ORDINANCE NO.____________

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 21563, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 13 “FORM BASED DISTRICTS”, OF CHAPTER 4, “DISTRICT REGULATIONS” TO AMEND SECTIONS 4.1300 “LOW INTENSITY MIXED-USE (“MU-1”) DISTRICT” AND 4.1302 HIGH INTENSITY MIXED-USE (“MU-2”) DISTRICT TO AMEND REGULATIONS RELATED TO OFFICE AND HOTEL HEIGHT IN MU-2, TO PROVIDE FOR THE APPLICABILITY OF MIXED-USE STANDARDS IN BUILDING REUSE; TO CLARIFY REGULATIONS RELATED TO SCREENING, LANDSCAPING, FENCES, BUILDING TYPES, HEIGHT, FRONTAGE, ENTRIES AND SIGNS; TO CLARIFY PARKING FOR RESIDENTIAL USES IN MIXED-USE DISTRICTS AND TO AMEND SECTION 4.1200 “FORM BASED DISTRICTS CODE USE TABLE” TO ADD MICROBREWERY, MICRODISTILLERY AND BREWPUB AS AN ALLOWED USES IN THE MU-2 DISTRICT; 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, the Comprehensive Plan designates mixed-use growth centers to encourage development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers; and

WHEREAS, in 2001 the Planning and Development Department formed a Mixed-Use Zoning Advisory Group (MUZAG), consisting of representatives from pertinent City commissions, the development community, neighborhood associations, design professionals, and other interested parties to guide the creation of a mixed-use zoning classification; and

WHEREAS, on March 20, 2000 the City Council adopted Ordinance No. 14556 to add the “Low Intensity Mixed-Use (“MU-1”) and “High Intensity Mixed-Use (“MU-2”) zoning districts to address the need for denser residential developments to support and complement transit and to support commercial uses compatible with central city neighborhoods or urban mixed-use districts; and
WHEREAS, the mixed-use districts have been amended every few years since their initial adoption when staff has reconvened MUZAG to address issues, topics and best practices for mixed-use districts; and

WHEREAS, City staff convened MUZAG again in 2018 to address issues and topics identified by staff, developers, and neighborhood groups related to the Mixed-Use and Urban Residential zoning districts; and

WHEREAS, the Zoning Commission and the Urban Design Commission conducted public hearings on the proposed amendments and recommended approval; and

WHEREAS, it is recommended that the City Council adopt an amendment to the Zoning Ordinance to revise the Mixed-Use district standards;

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

SECTION 1.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 Low Intensity Mixed-Use (MU-1) District and 4.1302 High Intensity Mixed-Use (MU-2) District subsections (b) to provide that the Urban Design Commission must review and make recommendations on variances to the Board of Adjustment, changes in zoning to the Zoning Commission and the City Council and to provide for changes to conceptual site plans, to read as follows:

Sec. 4.1300 and 4.1302 Mixed-Use 2018-19
MUZAG

Ordinance No. ____________________________

Page 2 of 15
SEC. 4.1300 and SEC. 4.1302

(b) Administrative Review Requirements

Projects that clearly conform to all MU-1/2 mixed-use standards may be approved administratively by the Planning and Development Director or designee. A waiver from the MU-1/2 mixed-use requirements and standards may be granted by the Urban Design Commission (UDC) in accordance with the applicable development principles and standards. A Certificate of Appropriateness will be provided for UDC decisions and shall expire if a building permit is not received within 2 years of issuance of the Certificate of Appropriateness.

Any variance requests to the Board of Adjustment shall first receive a recommendation provided by the Urban Design Commission prior to the public hearing of the Board of Adjustment.

Any zoning proposal requesting a Planned Development “PD” zoning district or “CUP” Conditional Use Permit that includes waivers from any mixed-use design standard must receive a recommendation from the Urban Design Commission prior to a public hearing by the Zoning Commission or the City Council.

