



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 19, 2013

Council District All

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

Opposition: none

Continued Yes X No ___
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, by Amending

- Section 4.800 "Nonresidential District Use Table" and Section 4.1200 "Uses" to add Farmers' Market as a permitted use in certain zoning districts;
- Section 6.201 Off Street Parking to add required parking ratios for farmers' markets
- Article 1 "Standards For Selected Uses", of Chapter 5, "Supplemental Use Standards," to add Section 5.145, Farmers' Markets, to provide a maximum square footage in certain districts; and
- Amend Chapter 9 to add definition for Farmers' Market

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

Request: TEXT AMENDMENT: FARMERS' MARKETS IN COMMERCIAL DISTRICTS AND LOW INTENSITY MIXED USE DISTRICT

Background:

Farmers' Markets are not specified in the nonresidential land use chart and are currently considered in the category of Outdoor Sales which is only allowed in the industrial districts. While larger markets may not be appropriate in some commercial areas, appropriately size farmers' markets are an acceptable, and likely welcome, retail use in commercial districts and MU-1, Low Intensity Mixed Use which is based on "E" Neighborhood Commercial.

The proposal is to add Farmers' Market as a category in the nonresidential land use chart and indicated as a permitted use in all commercial districts. Supplemental standards will be created to restrict the size of a farmers market in the "E" Neighborhood Commercial district to 2,000 square feet of retail space. Minimum parking ratios will be provided, which will apply when the business is within 250 feet of a One or Two-Family Residential district.

Attachments:

- Proposed Ordinance Amendments
- Minutes of the Zoning Commission meeting

**FARMERS' MARKET
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 SECTION 4.802 "NONRESIDENTIAL DISTRICT USE TABLE" AND SECTION 4.1201 "USES" TO ADD FARMERS' MARKET AS A PERMITTED USE IN CERTAIN ZONING DISTRICTS; AMENDING SECTION 6.201 OFF STREET PARKING TO ADD REQUIRED PARKING RATIOS FOR FARMERS' MARKETS; AMENDING ARTICLE 1 "STANDARDS FOR SELECTED USES", OF CHAPTER 5, "SUPPLEMENTAL USE STANDARDS," TO ADD SECTION 5.145, FARMERS' MARKETS, TO PROVIDE A MAXIMUM SQUARE FOOTAGE IN CERTAIN DISTRICTS; AND AMEND CHAPTER 9 TO ADD A DEFINITION FOR FARMERS' MARKET; 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, national public health initiatives have endorsed the expansion of Farmer' Markets, particularly in urban environments, to allow more convenient access to healthier foods; and

WHEREAS, Fort Worth currently regulates Farmers' Markets as outdoor sales which are permitted only in Industrial Districts; and

WHEREAS, Farmers' Markets should be located where they can be easily accessed by the public; and

WHEREAS, the size of Farmers' Markets in neighborhood commercial areas should be regulated to ensure that they do not change the character of the neighborhood commercial area;

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

SECTION 1.

Chapter 4, Article 8 and 12, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Sections 4.803, “Nonresidential District Use Table” and 4.1202 “Uses”, is hereby amended to add “Farmers’ Market” under the column heading “Retail Sales and Service”, to allow as a permitted use in commercial zoning districts: “E” through “H”, and to add a reference in the “Supplemental Standards” column to the new Section 5.145.

SECTION 2.

Section 6.201 “Off Street Parking” of Chapter 6 “Development Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise to add parking requirements for Farmers’ Markets, to read as follows:

6.201 Off Street Parking

B. Required Off-Street parking

Use	Requirement
COMMERCIAL	
Farmers’ Markets	2 spaces per table/booth

SECTION 3.

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 add Section 5.145 “Farmers’ Market” to read as follows:

5.145 Farmers’ Market. Farmers’ Markets in the “E” Neighborhood Commercial District shall have no more than ten (10) vendors or a sales area of no greater than 2,000 square feet.

SECTION 4.

Chapter 9 “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add a definition for Farmers’ Market to read as follows:

Farmers’ Market: means an outdoor marketplace for the distribution and sale of food products directly to consumers that are grown, made and offered for sale by the producing farmers and including unique products and goods created and sold by local artisans, not to include mass produced products.

