



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
May 14, 2013

Council District ALL

Zoning Commission Recommendation:
Approved by a vote of 9-0

Opposition: None

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. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend:

- Article 1 "Standards For Selected Uses", of Chapter 5, "Supplemental Use Standards," Section 5.406 "Mobile Vendors" Subsection C.13 "Operational Requirements" to allow more than one mobile vending unit per individual tract, parcel or platted lot in the Near Southside Zoning District with approval by the Urban Design Commission

To review the proposed amendments:
<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Request: TEXT AMENDMENT: MOBILE VENDING UNITS IN NEAR SOUTHSIDE

Background:

Staff is proposing an amendment to the Zoning Ordinance to permit more than one mobile vendor at a location in the Near Southside zoning district. The purpose of the proposed zoning changes is to permit greater flexibility in this area due to its diverse environment that includes an increased interest and demand for access to mobile food vending units (aka food trucks) for a variety of food selection.

The Zoning Ordinance currently permits one mobile vending unit per lot when not part of a Mobile Vendor Food Court. A food court is considered a primary use. In several locations, permits have been requested for multiple trucks on a lot where a primary use exists, such as Thistle Hill. At this time the multiple trucks are expected to be at a location during the lunch time.

All requests for multiple food trucks in the Near Southside zoning district will be reviewed by the Urban Design Commission for layout and function. No more than one food truck will be permitted without UDC approval.

Fort Worth South is fully supportive. The case is scheduled to be heard by the City Council on May 14.

Attachments: Proposed Ordinance

ZC-13-076

MOBILE VENDORS IN NEAR SOUTHSIDE DISTRICTS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 1 "STANDARDS FOR SELECTED USES", OF CHAPTER 5, "SUPPLEMENTAL USE STANDARDS," SECTION 5.406 "MOBILE VENDORS" SUBSECTION C.13 "OPERATIONAL REQUIREMENTS" TO ALLOW MORE THAN ONE MOBILE VENDING UNIT PER INDIVIDUAL TRACT, PARCEL OR PLATTED LOT IN THE NEAR SOUTHSIDE ZONING DISTRICT WITH APPROVAL BY THE URBAN DESIGN COMMISSION; 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 Near Southside is a mixed use area that desires a diverse environment that includes an increased interest and demand for access to mobile food vending units (aka food trucks) for a variety of food selection; and

WHEREAS, the Zoning Ordinance currently permits one mobile vending unit per lot when not part of a Mobile Vendor Food Court; and

WHEREAS, the City finds it to be in the public interest and general welfare to amend the Zoning Ordinance provisions governing mobile vending within the Near Southside;

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. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1, "Standards for Selected Uses" to amend Section 5.406 "Mobile Vendors", Subsection C.13 "Operation Requirements" to read as follows:

5.406 Mobile Vendors

C. Operational Requirements

13. No more than one (1) Mobile Vending Unit per individual tract, parcel or platted lot shall be allowed, provided however this shall not apply to Mobile Vendor Food Courts.
 - a. A maximum of three (3) Mobile Vending Units shall be allowed on an individual tract, parcel or platted on which a grocery store with a footprint exceeding 60,000 square feet is located as a special exception by the Board of Adjustment, provided, however, that in granting any such special exception, the Board shall consider the following:
 - ~~a.i.~~ The number of available parking spaces on the lot;
 - ~~b.ii.~~ Whether an increased number of Mobile Vending Units would be compatible with the existing use and permitted development of adjacent properties, and
 - ~~e.iii.~~ Any other issues the Board of Adjustment considers to be relevant.
 - b. More than one Mobile Vending Unit shall be allowed on an individual tract, parcel or platted located within the Near Southside Zoning District with a design plan approved by the Urban Design Commission. The Commission shall consider the following:
 - i. The number of available parking spaces on the lot and other parking areas within a ¼ mile of the property;
 - ii. Whether an increased number of Mobile Vending Units would be compatible with the existing use and permitted development of adjacent properties, and
 - iii. Any other issues the Urban Design Commission considers to be relevant.

SECTION 2.

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 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 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: _____
Assistant City Attorney

ADOPTED: _____

EFFECTIVE: _____