1) Conceptual Site Plan: For properties 5 acres or more, developers shall submit a conceptual site plan to the Planning and Development Department for administrative review prior to submittal of permit applications, in order to facilitate compliance with the mixed-use zoning standards, for new construction projects. The site plan shall show the anticipated location of proposed streets, sidewalks and walkways, building footprints, parking areas, landscaped areas and features, and open space. The conceptual site plan must be approved before a building permit application is accepted by the Planning and Development Department. A 5% or greater change in land uses to an approved site plan will require a new project review and approval prior to permitting.

SECTION 2.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 Low Intensity Mixed-Use (MU-1) District and 4.1302 High Intensity Mixed-Use (MU-2) District subsection (c) to clarify the townhouse definition, to read as follows:

SEC. 4.1300 and SEC. 4.1302

(c) Uses.

(1) Building types permitted.

…

c. Apartment/condominium. Multi-family residential development type that often shares a common entrance. Primary entrances are prominent and street-facing. An elevated ground floor
for residential uses is recommended to ensure privacy. Parking for an apartment/condominium building is allowed on the side or rear of the building, but the preferred method is at the rear of the building or within a parking structure. **A townhouse form shall be considered an apartment/condominium when the homes are on one platted lot and not on individually platted lots with ground floor separate entrances to each unit.**

d. **Townhouse.** A two or three story building with **two three** or more attached dwelling units consolidated into a single structure and **platted into individual lots.** An elevated ground floor for residential uses is recommended to ensure privacy.

**SECTION 3.**

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Section 4.1300 Low Intensity Mixed-Use (MU-1) District, subsection d(5) and d(8) to clarify the minimum and maximum building heights, to read as follows:

**SEC. 4.1300**

(d) **Property Development Standards**

…

(5) **Minimum Height Single-Use:** One story with a **minimum of 18 feet total**, as measured from the top of the finished slab at grade level to the top of the highest wall facade.

![Diagram of building height measurement](attachment:diagram.png)

**Note:** Development in the MU-1 District is exempt from § 6.100. An unroofed and unenclosed roof top terrace, and the enclosed stairwell or elevator that strictly provides access to the terrace, shall not be included in the measurement of the total building height. Refer to §§ 5.136 and 5.137 Telecommunication Antenna and Towers.
(8) Maximum Height Single-Use: Three (3) stories or 45 feet, whichever is less as measured from the top of the finished slab at grade level to the top of the highest wall top plate.

SECTION 4.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Section 4.1302 High Intensity Mixed-Use (MU-2) District, subsection (d)(7) to allow 10 story office and hotel projects, to read as follows:

SEC. 4.1302

(d) Property development standards.

(7) Maximum height single-use:

a. Generally: Five (5) stories as measured from the top of the finished slab at grade level to the top of the highest wall top plate. Limit maximum height for hotels in “MU-2” districts to five stories or 60 feet, whichever is less, regardless of eligibility for height bonuses.

b. Single Use Office Building: A maximum height of 10 stories shall be allowed, provided a maximum height of 5 stories shall be required within 250 feet of A or B residential districts with an existing one- or two-family dwelling. Retail and restaurant uses on the ground floor are allowed and encouraged.

c. Single Use Hotel Building: A maximum height of 10 stories shall be allowed, provided a maximum height of 5 stories shall be required within 250 feet of A or B residential districts
with an existing one- or two-family dwelling. Retail and restaurant uses on the ground floor are allowed and encouraged.

SECTION 5.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 Low Intensity Mixed-Use (MU-1) District and 4.1302 High Intensity Mixed-Use (MU-2) District to clarify applicability of certain development standards for changes of use and building addition in MU-1 and MU-2 districts as follows:

SEC. 4.1300

(d) Property Development Standards.

In the Low Intensity Mixed-Use (MU-1) District, the dimensions of yards, the placement of the building, the minimum and maximum height of buildings, the minimum and maximum residential density and the required enhanced landscaping shall be as follows: See Section (12) below for Applicability for change of use and expansion of existing structures.

