



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 16, 2015

Council District ALL

Zoning Commission Recommendation:
Approval 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 Chapter 4 "District Regulations" to amend:

- Subsection H.1. "Administrative Review Requirements" "Conceptual Land Use Plan" of Sections 4.1300 Low Intensity Mixed-Use ("MU-1") District, 4.1301 Low Intensity Greenfield Mixed-Use ("MU-1G") District, 4.1302 High Intensity Mixed-Use ("MU-2") District and 4.1303 High Intensity Greenfield Mixed-Use ("MU-2G") District," to remove One- and Two-Family Residential and Multi-Family Residential as separate categories and combine into a single "All Residential" land use category

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

Request: TEXT AMENDMENT: Amend Land Use Categories For Mixed-Use Zoning District Conceptual Land Use Plan

Background:

The purpose of Mixed Use Districts is to create an environment that promotes walkability and community while reducing the emphasis and dependence on automobiles. An important part of this environment is to create interesting places that people can use and want to visit. In order to achieve this, a place must have a true mix of residential and nonresidential uses, and not an over supply of a single use, such as multifamily uses.

All four of the current MU districts were created with a mixed use test that measures the amount of the different uses that are provided either within a MU area or within 1,000 feet, which is considered a reasonable distance to walk. In this area, no more than 70% of one use may exist; 30% of the property must be another use. The MU districts currently allow single or two family to be considered a different use from multifamily which does not encourage a true and potentially successful mixed use district.

The proposed text amendment will remove One and two family residential and Multi family residential and add All residential as a land use category for purposes of applying the mixed use test. It is intended to be an interim change until the MUZAG completes its review of the entire MU ordinance. At that time, further adjustments may be made to the requirements.

Attachments: Proposed Ordinance

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, TO AMEND SUBSECTION H.1.a. “ADMINISTRATIVE REVIEW REQUIREMENTS” “CONCEPTUAL LAND USE PLAN” OF SECTIONS 4.1300 LOW INTENSITY MIXED-USE (“MU-1”) DISTRICT, 4.1301 LOW INTENSITY GREENFIELD MIXED-USE (“MU-1G”) DISTRICT, 4.1302 HIGH INTENSITY MIXED-USE (“MU-2”) DISTRICT AND 4.1303 HIGH INTENSITY GREENFIELD MIXED-USE (“MU-2G”) DISTRICT,” TO REMOVE ONE- AND TWO-FAMILY RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL AS SEPARATE CATEGORIES AND COMBINE INTO A SINGLE “ALL RESIDENTIAL” LAND USE CATEGORY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan designates mixed-use zoning districts to encourage the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers; and

WHEREAS, the zoning ordinance contains certain property development regulations that can impede the development of mixed-use neighborhoods and commercial centers as envisioned in the Comprehensive Plan; and

WHEREAS, the creation of walkable, mixed-use districts should assist the City in addressing air quality and congestion problems; and

WHEREAS, there is growing market demand for new residential and commercial development within compact, mixed-use districts; and

WHEREAS, in order to ensure that there is a mix of land uses within a property zoned as intended within a mixed-use district, staff recommends the land use categories be amended to combine one- and two-family and multi-family uses into a single land use category;

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

SECTION 1.

Subsection h.1.a., “Conceptual land use plan.” of Section 4.1300 Low intensity mixed-use (“MU-1”) district, Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to remove one- and two-family residential and multi-family residential uses as separate categories, combine all residential uses into a single “all residential” land use category and to renumber all sections, to read as follows:

SEC. 4.1300 LOW INTENSITY MIXED-USE (“MU-1”) DISTRICT.

(h) *Administrative review requirements.*

(1) *Conceptual land use plan.* Developers of projects equal to or larger than three acres in size shall submit a conceptual land use plan for approval by the planning and development director. The conceptual land use plan must be approved before a building permit application is accepted by the planning and development department. The planning and development director may require a conceptual land use plan for a project smaller than three acres if the project is part of a development equal to or larger than three acres in size.

a. *Generally*

1. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:

i~~1.~~ ~~All residential; One- or two-family residential;~~

2. ~~Multifamily residential;~~

ii~~3.~~ Commercial;

iii~~4.~~ Institutional;

iv~~5.~~ Mixed-use buildings (a mix of residential and nonresidential within the same building, meeting the percentage requirements defined in subsection (c)(7)b. above;

v~~6.~~ Public park; or

7. Parking facilities and private open spaces shall be classified the same as the primary land use they serve.

SECTION 2.

