

**MODEL HOMES
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 SECTION 5.403 "MODEL HOME" TO PROVIDE FOR WHEN AND WHERE A MODEL HOME MAY BE BUILT; PROVIDE FOR AN INCREASE IN THE AMOUNT OF TIME A MODEL HOME MAY BE USED AS SUCH; 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, during the economic downturn many residential subdivisions experienced a halt in the construction of homes resulting in subdivisions that were not completely built out; and

WHEREAS, over the last year residential construction has increased necessitating the construction of model homes to showcase the home builder's product; and

WHEREAS, the current regulations related to model homes limit the construction of model homes to occur within two years of the preliminary plat and within 300 feet of an arterial street or if greater than 300 feet from an arterial street to have a setback from an occupied residence of 300 feet, with a three-year limited use as a model home; and

WHEREAS, the Board of Adjustment has consistently granted variances to the above regulations to allow the construction of model homes in resurgent residential subdivisions; and

WHEREAS, certain amendments are recommended to the Zoning Ordinance to facilitate the redevelopment of residential subdivisions and allow model homes where the subdivision was platted within 5 years of the preliminary plat and to increase the distance from the arterial street to 500 feet;

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

SECTION 1.

Chapter 5 “Supplemental Use Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 4, “Temporary Uses”, Section 5.403 “Model Homes” to read as follows:

5.403 Model Home

In any residential district, model homes used as show homes and/or sales offices are permitted in a new subdivision (as approved by a ~~final preliminary~~ plat in the last ~~two~~five years) to which they pertain and subject to the following conditions:

1. No more than five model homes per builder per platted subdivision are permitted.
2. Model homes that are located more than ~~five~~three hundred (~~3500~~) feet from an arterial or wider street must be at three hundred (300) feet from any occupied residence within the same subdivision and are subject to a time limit of ~~five~~three years. Model homes that are located ~~five~~three hundred (~~3500~~) feet or less from an arterial or wider street are not subject to the residential distance requirement or the ~~five~~three-year time limit of this section.

SECTION 2.

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 3.

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 4.

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 5.

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 6.

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 7.

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

SECTION 8.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

Mary J. Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____

Mr. Flores asked Mr. Paniagua about the meeting held with the neighborhood and one of the items mentioned was the parking deficit of 219 parking spaces of which 754 are required. Mr. Paniagua said that is something they still need to work through with the neighborhood. He stated there are utility easements along the southern boundary restricting any structures. Mr. Flores said there is still land available that can align with the vision encompassed for that general area for a university campus, recreational sports arena.

Motion: Following brief discussion, Mr. Flores recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 8-0.

Document received for written correspondence				ZC-13-117	
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Ron Shearer/Inter-District 2 Alliance/Greater North Fort Worth Assoc	NA	Out		Support	Sent letter in
Jason Arechiga/NRP Group	NA	Out		Support	Present but did not speak

14. ZC-13-120 City of Fort Worth Planning & Development Text Amendment: Model Homes (CD All) 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 (1986), to amend:

- **Section 5.403 “Model Home” to provide for when and where a model home may be built; provide for an increase in the amount of time a model home may be used as such**

Jocelyn Murphy, Planning Manager, City of Fort Worth explained to the Commissioners the change to the text.

Motion: Following brief discussion, Ms. Reed recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 8-0.

15. ZC-13-121 City of Fort Worth Planning & Development Text Amendment: Cottage Foods (CD All) 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 (1986), to amend:

- **Section 5.116a “Home Occupation” to provide that a Cottage Food Production Operation may sell directly to the consumer**

Jocelyn Murphy, Planning Manager, City of Fort Worth explained to the Commissioners the change to the text.

Motion: Following brief discussion, Mr. Hollis recommended approval of the request, seconded by Mr. Flores. The motion carried unanimously 8-0.