

ORDINANCE NO. 19515-01-2011

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NUMBER 13896, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (1986), TO AMEND ARTICLE 3, "ACCESSORY USES" OF CHAPTER 5, "SUPPLEMENTAL USE STANDARDS" TO ADD A NEW SECTION, SECTION 5.308, "DOCKS, PIERS AND BOAT HOUSES" TO REGULATE RESIDENTIAL DOCKS AND BOATHOUSES; TO AMEND CHAPTER 9, "DEFINITIONS" TO ADD NEW DEFINITIONS RELATED TO DOCKS, PIERS AND BOAT HOUSES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS Lake Worth is owned by the City of Fort Worth and the City has water rights in Lake Worth which is a drinking water source for residents and its wholesale customers; and

WHEREAS Lake Worth also provides a habitat for numerous species of plants and animals, and is a regional center for water recreational activities for the City of Fort Worth's citizens and visitors; and

WHEREAS Chapter 36 of the Building Code as adopted by the City Council requires that Structures constructed on Lake Worth must have the approval of the City's Water Department, as well as comply with other City Codes; and

WHEREAS the City finds a need to take steps to protect the health and safety of the citizens of Fort Worth and the recreational users of Lake Worth by determining appropriate standards for boathouses and other Structures; and

WHEREAS representatives from various neighborhood associations around Lake Worth, real estate professionals, community members and City staff members have provided comments; and

WHEREAS recommendations for boathouses and other Structures were presented to the City Council's Infrastructure and Transportation Committee on December 9, 2008, and revised staff recommendations were provided to the City Council in an Informal Report on November 9, 2010; and

WHEREAS it is advisable to amend the Zoning Ordinance to add regulations for the construction and use of boathouses and other Structures to insure the preservation of water quality, habitat and the natural and scenic beauty of Lake Worth as well as provide for the health and safety of its citizens and visitors.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF FORT WORTH, TEXAS:

SECTION 1.

Article 3, "Accessory Uses" of Chapter 5, "Supplemental Use Standards" of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth is hereby amended to add a new section, Section 5.308, entitled "Docks, Piers and Boathouses" to read as follows:

Section 5.308. Docks, Piers and Boathouses

A. Purpose and Intent.

- 1. The purpose of this Section is to regulate the construction and use of residential Docks, Piers and Boathouses (Structure) to insure the preservation of water quality, habitat and the natural and scenic beauty of Lake Worth as well as provide for the health and safety of its citizens and visitors.
- 2. A person who wishes to construct or improve a residential Structure or Walkway must have a valid Water Use and Access Easement for Lake Worth executed and granted by the City of Fort Worth.
- 3. Commercial Structures and slips will require a Special Exception from the Board of Adjustment. The Board of Adjustment shall consider whether the proposal will affect the water quality, habitat and the natural and scenic beauty of Lake Worth or the health and safety of its citizens and visitors.

B. Size and Setback Limitations.

- 1. One Structure is permitted per property, and the maximum size of any Structure shall be as follows:

Shoreline Frontage (linear feet)	Maximum Structure Size (square feet)
Up to 80 feet	1,000 square feet
81 feet or more	Linear feet of shoreline x 15 Not to exceed 1,600 square feet

The area measured is to be the largest area at the end of a Walkway. The largest area may be either the outside corners of the Structure or the roofline if it has more than a two-foot overhang.

- 2. One Walkway, not to exceed six (6) feet in width, shall be excluded in the square footage calculation of the Structure. If, however, the Walkway exceeds six (6) feet in width, the difference shall count towards the maximum allowed square footage of the Structure. No Walkway shall be allowed in excess of eight (8) feet in width or to extend to more than one Structure. The distance the Walkway and the

