

RESIDENTIAL FRONT YARD SETBACKS

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 6.101. "YARDS", SUBSECTIONS D. "FRONT YARD SETBACKS" AND E. "ESTABLISHED FRONT YARD SETBACKS" TO REVISE FRONT YARD SETBACK REGULATIONS; AND RENUMBER; 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, it is the desire of the City Council to protect the future viability of residential property and neighborhoods through proper design and development standards; and

WHEREAS, the long term viability of a neighborhood is dependent upon adequate development standards; and

WHEREAS, on January 21, 2004, the City Council adopted Ordinance Number 15826 amending 6.101 "Yards" to delete setback averaging and establishing new front yard setbacks, but amended the proposed language to require the setback of the building on either side furthest to the street; and

WHEREAS, requiring the setback to the greatest of the platted building line; the setback for the applicable district or the setback of the nearest building on either side that is closest to the street has created difficulties for lot owners constructing on infill and large lots; and

WHEREAS, it is advisable to amend the zoning ordinance related to front yard setbacks to allow construction consistent along the existing blockface;

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

SECTION 1.

Chapter 6 “Development Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1 “General”, Section 6.101 “Yards”, to revise the language in Subsection D. “Front Yard Setbacks”; to delete the language in Subsection “E” Established Front Yard Setback” to renumber the remaining subsections and remove any duplicative language as it relates to front yard setbacks to read as follows:

6.101 Yards

A. *Yards to remain unobstructed.* Every part of a required yard shall be open from its lowest point to the sky unobstructed, except that:

1. Ordinary sills, belt courses, cornices, chimneys, bay windows, buttresses and ornamental features may project not more than six inches into a required yard; and
2. Eaves may project not more than 36 inches into a required yard.
3. A terrace garage in any residential district may be located in a front or side yard, provided that it is completely recessed into the terrace, and that the height of the terrace is sufficient to cover and conceal the structure from above, and further provided that the doors when open, shall not project beyond the property line, and that the structure shall be set back at least five feet from any property line.
4. The front yard setback shall be measured from the front property line to the main wall of the structure. An open porch or patio that has a vertical roof support may not be set closer than 15 feet from the front property line on a local street and ten feet on a limited local street.

B. *Multifamily/nonresidential districts adjacent to residential districts.*

1. For corner lots in multifamily and nonresidential districts that abut the front yard of a lot with residential zoning, the exterior minimum side yard requirements shall be the same as the front yard requirements of the adjacent residential lot.
2. Structures are not permitted to be located in this yard area, nor can such area be used for signage, garbage collection, loading and/or parking of vehicles, any type of storage, or any nonresidential activity.

3. This required yard area shall not be graveled or hard-surfaced, but shall be maintained as open green space, save and except for necessary driveways.

C. *Multifamily/nonresidential districts across the street from residential districts. ~~Zero Lot Line/Cluster ("R1") and Townhouse/Cluster ("R2") Districts and Nonresidential Districts Across from Residential Districts.~~*

1. *Zero Lot Line/Cluster ("R1") and Townhouse/Cluster ("R2") Districts.* For Zero Lot Line/Cluster ("R1") and Townhouse/Cluster ("R2") Districts that fronts ~~abut~~ a public or private street classified as a residential or collector street and that are across the street from a One-Family Residential or a Multifamily District, the front, side and rear setback requirements shall be the same as the setback requirements for the residential or multifamily district.
2. *Nonresidential Districts.* Property located in "FR" through "K" districts that fronts~~abuts~~ a public or private street classified as a residential or collector street and that is across the street from a One-Family Residential or a Multifamily District, the front, side and rear setback requirements shall be the same as the setback requirements for the residential or multifamily district.
3. The setback requirement shall apply to the entire front, side or rear yard and shall not be limited to the portion of the property that is directly across the street from a residential district. The setback requirement shall extend through the entire block face.

D. *Front yard setbacks.*

1. The front yard setback in residential districts shall be the greatest of:
 - ~~1.~~ The platted building line; or
 - ~~2.~~ The setback for the applicable zoning district; or
 - ~~3.~~ The setback of the nearest building on either side that is the closest to the street, up to a maximum setback of fifty (50) feet, provided that said setback is not the result of a variance granted by the Board Of Adjustment. This requirement is applicable only if homes have been constructed on at least 40% of the lots within the blockface. This requirement does not apply to properties within a cul-de-sac.
2. Where 60 percent of the existing block face has been built such that the setbacks of existing structures are less than the minimum required setback, an infill structure may be constructed consistent with the setback of the nearest building on either side that is closest to the street, regardless of whether said setback is the result of a variance granted by the board of adjustment.
- ~~1.~~ The platted building line;

- ~~2. The setback for the applicable zoning district; or~~
- ~~3. The setback of the nearest building on either side furthest to the street up to a maximum setback of fifty (50) feet.~~

All other subsections of Section 6.101, "Yards" shall remain in full force and effect.

