

**ORDINANCE NO. 2019-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B - ZONING ORDINANCE, OF THE CODE OF ORDINANCES; TO ESTABLISH A MIXED USE INFILL ZONING DISTRICT IN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an application for a text amendment of the Zoning Ordinance, related to the creation of mixed use zoning district in the City, has been initiated by motion of the City Council; and

**WHEREAS**, public hearings before the Planning and Zoning Commission and the City Council of the City of Fredericksburg have been duly noticed and held regarding such application, as required by the City of Fredericksburg Zoning Ordinance; and

**WHEREAS**, the Planning and Zoning Commission has determined that such text amendment is in conformity with the uses established by the Comprehensive Land Use Plan of the City of Fredericksburg and is consistent with the objectives of the City of Fredericksburg Zoning Ordinance, and has recommended to the City Council of the City of Fredericksburg, based upon positive findings under the review and evaluation criteria established by such ordinance, that the text amendment be enacted; and

**WHEREAS**, the City Council has specifically found, following public hearing, that such text amendment is consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg and there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more either of the area of the property included in the zoning text amendment, or of the area of the property immediately adjoining the same and extending two hundred feet (200') therefrom.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:**

**Section 1.** That, Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of Section 3.800 – MU-1: Mixed Use - Infill as follows:

Sec. 3.800. – MU-1: MIXED USE - INFILL.

Intent

This zone represents an effort to provide a zoning category for properties outside of the main commercial area, which are large enough and located in proximity to the core of the city to provide for a mix of uses, and that are intended to be pedestrian and bicycle oriented. Features for consideration include a balanced mix of uses, connectivity of uses,

compactness, compatibility with town character or traditional context, reduced parking, good pedestrian and bicycle access.

#### Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Administrative Services
Arts and Crafts
Business Support Services
Club or Lodge
Cocktail Lounge
College or University Facilities
Community Recreation
Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Cultural Services
Custom Manufacturing
Day Care Services
Financial Services
Food Sales
Group Residential
General Retail Sales
Hotel/Motel
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Medical Offices

Mobile Food Establishments
Outdoor Entertainment
Outdoor Sports and Recreation
Park and Recreation Services
Personal Improvement Services
Personal Services
Pet Services
Professional Offices
Religious Assembly
Restaurant - Drive-In/Fast Food
Restaurant - Limited
Retail Sales - Limited
Shopping Center
Single Family Residential (Detached)
Duplex Residential
Townhouse Residential
Condominium Residential
Multiple Family Residential

#### Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Automobile Rentals
Business or Trade School
Convenience Storage
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
Guidance Services

Private Primary Educational Facilities
Private Secondary Educational Facilities
Transportation Terminals

#### Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

#### Site Development Regulations

Each site in the MU-1 District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 75 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet*
Rear Yard	Minimum Required Setback, 0 feet*
Maximum Impervious Coverage	80%

Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
*25 feet when adjacent to residential zoning district	

Additional Special Site and Development Regulations:

1. All Entry Corridor Standards and Guidelines shall apply to development within the MU-1 District, with the following modifications:
  - a. New designs shall be compatible with the design traditions of the established neighborhoods and regional Texas Hill Country aesthetic. It is not the intent of these guidelines to require that new buildings copy older building styles. Therefore, use traditional building forms and broader similarities of design in order to be compatible with existing buildings in the area that reflect the traditional context.
  - b. If a shed roof or flat roof design is used, a parapet wall shall be added to screen the roof.



- c. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings.
  - d. Faux windows and similar details are not appropriate articulation.
  - e. Signs shall integrate into building and site design so they do not appear as an afterthought.
  - f. Attached signs shall be located above the building entrance, storefront opening, or at other locations that are compatible with the architectural features of the building.
  - g. The front door shall connect to the sidewalk along the entry corridor.
  - h. Light fixture style and location shall be compatible with the building's architecture, site design and landscape design. Decorative fixtures are highly recommended and where warranted, may be required. Light fixture style shall be consistent throughout the project.
  - i. Light fixtures shall be located facing away from adjacent sites (particularly residential parcels) so that the light does not spill-over onto abutting properties. Parking and building light fixtures shall be cut-off luminaries that have less than 90 degree cut-off so that the light is not emitted horizontally or upward.
  - j. All roof-top equipment shall be screened from entry corridors, side streets, plazas and parks.
  - k. Parking shall be located behind buildings or on the side. Parking in front of buildings may be permitted, subject to a Conditional Use Permit as provided for in section 5.400.
2. Shared access for pedestrians and vehicles shall be provided between properties and uses.
  3. Pedestrian circulation will be given priority over vehicular access.
  4. A drive-thru associated with any use shall be oriented away from any adjacent residential.
  5. Exterior amplified sound associated with any use shall be prohibited when adjacent to single family residential use.
  6. Required parking may be reduced by up to 25% if development can demonstrate that the mix of uses do not conflict with one another.
  7. Residential density for townhomes, condominiums and multi-family dwellings may be increased by 25% if utilized above the ground floor level and combined with other permitted uses.
  8. Outdoor storage shall be prohibited.
  9. Outdoor display of merchandise shall be limited to 10% of the lot area, and shall be maintained in a neat and orderly manner.

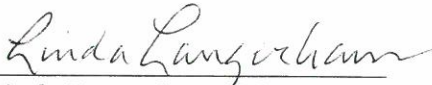
10. Screening shall be required where parking is located adjacent to a residential use.
11. Building setbacks may be reduced by 25% when a minimum of three (3) different uses are included, provided that one of the uses is residential.

{End of code text}

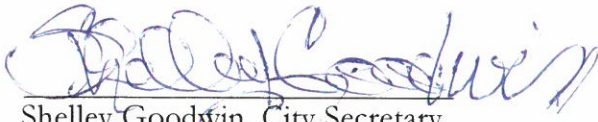
**Section 2.** That all references in City of Fredericksburg Code of Ordinances to the Zoning Ordinance shall henceforth refer to such as is amended hereby.

**Section 3.** That this Ordinance shall take effect upon the date of its passage.

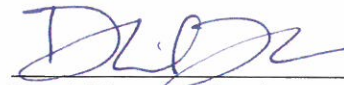
PASSED AND APPROVED on this the 6th day of May, 2019.

  
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Linda Langerhans, Mayor  
City of Fredericksburg, Texas

ATTEST:

  
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Shelley Goodwin, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel Jones, City Attorney