



Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-24-132

Council District: Future District 10

Zoning Map Amendment

Case Manager: Lynn Jordan

Owner / Applicant: Gunner Chi / Whigham Family Ltd Partnership & Nolan Ragsdale / Rob Betancur, Zena Land Development, LP

Location: Generally bounded by Seventeen Lakes Blvd., Round Valley Ln., Endeavor and Litsey Rd. (15323 Seventeen Lakes Blvd.) **Acreage:** 35.86 acres

Request

Proposed Use: Single Family

Request: From: Unzoned (AX-24-014)

To: "A-5" One-Family Residential

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Map Consistency: Requested change **is consistent**

Comprehensive Plan Policy Consistency: Requested change **is consistent**

Staff Recommendation: **Approval**

Table of Contents

- [1. Project Description and Background](#)
- [2. Surrounding Zoning and Land Uses](#)
- [3. Recent Zoning History](#)
- [4. Public Notification](#)
- [5. Development Impact Analysis](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph

Project Description and Background

The zoning request was continued from the February meeting to allow more time for the applicant to speak with the neighborhood.

The subject site is located south of Litsey Road, and west of Seventeen Lakes Boulevard. Total acreage is just over 35 acres. The site is currently undeveloped. The previous zoning exhibit indicated 138 lots, the revised exhibit indicates 117.

The property is located outside the city limits within the City's extra-territorial jurisdiction (ETJ). The property owner has requested owner-initiated annexation for full purpose annexation, the case will be considered by City Council once zoning moves forward. The City Council will conduct a public hearing on the proposed annexation request. The public hearing is an opportunity for individuals who are interested in the annexation to be heard. Once the required public hearing is conducted, City Council can consider a vote to approve the request and authorize the execution of a Municipal Services Agreement and annex the property into the corporate limits of the City of Fort Worth.

The following narrative was included as part of the applicant's submittal package:

This rezoning change is in conjunction with the annexation application package AX-24-014. It includes multiple parcels with a total of 3 owners.

The total annexation and rezoning area is 35.86 AC (29.813 AC Whigham tract, 2.294 AC Ragsdale tract, 3.753 AC I AM ONE tract) which can be found in the ownership exhibit.

Once annexation is complete, the zoning district will default to AG (Agricultural). This rezoning application is to rezoning it to "A-5" One-Family. The land use will be changed from agricultural to single-family residential.

We believe this use is compatible with the City of Fort Worth current land uses in the vicinity since it is surrounded by Seventeen Lakes subdivision and Litsey Cottages subdivision which are both single-family residential.

Surrounding Zoning and Land Uses

North (ETJ) & "AG" Agricultural / church & undeveloped
 East "A-5" One-Family residential / single family
 South "A-5" One-Family residential / single family
 West (ETJ) & "PD1290" Planned Development for "CR" Low Density multifamily / undeveloped and metal commercial buildings / detached cottages

Recent Zoning History

- ZC-20-080 Approved by Council 9/2020 for PD/CR plus cottage community with development standards; site plan approved; subject area to the west
- ZC-00-106 Approved by Council 12/2000 for A-7.5; subject area to the north

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet on January 31, 2025.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were notified: (emailed January 31, 2025)

Organizations Notified	
North Fort Worth Alliance	
Seventeen Lakes HOA*	Streams and Valleys Inc
Northwest ISD	Trinity Habitat for Humanity

**Located closest to these registered Neighborhood Associations*

Development Impact Analysis

Land Use Compatibility

The ETJ enclave is surrounded by single family development, with a few parcels to the west that are still in the ETJ developed as commercial land. Access to Oakmont Boulevard, which comprises the southern boundary of the tract.

The proposed zoning **is compatible** with surrounding land uses.

Subject properties to the west



Subject property to the east



Subject property to the north



Comprehensive Plan Consistency – FLU Maps and Policies – Far North Planning Sector

The 2023 Comprehensive Plan currently designates the subject property as *future single family residential*. The zoning types that would be in alignment with this future land use designation are “AR”, “A-5”, “A-7.5”, “A-10” One-Family residential. The proposed zoning **is consistent** with the future land use map portion of the Comprehensive Plan.

