



# Zoning Staff Report

**Date:** November 14, 2023

**Case Number:** ZC-23-153

**District (All)**

## Zoning Text Amendment

**Case Manager:** Mary Wells

**Owner / Applicant:** City of Fort Worth

### Request

**Request:** Text Amendment: An Ordinance amending the Zoning Ordinance of the City of Fort Worth by amending Section 6.101. "Yards" to provide for administrative authority to approve a greater maximum setback for certain zoning districts

### Recommendation

**Staff Recommendation:** Approval

**Zoning Commission Recommendation:** Approval by a vote of 8-0

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## Project Description and Background

### SECTION 1.

Chapter 6 “Development Standards” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1 “General”, Section 6.101 “Yards”, to add subsection (J) to provide for administrative authority for the Director or designee to approve a greater maximum setback to accommodate mature trees and utility connections in certain zoning districts, to read as follows:

#### 6.101 Yards

- J. *Administrative Authority.* The Development Director or designee may administratively approve a greater maximum setback to accommodate mature trees and utility conflicts in the Urban Residential (“UR”) zoning district, Low Intensity Mixed-Use (“MU-1”), High Intensity Mixed Use (MU-2) zoning district and the form-based districts in Chapter 4, Article 13.

### 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of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.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.

