



**ZONING AMENDMENT  
STAFF REPORT**

**City Council Meeting Date:**  
June 23, 2020

**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 Arty Wheaton-  
Rodriguez  
Surplus Yes \_\_\_ No X  
Council Initiated Yes \_\_\_ No X

**Owner / Applicant:** City of Fort Worth Development Services Department

**Site Location:** All Districts Mapsco: N/A

**Proposed Change:** 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), by Amending:

- Article 5 "Text or Map Amendments", of Chapter 3, "Review Procedures," Section 3.506, to Amend the Limitation on Reapplication

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

**Request:** TEXT AMENDMENT: To Amend the Limitation on Reapplication

**Background:**

Staff is proposing a Zoning Ordinance text amendment to revise the limitation on reapplication when a zoning case is denied with prejudice by City Council. The current ordinance treats a denial by City Council as a denial with prejudice, unless specially indicated and moved as a denial without prejudice.

The proposed change would amend the Zoning Ordinance and revise the procedure to only provide a limitation on reapplication for a twelve month waiting period on zoning requests when a specific motion is made to deny with prejudice.

**Attachments:**

Proposed Ordinance Amendment

**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 ARTICLE 5 "TEXT OR MAP AMENDMENTS", OF CHAPTER 3, "REVIEW PROCEDURES," SECTION 3.506 TO AMEND THE LIMITATION ON REAPPLICATION; 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**, the current procedure for denying a zoning request includes a limitation on reapplication for a twelve month waiting period, provided however, the limitation does not apply when a zoning request is specifically stated to be denied without prejudice; and

**WHEREAS**, it is proposed to amend the procedure to provide that the limitation on reapplication for a twelve month waiting period applies to zoning requests when a motion is made to deny with prejudice;

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

**SECTION 1.**

Chapter 3 "Review Procedures", the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 5 "Text or Map Amendments", to amend Section 3.506 to amend the limitation on application to make the twelve month delay period applicable to a motion to deny with prejudice, to read as follows:

**Sec. 3.506 LIMITATION ON REAPPLICATION.**

When a proposal is denied with prejudice by the City Council or when the applicant has withdrawn after a recommendation of denial with prejudice of the proposal by the Zoning Commission no new applications of like nature shall be accepted by the city or scheduled for a hearing by the Zoning Commission within a period of 12 months of the date of denial or withdrawal ~~unless the proposal is denied without prejudice~~; provided, however, on receipt of written request by the original applicant describing substantially changed conditions in the community since prior consideration of the proposal so as to justify an earlier review of this matter, the City Council may waive the mandatory delay period and authorize the acceptance of a new application.

**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 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 Sec. 3.506 Limitation on Reapplication

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: \_\_\_\_\_