

**AMEND NEAR SOUTHSIDE NS DISTRICT  
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 AMEND THE REGULATIONS FOR PARKING LOT LOCATIONS, SIGN STANDARDS, AND ARCHITECTURAL DESIGN STANDARDS; TO CLARIFY THE APPLICATION OF BUILDING ENTRY, PARKING GARAGE AND ROADSIDE DESIGN STANDARDS; TO PROVIDE ADDITIONAL REGULATIONS FOR SKYBRIDGES; TO CORRECT REFERENCES FOR SUPPLEMENTAL USE STANDARDS; AND AMENDING SECTION 4.1302 "FORM BASED CODE DISTRICT USE TABLE", TO REVISE THE SUPPLEMENTAL STANDARDS FOR CERTAIN USES IN THE NS ZONING DISTRICTS; 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 provide for architectural standards for highly visible elevations not facing public streets; provide criteria for skybridges; revise standards for parking garages, roadside improvement standards, and surface parking lots; amend the regulations related to building entries and signs; clarify the ground floor transparency requirement; list exemptions from supplemental use 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.**

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” as set out in Exhibit “A”, attached and hereby incorporated into the Zoning Ordinance by reference, is hereby amended by revising sections 3, 5 and 6 of the Near Southside Design Standards and Guidelines to: provide for architectural standards for highly visible elevations not facing public streets; provide criteria for skybridges; revise standards for parking garages, roadside improvement standards, and surface parking lots; amend the regulations related to building entries and signs; clarify the ground floor transparency requirement; list exemptions from supplemental use standards, as further described below. 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.

Near Southside Development Standards and Guidelines revisions:

**3.D. Development Review Process (pp 7-8)**

2. ADMINISTRATIVE REVIEW VS. UDC REVIEW – Projects that are clearly consistent with all applicable development principles and that clearly conform

to all standards may be approved administratively by the Planning and Development Director without UDC review. Because of the unique signage needs of the major hospitals, staff may also approve appropriate hospital signage that deviates from the dimensional standards. Additionally, staff may approve waivers from roadside design elements for properties located along a street that is planned for City or Fort Worth South Inc. sponsored streetscape projects. The UDC shall review projects that require interpretation or discretionary judgment with respect to the project's compliance with standards and guidelines. The UDC shall also review all of the following:

- Skybridges (5.C.6)
- Drive-through facilities (see Section 5.D.5.)
- Mobile food courts (5.F.8)
- Monument signs (5.F.9.a)

### **5.C. Building Location and Orientation (pp 35-36)**

#### **3. PEDESTRIAN ENTRANCES**

- Primary pedestrian building entrances** shall be located on the street frontage of the building. If a site's slope presents significant impediments to a street fronting entrance, such as a need for stairs, within the public right-of-way – and a proposed entrance from an adjacent side façade would provide a similarly visible and inviting front entrance, City staff may approve an exception administratively. For buildings fronting other public spaces, the primary pedestrian entrance shall be oriented to and accessible from the public space.

#### **6. SKY BRIDGES**

Sky bridges spanning public streets to connect upper floors of opposing buildings often negatively impact street-level pedestrian activity. There may be, however, unique circumstances that would allow for a sky bridge that serves a vital connectivity function without negative street-level impacts. All sky bridge proposals require Urban Design Commission review. To receive UDC approval, a proposed sky bridge must meet all of the following criteria:

- The sky bridge must serve a clear and vital connectivity function that is clearly impractical to achieve through a street level connection.
- The sky bridge must not remove significant pedestrian activity from street level, and the evaluation of potential activity lost should take into account both the potential number of pedestrians lost and any potential lost benefits stemming from pedestrians in that particular area, such as lost benefits to neighborhood safety or neighborhood businesses.
- The sky bridge must not visually obstruct significant view corridors.

