



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date: December 2, 2014 **Council District** ALL

Zoning Commission Recommendation: Approval by a vote of 9-0 as amended for the recommendation of the Mediation Group Opposition: None submitted Support: None submitted	Continued	Yes <u>X</u> No <u> </u>
	Case Manager	<u>Jocelyn Murphy</u>
	Surplus	Yes <u> </u> No <u>X</u>
	Council Initiated	Yes <u> </u> No <u>X</u>

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

Proposed Change: 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" to amend:

- Article 4 "Overlay Districts", of Chapter 4, "District Regulations" to add a new Section, Section 4.406, "TCU Residential Overlay"; providing regulations for TCU Residential Overlay Zone ("TCU");

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

Request: **TEXT AMENDMENT: TCU RESIDENTIAL OVERLAY DISTRICT**

Background:

Due to concerns from area residents regarding occupancy of single family homes, the City Council has proposed an Overlay Zoning District within approximately one mile of the Texas Christian University (TCU) campus.

This zoning text amendment, ZC-14-137, creates the overlay district regulations. The accompanying map amendment (ZC-14-138) creates an overlay zoning district around TCU to limit occupancy by unrelated persons to three (3) in "A" One Family zoning districts. For structures grandfathered for occupancy with four (4) or five (5) persons, such occupancy may not be re-established if discontinued for 24 months or more, consistent with the Zoning Ordinance. The occupancy restriction does not apply to other zoning districts within the overlay district boundary.

Three Mediation Group meetings including neighborhood representatives, investors, TCU leaders, and other stakeholders were held on October 22, October 29, and November 5. The results of these meetings provided recommendations that assisted the Zoning Commission in their considerations. The ordinance that was heard by the Zoning Commission and recommended to the City Council was recommended by the Group.

A separate City Code amendment has been prepared to require initial registration for owners of all one and two family rental units in the TCU overlay district and is being heard at the same City Council meeting.

A related zoning text amendment, ZC-14-139, amending single-family parking requirements for new construction citywide was adopted by the City Council on November 11, 2014. This amendment will require two spaces plus one space per bedroom over three bedrooms, including two spaces behind the front building wall.

Definitions originally proposed for amendment will be further considered and may be processed at a later date.

The TCU overlay text amendment (ZC-14-137) may be viewed at: <http://fortworthtexas.gov/boards/ZoningCommission/>

Attachments: Proposed Ordinance approved by the Mediation Group
Minutes from the Zoning Commission meeting
Reports from three mediation meetings

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 4 "OVERLAY DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO ADD A NEW SECTION, SECTION 4.406, "TCU RESIDENTIAL OVERLAY DISTRICT"; PROVIDING REGULATIONS FOR TCU RESIDENTIAL OVERLAY DISTRICT ("TCU"); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth has many unique and distinctive residential neighborhoods which contribute significantly to the overall character and identity of the city; and

WHEREAS, as provided under Section 211.004(a) of the Texas Local Government Code, the City's single family-residential use zoning districts are established upon legislative determination that zoning regulations promote "health and general welfare; lessen congestion in the streets; prevent the overcrowding of land and avoid undue concentration of population," are well expected to be somewhat permanent and are in conformance with the City's Comprehensive Plan; and

WHEREAS, the Council of the City of Fort Worth notes that the Comprehensive Plan calls for maintaining the stability of the City's neighborhoods by encouraging new, higher density, residential development along the City's transit and commercial corridors; and

WHEREAS, stabilizing the City's established neighborhoods is intended to preserve and strengthen the quality of life within and the sustainability of the City's range of neighborhoods; protect public and private investments by ensuring the vitality and stability within the City's range of neighborhoods; and enhance the character and desirability of and housing choice within the City as a whole; and

WHEREAS, within the City there are nine colleges and universities including Texas Christian University ("TCU") which is the City's largest university having as of Fall, 2014, 9,925 students enrolled; and

WHEREAS, TCU presently houses 48.3% of its student body on-campus, the remaining 5,865 students live off-campus, generally around the campus as depicted on Exhibit B.32, attached; and