The proposed zoning **is consistent** with the following policies of the Comprehensive Plan:

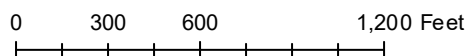
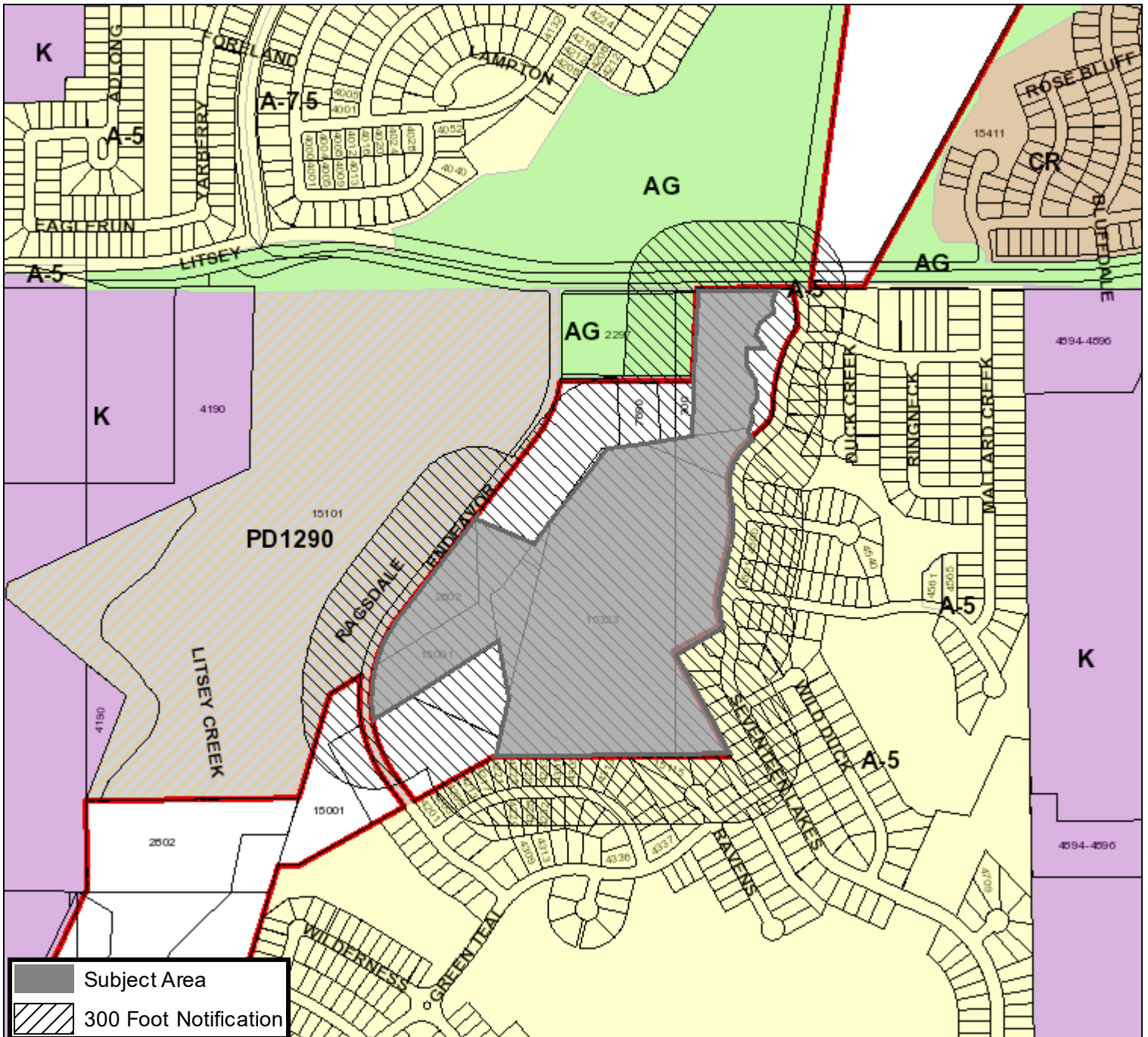
Sector Land Use Policies