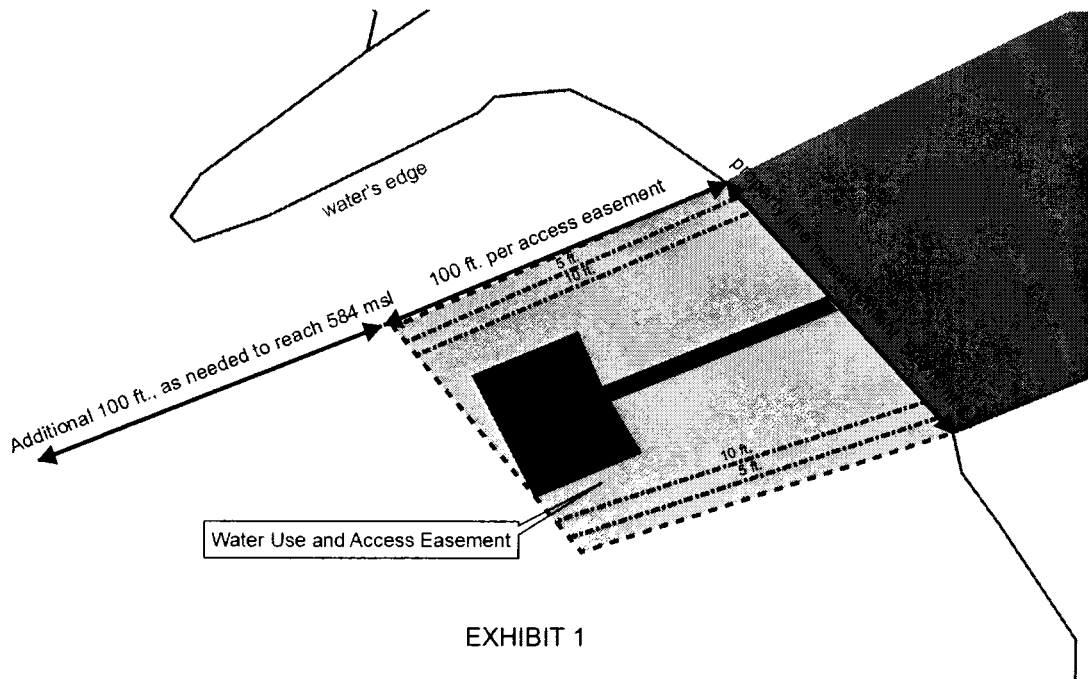
Structure extend into the reservoir shall be kept as short a distance as is practical so as not to impair navigation and to maintain continuity with the shoreline.

3. The minimum setback of a Structure from a projected side yard line (Exhibit 1) shall be based on the width of the property at the Lakefront Property Line as follows:

Shoreline Frontage (linear feet)	Setback (feet)
Up to 50 feet	5 feet
51-100 feet	10% of shoreline frontage
101 feet or more	10 feet

4. Structures may extend:
 - a. To a point 100 feet from the Lakefront Property Line into the waters of Lake Worth regardless of the depth of the water at that point, or
 - b. To the point at which the elevation of the land lying under Lake Worth is not less than 584 feet above mean sea level, but in no case more than 200 feet from the Lakefront Property Line into the water of Lake Worth. (Exhibit 1)

The depth shall be determined by the City of Fort Worth.



6. No Structure shall occupy more than one-third (1/3) of the cove width and in no case shall be located within 10 feet of the centerline of the cove. (Exhibit 2)

