



**ZONING AMENDMENT
STAFF REPORT**

City Council Meeting Date:
November 12, 2019

Council District ALL

Zoning Commission Recommendation: Approval by a vote of 7-0 Opposition: None submitted Support: None submitted	Continued	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Case Manager	<u>Justin Newhart</u>
	Surplus	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Council Initiated	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Owner / Applicant: City of Fort Worth Planning and Development Department

Site Location: City-wide

Proposed Change: An Ordinance amending the Comprehensive 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 (2015), by amending:

- To amend Section 6.201, "Off-Street Parking Requirements" of Chapter 6, "Development Standards" of Article 2, "Off-street Parking and Loading";
- To exempt certain properties with a Historic Designation or listed in the National Register of Historic Places,

To review the proposed amendments: <http://fortworthtexas.gov/zoning/cases/>

Request: **TEXT AMENDMENT: Proposed Text Amendment to the Zoning Ordinance Relating to Parking and Historically Designated Structures**

Background:

City staff have identified a conflict between the City's historic preservation requirements and parking requirements in the Zoning Ordinance. The purpose of historic preservation is the protection and enhancement of historic structures, sites, and districts to promote the economic, cultural, educational, and general welfare of the public.

Parking requirements often run counter to the purpose of historic preservation. In many cases, meeting parking requirements cannot be achieved without making significant changes or even demolition to structures and sites.

Because parking requirements have a potential adverse effect on the character of a historic district or property, staff are proposing a minor amendment to the Zoning Ordinance to eliminate parking requirements for properties designated Historic & Cultural Landmarks (HC) and Highly Significant/Endangered (HSE), or listed in the National Register of Historic Places.

- On September 9, 2019 the Historic & Cultural was briefed on the proposed text amendment.
- On September 10, 2019 City Council received an Informal Report on the proposed text amendment.

- On September 11, 2019 the Zoning Commission received a briefing on the proposed text amendment.

Below is the proposed language for the text amendment:

Properties designated (“HC”), (“HSE”), or listed in the National Register of Historic Places are exempted from all off-street parking requirements when the HC District or *Secretary of Interior’s Standards for the Treatment of Historic Properties* requires a more historically appropriate lot dimension or site configuration.

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 6, "DEVELOPMENT STANDARDS," ARTICLE 2 "OFF STREET PARKING AND LOADING", OF SECTION 6.201 "OFF STREET PARKING REQUIREMENTS" TO EXCEPT HISTORICALLY DESIGNATED PROPERTIES FROM OFF-STREET PARKING REQUIREMENTS; 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, minimum parking requirements often run counter to the purpose and intent of historic preservation, which is to protect and enhance historic structures, sites, and districts to promote the economic, cultural, educational, and general welfare of the public;

WHEREAS, the City Council has recognized that, through the adoption of the Historic Preservation Ordinance, preserving the historical, cultural, and archeological heritage of the City is necessary because changes increasingly threaten to destroy buildings, structures, and areas having important historical, cultural, architectural, archeological, and community values, which, when damaged or destroyed, cannot be replaced;

WHEREAS, off-street parking requirements often run counter to the above-stated purposes of preservation because, in many cases, minimum parking requirements cannot be met without making significant alterations and changes to the historic structures and sites that the City seeks to protect; and

WHEREAS, because minimum off-street parking requirements have an adverse effect on the preservation of historic structures and areas, City Council desires to eliminate minimum parking requirements for properties that are locally designated as historic and cultural landmark (HC) or highly significant endangered (HSE) or listed in the National Register of Historic Places.

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

SECTION 1.

Chapter 6, “Development Standards”, Article 2, “Off Street Parking and Loading”, Section 6.201 “Off Street Parking Requirements” of the Zoning Ordinance of the City of Fort Worth is amended to add Subsection 6.201(b)(3) to except historic properties from the minimum off-street parking requirements and reads as follows:

“6.201 Off Street Parking Requirements

...

(b). Required Off Street Parking

...

- (3) *Exception.* Properties designated as historic and cultural landmark or highly significant endangered or listed on the National Register of Historic Places are not subject to the required off-street parking requirements set forth in this Section 6.201.

SECTION 2.

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 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, 21653 and any other ordinances affecting zoning that 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: _____
Tyler F. Wallach
Sr. Assistant City Attorney

Mary J. Kayser
City Secretary

ADOPTED: _____

EFFECTIVE: _____