



**REMOVE FRONT SETBACKS IN "E" ON ARTERIAL STREETS**

**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 CHAPTER 4 "DISTRICT REGULATIONS", SECTION 4.901 "NEIGHBORHOOD COMMERCIAL ("E") DISTRICT TO REMOVE THE MINIMUM SETBACK REQUIREMENT; 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 purpose of the Neighborhood Commercial ("E") District is to provide areas for neighborhood-serving commercial, institutional and offices uses; and

**WHEREAS**, the Zoning Ordinance maintains a front yard setback standard that requires a minimum setback of 20 feet in "E" District zoning; and

**WHEREAS**, the minimum required front yard setback in the "E" District is not consistent with other commercial and mixed-use zoning districts; and

**WHEREAS**, the projected front yard setback will still apply when property in the "E" District is adjacent to residential zoning providing a buffer to the residential properties; and

**WHEREAS**, it is advisable to amend the Zoning Ordinance to remove the minimum required setback for properties along arterial streets as identified in the Master Thoroughfare Plan; and

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

**SECTION 1.**

Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 9, “Commercial Districts”, Section 4.901 “Neighborhood Commercial (“E”) District” to read as follows:

**4.901 Neighborhood Commercial ("E") District**

**C. Property Development Standards**

The minimum dimension of lots and yards and the height of buildings in the Neighborhood Commercial (“E”) District shall be as shown in the accompanying table.

<b>Neighborhood Commercial, “E” District</b>	
<b>Front Yard*</b>	20 feet minimum; <u>0 feet minimum when fronting an arterial street**</u>
<b>Rear Yard*</b>	10 feet minimum unless adjacent to residential district, where 15 feet minimum required
<b>Side Yard*</b>	
<b>Interior lot</b>	5 feet minimum adjacent to residentially zoned lot, none otherwise. If provided, side yard must be 3 feet minimum
<b>Corner lot**</b>	None required unless through lot, then 10 feet minimum required
<b>Height</b>	3 stories or 45 feet maximum provided, however, Stealth Telecommunication Towers are permitted to a height of 60 feet. Telecommunication Towers are permitted to a height of 45 feet as a Special Exception approved by the Board of Adjustment.
<b>Notes:</b> * Additional setback may be required see Chapter 6 ‘Development Standards, Section 6.300 Bufferyard and Supplemental Building Setback’. **May be subject to projected front yard (Section 6.101G)	

**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: \_\_\_\_\_

	Drive				
Jim & Daisy McCombs	9015 Hunters Glen Trail	Out	Opposition		Sent letter in
Chris Windsor	701 Rutter Drive	Out	Opposition		Sent letter in
Brian & Mary Hohman	8928 Hunters Glen Trail	Out	Opposition		Sent letter in

**3. ZC-13-116 City of Fort Worth Planning & Development (CD 6) – 801 and 851 W. Rendon Crowley Road (John Steele Survey, Abstract 1381, Tracts 1E & 1F, 48.16 Acres): from “C” Medium Density Multifamily to “A-5” One-Family**

Beth Knight, Senior Planner, City of Fort Worth explained to the Commissioners this case was continued from the last meeting for one of the property owners in opposition. Ms. Knight mentioned there are several impediments related to development associated with this property. One being the majority of the land is within the floodplain and is also impacted by Oncor transmission lines crossing the property. The City of Crowley is not providing access to the site. Ms. Knight said there has been no new information at this time.

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

**4. ZC-13-118 City of Fort Worth Planning & Development Text Amendment: Remove Front Yard Setbacks in “E” Neighborhood Commercial Districts along Arterial Streets (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:**

- **Chapter 4 “District Regulations”, Section 4.901 Neighborhood Commercial (“E”) District to remove the minimum front yard setback requirement along arterial streets**

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.

**5. ZC-13-119 Chesapeake Land Development Company (CD 7) 4800 Block White Settlement Road and 233, 239 Nursery Lane (River Crest Addition, Blocks 13, 14-R-1, 15-R-1, and 16, 14.13 Acres): from “B” Two-Family, “E” Neighborhood Commercial and “I” Light Industrial to “PD/A-5” Planned Development for all uses in “A-5” One-Family with development standards for 15 ft. front yard setbacks and 60% lot coverage; site plan waiver requested**