



Zoning Staff Report

Date: December 12, 2023

Case Number: ZC-23-170

Council District: All

Zoning Map Amendment

Case Manager: [Stephen Murray](#)

Owner / Applicant: City of Fort Worth

Site Location: City wide

Acreage: NA

Request

Proposed Use: NA

Request: Restrict where shelters are allowed

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Consistency: Requested change **is consistent**

Staff Recommendation: **Approval**

Zoning Commission Recommendation: **Approval by a vote of 9-0**

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Project Description and Background

The primary purpose of this text amendment is to restrict where shelters are allowed in relation to Lancaster Avenue and Historic Southside NA. Below is the primary language for the Ordinance:

SECTION 1.

Chapter 5 “Supplemental Use Standards” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1, “Standards for Selected Uses”, to add Section 5.154 “Shelter” to read as follows:

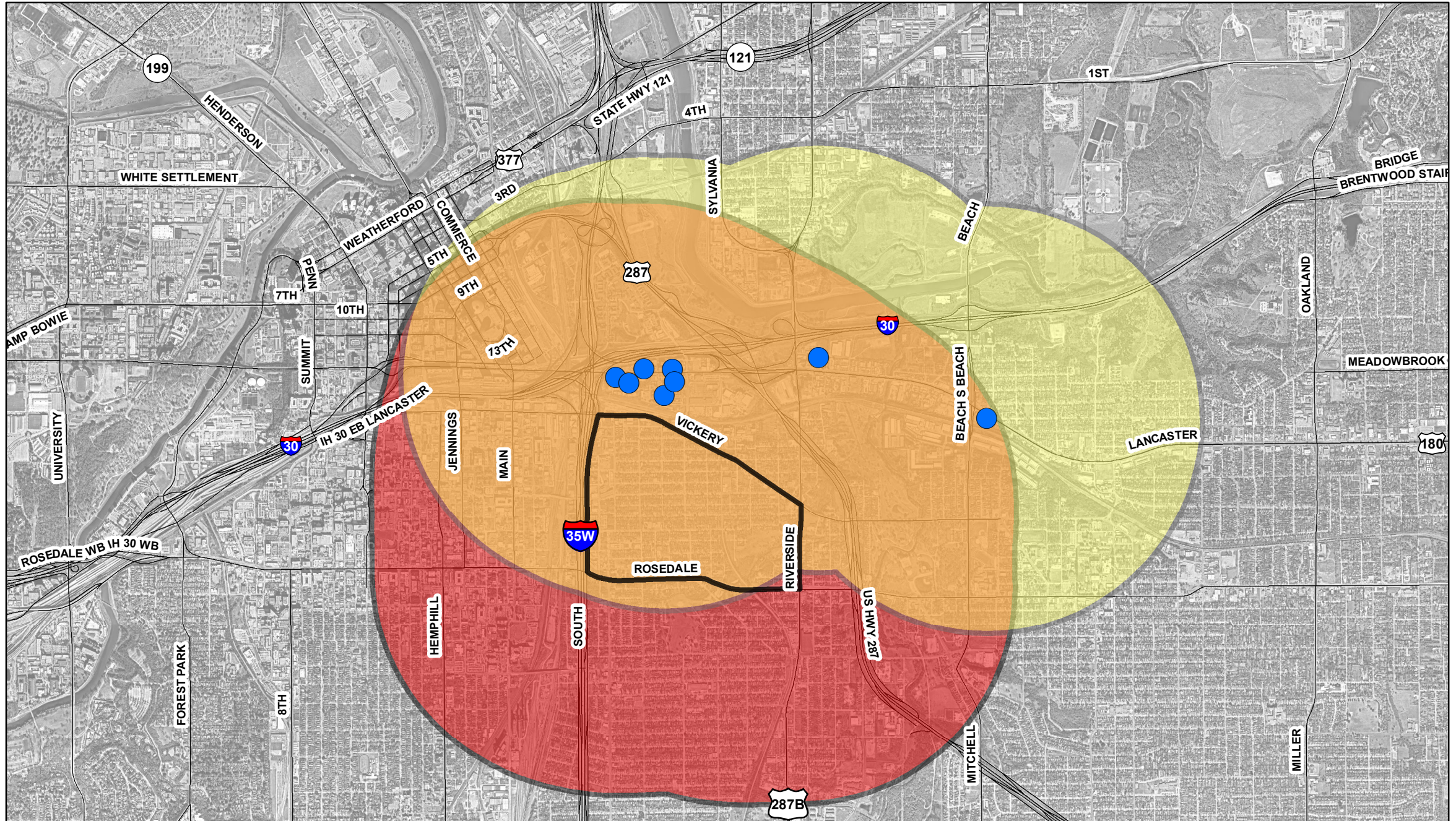
Sec. 5.154 SHELTER





A shelter may be permitted in accordance with the use tables of Chapter 4, Articles 6 and 8, provided it shall not be located within a one-mile radius of existing shelters on East Lancaster Avenue or within one-mile of the Historic Southside Neighborhood (generally illustrated in Appendix B, Exhibit B.37). The board of adjustment shall have no authority to grant any variance to the distance limitation.

SECTION 2.

Article 6, “Residential District Use Table,” Section 4.603, “Residential District Use Table,” and Article 8 “Non-Residential District Use Table,” Section 4.803 “Non-Residential District Use Table,” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise “Group Living” “Shelter” to add an asterisk to the “CUP” under the PD/CUP column and add a reference to section 5.154 under the Supplemental Use column.

One Mile Buffer of Historic Southside Neighborhood & Shelters on E. Lancaster



-  Shelter
-  Historic Southside
-  1 Mile Buffer of Shelter
-  1 Mile Buffer of Historic Southside

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 5, SUPPLEMENTAL USE STANDARDS," ARTICLE I, "STANDARDS FOR SELECTED USES," TO ADD SECTION 5.154 "SHELTER" TO RESTRICT WHERE SHELTERS ARE ALLOWED AND AMEND SECTION 4.603 "RESIDENTIAL DISTRICT USE TABLE" AND SECTION 4.803 "NON-RESIDENTIAL DISTRICT USE TABLE" TO ADD A REFERENCE TO SUPPLEMENTAL USE STANDARD SECTION 5.154; 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, Chapter 211 of the Texas Local Government Code ("TLGC") authorizes the governing body of a municipality to adopt zoning regulations to promote the public health, safety, morals, or general welfare; and