~~E. *Established front yard setback.*~~

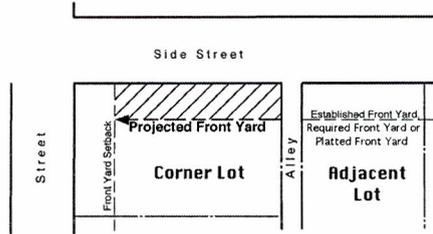
- ~~1. No building hereafter erected or altered shall project beyond the front yard so established, provided that this regulation shall not be so interpreted as to require a front yard of more than fifty (50) feet.~~
- ~~2. Provided, further, that where a recorded plat has been filed establishing front yard requirements which are of equal or greater depth than the minimum depth required by this ordinance, any main building must be built to those established front yard requirements of the street.~~
- ~~3. Where a front yard of more than 20 feet, measured between the property line and the main wall of the building, is required, then the ordinary projection of sills, belt courses, cornices, chimneys, bay windows, buttresses, ornamental features and eaves, canopies, open canopies, and open porches shall be permitted to extend from the main wall of the building to the required 20-foot front yard line or platted front yard line.~~

~~EF. *Through lots.*~~ If the rear frontage of a through lot is on an arterial or wider street, the rear yard setback standards for the applicable district apply. If the rear frontage of a through lot is located on a local or collector street, the front yard setback standards of the applicable district shall apply.

All other subsections of Section 6.101, "Yards" shall remain in full force and effect.

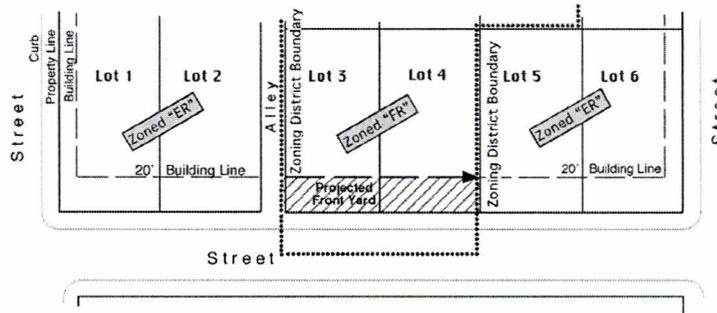
~~FG. *Projected front yard setbacks.*~~

- ~~1. *Corner lot.*~~
 - ~~a. Where a corner lot abuts on the side of a lot facing the other intersecting street, there shall be a side yard on the corner lot equal to the front yard required on the lot adjacent to the rear of the corner lot or separated only by an alley.~~
 - ~~b. Where a corner lot abuts the rear of a lot with a greater side yard setback, there shall be a side yard on the corner lot equal to the side yard required on the lot that abuts to the rear of the corner lot or separated only by an alley.~~



Picture 6.3 Projected Front Yard Setback, Corner Lot

2. *Interior lot.* Where an interior lot abuts another zoning district, there shall be a projected front yard equal to the most restrictive front yard required on any lot in the same block face.



Picture 6.4 Projected Front Yard Setback, Interior Lot

GH. *Rear yard exception adjacent to railway.* No rear yard shall be required in the "ER" to "K" districts inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.

HI. *Yards and official line for future rights-of-way.* Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the width of a yard shall be measured from such official line to the nearest line of the building. No commercial or industrial building shall be located closer than 30 feet to the centerline of the street.

J. *Front yard setbacks.* The front yard setback in residential districts shall be the greatest of the following prescribed setbacks:

1. The platted building line;
2. The setback for the applicable zoning district; or

- ~~3. The setback of the nearest building on either side that is the closest to the street, up to a maximum setback of fifty (50) feet, provided that said setback is not the result of a variance granted by the board of adjustment.~~

~~Where 60 percent of the existing block face has been built such that the setbacks of existing structures are less than the minimum required setback, an infill structure may be constructed consistent with the setback of the nearest building on either side that is closest to the street, regardless of whether said setback is the result of a variance granted by the board of adjustment.~~

~~K. *Historic overlay district setbacks.* Where the historic district has been built such that the setbacks of existing structures are less than the minimum required setback, an infill structure may be constructed consistent with the setbacks established in the historic district, regardless of whether said setback is the result of a variance granted by the board of adjustment.~~

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: _____

Ray Oujesky, 201 Main Street, Suite 2500, Fort Worth, Texas representing STMNNM Land Ventures No. 1 LLC on behalf of Chesapeake Land Development explained to the Commissioners they are proposing 62 single-family lots as shown on the conceptual layout. Mr. Oujesky said because of the steep elevation the land is only 64% developable. He said they are requesting to have a minimum 15 ft. front yard with 60% lot coverage in order to maximize the lot for a larger home. Mr. Oujesky said they did meet with the River Bend Trinity Trails NA and were in support.

Mr. Genua asked if there were two access points. Mr. Oujesky said yes there are. Mr. Genua asked staff if two points of access were enough. Ms. Burghdoff said yes platting would require two points of access above 30 lots.

Ms. Burghdoff mentioned on the conceptual layout shown said there are two lots that would project and need to be 15 ft. side yards.

Mr. Genua asked if this was a gated community. Mr. Oujesky said it is and the primary access would be off of White Settlement Road with access from Nursery Lane being emergency access only. Mr. Genua is concerned about traffic turning onto White Settlement Road.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. Hollis. The motion carried 7-0-1 with Mr. West recussing.

6. ZC-13-122 City of Fort Worth Planning & Development Text Amendment: Residential Front Yard Setbacks (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 6 "Development Standards", Article 1, "General", Section 6.101 "Yards", Subsections D. "Front Yard Setbacks" and E. "Established Front Yard Setbacks" to revise the Front Yard Setback Regulations; and Renumber**

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. West. The motion carried unanimously 8-0.

7. ZC-13-123 City of Fort Worth Planning & Development Text Amendment: Gas Line Compressors (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", Article 3 "Planned Development ("PD") District to add line compressors in Section 4.305, "Uses";**
- **Chapter 5 "Supplemental Use Standards", Section 5.140 "Natural Gas Compressor Stations" to remove Subsection 2.C. "Line Compressors";**