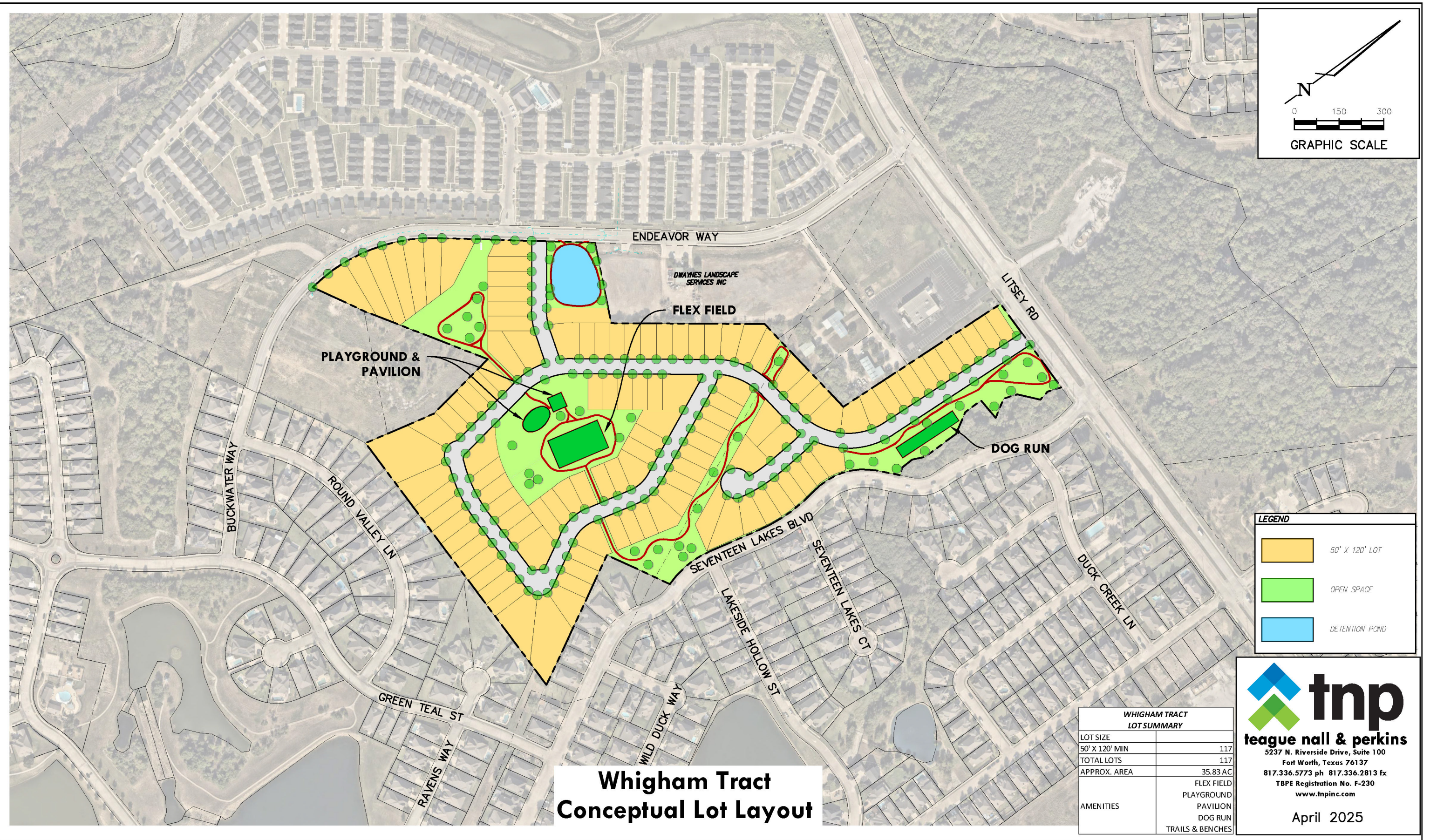
1. Promote fiscally sustainable growth on the periphery of the city by encouraging development adjacent to existing adequate infrastructure and discouraging leapfrog development.
2. Promote the use of parallel local access lanes along major roadways to encourage development in which the front façade of homes can face the street without the need for multiple driveway curb-cuts on the major street, thereby preserving traffic flow and safety, increasing the pedestrian friendliness of the street, and eliminating the canyon effect of backyard fences lining the street.

RESIDENTIAL		
Rural Residential	1+ acre single-family	A-2.5, A-43
Suburban Residential	1/2+ acre single-family	A-21
Single-Family Residential	3,500+ sq. ft. lot single-family	A-10, A-7.5, A-5, AR

Area Zoning Map

Applicant: Nolin W. Ragsdale/Rob Betancur/Gunner Chi
 Address: Generally Bounded by Seventeen Lakes blvd., Round Valley Ln. Endeavor and Litsey Road
 Zoning From: Unzoned
 Zoning To: A-5
 Acres: 35.69712322
 Mapsco: Text
 Sector/District: Far_North
 Commission Date: 2/12/2025
 Contact: 817-392-7869