WHEREAS, Section 211.005 of the TLGC authorizes the governing body of a municipality to divide the municipality into districts of a number, shape, and size that the governing body considers best for carrying out the provisions of Chapter 211, General Zoning Regulations, within which districts the governing body may regulate the erection, construction, reconstruction, alteration, repair or use of buildings, other structures or land; and

WHEREAS, the City continually seeks to address homelessness in Fort Worth by getting unsheltered individuals into stable housing; and

WHEREAS, the City recognizes that emergency homeless shelters and homeless services have impacted Historic Southside and nearby neighborhoods uniquely because of proximity and the City wishes to improve the quality of life near emergency homeless shelters near the East Lancaster corridor; and

WHEREAS, it is recommended that the City Council amend the Comprehensive Zoning Ordinance to restrict where new shelters may be constructed.

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

SECTION 1.

Chapter 5 “Supplemental Use Standards” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1, “Standards for Selected Uses”, to add Section 5.154 “Shelter” to read as follows:

Sec. 5.154 SHELTER

A shelter may be permitted in accordance with the use tables of Chapter 4, Articles 6 and 8, provided it shall not be located within a one-mile radius of existing shelters on East Lancaster Avenue or within one-mile of the Historic Southside Neighborhood (generally illustrated in Appendix B, Exhibit B.37). The board of adjustment shall have no authority to grant any variance to the distance limitation.

SECTION 2.

Article 6, “Residential District Use Table,” Section 4.603, “Residential District Use Table,” and Article 8 “Non-Residential District Use Table,” Section 4.803 “Non-Residential District Use Table,” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise “Group Living” “Shelter” to add an asterisk to the “CUP” under the PD/CUP column and add a reference to section 5.154 under the Supplemental Use column.

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,
Assistant City Attorney

Jannette S. Goodall,
City Secretary

ADOPTED: _____

EFFECTIVE: _____