



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 3, 2015

Council District ALL

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

Opposition: None submitted
Support: None submitted

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**

Proposed Change: 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:

- Sections Of The Near Southside Development Standards And Guidelines as provided by Section 4.1305.D., "Other Development Standards" of Section 4.1305, "Near Southside ("NS") District of Article 13, "Form-Based Districts" of Chapter 4, "District Regulations" to create a new Neighborhood classification for NS-T5 Zones and provide development regulations

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

Request: **TEXT AMENDMENT: CREATE NEAR SOUTHSIDE T5N
SUBDISTRICT**

Background:

Since 1996, the City of Fort Worth and Fort Worth South, Inc. and other community groups have worked to build on the history and eclectic, mixed-use, human-scale character of the district. They collaborated on the creation of the award winning Fort Worth South Development Standards and Guidelines, which was adopted by the City Council in 2007. The previous patchwork of single-use industrial, commercial, and residential zoning districts did not allow or promote a mix of residential, retail, office, and institutional uses as envisioned in the City's Comprehensive Plan.

Nine general development principles guided the creation of the code. One of the principles promoted the creation of additional residential units. Fort Worth South, Inc. prioritizes residential development due to disparity of housing units for the 30,000 workers in the district. Before the code was adopted, the district had approximately 1200 dwelling units. Since adoption of the code, 400 additional units have been constructed with an expected additional 1000 units by the end of 2015.

The proposed amendment in the Near Southside would create a new NS-T5N zoning classification to encourage higher density residential development in areas previously designated for general mixed-use development. Property owners and Fort Worth South, Inc. have requested this new zoning classification to accommodate market trends.

Attachments: Proposed Ordinance

Minutes from the Zoning Commission meeting

CREATE NEAR SOUTHSIDE T5N SUBDISTRICT
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE 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 SECTIONS OF THE NEAR SOUTHSIDE DEVELOPMENT STANDARDS AND GUIDELINES AS PROVIDED BY SECTION 4.1305.D., “OTHER DEVELOPMENT STANDARDS” OF SECTION 4.1305, “NEAR SOUTHSIDE (“NS”) DISTRICT OF ARTICLE 13, “FORM-BASED DISTRICTS” OF CHAPTER 4, “DISTRICT REGULATIONS” TO CREATE A NEW NEIGHBORHOOD CLASSIFICATION FOR NS-T5 ZONES AND PROVIDE DEVELOPMENT REGULATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance No. 17871-11-2007 on November 6, 2007 creating the Near Southside form-based zoning district to encourage high quality, pedestrian-oriented development, and a variety of housing types and neighborhood layouts; adopted the Near Southside Design Standards and Guidelines as part of the Zoning Ordinance; and established the Urban Design Commission and staff to administer those design standards and guidelines; and

WHEREAS, the City Council adopted Ordinance No. 18188-07-2008 on July 25, 2008 amending the Near Southside Design Standards and Guidelines adopted as part of the Zoning Ordinance to revise administrative procedures, change building height and architectural standards, and to clarify and correct inconsistencies; and

WHEREAS, the City Council adopted Ordinance No. 19514-02-2011 on February 15, 2011 amending the Near Southside Design Standards and Guidelines adopted as part of the Zoning Ordinance to require multi-story minimums along

designated streets, amend regulations related to projecting signs, revise land use standards in “N” Neighborhood zones, and to clarify and correct inconsistencies; and

WHEREAS, the City Council adopted Ordinance No. 20159-05-2012 on May 15, 2012 reorganizing the Zoning Ordinance and creating a form based district use table; and

WHEREAS, since the creation of the Near Southside District and the implementation of the Near Southside Design Standards and Guidelines staff has reviewed projects which have prompted these proposed amendments to add neighborhood use to the NS-T5 zone in order to allow higher density development in designated neighborhood zones; and

WHEREAS, it is advisable to amend the Near Southside Design Standards and Guidelines to add neighborhood use to the NS-T5 zone and add create development standards; and

WHEREAS, Section 4.1305.D of the Zoning Ordinance entitled “Other Development Standards” requires that any revisions to the Near Southside Design Standards and Guidelines must be considered by the Urban Design Commission, the Zoning Commission and the City Council;

WHEREAS, the Urban Design Commission and the Zoning Commission recommend approval of the proposed amendments to the Near Southside Design Standards and Guidelines to the City Council.

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

SECTION 1.

Article 13, “Form Based Districts” of Chapter 4 “District Regulations”, Section 4.1305 “Near Southside (“NS”) District, Subsection B. “Uses” is amended to provide a specified neighborhood development for the NS-T5 zone and to provide development standards and guidelines to and administrative procedures to read as follows:

B. Uses

In the Near Southside (“NS”) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, nor shall a Certificate of Occupancy be issued, except in accordance with the use tables and supplemental standards contained in Section 6 of the document “Near Southside Development Standards and Guidelines,” an adopted supplement to the City’s Zoning Ordinance.

