structure shall be set back three feet for every one foot of building height as measured from the slab to the top of the sill plate or set back two feet for each one foot in overall building height when measured from the lowest finished grade to the top of the peak of the roof, whichever is measurement is greater but not less than 30 feet. For purposes of determining setback, building height shall be measured from along the building face exposed to the closest property line to the sill plate or the peak of the roof. A five-foot bufferyard and six-foot screen fence shall be placed on the property line. Provided however, this regulation shall not be required when the property in the one- or two-family district is used for utilities, waterways, railroads or other nonresidential public use or separated by a public right-of-way of at least 300 feet in width.

#### **SECTION 4.**

Section 5.116, “Hotel, Motel, or Inn” of Chapter 5 “Supplemental Use Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to provide that certain nonresidential uses adjacent to One- Or Two-Family Districts are not required to meet distance requirements, to read as follows:

#### **5.116 Hotel, Motel or Inn**

**A. Location Adjacent to Residential District**

Where a motel, hotel, or inn is less than 1,000 feet from any ~~residential district~~ One- or Two-Family District other than “MU-2” High Intensity Mixed-Use, a Planned Development District shall be created for such use. Provided however, this regulation shall not be required when the property in the One- Or Two-Family District is used for utilities, waterways, public parks, railroads or other nonresidential public use or separated from the hotel, motel or inn by a public right-of-way of at least 300 feet.

**B. Planned Development Hotel Use**

The following criteria shall be applicable to any Planned Development hotel use:

1. Ingress/egress should be taken from the major street furthest from the residential district.
2. No screening fence shall be erected along the perimeter of the hotel property adjacent to a street, alley or right-of-way; provided however, that a screening fence shall be permitted around swimming pools, tennis courts and other recreational facilities; and a screening fence shall be permitted along property lines adjacent to other lots.
3. Incidental business may be conducted within the hotel, provided that the principal entrance to the business shall be from inside the building.
4. A secondary entrance to the hotel may be provided from a court or from the principal frontage but from no other street and shall not face any residential district. Exception: Emergency egress only when required by the Building Code and only when no other emergency access can be designed.
5. Any other conditions required by the City Council as a condition of the site plan approval.

**SECTION 5.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 6.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause,

sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 7.**

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

#### **SECTION 8.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 9.**

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local

Government Code.

**SECTION 10.**

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

**SECTION 11.**

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Assistant City Attorney

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

[http://fortworthtexas.gov/uploadedFiles/Planning\\_and\\_Development/Boards\\_and\\_Commissions/Zoning\\_Commission/Cases/zc-12-088histdistguidelines.pdf](http://fortworthtexas.gov/uploadedFiles/Planning_and_Development/Boards_and_Commissions/Zoning_Commission/Cases/zc-12-088histdistguidelines.pdf)

Jess Price, 4013 Linden Avenue, Fort Worth, Texas spoke in support of the request. Mr. Price mentioned he and his wife started the petition process along with some other committee members about a year ago. There are 19 homes on 20 lots and have nearly 75% support of the neighbors. They have lived in the neighborhood for about seven years and are hoping to keep the historic integrity.

Jerre Tracy, 1110 Penn Street, Fort Worth, Texas, Executive Director for Historic Fort Worth Inc. spoke in support of the proposed request. Ms. Tracy mentioned Historic Fort Worth is a charitable organization with over 70,000 constituents. She mentioned only 51% of the property owners in the neighborhood were needed to establish the district. This area was developed in the 1930's and proves that current and previous home owners respect the architecture of the neighborhood. In 2002, the Fort Worth City Council initiated and adopted a citywide Historic Preservation Plan. This is a 123 page document that all future Zoning Commissioners and Council members can respect.

Mr. Ortiz asked if there was anything outside of Loop 820 being considered for Historic designation. Ms. Tracy said she did not know of any and that City staff could answer that. She said there are properties outside the loop that are certainly eligible.

Mr. Edmonds thanked Ms. Tracy for all that she does for the City.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Ms. Spann. The motion carried unanimously 9-0.

#### IV. New Cases

### **3. ZC-12-091 City of Fort Worth Planning & Development (CD All)- Text Amendment: Requirements Adjacent to Nonresidential Uses in Residential Zoning**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING:**

- **Article 1 "Standards for Selected Uses", of Chapter 6, "Development Standards" to Amend various Sections to remove certain requirements when a Nonresidential Use is Adjacent to another Nonresidential Use within a Residential Zoning District**

*To review the proposed amendments:*

<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Jocelyn Murphy, Planning Manager, City of Fort Worth, Texas explained the text amendment to the Commissioners. She noted this was prepared due to numerous locations where the Trinity River, railroads, and Oncor 100 foot easements are zoned single-family which triggers parking and bufferyard requirements or rezoning to a PD. She explained that these requirement were intended to protect residential uses, and that this amendment removes the burden when you're not protecting a residential use.

Motion: Following brief discussion Mr. Genua recommended approval of the request as amended to strike out Residential district and add One or Two-Family district for Section 5.116A, seconded by Ms. Zadeh. The motion carried unanimously 9-0.

#### **4. ZC-12-092 City of Fort Worth Planning & Development (CD All)- Text Amendment: Accessory Uses**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING**

- **Article 1 “Standards for Selected Uses”, of Chapter 5, “Supplemental Use Standards” to Amend Article 3, “Accessory Uses”; to**
- **Clarify Types of Accessory Uses and Standards applied to such uses; to**
- **Increase the Maximum Height of Storage Sheds; to**
- **Provide for Regulation of Dumpsters and Temporary Storage Structures; to**
- **Allow Two Garages on Residential Lots of ½ Acre or Larger; to**
- **Create New Regulations for Commercial Accessory Structures and**
- **Add Definition**

*To review the proposed amendments:*

<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Jocelyn Murphy, Planning Manager, City of Fort Worth, Texas explained the text amendment to the Zoning Commissioners. Ms. Murphy noted this is a cleanup of the Zoning Ordinance to reorganize and provide regulations for uses that currently do not have regulations, and to address accessory uses for commercial structures.

Motion: Following brief discussion Mr. Genua recommended approval of the request, seconded by Ms. Reed. The motion carried unanimously 9-0.

#### **5. ZC-12-094 Christ Haven for Children, Inc. and Mary Guess Est. (CD 2)- 4200 Keller Haslet Road, 5125 Caylor Road (Jose Chirino Survey, No. 265, 102.20 Acres): from “A-21” One-Family and “CF” Community Facilities to “A-5” One-Family**

Jim Schell, 901 Fort Worth Club Building, Fort Worth, Texas representing Christ Haven for Children and the developers, explained to the Commissioners the request. Mr. Schell noted this is a 102 acre single-family development. He mentioned Christ Haven for Children's activities