Whigham Tract Conceptual Lot Layout

WHIGHAM TRACT LOT SUMMARY	
LOT SIZE	
50' X 120' MIN	117
TOTAL LOTS	117
APPROX. AREA	35.83 AC
AMENITIES	FLEX FIELD PLAYGROUND PAVILION DOG RUN TRAILS & BENCHES

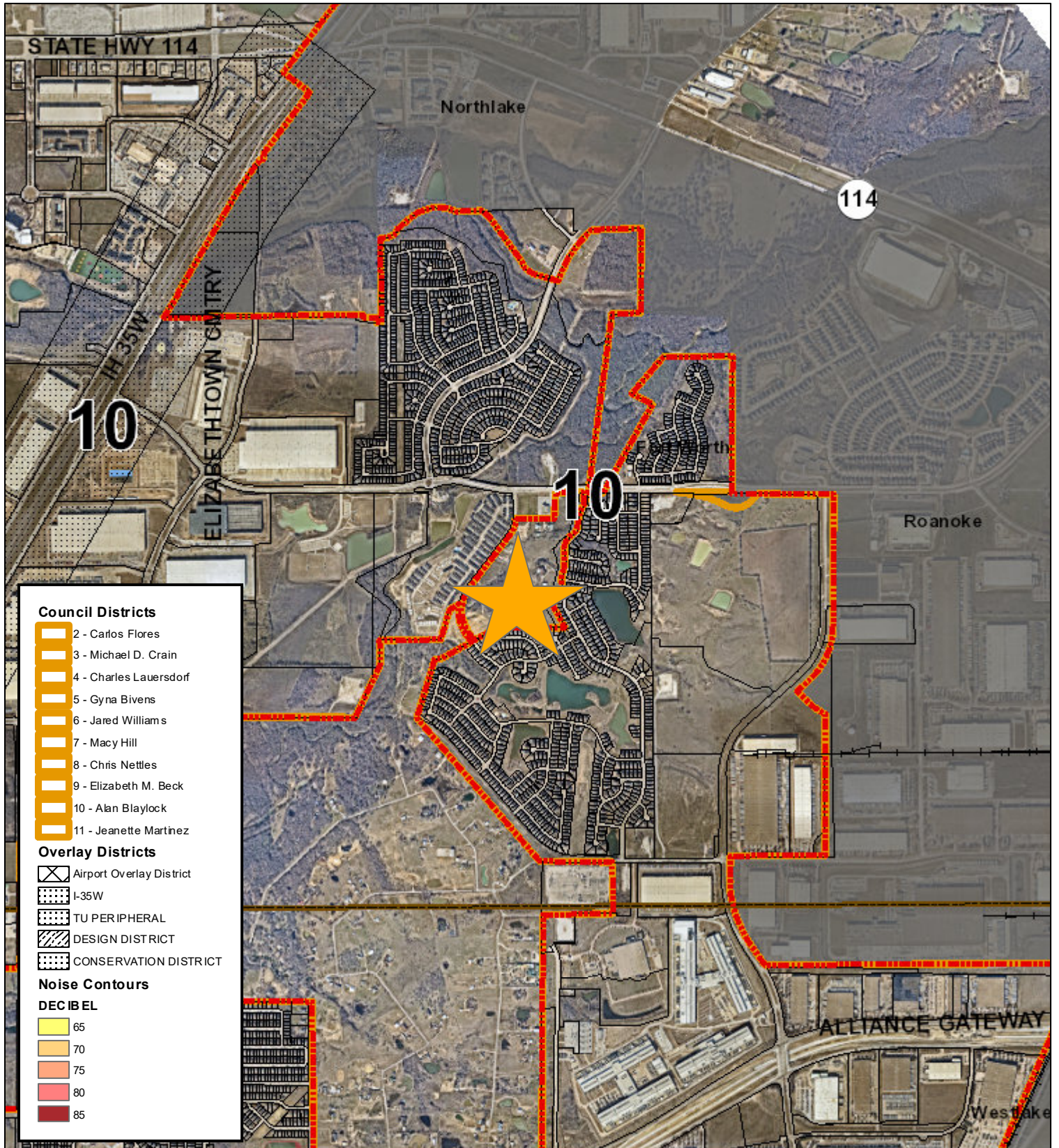
LEGEND	
	50' X 120' LOT
	OPEN SPACE
	DETENTION POND



teague nall & perkins
 5237 N. Riverside Drive, Suite 100
 Fort Worth, Texas 76137
 817.336.5773 ph 817.336.2813 fx
 TBPE Registration No. F-230
www.tnpinc.com