WHEREAS, the City Council notes that the area surrounding the TCU campus is predominately one- and two-family, low density residential zoning; and

WHEREAS, the City Council is aware that with increasing frequency that single family homes in the established neighborhoods surrounding TCU are purchased by real estate investors or parents of TCU students, for the purpose of providing housing for students; and

WHEREAS, owner-occupied residents have expressed concerns about problems associated with the high concentration of housing occupied by unrelated persons including students in established neighborhoods, including but not limited to overcrowding in structures containing four or more bedrooms and four or more bathrooms, excessive vehicular traffic, increased on-street and off-street demand for parking on residential streets, the transient character of unrelated tenants, lack of maintenance of structures and their grounds, noise and other nuisance conditions such as litter and parties; and

WHEREAS, the City Council recognizes the need to preserve, protect, and enhance the value of these areas and wished to provide a means of conserving the distinctive atmosphere or character of areas by protecting or enhancing the single family residential character through the establishment of a residential overlay district within the area surrounding TCU; and

WHEREAS, the creation of a TCU Residential Overlay District will protect the single family residential character of the neighborhood surrounding TCU, while permitting the residence of students “off-campus” proximate to the university, to protect the character of the area, and to diminish those influences which infringe on the quiet enjoyment of single family residences, such as noise, litter, overcrowding, additional parking needs, and lack of maintenance of structures and their grounds; and

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

SECTION 1.

Chapter 4 “District Regulations” is amended to add a new section, Section 4.406. “TCU Residential Overlay” (“TCU”) District, to provide development standards and guidelines for the TCU Residential Overlay District to read as follows:

Sec. 4.406. – TCU Residential ("TCU") Overlay District.

A. Purpose and intent.

The purpose of the TCU Residential Overlay District is to facilitate preservation of existing single-family residential neighborhoods by establishing limitations and special requirements on property uses within the area that are inconsistent with the underlying zoning and original construction thereof by providing a mechanism for making such inconsistent uses compatible.

B. Applicability.

The requirements set forth in this section shall only apply to one-family zoned property located within the boundaries of the TCU Residential Overlay District. These requirements should be applicable in addition to any other requirement set forth in the Zoning Ordinance or any other section of the Fort Worth City Code. Should a requirement set forth in this section conflict with another requirement set forth in the zoning ordinance, the requirement set forth in this section shall, unless otherwise provided, supersede the zoning requirement to the extent of such inconsistency.

C. Boundaries. The specific boundaries of the TCU Residential Overlay District are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.32.

D. Zoning classification.

1. TCU Residential Overlay District. The TCU Residential Overlay District is designed as an overlay to the base zoning district. Property located within this zoning overlay must also be designated as being within one of the base zoning districts. Permitted uses must be allowed in both the base zoning district and the overlay district and must comply with height, yard, area and parking requirements of the base zoning district.

2. Zoning designation. The zoning designation of the property located within the TCU Residential Overlay District shall consist of the base zoning symbol and the overlay symbol as a suffix. For example, if a parcel is zoned "A-5" and is also located in the TCU Residential Overlay District, the zoning of the parcel would be "A-5/TCU."

E. Use Restrictions.

No more than three unrelated persons may occupy a single dwelling unit in the TCU Residential Overlay District unless the owner has registered as a nonconforming use by March 31, 2015. When counting the number of unrelated persons in a single dwelling unit, persons related by blood, marriage or adoption shall count as one unrelated person, provided all other persons shall each count as one unrelated person.

F. Discontinuance of Nonconforming Use.

A residential nonconforming use in the TCU Residential Overlay District, when discontinued or abandoned, shall not be resumed. Discontinuance or abandonment shall be defined as when a building ceases to be occupied in a bona fide manner as a nonconforming use for a period of twenty-four (24) consecutive calendar months; provided, however, use of a building by persons related by blood, marriage or adoption for up to a twenty-four month period of time shall not affect the nonconforming status of the building. All other sections of Chapter 7, "Nonconformities" shall apply.

