

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 4, "DISTRICT REGULATIONS," ARTICLE 2, "SPECIAL PURPOSE DISTRICTS," SECTION 4.203, "FLOODPLAIN ("O-1") DISTRICT," TO AMEND THE PURPOSE OF THE DISTRICT AND THE USES ALLOWED THEREIN; 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 City Council of the City of Fort Worth ("City Council") seeks to protect the public safety, preserve the quality of life, and promote efficiency within the City; and

WHEREAS, Chapter 211 of the Texas Local Government Code 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, the Zoning Ordinance of the City of Fort Worth includes an "O-1" Floodplain zoning classification for lands subject to the 50-year floodplain; and

WHEREAS, the City Council acknowledges that certain types of structures and uses within the floodplain can increase the risk of flooding as well as pose a threat to public safety and property; and

WHEREAS, the City Council has determined that it is in the best interest of the community to amend the "O-1" Floodplain district to make it applicable to the 100-year floodplain and to further restrict uses within the 100-year floodplain to minimize potential flood damage and to promote sustainable development; and

WHEREAS, City Council finds that such amendments are reasonable and necessary and recommends that such amendments be approved and adopted.

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

SECTION 1.

Chapter 4, "District Regulations," Article 2, "Special Purpose Districts," Section 4.203, "Floodplain ("O-1") District," is hereby amended in its entirety to be and read as follows:

§ 4.203 FLOODPLAIN (“O-1”) DISTRICT.

(a) *Purpose.* It is the intent of this section that district “O-1” shall include, and shall be limited to lands subject to the ~~50-year flood~~ 1% annual chance floodplain (also referred to as the base flood or 100-year floodplain). The boundaries or limits or lands subject to the ~~50-year flood~~ 1% annual chance floodplain shall be determined by the City of Fort Worth Transportation and ~~Public Works~~ Department and shall be shown on the official map of the City of Fort Worth. The zoning commission shall recommend to the city council whether or not all or any part of the lands subject to the ~~50-year flood~~ 1% annual chance floodplain shall be classified district “O-1.”

(b) *Use regulations.* In district “O-1,” no building or land shall be used, and no building or structure shall be hereafter erected, reconstructed, altered or enlarged, and no certificate of occupancy shall be issued, unless otherwise provided in this ordinance, except for one or more of the following uses:, which shall be subject to the floodplain provisions in Chapter 7, Article VIII of the Fort Worth City Code:

(1) Agricultural uses, including farming, grazing and livestock raising and pasturing, including ancillary feeding pens (but not commercial feeding pens), truck gardens, orchards and nurseries for the growing of plants and shrubs, provided that no obnoxious fertilizer is stored on the premises and no obnoxious soil or fertilizer processing is conducted thereon;

(2) Structures, installations and facilities installed, operated and maintained by public agencies for flood control purposes;

(3) Public service structures, including railway and highway bridges, provided that the location thereof shall first be approved by the plan commission upon report and recommendation of the appropriate City of Fort Worth departments;

~~—(4) Mining of soil, sand, gravel and minerals, provided that such use shall first be approved by the board of adjustment after report by the City of Fort Worth, health, planning and public works department and after public notice and hearing.~~

(45) Irrigation intakes and pumps;

~~(6) Industrial Condenser water intake and outlet works;~~

(57) Public or private utility installations, other than permanent buildings;

(68) Sumps;

(79) Wildlife sanctuary, woodland preserve, arboretum;

~~(840) Public or private reserve space;~~

~~(944) Hunting or fishing preserve;~~

~~(1042) Boat rental, boat sales;~~

~~(1143) Bridle trail, bicycle trail, nature trail;~~

~~(1244) Country club; sports or recreation center, excluding principal buildings;~~

~~(1345) Golf course, driving range, archery range;~~

~~(16) Christmas tree sales;~~

~~(17) Taxicab stands~~

~~(1448) Roads, driveways; and~~

~~(1520) Parks, playgrounds or recreational areas owned and operated by the City of Fort Worth; and~~

~~(21) Dish satellite antennas shall be considered an accessory use. When the dish exceeds two meters in diameter it shall not be located in the front or side yards and shall not exceed 12 feet in height above ground level.~~

(c) *Responsibility.* The fact that land or property is or is not classified as being within the “O-1” floodplain district shall not constitute assurance that said land or property is not subject to flooding and the designation of the “O-1” floodplain district in this ordinance shall not be so interpreted.

SECTION 2.

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 3.

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 4.

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 5.

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 6.

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 7.

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

SECTION 8.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____
Trey Qualls,
Senior Assistant City Attorney

Jannette S. Goodall,
City Secretary

ADOPTED: _____

EFFECTIVE: _____

