



**ZONING AMENDMENT
STAFF REPORT**

City Council Meeting Date:
November 1, 2016

Council District All

Zoning Commission Recommendation:
Approval by a vote of 9-0

Opposition: None submitted
Support: None submitted

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. 21653, as amended, codified as Appendix "A" of the Code of The City of Fort Worth, by amending:

- Section 4.303 "Site Plans" of Chapter 4, "District Regulations" of Article 3 "Planned Development ("PD") District to provide parameters for administrative amendments to site plans for Mixed-Use and/or Urban Residential Districts

To review the proposed amendments: <http://fortworthtexas.gov/zoning/cases/>

Request: **TEXT AMENDMENT: PD MINOR AMENDMENTS FOR MU AND UR DISTRICTS**

Background:

Section 4.303 of the zoning ordinance allows for minor changes to a Council approved site plan previously to be administratively approved within certain parameters. However, those parameters were originally established for developments in suburban areas where the increase of floor area, height, ground coverage and the reduction of setbacks and parking was not encouraged.

While the MU Mixed Use and UR Urban Residential districts were designed with the intention of providing flexibility and encouraging a quality product, they were also created to reduce the need for PD Planned Development districts. Many of the MU and UR developments continue to be developed through PD districts in order to adjust development standards, especially height. As such, any administrative amendments to these PDs are measured under the existing suburban parameters which is not consistent with retaining the integrity and intent of these urban form districts.

The proposed amendments will add a section that applies to the MU and UR districts, and will minimize the reductions in standards such as floor area, height, and ground coverage and increases in parking and setbacks. Flexibility within percentage ranges will be allowed without allowing a MU or UR development to significantly change without completing the public hearing process.

Attachments:

- Proposed Ordinance Amendment
- Minutes from the Zoning Commission hearing

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 21653, AS AMENDED, CODIFIED AS APPENDIX “A” OF THE CODE OF THE CITY OF FORT WORTH (2015), TO AMEND SECTION 4.303 “SITE PLANS” OF CHAPTER 4, “DISTRICT REGULATIONS” OF ARTICLE 3 “PLANNED DEVELOPMENT (“PD”) DISTRICT TO PROVIDE PARAMETERS FOR ADMINISTRATIVE AMENDMENTS TO SITE PLANS FOR MIXED-USE AND/OR URBAN RESIDENTIAL DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, minor changes to a site plan previously approved by the City Council for a Planned Development district may be administratively approved; and

WHEREAS, the parameters for minor changes to Planned Development site plans were established for developments in suburban areas where the increase of floor area, height, ground coverage and the reduction of setbacks and parking was not encouraged; and

WHEREAS, the established parameters are not consistent with the intent of Mixed-Use and/or Urban Residential districts which encourage density and are based on quality of form; and

WHEREAS, the effect of the existing applications on Planned Development site plans based on Mixed-Use and/or Urban Residential districts has the unintended effect of allowing developers to decrease the floor area, height, and ground coverage and increase parking and setbacks which negatively affect the Council approved intent for the planned development based on Mixed-Use or Urban Residential districts; and

WHEREAS, it is advisable to amend the Zoning Ordinance to establish parameters for minor changes to site plans for planned development districts based on Mixed-Use and/or Urban residential districts;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS AS FOLLOWS:

SECTION 1.

Sec. 4.303 SITE PLAN REVISIONS.

(a) *Review and evaluation.* Any revisions to the site plan after the public hearing before the City Council, except as permitted under subsection (b) below, shall be submitted to the Planning and Development Department for distribution, review and written evaluation by city staff prior to resubmission to and approval by the Zoning Commission and City Council.

(b) *Minor changes.*

(1) Minor changes to an approved site plan, which will not cause any of the following circumstances to occur, may be authorized by the Planning and Development Director or a designee:

a. For all zoning districts other than Mixed-Use, Form-Based or Urban Residential

- i. A change in the character of the development;
- ii. A 5% or greater increase in the gross floor areas of structures;
- iii. Any substantial and material changes in such external effects on adjacent property as noise, heat, light, glare and vibration;
- iv. A substantial and material reduction in the originally approved separations between buildings;
- v. Any adverse changes in traffic circulation, safety, drainage or utilities;
- vi. A 5% or greater increase in the height of structures;
- vii. A 10% or greater reduction in the originally approved setbacks from property lines;
- viii. A 5% or greater increase in ground coverage by structures;
- ix. A 5% or greater reduction in the ratio of off-street parking and loading space (provided that the minimum requirements of Chapter 6, Article 2 are met); and
- x. A change in the size, height, lighting, ~~flashing, animation~~ or orientation of originally approved signs.

b. For all Mixed-Use, Form-Based or Urban Residential Districts:

- i. A change in the character of the development;
- ii. A 5% or greater reduction or increase in the gross floor areas of structures;
- iii. Any substantial and material changes in such external effects on adjacent property as noise, heat, light, glare and vibration;
- iv. A substantial and material increase in the originally approved separations between buildings;
- v. Any adverse changes in traffic circulation, safety, drainage or utilities;
- vi. A 5% or greater reduction or increase in the height of structures;
- vii. A 10% or greater increase in the originally approved front yard setbacks from property lines;
- viii. A 5% or greater reduction or increase in ground coverage by structures;
- ix. A 5% or greater increase in the ratio of off-street parking and loading space unless provided in structured parking (provided that the minimum requirements of Chapter 6, Article 2 are met); and

- x. A change in the size, height, lighting, ~~flashing, animation~~ or orientation of originally approved signs.

- (2) The decision of the Planning and Development Director as to whether requested changes are minor shall be final and non-appealable. Any change deemed not to be a minor change, as indicated above, shall be processed as a new application to the Zoning Commission in accordance with the provisions of this article.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), 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 4.

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 5.

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 6.

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, 21653 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 7.

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 8.

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

SECTION 9.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos,
Sr. Assistant City Attorney

Mary J. Kayser,
City Secretary

ADOPTED: _____

EFFECTIVE: _____

19. ZC-16-175 City of Fort Worth Planning and Development: Text Amendment: PD Minor Amendments for MU and UR Districts (CD All) An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 21653, as amended, codified as Appendix “A” of the Code of The City of Fort Worth (2015), by amending:

- **Section 4.303 “Site Plans” of Chapter 4, “District Regulations” of Article 3 “Planned Development (“PD”) District to provide parameters for administrative amendments to site plans for Mixed-Use and/or Urban Residential Districts**

To review the proposed amendments: <http://fortworthtexas.gov/zoning/cases/>

Ms. Murphy explained the text amendment to the Commissioners.

Motion: Following brief discussion, Mr. Edmonds recommended Approval of the request, seconded by Ms. Conlin. The motion carried unanimously 9-0.

~~**20. ZC-16-176 City of Fort Worth Planning and Development: Text Amendment: PD Minor Amendments for MU and UR Districts (CD All) An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 21653, as amended, codified as Appendix “A” of the Code of The City of Fort Worth (2015), by amending:**~~

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~~**To review the proposed amendments: <http://fortworthtexas.gov/zoning/cases/>**~~

~~Ms. Murphy explained the text amendment to the Commissioners.~~

~~Motion: Following brief discussion, Mr. Cockrell recommended Approval of the request, seconded by Mr. Edmonds. The motion carried unanimously 9-0.~~

**Meeting adjourned: 4:44 p.m.
10/12/16**

Dana Burghdoff, Executive Secretary and Assistant Director, Planning and Development Department

Carlos Flores, Chair