G. Procedure for Registering as Nonconforming.

Owners of a building located within the TCU Residential Overlay District being occupied by four or five unrelated persons, or issued a building permit as of the effective day of this ordinance, may continue such use by registering as a nonconforming use on or before March 31, 2015. Application for registering as a nonconforming use shall be made by submitting to the Planning and Development Department a completed application on a form approved for such purpose by the Planning and Development Director. Registration as a nonconforming use shall limit occupancy to the demonstrated preexisting density not to exceed five unrelated persons. Failure to register as a nonconforming use with the Planning and Development Department shall result in failure to obtain nonconforming use status.

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: _____

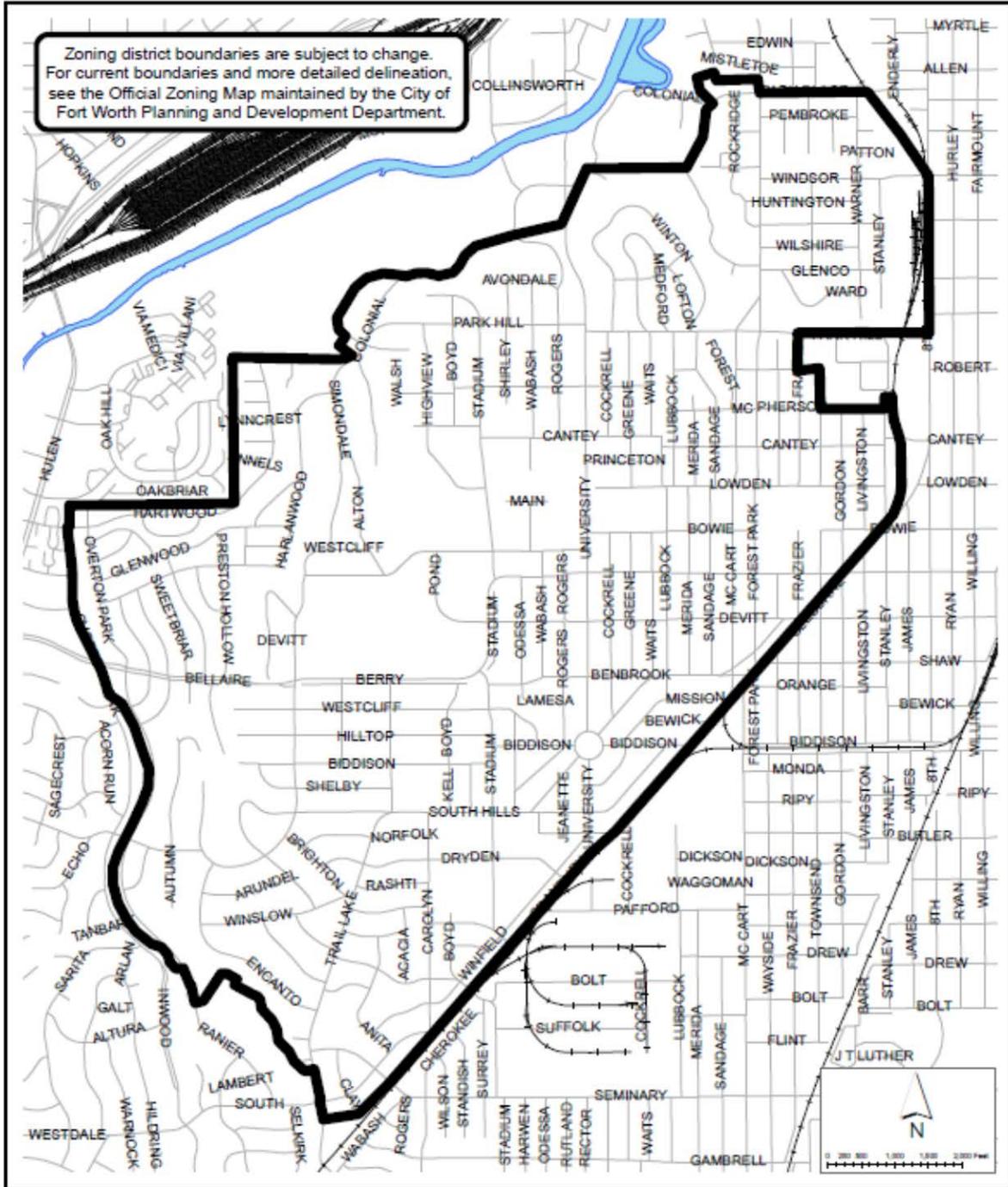


Exhibit B.32 (See Section 4.406)

TCU Residential Overlay Zone



Leo Valencia explained the annexation case.