### **5.E. Parking and Driveways**

**4. MAXIMUM SURFACE PARKING LOT FRONTAGE** – The percentage of parking lot frontage along any street shall not exceed the following maximums:

- 40% of the development site's total frontage length along a project's primary streets, and
- 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.E.Parking and Driveways (p. 38)**

7. COMMERCIAL OR PUBLIC PARKING GARAGES shall be located at the interior of a block or underground and shall not be visible from public rights-of-way, unless the UDC approves an exception. ~~Exception requirement:~~ Ground floor commercial uses, or space adaptable for future commercial use, ~~shall~~ should be integrated into parking garages located along public streets.

#### **5.F.Architectural Standards (pp 39-40)**

5. FAÇADES – Standards in this section apply to:

- Facades facing public streets and other public spaces (except alleys). For these facades, all standards in this section apply.
- Other highly visible facades. Facades that meet any of the following conditions must also comply with the standards in this section, with the exception of 5.F.5.d. "Ground floor transparency," which shall not apply.
  - Parking lot facing facades: Facades visible from a public street or other public space and that face a surface parking lot of the same development project.
  - Side facades: Facades visible from a public street or other public space as a result of sharing a side property line with an adjacent building that is set back at least 15 feet further than the proposed building.
  - Railroad facades: Facades visible from public streets and other nearby public areas as a result of facing a railroad right-of-way.

#### **d. Ground floor transparency for non-residential uses**

For all ground floor nonresidential uses located along publicly accessible streets and other public spaces, at least 40 percent of the wall area between 2 and 12 feet shall consist of doors and windows and transparent (not mirrored) glazing. Clear glazing must have a visible transmittance rating of 0.5 or greater to count towards the fenestration requirement. This provision applies as a guideline in "I" zones.

#### **9. SIGNS –**

##### **a. Types**

- 1) On premise attached ~~and monument~~ style signs are allowed, with the exception of internally-lit cabinet signs and flat signs that have a

projecting depth of less than six inches and monument style signs are permitted.

2) Monument signs are discouraged and shall require Urban Design Commission review. UDC-approved monument signs should be limited to more suburban-style site layouts that have a significant front-yard setback, or other unique circumstances.

3) Pole signs are not permitted.

4) Off premise signs are not permitted.

### **6.C Permitted land uses (pp 44-52)**

Remove the following supplemental use standards:

- 4.305B Residential Planned Developments
- 4.305D Specific Industrial Uses Permitted in "PD" District Only
- 5.103 Assaying
- 5.107 Bed and Breakfast Inn
- 5.112 Drive-In Business
- 5.115 Group Home I or II
- 5.116 Hotel, Motel or Inn
- 5.116B Industrialized Housing
- 5.117 Kennel
- 5.12 Manufacturing
- 5.121 Metal Casting
- 5.122 Metal Foundry or Fabrication Plant
- 5.123 Metal Stamping, Dyeing, Shearing or Punching
- 5.124 Newspaper Distribution Center
- 5.126 Print Center, Commercial
- 5.128 Recording Studio
- 5.129 Recreational Vehicle Park
- 5.132 Stable, Commercial
- 5.134 Store, Large Retail
- 5.135 Swimming Pool, Commercial
- 5.138 Theater, Movie Theater or Auditorium
- 5.143 Warehouse or Bulk Storage, Warehouse, Mini
- 5.307 Large Animals
- 6.506 Unified Residential Development

## **SECTION 2.**

Chapter 4, Article 12, of the Zoning Ordinance of the City of Fort Worth, Section 4.12023, "Uses" is hereby amended revise the Supplemental Standards column to add an asterisk that the supplemental standard is not required in the NS zoning districts for the

following uses: Residential Planned Developments, Specific Industrial Uses Permitted in "PD" District Only, Assaying, Bed and Breakfast Inn, Drive-In Business, Group Home I or II, Hotel, Motel or Inn, Industrialized Housing, Kennel, Manufacturing, Metal Casting, Metal Foundry or Fabrication Plant, Metal Stamping, Dyeing, Shearing or Punching, Newspaper Distribution Center, Print Center, Commercial, Recording Studio, Recreational Vehicle Park, Stable, Commercial, Store, Large Retail, Swimming Pool, Commercial, Theater, Movie Theater or Auditorium, Warehouse or Bulk Storage, Warehouse, Mini, Large Animals and Unified Residential Development.

### **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 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: \_\_\_\_\_

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