…

(12) Applicability

In areas that were rezoned to a Mixed Use district with existing buildings which do not comply with current MU standards but the uses of the buildings are changed, certain MU standards will apply depending on the extent of the improvement. Usable area includes a change of use of any outdoor area from what was not a usable, occupiable area prior to the change.
<table>
<thead>
<tr>
<th>With a change of use to a more intense use based on the uses as defined by the Institute of Traffic Engineers (ITE) trip generation manual, with structure/footprint or usable area change of 0% to 15%:</th>
<th>On projects with building additions or site use changes that increase the structure footprint or usable area greater than 15%, but less than 30% (as measured by the footprint of the primary building in the case of tenant spaces):</th>
<th>On projects with building or site usage additions that increase the structure footprint and/or increase the usable area by 30% or more (as measured by the footprint of the primary building in the case of tenant spaces):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk</td>
<td>Required if existing sidewalks are substandard as determined by TPW</td>
<td>Required if existing sidewalks are substandard as determined by TPW</td>
</tr>
<tr>
<td>Enhanced Landscaping</td>
<td>Does Not Apply; Street Trees shall be installed if not existing</td>
<td>Applies; Street Trees shall be installed as part of the total points if not existing</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Does Not Apply</td>
<td>Applies in new footprint</td>
</tr>
<tr>
<td>Fenestration</td>
<td>Does Not Apply</td>
<td>Applies in new footprint or any areas of the existing building being modified</td>
</tr>
<tr>
<td>Entrances</td>
<td>Does Not Apply</td>
<td>Applies in new footprint</td>
</tr>
<tr>
<td>Urban Forestry</td>
<td>Does Not Apply unless new or expanded parking lots are provided</td>
<td>Applies in new footprint including any new or expanded parking lots</td>
</tr>
<tr>
<td>2nd story (MU-2)</td>
<td>Does Not Apply</td>
<td>Does Not Apply</td>
</tr>
</tbody>
</table>

SEC. 4.1302

(d) Property Development Standards.

In the High Intensity Mixed-Use (MU-2) District, the dimensions of yards, the placement of the building, the minimum and maximum height of buildings, the
minimum and maximum residential density and the required enhanced landscaping shall be as follows: See Section (11) Applicability below for change of use and expansion of existing structures.

(11) Applicability

In areas that were rezoned to a Mixed Use district with existing buildings which do not comply with current MU standards but the uses of the buildings are changed, certain MU standards will apply depending on the extent of the improvement. Usable area includes a change of use of any outdoor area from what was not a usable, occupiable area prior to the change.

| Table 1 |
|---------------------------------|---------------------------------|---------------------------------|
| With a change of use to a more intense use based on the uses as defined by the Institute of Traffic Engineers (ITE) trip generation manual, with structure/footprint or usable area change of 0% to 15%: | On projects with building additions or site use changes that increase the structure footprint or usable area greater than 15%, but less than 30% (as measured by the footprint of the primary building in the case of tenant spaces): | On projects with building or site usage additions that increase the structure footprint and/or increase the usable area by 30% or more (as measured by the footprint of the primary building in the case of tenant spaces): |
| Sidewalk | Required if existing sidewalks are substandard as determined by TPW | Required if existing sidewalks are substandard as determined by TPW | Required if existing sidewalks are substandard as determined by TPW |
| Enhanced Landscaping | Does Not Apply; Street Trees shall be installed if not existing | Applies; Street Trees shall be installed as part of the total points if not existing | Applies; Street Trees shall be installed as part of the total points if not existing |
| Setbacks | Does Not Apply | Applies in new footprint | Applies in new footprint |
| Fenestration | Does Not Apply | Applies in new footprint or any areas of the existing building being modified | Applies in new footage or any areas of the existing building being modified |
| Entrances | Does Not Apply | Applies in new footprint | Applies in new footprint |
| Urban Forestry | Does Not Apply unless new or expanded parking lots are provided | Applies in new footprint including any new or expanded parking lots | Applies in new footprint including any new or expanded parking lots |
SECTION 6.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 Low Intensity Mixed-Use (MU-1) District and 4.1302 High Intensity Mixed-Use (MU-2) District, subsection (e) to update parking and loading standards to clarify parking is required for all residential uses, to read as follows:

SEC. 4.1300 and SEC. 4.1302

(e) Off-Street Parking and Loading

(1) Commercial and Mixed-Use Parking Table

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REQUIREMENT AS A PERCENTAGE OF PARKING REQUIREMENT LISTED IN SECTION 6.201(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location not located within 250 feet of a one-or-two family zoned property</td>
<td>None*</td>
</tr>
<tr>
<td>Location located within 250 feet of a one-or-two family zoned property</td>
<td>75 percent (%)</td>
</tr>
<tr>
<td>Location located within 1,000 feet of an existing or approved passenger rail station or stop</td>
<td>50 percent (%)</td>
</tr>
</tbody>
</table>
Residential uses as part of a “Mixed-use” building shall provide required parking as listed in the residential parking table.

(3) Other Off-street Parking and Loading Standards:

f. 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 side 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.

SECTION 7.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 “Low Intensity Mixed-Use “MU-1” District” and 4.1302 “High Intensity Mixed-Use “MU-2” District, subsection (f) to amend the height of the required screening buffer, the requirements for the enhanced landscaping point system, landscaping in parking and driveway areas and urban forestry requirements, to read as follows:

(f) Buffers and Landscaping

(1) Bufferyard and Supplemental Building Setback

c. All uses within the MU-1/2 District mixed-use district adjacent to an A or B district, other than the uses listed in item b. above, adjacent to an A or B district, shall conform to the supplemental building setback and bufferyard width standards required for the Neighborhood Commercial ("E") District, as described in Section 6.300(c) Area Requirements.
(2) Enhanced Landscaping Point System Requirements:

| Street Trees | Trees shall be planted within a planting strip or flush with the sidewalk surface using tree grates or suspended paver grates. Tree grates shall be adjustable and shall be securely attached. Tree grate openings shall not exceed 3/8 inch. Required Spacing:  
- Small/Medium Canopy = 25-30 ft. on center  
- Large Canopy = 35-40 ft. on center  
*Where necessary, spacing exceptions may be made to accommodate mature trees, curb cuts, fire hydrants, and other infrastructure elements. If an improvement includes a tenant space of a building, the street trees shall be planted along the right of way(s) in front of and adjacent to the tenant space |

(3) Landscaping in Parking and Driveway Areas

a. Parking lots and driveways that are located adjacent and parallel to a public street shall be screened from the public right-of-way with landscaping, berms, fences, or walls a minimum of 3 feet in height measured from parking lot grade to a maximum of 4 feet in height up to 4 feet in height.

SEC. 4.1300

(f)(4) Urban Forestry

a. Through either preservation or planting, provide 5 percent (%) site canopy coverage and 40% canopy coverage over new, expanded, or reconstructed surface parking. The surface parking canopy coverage shall count towards the site canopy coverage requirement.

b. Submission of applicable urban forestry plans for review shall comply with Section 6.302 (g), Urban Forestry Plan/Permits.

SEC. 4.1302

(f)(4) Urban Forestry

a. Through either preservation or planting, provide 5 percent (%) site canopy coverage and 40% canopy coverage over new, expanded, or reconstructed surface parking. The surface parking canopy coverage shall count towards the site canopy coverage requirement.

b. Submission of applicable urban forestry plans for review shall comply with Section 6.302 (g), Urban Forestry Plan/Permits.
SECTION 8.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 “Low Intensity Mixed-Use “MU-1” District” and 4.1302 “High Intensity Mixed-Use “MU-2” District, subsection (g) to clarify that all residential building shall provide an entry onto the public street frontage, to read as follows:

SEC. 4.1300 and SEC. 4.1302

(g) Facade design standards.

…

(6) Building entries.

