



**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 5.403 "Model Homes" Of Chapter 5, "Supplemental Use Standards" Of Article 4, "Temporary Uses", to revise the regulations for model homes; and
• Section 5.405 "Trailer Portable Sales, Construction Or Storage" to retitle section and other minor clarifications

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

Request: TEXT AMENDMENT: MODEL HOMES AND CONSTRUCTION TRAILERS

Background:

During the economic downturn, many residential subdivisions experienced a halt in platting and construction which left platted but unbuilt lots. The Model Home regulations were amended in 2013 to provide some flexibility by allowing model homes in subdivisions final platted less than 5 years ago and construction trailer in areas with a preliminary plat less than 2 years old. However, the national recession lasted longer than anticipated, which further delayed subdivision development.

More model homes and construction trailers are now needed for new construction in subdivisions that were platted several years ago. The Board of Adjustment routinely hears variances to the plat timeframes and grants approval, and focuses on the impacts to occupied residences within 300 feet.

Amendments will also address when a single family home begins and is changed to a model home, after the initial permit was issued. Individuals have purchased homes, based on the understanding that a new family would be a neighbor, instead of a commercial model home.

The proposed amendments are provided to facilitate the redevelopment of residential subdivisions and increase predictability to single family home buyers. The proposals will:

- Delete the time frame requirements on both model homes and construction trailers
- Require that the model home be within the same subdivision and
- Require a building initially permitted as a single family home and converted to a model home must be 300 feet from an occupied residence.

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 5.403 “MODEL HOMES” OF CHAPTER 5, “SUPPLEMENTAL USE STANDARDS” OF ARTICLE 4, “TEMPORARY USES”, TO REVISE THE REGULATIONS FOR MODEL HOMES; AND TO AMEND SECTION 5.405 “TRAILER PORTABLE SALES, CONSTRUCTION OR STORAGE” TO RETITLE SECTION AND OTHER MINOR CLARIFICATIONS; 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, during the economic downturn many residential subdivisions experienced a halt in the construction of homes resulting in subdivisions that were not completely built out; and

WHEREAS, over the last several years residential construction has increased necessitating the construction of model homes to showcase the home builder’s product and the construction trailers to oversee new construction of homes; and

WHEREAS, the current regulations related to model homes limit the construction of model homes to occur within five years of the preliminary plat; and

WHEREAS, the Board of Adjustment has consistently granted variances with little debate to the above regulations to allow model homes and construction trailers in resurgent residential subdivisions where construction is continuing beyond the five-year and two-year preliminary plat limitation for model homes and construction trailers, respectively, in the Zoning Ordinance; and

WHEREAS, the intent of the following changes is to minimize the need for variance requests for those zoning provisions that are customarily approved by the Board of Adjustment;

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

SECTION 1.

Sec. 5.403 MODEL HOME.

In any residential district, model homes used as show homes and/or sales offices are permitted in a ~~new~~ subdivision (as approved by a final plat ~~in the last five years~~) to which they pertain and subject to the following conditions.

- (a) No more than five model homes per builder per platted subdivision are permitted.
- (b) Model homes that are located more than 500 feet from an arterial or wider street must be at 300 feet from any occupied residence ~~within the same subdivision~~ and are subject to a time limit of five years. Model homes that are located 500 feet or less from an arterial or wider street are not subject to the residential distance requirement or the five-year time limit of this section.
- (c) A building initially permitted as a single-family residence and converted to a model home must be at least three hundred feet from any occupied residence, regardless of distance to an arterial and is subject to a time limit of five years.

SECTION 2.

Sec. 5.405 ~~TRAILER, PORTABLE TRAILER~~ – RESIDENTIAL SALES, CONSTRUCTION OR RELATED STORAGE.

In any residential district, portable trailers used as sales offices, construction offices or related storage trailers are permitted ~~if they are located within a new subdivision (as approved by a preliminary plat in the last two years) to which they pertain~~ and subject to the following conditions.

- (a) No more than one portable sales trailer and one portable construction trailer per residential builder per platted subdivision is permitted.
- (b) Portable construction trailers must be at least 300 feet from any occupied residence and are subject to a time limit of two years.
- (c) Portable sales trailers that are located more than 300 feet from an arterial or wider street must be at least 300 feet from any occupied residence within the same subdivision and are subject to a time limit of three years. Portable sales trailers that are located 300 feet or less from an arterial or wider street are not subject to the residential distance requirement or the three-year time limit of this section.
- (d) Portable construction and sales trailers must be skirted on the front and sides, provide foundation landscape planting consisting of one five-gallon shrub per four linear feet around the skirting, (excluding entrances) and must comply with the bufferyard, screening and fence requirements of Chapter 6, Article 3.

(e) Each construction trailer shall have at least four paved parking places (two deep tandem parking is allowed). Each sales trailer shall have at least two paved parking places (two deep tandem parking is not permitted).

(f) A manufactured home is not allowed as a portable trailer.

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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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