April 2025

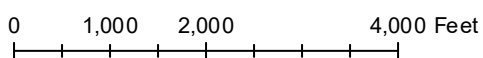
Area Map



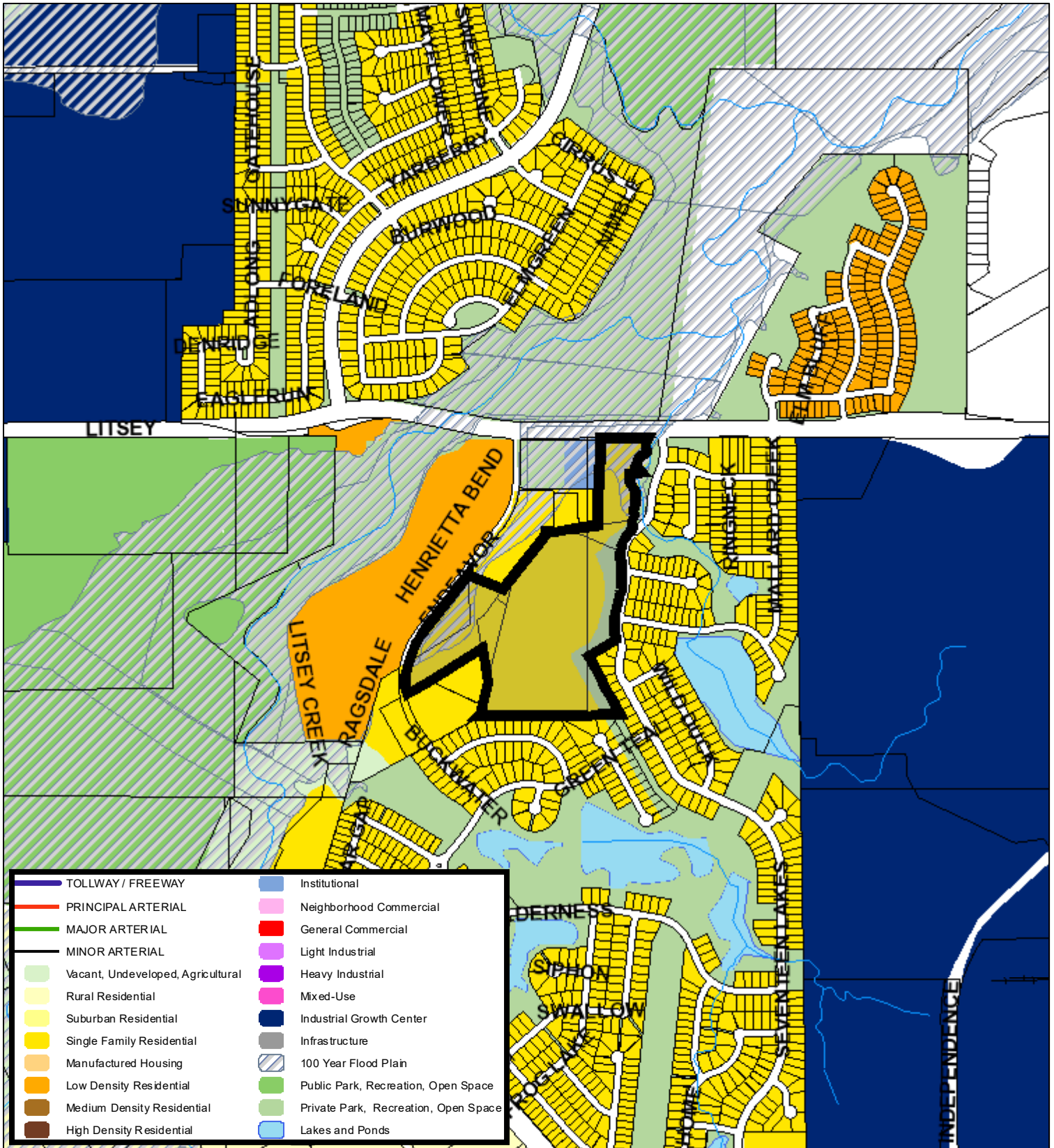
Council Districts	
	2 - Carlos Flores
	3 - Michael D. Crain
	4 - Charles Lauerdorf
	5 - Gyna Bivens
	6 - Jared Williams
	7 - Macy Hill
	8 - Chris Nettles
	9 - Elizabeth M. Beck
	10 - Alan Blaylock
	11 - Jeanette Martinez