Subsection h.1.a., “Conceptual land use plan.” of Section 4.1301 Low intensity greenfield mixed-use (“MU-1G”) district, Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to remove one- and two-family residential and multi-family residential uses as separate categories, combine all residential uses into a single “all residential” land use category and to renumber all sections, to read as follows:

SEC. 4.1301 LOW INTENSITY GREENFIELD MIXED-USE (“MU-1G”) DISTRICT.

(h) *Administrative review requirements.*

(1) *Conceptual land use plan.* Developers of projects equal to or larger than three acres in size shall submit a conceptual land use plan for approval by the planning and development director. The conceptual land use plan must be approved before a building permit application is accepted by the planning and development department. The planning and development director may require a conceptual land use plan for a project smaller than three acres if the project is part of a development equal to or larger than three acres in size.

a. *Generally.*

1. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:

i. ~~All residential; One or two family residential;~~

ii. ~~Multifamily residential;~~

iii. Commercial;

iiiv. Institutional;

iv. Mixed-use buildings (a mix of residential and nonresidential within the same building, meeting the percentage requirements defined in subsection (c)(7)b. above; or

vi. Public park.

2. Parking facilities and private open spaces shall be classified the same as the primary land use they serve.

SECTION 3.

Subsection h.1.a., “Conceptual land use plan.” of Section 4.1302 High intensity mixed-use (“MU-2”) district, Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to remove one- and two-family residential and multi-family residential uses as separate categories, combine all residential uses into a single “all residential” land use category and to renumber all sections, to read as follows:

SEC. 4.1302 HIGH INTENSITY MIXED-USE (“MU-2”) DISTRICT.

(h) *Administrative review requirements.*

(1) *Conceptual land use plan.* Developers of projects equal to or larger than three acres in size shall submit a conceptual land use plan for approval by the planning and development director. The conceptual land use plan must be approved before a building permit application is accepted by the planning and development department. The planning and development director may require a conceptual land use plan for a project smaller than three acres if the project is part of a development equal to or larger than three acres in size.

a. *Generally.*

1. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:

i. ~~All residential; One or two family residential;~~

ii. ~~Multifamily residential;~~

- iii. Commercial;
 - ~~iiiv.~~ Institutional;
 - iv. Mixed-use buildings (a mix of residential and nonresidential within the same building, meeting the percentage requirements defined in § ~~4.1301~~(c)(7)b. above; or
 - vi. Public park.
2. Parking facilities and private open spaces shall be classified the same as the primary land use they serve.

SECTION 4.

Subsection h.1.a., “Conceptual land use plan.” of Section 4.1303 High intensity greenfield mixed-use (“MU-2G”) district, Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to remove one- and two-family residential and multi-family residential uses as separate categories, combine all residential uses into a single “all residential” land use category and to renumber all sections, to read as follows:

SEC. 4.1303 HIGH INTENSITY GREENFIELD MIXED-USE (“MU-2G”) DISTRICT.

(h) *Administrative review requirements.*

(1) *Conceptual land use plan.* Developers of projects equal to or larger than three acres in size shall submit a conceptual land use plan for approval by the planning and development director. The conceptual land use plan must be approved before a building permit application is accepted by the planning and development department. The planning and development director may require a conceptual land use plan for a project smaller than three acres if the project is part of a development equal to or larger than three acres in size.

a. *Generally.*

- 1. The conceptual land use plan shall illustrate the proposed location of land uses on the site, using the following land use categories:
 - i. ~~All residential; One- or two-family residential;~~
 - ~~ii. Multifamily residential;~~
 - iii. Commercial;
 - iiiv. Institutional;
 - iv. Mixed-use buildings (a mix of residential and nonresidential within the same building, meeting the percentage requirements defined in subsection (c)(7)b. above; or
 - vi. Public park.
- 2. Parking facilities and private open spaces shall be classified the same as the primary land use they serve.

SECTION 5.

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (1986), as amended, affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinance are in direct conflict with the provisions of this ordinance.

SECTION 6.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 3011, 13896, or any amendments thereto 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 or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

That 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 void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or 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 herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8.

That 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 (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish 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 10.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____

Melinda Ramos, Assistant City Attorney

Mary Kayser, City Secretary

Adopted: _____

Effective: _____