



Zoning Staff Report

Date: June 13, 2023

Case Number: ZC-23-072

Council Districts: 8 & 9

Zoning Map Amendment

Case Manager: [Justin Newhart](#)

Owner / Applicant: City of Fort Worth

Site Location: Near Southside Form-Based District Acreage: 1,167 acres

Request

Proposed Use: Mixed-Use

Request: To provide text amendments to the surface parking lots standards in the Near Southside Development Standards & Guidelines

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Consistency: Requested change **is consistent**

Staff Recommendation: **Approval**

Zoning Commission Recommendation: **Approval by a vote of 6-0**

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Project Description and Background

The primary purpose of this text amendment is to amend surface parking lot standards within the Near Southside Form-Based District. Proposed Revisions to the Near Southside Development Standards & Guidelines are focused on amending section 5, subsection E and G.

Surface parking lots are subject to various standards, and are intended to minimize negative impacts on the Near Southside's highly walkable environment. A parking lot is defined as any on-site or auxiliary parking lot intended to operate for more than five (5) years that is associated with a new or existing building. Standards have been proposed to address transitional parking lots that operate for five (5) years or less, in order to provide safe parking, an activated pedestrian experience, and a transitional use before a site is fully developed.

The Near Southside Development Standards & Guidelines were last amended in December, 2021. The proposed changes to the Near Southside Development Standards & Guidelines are consistent with the intent of the district, which is to support a "pedestrian-oriented mix of uses and convenient access between area neighborhoods and shopping, employment, housing and neighborhood retail services."

On April 20, 2023, the Urban Design Commission recommended approval of the text amendment to the Zoning Commission and City Council.

Surrounding Zoning and Land Uses

North N/A

East N/A

South N/A

West N/A

Recent Zoning History

N/A

3.E. Near Southside District Boundary



See Section 4 for development zone map with parcels

Public Notification

300-foot Legal Notifications were mailed on April 21, 2023.

Development Impact Analysis

Land Use Compatibility

To provide text amendments to the surface parking lots standards in the Near Southside Development Standards & Guidelines.

The proposed text amendment is **compatible** with surrounding land uses.

Comprehensive Plan Consistency –

The adopted Comprehensive Plan currently designates the Near Southside Form-Based Code District as Mixed-Use. The proposed request is consistent with the land use designations for this area, and aligns with the following policies and strategies of the Comprehensive Plan:

- Identify and designate on future land use maps regional and community mixed-use growth centers in rapidly developing areas, based on proximity to future rail transit and key transportation intersections.
- Accommodate higher density residential and mixed uses in transit oriented developments, urban villages, and designated mixed-use growth centers.
- Adopt a sustainable development policy that promotes the following:
 1. Land use and transportation practices that promote economic development while using limited resources in an efficient manner;

Based on conformance with the policies stated above, the proposed zoning is **consistent** with the Comprehensive Plan.

Economic Development Plan

The adopted Economic Development Strategic Plan identified four different results to facilitate the success and growth of Fort Worth:

1. Signature Projects in the Urban Core
2. Citywide Urban and Mixed-Use Development
3. Equitable Infrastructure Investments A more sustainable tax base, driven less by residential property valuation and more by commercial and industrial investment.
4. A commitment to “quality of place” throughout the community, including rising home values, new business startups, reduction of blighted areas, and the emergence of walkable corridors with a mixture of residential and commercial developments and related amenities.