Overlay Districts	
	Airport Overlay District
	I-35W
	TU PERIPHERAL
	DESIGN DISTRICT
	CONSERVATION DISTRICT

Noise Contours	
DECIBEL	
	65
	70
	75
	80
	85



Future Land Use



960 480 0 960 Feet

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 600 1,200 2,400 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-24-173

Council District: 3

Zoning Map Amendment & Site Plan

Case Manager: [Stephen Murray](#)

Owner / Applicant: Darunee Moore / Rodney Matthew

Site Location: 8100 W Elizabeth Lane

Acreage: 0.3 acre

Request

Proposed Use: Halfway House

Request: To: Add Conditional Use Permit (CUP) for halfway house in “CF” Community Facilities

Recommendation

Land Use Compatibility: Requested change **is not compatible**

Comprehensive Plan Map Consistency: **Not applicable**

Comprehensive Plan Policy Consistency: Requested change **is not consistent**

Staff Recommendation: **Denial**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph

Project Description and Background

Summary

The subject site is located on the corner of Elizabeth Ln and Broadmoor Drive north of Camp Bowie West Blvd., in the middle of a neighborhood. The site is currently being used as a group home for teenagers, which is allowed by right within the “CF” Community Facilities district. However, the applicant is requesting a CUP to allow for a halfway house. Halfway Houses are defined by the City of Fort Worth, as follows:

HALFWAY HOUSE. A facility providing for the housing and rehabilitation or training of adults on probation, parole, early or pre-release or any other form of executive, judicial or administrative release from a penal institution, including without limitation community residential facilities established in accordance with Tex. Code of Criminal Procedure Ann. Art. 42.18, as amended from time to time. HALFWAY HOUSE includes facilities which provide in-patient treatment for chemical dependency to persons on probation, parole, early or pre-release or any other form of executive, judicial or administrative release from a penal institution if such persons are ordered to obtain such treatment for chemical dependency as a condition of release. For purposes of this definition, an adult is a person age 18 or over.

The applicant intends to house 19 individuals.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit allows for an unlimited time period for the operation of a use unless otherwise approved by the City Council. If a time limit is established for a Conditional Use Permit, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) Conditional use permits in residential districts shall be limited to those uses designated “CUP” in the Residential District Use Table in Chapter 4, Article 6, Section 4.603.
- b) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.
- c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.
- d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate of Occupancy and subdivision approval have been satisfied.

Section (d) provides the following Conditional Use Permit factors in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan;
- b) The proposed use is compatible with the existing and adjacent uses.
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5;
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods;
- e) The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.

This case was continued from the February Zoning Commission in order for the applicant to provide additional information.

Surrounding Zoning and Land Uses

North "B" Two-Family / Single-family
East "C" Medium Density Multifamily / duplex
South "C" Medium Density Multifamily / single-family
West "C" Medium Density Multifamily / single-family

Recent Zoning History

- N/A

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 1000 feet on March 28, 2025.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Neighborhood Notice

The following organizations were emailed on March 28th, 2025:

Organizations Notified	
Western Hills NA	Streams and Valleys Inc
Trinity Habitat for Humanity	NAS Fort Worth JRB RCC
FWISD	

Development Impact Analysis

Land Use Compatibility

The current zoning on the property is "CF" Community Facilities. The applicant would like to add a CUP in order to accommodate a halfway house. The subject site is surrounded to the north, south and west by single-family with duplex to the east. The site is located in close proximity to Camp Bowie West Blvd., which contain intense commercial uses. However, the proposed use is **not compatible** at this location.

Comprehensive Plan Consistency- FLU Map and Policies

The adopted Comprehensive Plan currently designates the subject property as institutional on the Future Land Use Map. The proposed zoning is **not consistent** with the Comprehensive Plan and the policies

- *Encourage new development in character with the existing neighborhood scale, architecture, and platting pattern, while working to improve pedestrian, bicycle, and transit access between adjacent neighborhoods and nearby destinations.*
- *Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.*

