



**ZONING AMENDMENT
STAFF REPORT**

City Council Meeting Date:
June 21, 2016

Council District All

Zoning Commission Recommendation:
Approval by a vote of 8-0

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:

- Subsection D "Other Development Standards" Of Section 4.707 "Two-Family ("B") District" to provide that parking is located behind the front building wall

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

Request: TEXT AMENDMENT: TWO-FAMILY PARKING REQUIREMENTS

Background:

The Zoning Ordinance has required two spaces behind the front building line per unit for single and two family construction. However, since a "family" can include up to five persons (before the 2013 TCU Overlay amendment), the city began to experience complaints from the construction of duplexes primarily in the TCU area with up to five bedrooms in each unit. In many cases due to the lot size, only two parking spaces were provided per side, effectively providing four parking spaces for up to 10 bedrooms and 10 residents. This forced residents to park on the street, causing numerous parking problems for neighboring properties.

In January 2010, in response to these concerns, the parking for two family units was amended to address construction that provided more than 3 bedrooms in a unit. The 2010 amendment included:

Two (2) spaces per dwelling unit with up to three bedrooms, plus one (1) space per bedroom over three bedrooms, all located behind the **front building line**.

Similarly, during the discussion of the TCU Overlay, parking again was discussed for the construction of single family homes with up to five bedrooms. Therefore, in November 2014, single family parking was amended.

Two spaces located behind the **front building wall** for dwelling units with three or fewer bedrooms, plus one space located behind the **front building wall** or in the driveway for each bedroom above three.

This amendment took into consideration a builders' practice of moving the house an additional 20 ft. from the setback in order to provide the parking in the front of the house, but met the requirement to be behind the "front building line", e.g. the front setback. Builders preferred not to provide a driveway to the rear of the home to access parking in the rear. This activity created the appearance of front yard parking which was not desired nor intended.

The proposed amendment will change the measurement of parking spaces to measure behind the **front building wall**, to ensure parking is not between the duplex and the street.

Attachments:

Proposed Ordinance Amendment

Minutes from the Zoning Commission meeting

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NUMBER 21653, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (2015), TO AMEND SUBSECTION D "OTHER DEVELOPMENT STANDARDS" OF SECTION 4.707 "TWO-FAMILY ("B") DISTRICT" TO PROVIDE THAT PARKING IS LOCATED BEHIND THE FRONT BUILDING WALL, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE, PROVIDING A PENALTY CLAUSE, PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 12, 2010, the City Council adopted Ordinance No. 18996-01-2010 amending Section 4.707, Two-Family ("B") District, subsection D.2. Parking to add language to increase the number of parking spaces required per dwelling unit based on the number of bedrooms and such parking be located behind the front building line; and

WHEREAS, on November 11, 2014, the City Council adopted Ordinance No. 21528-11-2014 amending Sections 4.700 through 4.705 One-Family ("A") Districts, subsections D.2. Parking to increase the number of parking spaces required per dwelling unit based on the number of units and such parking to be located behind the front building wall; and

WHEREAS, it is advisable to amend the Zoning Ordinance to amend Section 4.707 Two-Family ("B") District, subsection D.2. Parking to provide consistency with how the measurement is made between one- and two-family districts by removing "line" and replacing with "wall";

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

SECTION 1.

Subsection D.2, “Parking”, “Other Development Standards” of Sections 4.707 “Two-Family (“B”) Districts” of Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to replace “line” with “wall,” to read as follows:

D. Other Development Standards

2. *Parking.* Two spaces per dwelling unit with up to three bedrooms, plus one space per bedroom over three bedrooms, all located behind the front building wall. ~~line.~~ For nonresidential uses see Chapter 6, Development Standards, Article 2, Off-Street Parking and Loading, § 6.200.

SECTION 2.

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 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, 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 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: _____
Melinda Ramos,
Sr. Assistant City Attorney

Mary J. Kayser,
City Secretary

ADOPTED: _____

EFFECTIVE: _____

DRAFT

Motion: Following brief discussion, Ms. Runnels recommended Approval for the request, seconded by Mr. Flores. The motion carried unanimously 8-0.

<i>Document received for written correspondence</i>					ZC-16-118
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Dwayne Jones/Crowley ISD	NA	Out		Support	Sent letter in

19. ZC-16-119 City of Fort Worth Planning and Development Petition (CD 7) – 4800 blk (odds) Bryce Ave. (see addresses in case file, 1.81 acres): from “C” Medium Density Multifamily to “A-5” One-Family

Ann McFadyen, 4821 Bryce Avenue, Fort Worth, Texas explained to the Commissioners the development site and how the zoning change would help update the Comprehensive Plan. Ms. McFadyen explained she collected signatures from all ten property owners on the south side of Bryce Avenue and are in favor of the petition. Ms. McFadyen commented there were three opposition letters and explained they have since been resolved.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Ms. McDougall. The motion carried unanimously 8-0.

20. ZC-16-120 City of Fort Worth Planning and Development Family Parking Requirement (CD ALL) Text Amendment: 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 Subsection D “Other Development Standards” Of Section 4.707 “Two-Family (“B”) District” to provide that parking is located behind the front building wall

Ms. Murphy called the case.

Ms. Murphy explained to the Commissioners this amendment would update the 2010 ordinance.

Ms. McDougall commented she supports the amendment but questioned if it could be visited due to the front parking not allowing developers to develop in compliance with the city ordinance pertaining to blocking the sidewalks. Ms. Burghdoff commented it did not allow for parking on the sidewalk. Ms. McDougall explained the developers are allowed to build so that people are violating the code compliance.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Ms. Runnels. The motion carried unanimously 8-0.