ORDINANCE NO. _____

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), TO AMEND CHAPTER 4, “DISTRICT REGULATIONS” ARTICLE 13, “FORM BASED DISTRICTS”, SECTION 4.1305, “NEAR SOUTHSIDE (“NS”) DISTRICT” TO AMEND “THE NEAR SOUTHSIDE DEVELOPMENT STANDARDS AND GUIDELINES” AS PROVIDED BY SECTION 4.1305.D., “OTHER DEVELOPMENT STANDARDS” TO CLARIFY THE REQUIREMENTS FOR DIFFERENT TYPES OF SURFACE PARKING LOTS AND TRANSITIONAL PARKING LOTS; 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, in November 2007, the City Council created the Near Southside Zoning Districts to encourage high quality, pedestrian-oriented development in the near Southside; adopted the Near Southside Development Standards and Guidelines as part of the Zoning Ordinance; and established the Urban Design Commission and staff to administer those design standards; and

WHEREAS, since the creation of the Near Southside Districts and the implementation of the Near Southside Development Standards and Guidelines Fort Worth South Inc. has provided input and worked with staff on amendments to the Near Southside Development Standards and Guidelines to add flexibility to the current code, maintain high standards of design, and to update exhibits and references to further promote desirable development that is consistent with the urban design and economic development goals for the Near Southside District; and

WHEREAS, it is advisable to amend the Public Spaces, Standards;

WHEREAS, the amendments will provide clarification of the requirements for different types of surface parking lots and transitional short-term parking lots; and

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

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

SECTION 1.

The Near Southside Development Standards and Guidelines, as adopted and incorporated into Ordinance No. 21653, 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, amending various sections of the Near Southside Development Standards and Guidelines, Section 5. “Development Standards and Guidelines”, subsection E. “Parking and Driveways” to provide clarification of the requirements for different types of surface parking lots and transitional short-term parking lots which will provide clarity and flexibility for the property owners in the Near Southside District. Copy of the Near Southside Development Standards and Guidelines are available in the Development Services Department.

SECTION 2.

This ordinance shall be cumulative of all provision of ordinances and 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 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 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 all violations of the provisions of Ordinance Nos. 13896 and 21653 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.

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

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramos, Deputy City Attorney

Janette S. Goodall, City Secretary

ADOPTED: _____

EFFECTIVE: _____

EXHIBIT A
NEAR SOUTHSIDE DEVELOPMENT STANDARDS AND GUIDELINES
AMENDMENTS – SECTION 5, SUBSECTIONS E AND G

SECTION 5. PARKWAYS AND DRIVEWAYS

E. Parking and Driveways

3. Surface Parking Lots (see below for Transitional Parking Lots) –Surface parking lots are subject to various standards outlined below, intended to minimize negative impacts on the Near Southside’s highly walkable environment. A parking lot is defined as any on-site or auxiliary parking lot intended to operate for more than five (5) years that is associated with a new or existing building.

- a. Location of Parking Lots Serving On-Site Buildings and Uses – Lots shall be located behind or to the side of buildings as depicted in the diagrams to the right. GUIDELINE – Surface parking lots that front streets are discouraged; all site plan options that minimize surface lots along public streets should be explored.
- b. Off-site Auxiliary Parking Lots– While allowed in the Near Southside, a stand-alone long-term parking lot is discouraged unless essential to the meet the general demand for parking supply for the auxiliary parking lot’s immediate vicinity. Auxiliary lots are subject to all standards applying to on-site parking lots, except parking lot frontage standards in subsection 4 below.
- c. Roadside Elements – The roadside elements required for new development (e.g. pedestrian lights and street trees required by Section 5.B.3.) also apply to new surface parking lots.
- d. General Parking Lot Design Standards – Additional parking lot design standards are contained in Section 6.201 of the Zoning Ordinance.

4. Maximum Surface Parking Lot Frontage For new on-site parking lots serving uses in new or existing buildings, the percentage of parking lot frontage along any street shall not exceed the following maximums:

- e. 40% of the development site’s total frontage length along a project’s primary streets, and
- f. 70% of the development site’s total frontage length along a project’s secondary streets.

Parking lot frontage measurements shall include the combined frontage length of any paved and/or drivable surface that functions as part of a parking lot’s circulation, such as – but not limited to – drive aisles and parking spaces.

