



Zoning Staff Report

Date: May 9, 2023

Case Number: ZC-23-068

District (old/new): All

Zoning Map Amendment

Case Manager: [Stephen Murray](#)

Owner / Applicant: City of Fort Worth

Site Location: All MU-2 Districts

Acreage: NA

Request

Proposed Use: Mixed-Use

Request: Clarify when a CUP is required for a bar or tavern in MU-2.

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 clarify when a CUP is required for a bar or tavern in MU-2:

Adoption of an ordinance amending the Comprehensive Zoning Ordinance of the City of Fort Worth to amend Chapter 5, Supplemental Use Standards,” Article I, “Standards for Selected Uses,” to add Section 5.152 “Bars or Taverns” to clarify when a conditional use permit is required for a bar or tavern in the High Intensity Mixed-Use Zoning (MU-2) District and amend Section 4.1203 “Form-Based District Use Table” to add a reference to supplemental use standard Section 5.152

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 5, SUPPLEMENTAL USE STANDARDS," ARTICLE I, "STANDARDS FOR SELECTED USES," TO ADD SECTION 5.152 "BARS OR TAVERNS" TO CLARIFY WHEN A CONDITIONAL USE PERMIT IS REQUIRED FOR A BAR OR TAVERN IN THE HIGH INTENSITY MIXED USE ZONING (MU-2) DISTRICT AND AMEND SECTION 4.1203 "FORM-BASED DISTRICT USE TABLE" TO ADD A REFERENCE TO SUPPLEMENTAL USE STANDARD SECTION 5.152; 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, Chapter 211 of the Texas Local Government Code ("TLGC") authorizes the governing body of a municipality to adopt zoning regulations to promote the public health, safety, morals, or general welfare and protect and preserve places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, Section 211.005 of the TLGC authorizes the governing body of a municipality to divide the municipality into districts of a number, shape, and size that the governing body considers best for carrying out the provisions of Chapter 211, General Zoning Regulations, within which districts the governing body may regulate the erection, construction, reconstruction, alteration, repair or use of buildings, other structures or land; and

WEHREAS, the MU-2, High Intensity Mixed Use Zoning District was created by the City Council with the purpose and intent to provide areas in which a variety of higher density housing types exist among commercial, institutional, and selected light industrial; and

WHEREAS, the MU-2 District is designed to accommodate and encourage a diversity of compact, walkable development forms to provide desirable communities to live, work and play by fostering a mix of land uses and density; and

WHEREAS, in order to balance area business types and avoid the over proliferation of one use, it is recommended that the City Council amend the Comprehensive Zoning Ordinance to require a conditional use permit overlay for bars and taverns larger than 2,000 square feet in the MU-2 District.

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

SECTION 1.

Chapter 5 “Supplemental Use Standards” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1, “Standards for Selected Uses”, to add Section 5.152 “Bars or Taverns” to read as follows:

Sec. 5.152 BARS OR TAVERNS.

A bar or tavern may be permitted in the High Intensity Mixed- Use (“MU-2”) District subject to the following conditions:

- (a) Bars or taverns 2,000 square feet or less are allowed by right in the MU-2 District.
- (b) A conditional use permit shall be required if the bar or tavern is larger than 2,000 square feet.

SECTION 2.

Article 12, “Form-Based Code District Use Table,” Section 4.1203, “District Use Table” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise “Entertainment and Eating” “Bar, Tavern, cocktail lounge; club, private or teen, dance hall” to add “CUP” and an asterisk to the “P” under the MU-2 column and add a reference to section 5.152 under the Supplemental Use column.

SECTION 3.

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 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 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 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 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 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.

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

SECTION 9.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos,
Deputy City Attorney

Jannette S. Goodall,
City Secretary

ADOPTED: _____

EFFECTIVE: _____