…

d. Residential entries

1. Apartments, condominiums, and manor houses with street level units abutting a one- or two-family district, or along a frontage with an established residential character, shall provide an individual street-oriented entry for each unit abutting the primary street frontage.

SECTION 9.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 Low Intensity Mixed-Use (MU-1) District and 4.1302 High Intensity Mixed-Use (MU-2) District, subsection (h)(1) to update sign standards, to read as follows:

SEC. 4.1300 and SEC. 4.1302

(h) Other Development Standards to correct the formatting of regulations for specific types of signage.

(1) Signs: See Chapter 6, Article 4 for requirements and the following provisions:

a. In addition to signs allowed in Chapter 6, Article 4, one or more attached project identifier or wayfinding signs may be erected on each facade of the occupied space.
1. Signs may have a total area of 10 percent (%) of the area of the facade to which the signs are attached, with a maximum aggregate area of 500 square feet per facade.

2. The facade area shall be calculated by multiplying the width times the height, with a maximum calculated height of 15 feet.

Note: Doors and windows shall be included in the calculation of the facade area.

3. For structures exceeding 15 feet in height, allowable sign square footage shall be calculated as 0.75 square feet per linear foot of building facade.

... 

SECTION 10.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 Low Intensity Mixed-Use (MU-1) District and 4.1302 High Intensity Mixed-Use (MU-2) District, subsection (h)(2) to amend the allowed height of a private patio fence, to read as follows:

SEC. 4.1300 and SEC. 4.1302

(h) Other Development Standards

2) Fences and Gates:

f. For a private residential patio or yard, or a commercial outdoor dining area, a fence, railing, or low wall may extend beyond the building facade if the following requirements are met:

1. Fences, railings, and walls shall not exceed 4 3 feet (48 36") in total height as measured from the ground to the top of the fence, railing and/or the wall ...

SECTION 11.

Chapter 4 “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 13, “Form Based Districts” Sections 4.1300 Low Intensity Mixed-Use (MU-1) District and 4.1302 High Intensity Mixed-Use (MU-2) District, subsection (h)(5) to include the supplemental standards for a drive-in business, to read as follows:

Sec. 4.1300 and 4.1302 Mixed-Use 2018-19
MUZAG
SEC. 4.1300 and SEC. 4.1302

(h) Other Development Standards

(5) Drive-In Business: See Chapter 5, Section 5.112 for requirements.

(5) Drive-In Business

(a) Drive-in businesses may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, provided that no such use shall be permitted to sell alcoholic beverages for consumption on the premises. In the “MU-1” and “MU-2” districts the following requirements shall apply:

(1) Drive-through windows and stacking lanes shall not be located along facades of buildings that face a street, and where possible shall be located to the rear of buildings;

(2) Driveways shall not be located within the front yard setback between the building front and the street;

(3) The design and location of the facility shall not impede vehicular traffic flow and shall not impede pedestrian movement and safety. To minimize conflicts with vehicular and pedestrian circulation, shared driveways and/or driveways located off of non-arterial streets shall be used, where possible;

(4) Architectural elements, landscaping and/or other screening elements shall be provided to minimize the visual impacts of the drive-through facility; and

(5) The design and location of the facility shall be consistent with any design standards or guidelines that may be applicable to the pertinent district.

(b) A site plan demonstrating compliance with these drive-in restaurant or business development standards shall be submitted to the planning and development director or designee for review and approval.

SECTION 12.

Section 4.1203, of Article 12, “Form Based Code District Use Table” of Chapter 4, “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to:

Add a “P” in the “MU-2” zoning district cell for “Brewery, distillery, or winery” in the category “Heavy Industrial Manufacturing”

SECTION 13.

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 14.

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 15.**

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 16.**

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 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 17.**

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 18.**

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

**SECTION 19.**

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

APPROVED AS TO FORM AND LEGALITY:

By: ________________________________            ________________________________

    Melinda Ramos, Sr. Assistant City Attorney        Mary J. Kayser, City Secretary

ADOPTED: ________________________________

EFFECTIVE: ________________________________