5. Surface Parking Screening Parking lots that front a street shall be separated from the sidewalk by a decorative and durable screen or landscaping at least 4 ft. in height.

GUIDELINE – Screening walls attached to buildings should be designed as architectural extensions of the building, constructed of the same materials and style. This requirement is not applicable to auxiliary parking lots.

6. Transitional Parking Lots. A transitional parking lot provides needed parking in a high activity area without negatively impacting the site’s long-term development. A transitional parking lot is defined as any parking lot intended to operate for up to five (5) years and is associated with a new or existing building.

7. Review of Transitional Parking Lot. Proposals for short-term transitional parking lots consistent with all applicable development standards provided below may be approved administratively by the Development Services Director without UDC review. The UDC shall review proposals for transitional parking lots when a waiver from the development standards is requested. The review will consider the proposed transitional parking lot site’s context and the transitional parking lot’s compatibility with surrounding properties and uses.

a. Eligibility for Review – At a minimum, the location must:

- i. Address parking demand generated by off-premise construction, projects, or uses, and/or
- ii. Facilitate another site’s desirable development as a parking lot and not a staging site.

NOTE: This section and all standards applying to transitional parking lots do not apply to construction staging lots primarily serving construction vehicles, contractor parking, trailers, or other users directly associated with a construction project. The duration of time for construction staging sites shall match the construction project’s duration of time.

b. Locations

- i. Transitional parking lots are most appropriate in highly active business areas with high demand for additional off-street parking.
- ii. Proposed transitional parking lots should avoid direct frontage along designated Main Streets (see map in section 4.C.1.). See provisions in the section below for contextual site standards applying to Main Street locations.

c. Primary Design Features – The following elements should apply in most cases (unless noted as required in all). Any proposal to exempt any of these core features will be evaluated on a case-by-case basis, factoring specific site conditions:

- i. Dust free surface (required in all cases)
- ii. Screening of public frontages, particularly in key pedestrian locations
- iii. Wheels stops and other elements to delineate individual spaces and drive areas
- iv. Safety lighting
- v. Curb and sidewalks along public street frontages
- vi. Tree preservation (in addition to basic protection of significant trees)

- vii. Lots on designated Main Streets – Lots should include a buffer setback along the Main Street’s frontage. The buffer setback should include landscaping and/or other elements as well as a vertical edge element along the Main Street sidewalk
- viii. Pay to Park Lots – Visible signage clearly showing fees, time limits, and payment methods
- d. Duration (Time Period) and Renewal
 - i. Because transitional parking lots are intended to meet parking demand in high activity areas while also facilitating the future development of the sites, the duration or time period for a transitional parking lot is may range from one (1) to five (5) years, provided however, that a shorter time period may be approved administratively as determined by the Development Director or UDC, as applicable, using the criteria listed section 7.a, above.
 - ii. Renewal –Applications for renewal of a transitional parking lot must be filed not later than 90 days before the expiration of the transitional parking lot’s time period and may be approved administratively. Each transitional parking lot is allowed only one (1) renewal.
 - iii. Denial of Renewal – If the transitional parking lot has not been constructed within the timeframe of the approved Certificate of Appropriateness (COA) for the project (two (2) years), and Development Director or the UDC determines that there has not been significant progress toward the site’s development then the requirements of a permanent parking lot would apply, if the site were to continue use a parking lot (e.g. pedestrian lights and street trees installed along roadside, canopy trees planted within the lot, permanent screening along sidewalks).

NOTE: Short Term Construction Staging Sites

Short Term Construction Staging Sites will be reviewed administratively before the construction project’s permit process. Time limits for construction staging sites shall match the construction project’s time limits, but shall not exceed three (3) years.

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G. On-Site Landscaping

1. Tree Preservation and Canopy Requirements

b. Trees in Surface Parking Lots – All new construction projects that include long-term surface parking shall provide at least 40% tree canopy coverage of surface parking lots (refer to the categorized list of canopy trees on the following page.)