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

<i>Document received for written correspondence</i>					ZC-14-149
Name	Address	In/Out 300 ft notification area	Position on case		Summary
James Pilkenton	9804 Bowman Dr	Out	Opposition		Sent letter in
Sheila & Gary Morris	1021 Palo Duro	In	Opposition		Sent letter in
David & Betty Solomon	5300 Archer Dr	In	Opposition		Sent letter in

11. ZC-14-150 Chesapeake Land Development Company LLC (CD 3) – 4109 Westridge (S H McEntire Survey, Abstract No. 1006, 3.73 Acres): from “C” Medium Density Multifamily and “E” Neighborhood Commercial

Brent Hammond, 381 Hulen Street, Fort Worth, Texas representing Chesapeake Land Development explained to the Commissioners the request to rezone to allow for an assisted living facility.

Motion: Following brief discussion, Mr. Reeves recommended a 30 day Continuance of the request to require a site plan, seconded by Ms. Conlin. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					ZC-14-150
Name	Address	In/Out 300 ft notification area	Position on case		Summary

12. ZC-14-152 City of Fort Worth Planning & Development (CD 2) AX-11-004 – 300 Block of Longhorn Road (See addresses in case file, 69.20 Acres): from Unzoned to “I” Light Industrial and “K” Heavy Industrial

Leo Valencia explained the annexation case.

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

13. ZC-14-137 City of Fort Worth Planning & Development (CD All) - Text Amendment: TCU Residential Overlay District; 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 4 “Overlay Districts”, of Chapter 4, “District Regulations” to add a new Section, Section 4.406, “TCU Residential Overlay”; providing regulations for TCU Residential Overlay Zone (“TCU”)**
- **Amending Chapter 9, “Definitions” to amend the definition of “Fraternity” and add a new definition for “Unrelated”**

Jocelyn Murphy, Planning Manager called this case and the following related case, ZC-14-138, to be heard and discussed together.

14. ZC-14-138 City of Fort Worth Planning & Development (CD 3,7) – Map Amendment: TCU Residential Overlay District; Generally bounded by Park Place, 8th Avenue, FW & W Railroad, Overton Park and Trinity River (see metes and bounds in case file, 2479.51 Acres): from Multiple Districts to Add TCU Residential Overlay (TCU) District

Fernando Costa, Assistant City Manager explained to the Commissioners the findings of the mediation group and to allow for the legal non-conforming rentals to be continued if approved by City Council. He stated that this is the same grandfathering clause as in the Zoning Ordinance.

John Sampson, 100 East 15th Street, Fort Worth, Texas with the Greater Fort Worth Builders Association spoke in support of the ordinance recommended by the mediation group.

Bryan Eppstein, 2908 Alton Road, Fort Worth, Texas spoke in support of the ordinance recommended by the mediation group.

Jim Schell, representing Chris Powers spoke in support.

Paula Traynham, 2624 Lubbock Avenue, Fort Worth, Texas representing Frisco Heights NA spoke in support of the ordinance recommended by the mediation group.

Jeremy Chalker, 3105 Stadium Drive, Fort Worth, Texas spoke in support but not sure changing it to three may not fix the problem.

Chris Powers, 3005 Preston Hollow, Fort Worth, Texas spoke in support of the ordinance recommended by the mediation group.

Martha Jones, 3136 Wabash Avenue, Fort Worth, Texas representing Bluebonnet Hills NA spoke in support of the ordinance recommended by the mediation group.

Kyle O’Keefe, 1817 Turner Ridge, Fort Worth, Texas spoke in support of the ordinance recommended by the mediation group.