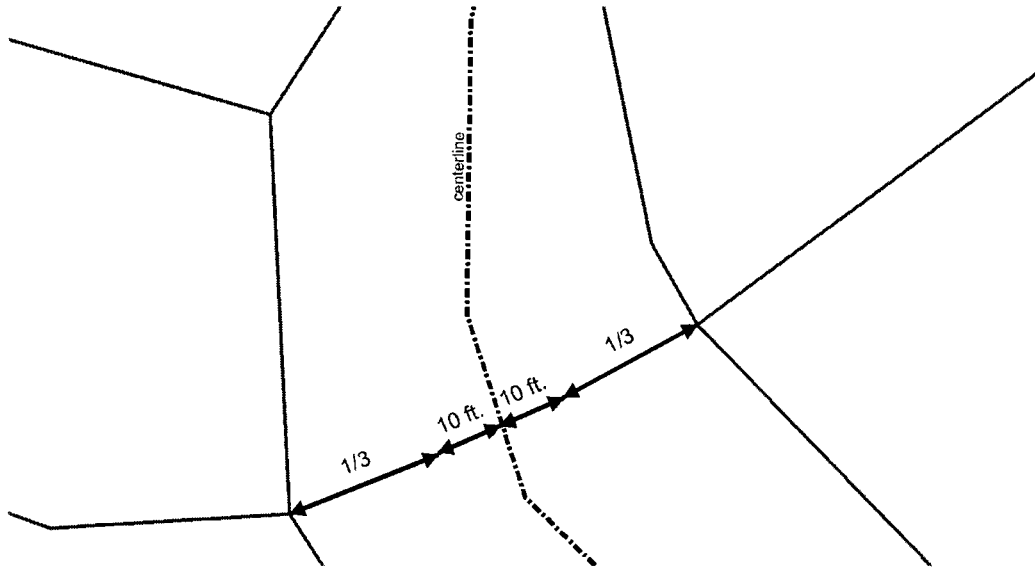


EXHIBIT 2

7. A Structure will be permitted without an existing residential use on the property.
8. Where large undivided tracts or multiple lots are used to determine the maximum area of a Structure, the linear footage of shoreline for the combined area shall be set aside and cannot be used for the future determination of the size of other Structures. With multiple lots, the primary residence must cross over the center lot line(s) by at least one (1) foot in order for more than one (1) lot width to be counted in determining the maximum area of a Structure.

C. Enclosures and Storage.

1. Enclosed Structures are prohibited. To protect a raised boat within a Structure from the elements, solid sides on the Structure will be permitted at a maximum of four (4) feet measured downward from the point where the ceiling joist meets the top plate. No additional materials may be installed below the four (4) foot sidewalls.
2. Structures shall be limited to two stories. A sundeck over the dock shall not count towards the maximum dock size. Any area under a permanent roof of the second level will be counted in the dock size measurement. If, due to topography, the peak of the second level roof is lower than the foundation of the primary house, then the maximum dock size may be increased by fifty (50) percent. The floor of the lower deck shall be no less than the 596 foot elevation, which does not apply to floating docks.
3. A maximum storage area of forty-eight (48) square feet shall be allowed on the first floor (lower deck) of a Structure. The design of the storage area shall be such that it does not close off any more than fifty percent (50%) of any wall length, maintaining the required openness required in Section C1. Products considered hazardous material or any material which has a warning label prohibiting its use or storage near water and/or public water supplies may not be stored in the storage

area.

D. Special Exception

1. Requests for greater dock sizes, smaller setbacks, and enclosures may be permitted as a special exception by the Board of Adjustment.

SECTION 2.

Chapter 9, “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth is hereby amended to add new definitions to read as follows:

Decking shall mean the surface material that forms the floor of the Structure.

Dock, Pier, or Boathouse (or any combination) shall mean a structure that permits the landing and mooring of vessels, including the anchoring system, cables, floats, electrical, plumbing and any other related components or materials installed in conjunction with the construction, maintenance, or use of the dock for the landing and mooring of vessels, but excluding the Walkway.

Lakefront Property Line shall mean the property line that borders the waters of Lake Worth as shown on the final plat of record or survey for the property.

Walkway (or Bridge) shall mean a passage that provides access from the land to a boat dock, marina, or other floating facility.

Water Use and Access Easement shall mean an easement granted by the City of Fort Worth enclosed on one side by the lakefront property line, on a second side by the waters of Lake Worth, and on the third and fourth side by two lines, each beginning at opposite ends of the lakefront property line and each being a projection of the side lot lines of each lot as shown on the plat of record or survey for the property.

SECTION 3.

Section 7.107, “Specific Nonconforming Uses of Chapter 7, “Nonconformities” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth is hereby amended to add a new subsection, “I”, entitled “Docks, Piers and Boathouses” to read as follows:

I. Docks, Piers and Boathouses

A property owner wanting to claim legal non-conforming status under this chapter must register with the City of Fort Worth, Planning and Development Department by December 31, 2011. The registration must include a digital photo of the existing dock.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), 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 5.

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 6.

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 7.

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 not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted

until final disposition by the courts.

SECTION 8.

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.

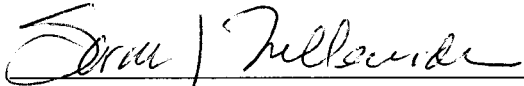
SECTION 9.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 10.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: 
Assistant City Attorney

ADOPTED: January 4, 2011

EFFECTIVE: January 18, 2011