

ORDINANCE NO. _____

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 CHAPTER 3, "REVIEW PROCEDURES," ARTICLE 5 "TEXT OR MAP AMENDMENT (REZONING)," TO AMEND SECTION 3.502, "NOTICE," TO ADD THE REQUIREMENT THAT NOTICE BE PUBLISHED ON THE CITY'S INTERNET WEBSITE; TO AMEND THE POSTED NOTICE REQUIREMENT CONCERNING THE ERECTION AND MAINTENANCE OF A SIGN TO REQUIRE THAT A SIGN BE POSTED AT A SPECIFIC LOCATION AND FOR A SPECIFIC PERIOD IN ORDER FOR COUNCIL TO ACT ON A PROPOSED CHANGE IN ZONING CLASSIFICATION; TO ESTABLISH REGULATIONS FOR FAILING TO POST NOTICE; TO AMEND APPENDIX A, CHAPTER 9, "DEFINITIONS", SECTION 9.101, "DEFINED TERMS" TO ADD THE DEFINITION OF "PROPOSED COMPREHENSIVE ZONING CHANGES"; 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, Texas House Bill 24 (HB 24) was passed during the 89th Texas Regular Legislative Session, which amended Chapter 211 of the Local Government Code amending the protest threshold for a zoning change, adopting a definition of "proposed comprehensive zoning change", requiring that notice of a hearing be published on a city's internet website, and establishing requirements for posting of signs regarding proposed zoning changes; and

WHEREAS, HB 24 amends Chapter 211 to require that zoning signs at least 24 inches long by 48 inches wide be posted on the property affected by a proposed zoning change, including a zoning change to public rights-of-way initiated by the municipality that affects multiple properties no later than the 10th day before the date of the zoning commission hearing on the proposed change and remain posted until the date of a final determination made by the governing body of the municipality. This does not apply where a proposed comprehensive zoning change affects the whole municipality; and

WHEREAS, HB 24 amends Chapter 211 to require notice of the time and place of a hearing to be published in the official newspaper and the city's internet website before the 15th day before the date of a public hearing concerning a change in zoning regulation or boundary; and

WHEREAS, the city’s zoning ordinance does not require, as a condition precedent to the holding of any public hearing, the erection and/or continued maintenance of any posted sign regarding a recommendation or adoption of any proposed zoning amendment;

WHEREAS, to comply with HB 24, staff recommends amending the zoning ordinance to require that a sign be posted no later than the 10th day before the date the zoning commission holds a hearing on a proposed change in zoning classification and until the date of a final determination on the proposed change by the governing body;

WHEREAS, staff also recommends that the zoning ordinance be amended to establish rules for failing to post a sign regarding a proposed zoning change and to require that notice of a hearing also be published on the city’s internet website; and

WHEREAS, staff also recommends adopting the definition of “proposed comprehensive zoning change” as defined under HB 24; and

WHEREAS, City Council finds that such amendments are consistent with HB 24 and recommends that such amendments be approved and adopted.

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

SECTION 1.

Chapter 3, “Review Procedures”, Article 5, “Text or Map Amendment (Rezoning),” Section 3.502, “Notice” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add that notice of a hearing be posted on the city’s internet website and establish sign posting requirements, which shall read as follows:

§ 3.502 NOTICE.

(a) *Written notice.* Written notice of all public hearings before the zoning commission on proposed changes in zoning classification shall be sent to owners of real property lying within 300 feet of the property upon which the change in classification is proposed, such notice to be given not less than ten days before the date set for hearing to all such owners who have rendered their said property for city taxes, as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States mail. ~~When property lying within 300 feet of the property proposed to be changed is located in territory which was annexed to the city after the final date for making the renditions which are included on the last approved city tax roll, at least 15 days’ notice of the time and place of the public hearing shall be published in an official newspaper or a paper of general circulation in the city. See § 4.305(b) for additional notice requirements for halfway houses and certain multifamily dwellings.~~

(b) *Posted notice.*

(1) The city manager or a designee shall direct the erection of at least one sign upon each individual property or lot proposed to be rezoned. Where possible, such sign or signs shall be located in a conspicuous place or places upon such property at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent to such property.

(2) ~~Such~~ The sign(s) shall be so erected not less than ten (10) days before the date set for public hearing before the zoning commission. Any such sign(s) shall not be removed until subsequent to the occurrence of either final action by the city council or withdrawal of the application for amendment.

(3) ~~Such~~ The sign(s) shall substantially indicate that a zoning amendment is proposed and shall further set forth that additional information can be acquired by telephoning the number indicated thereon. The sign(s) shall be at least twenty-four (24) inches by forty-eight (48) inches wide indicating that the property is subject to a proposed zoning change.

~~(4) The erection and/or the continued maintenance of any such sign(s) shall not be deemed a condition precedent to the holding of any public hearing, to the recommendation concerning or adoption of any proposed zoning amendment or to any other official action concerning any such amendment.~~

(4) The requirement for the posting of sign(s) on individual lots and properties shall be waived for council-initiated area-wide rezoning consisting of four or more individual lots or properties. However, sign(s) shall be placed at the general location of the boundary of the area-wide zoning using streets as the area perimeter.

(5) The applicant is responsible for the maintenance of all zoning sign(s) throughout the zoning process. In the event that a sign(s) posted in accordance with this section becomes lost, stolen, or vandalized, the applicant shall immediately provide written notice to the Director of Development Services or designee. The Director of Development Services or designee, upon receipt of written notice, shall replace the sign no later than three (3) business days after receipt of written notice. Failure to replace a lost, stolen, or vandalized sign(s) within the time period stated above shall result in the zoning commission or city council continuing the zoning application to the next scheduled public hearing.

(6) Failure to erect and maintain a sign as required under this section shall result in a continuance of the zoning application to the next schedule public hearing or as directed by the zoning commission or city council. The zoning commission or the city council may not continue a zoning application more than two (2) times for failing to comply with the posting requirements set forth under this section. After two (2) continuances, the zoning commission or city council shall conduct a public hearing to consider the zoning application; however, the zoning commission or the city council are not precluded from continuing the zoning application on any other basis.

(c) *Published notice.*

Notice of a public hearing before the city council shall be given by publication one time in the official newspaper or a paper of general circulation in the municipality and on the city's Internet website at least 15 days before the hearing. Notice for proposed comprehensive zoning changes may be different and shall be in compliance with State law. See § 4.305(b)(1) for additional requirements for halfway houses.

SECTION 2.

That the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Appendix A, Chapter 9, "Definitions" of the Zoning Ordinance of the City of Fort Worth, Section 9.101, "Defined Terms" to add the definition of "Proposed Comprehensive Zoning Change" to read as follows:

PROPOSED COMREHENSIVE ZONING CHANGE. A city proposal to:

(1) Change an existing zoning regulation that:

_____ a. Will have the effect of allowing more residential development than previous regulation; and

_____ b. Will apply uniformly to each parcel in one or more zoning districts;

(2) Adopt a new zoning code or zoning map that will apply to the entire municipality; or

(3) Adopt a zoning overlay district that:

_____ a. Will have the effect of allowing more residential development than allowed without the overlay; and

_____ b. Will include an area along a major roadway, highway, or transit corridor.

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: _____
Christopher Austria,
Senior Assistant City Attorney

Jannette S. Goodall,
City Secretary

ADOPTED: _____

EFFECTIVE: _____