Near Southside (“NS”) District		
Front Setback*	0 feet minimum, 20 feet maximum	
Rear Yard*	3 feet minimum	
Side Yard*	0 feet minimum	
Units per Acre	No restriction	
Units per Building	No restriction	
Minimum Heights	New facades along designated primary streets: 2 stories consisting of a minimum of 18 feet.	
	New facades along public streets and public places: 15 feet for buildings < 4,000 square feet 18 feet for buildings ≥ 4,000 square feet Ground floors of multistory non-residential buildings: minimum 10 feet, floor to ceiling	
Maximum heights**	T4 and T4-N	3 stories
	T4-I	6 stories
	T5, <u>T5-N</u>	5 stories
	T5-I	10 stories
Maximum heights with a) mix of use, b) public space, and/or c) structured parking bonuses **	T4-N: a, b, or c	4 stories
	T4: a, b, or c	5 stories
	T4: a&b, a&c, or b&c	6 stories
	T5 and <u>T5-N</u> : a, b, or c	8 stories
	<u>T5 and T5-N</u> : a&b, a&c, or b&c	10 stories
Notes: *Additional setback standards and guidelines contained in “Near Southside Development Standards and Guidelines.”		
** See zone boundary map in Exhibit C. Height bonus and Fairmount transitional height plane provisions		

contained in "Near Southside Development Standards and Guidelines."

SECTION 2.

The Near Southside Design Standards and Guidelines, as adopted and incorporated into Ordinance No. 13896, the Zoning Ordinance in Chapter 4, "District Regulations", Article 13 "Form Based Districts", Section 4.1305, "Near Southside (NS) District", Subsection 4.1305.D. "Other standards" is hereby amended as set out in Exhibit "A", attached and hereby incorporated into the Zoning Ordinance by reference, amends sections 5 and 6 of the Near Southside Design Standards and Guidelines to add neighborhood use to the NS-T5 zone and create associated development standards. A copy of the Near Southside Design Standards and Guidelines is on file in the City Secretary's Office and the Planning and Development Department.

SECTION 3.

This ordinance shall be cumulative of all provision of ordinances and 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 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 or 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 all violations of the provisions of Ordinance No. 13896 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 Sec. 4.1305 Near Southside Code 2015 amendments

official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013,
Texas Local Government Code.

SECTION 8.

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

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramos, Assistant City Attorney

Mary Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____

Ray Oujesky, 201 Main Street, Suite 2500, Fort Worth, Texas representing Autobahn Realty Partners LP explained to the Commissioners the power point. They are requesting to rezone the two lots for PD/E plus the display of new and preowned auto sales as part of the adjacent business and with development standards. Mr. Oujesky said the existing convenience store has been removed and he has been working with Eva Bonilla and University Place on their specific requirements in the PD language.

Ms. Moore asked what is the surface type for the lot. Mr. Oujesky said they will be replacing the existing concrete.

Mr. Flores mentioned Ms. Bonilla’s letter and how is it interpreted. Ms. Murphy explained the specifics of the PD language and that a site plan would be required if a structure is proposed to be built.

Ms. Conlin asked about the sign request. Ms. Burghdoff said it would be a waiver.

Motion: Following brief discussion, Ms. Reed recommended Approval of the request as Amended to include a 16 ft. H x 8 ft. W sign, seconded by Mr. Reeves. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>					<i>ZC-15-013</i>
Name	Address	In/Out 300 ft notification area	Position on case		Summary
Eva Bonilla/ Linwood NA	NA	Out		Support	Sent letter in

17. ZC-15-014 City of Fort Worth Planning & Development: Text Amendment (CD ALL) Create Near Southside 5N Sub District: 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:

- **Sections Of The Near Southside Development Standards And Guidelines as provided by Section 4.1305.D., “Other Development Standards” of Section 4.1305, “Near Southside (“NS”) District of Article 13, “Form-Based Districts” of Chapter 4, “District Regulations” to create a new Neighborhood classification for NS-T5 Zones and provide development regulations**

Laura Voltman, Senior Planner explained the text amendment.

Motion: Following brief discussion, Ms. Moore recommended Approval of the request, seconded by Mr. Northern. The motion carried unanimously 9-0.

18. ZC-15-015 Richard & Linda Claytor (CD 9) 200 Block Cannon & Lueda, 800-900 Blocks Crawford and 917 Bryan (Tucker Addition, Block 37, Lots 3A, B, & 4A, B Block 38, Lots 7-12, Rosedale Addition, Block C, Lots 2A, 2B & 4, 3A, 2.14 Acres): from “NS-T4N”