SECTION 5.

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 6.

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 7.

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 8.

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 9.

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 10.

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

SECTION 11.

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: _____

it being paved over. Mr. Flores asked about the future plans for I-35 and the neighborhoods position relative to this project. Ms. Bason said the developer has had talks with TXDOT but they have been meeting and talking with TXDOT for over 10 years, she doesn't know what they have discussed. She mentioned they may want to look in the decibel level of the noise for this area it seems to be higher than is acceptable.

Ms. Zadeh explained to the Commissioners that Ms. Burghdoff has had communications with TPW staff and noted that they have not seen a trip generation study that was referenced by the applicant this morning. TPW would like to see a traffic study on this and would request a 30 day continuance to accommodate this.

Libby Willis, 2300 Primrose, Fort Worth, Texas Vice President of the Oakhurst NA also spoke in opposition. Ms. Willis responded to Mr. Flores question about the first neighborhood meeting, they did invite representatives from TPW, City, Tarrant Regional Water District, TRV and TXDOT. She mentioned TXDOT was not able to send representatives but they did talk about ultimate build out of the freeway. She mentioned the developer has set aside 1.43 acres for TXDOT but they have not purchased it yet. Ms. Willis wanted to make a note about the application having TRWD as a co-applicant when it was first submitted.

Motion: Following brief discussion, Mr. Flores recommended a 30 day continuance of the request, seconded by Mr. Edmonds. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					ZC-13-009
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Erik France	817 W. Daggett	No		Support	Present but did not speak
Libby Willis	2300 Primrose Ave	No			Spoke at hearing
Jon & Vicki Conrad	2000 Tam O'Shanter Dr	No		Opposition	Sent letter in
Ginger Bason/Oakhurst NA	PO Box 7430	No		Opposition	Sent letter in
Debra Brown	2221 Goldenrod	No		Opposition	Sent letter in
Thomas Boulton	2117 Cardinal Ln	No		Opposition	Sent letter in
Kendahl Brown	1100 Scotts Way	No		Opposition	Sent letter in
Rita Wilson	2133 Morning Glory	No		Opposition	Sent letter in

IV. New Cases

5. ZC-12-124 City of Fort Worth Planning & Development (All) Text Amendment: Farmers Markets

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Jocelyn Murphy, Planning Manager, City of Fort Worth explained to the Commissioners the purpose of the text amendment is to expand the ability for Farmers Markets to open in commercial districts. Currently they are treated as outdoor sales which is an industrial use whereas Farmers Markets are intended to be near homes which are typically neighborhood areas. This will allow them in commercial areas with some additional restrictions for the E Neighborhood Commercial districts that are typically near residential districts to protect them from being too large or too much parking, etc.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Ms. Reed. The motion carried unanimously 9-0.

6. ZC-13-013 Palisade Custom Homes LP (CD 5) 3741 Elm Street (Town of Tarrant, Block A, Lot 11, 0.17 Acres): from “AG” Agricultural to “R1” Zero Lot Line/Cluster

Crystal Arnold, 732 Lonesome Dove, Hurst, Texas explained to the Commissioners she originally submitted an application for R1 based on surrounding requests after meeting with staff she is amending the application for A-5 for a single-family home.

Motion: Following brief discussion Mr. Ferrell recommended approval of the request as amended to A-5, seconded by Mr. Genua. The motion carried unanimously 9-0.

7. ZC-13-014 JB Hunt Transport Inc. (CD 2) 14051 FM 156 (Greenberry Overton Survey, Abstract No. 1185, 0.46 Acres): from “AG” Agricultural to “K” Heavy Industrial

Erik Head, 5751 Kroger Drive, Fort Worth, Texas with Peloton representing JB Hunt Transport explained to the Commissioners this half acre will be part of a larger tract to be developed into an industrial facility

Motion: Following brief discussion, Mr. Florez recommended approval of the request, seconded by Mr. Hollis. The motion carried unanimously 9-0.

8. ZC-13-015 International House of Prayer/James Howard (CD 5)- 4104 Martin Street (Trentman City Addition, Block 2, Lot 9, 0.80 Acres): from “A-5” One-Family to “E” Neighborhood Commercial