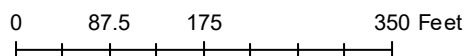
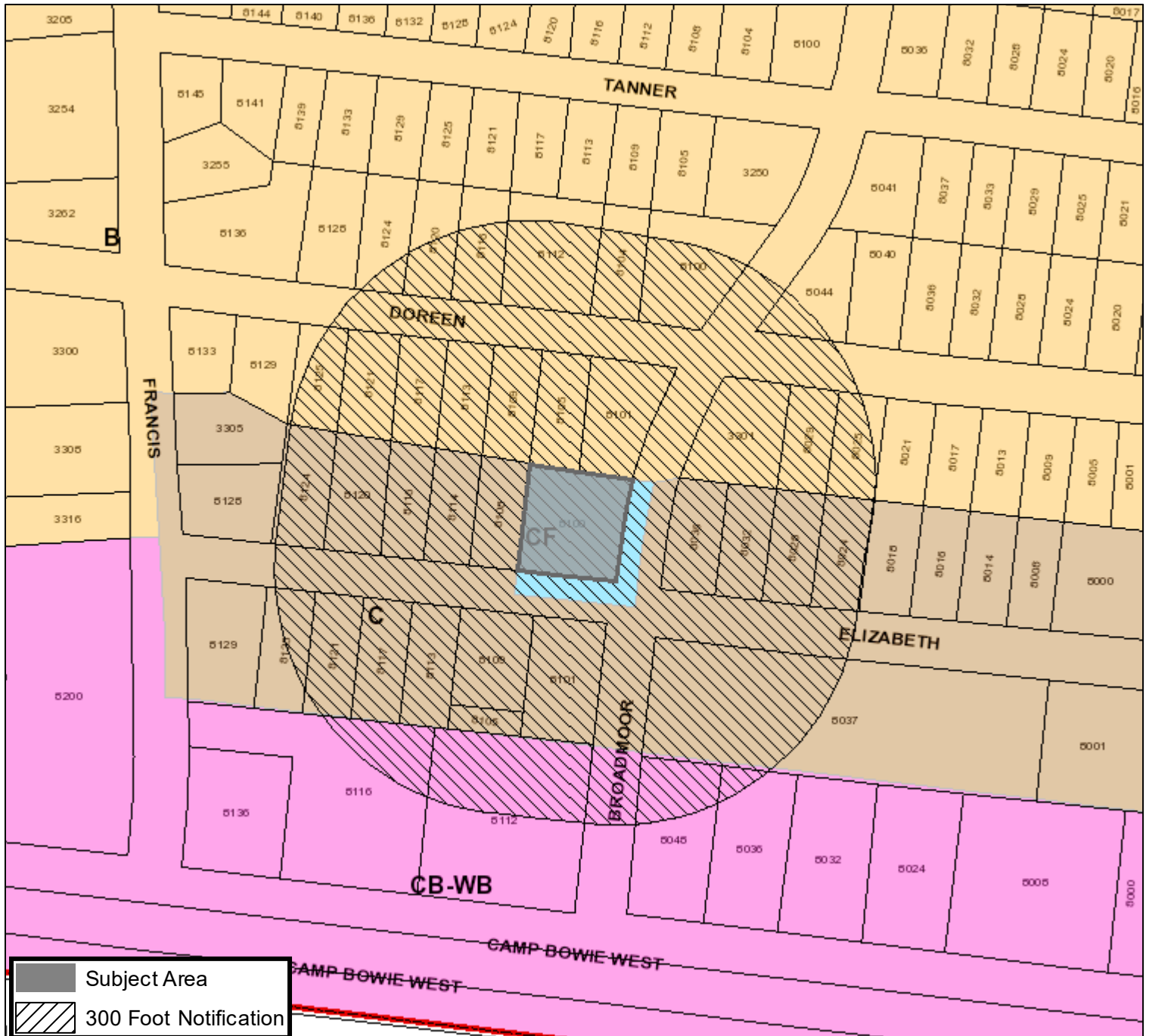
Site Plan Comments

If approved, the following items need to be complied on the site plan prior to the ordinance becoming effective:

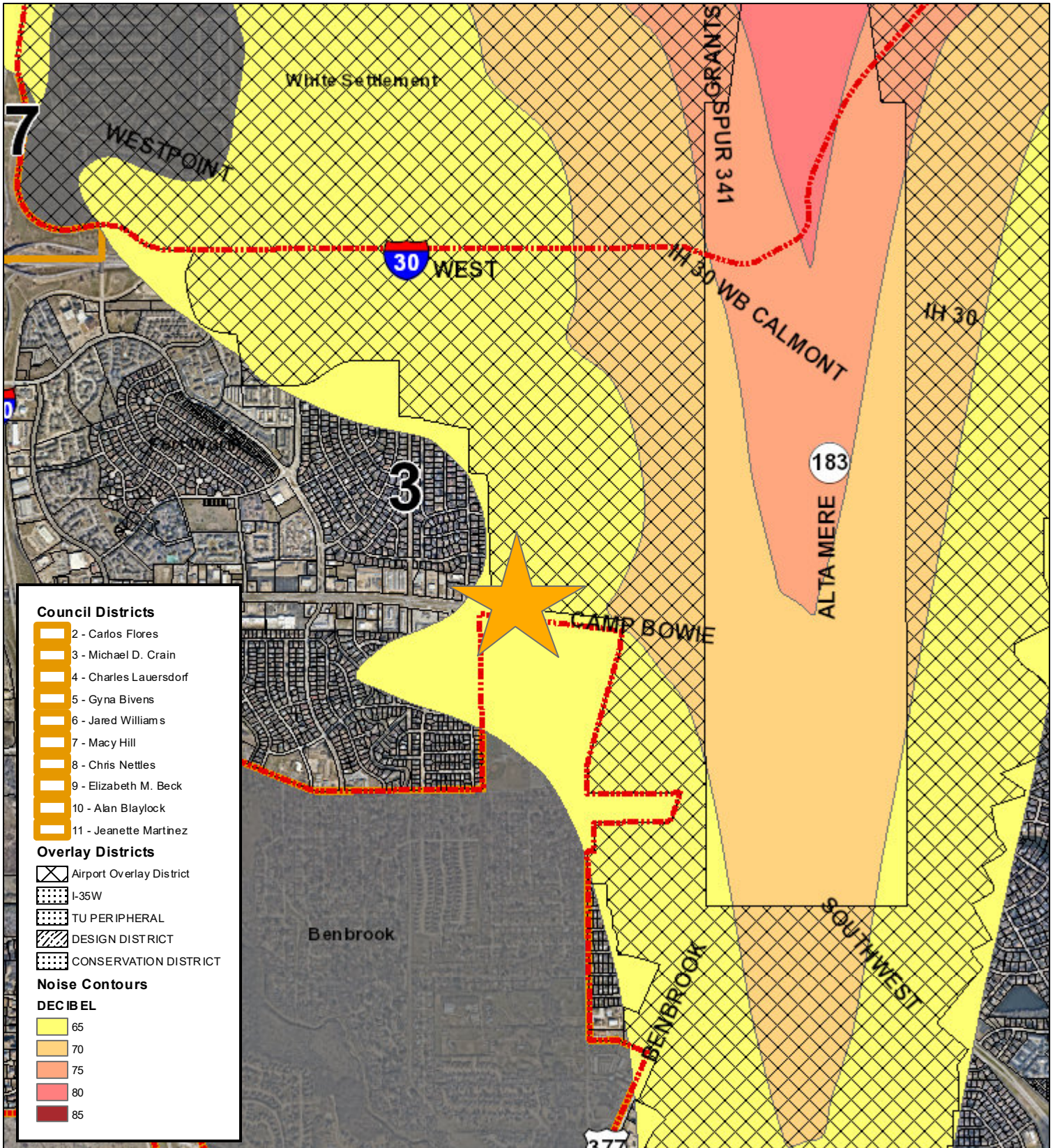
- Items needed to be complied prior to the ordinance being published
 - Provide notes that site will comply with UF, Landscaping, and signs
 - The applicant shall submit the following information to the planning and development department:
 - Area plan showing zoning classifications and land uses of all property within one-quarter mile of the site of the proposed halfway house. The area plan must specifically identify all uses related to children, such as schools, places of worship, parks, playgrounds, day care centers, public and private youth centers, public swimming pools and video arcade facilities. The applicant is expected to make a good faith effort to locate all such uses;
 - Site plan for the property, in compliance with this article. The site plan shall include a floor plan detailing room sizes, sleeping areas, number of beds, training rooms, kitchen and food service areas, bathrooms, recreational areas and all other uses. The site plan requirement cannot be waived by the zoning commission;
 - Copy of the contract governing the operation of the facility;
 - Security plan identifying security features of facility; and
 - Copy of policies and rules for operation of the facility.
- Items that are permitting comments, but don't necessarily impact the face of the site plan;
 - NA
- Items that are important for consideration of the PD request.
 - NA

Area Zoning Map

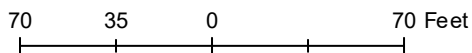
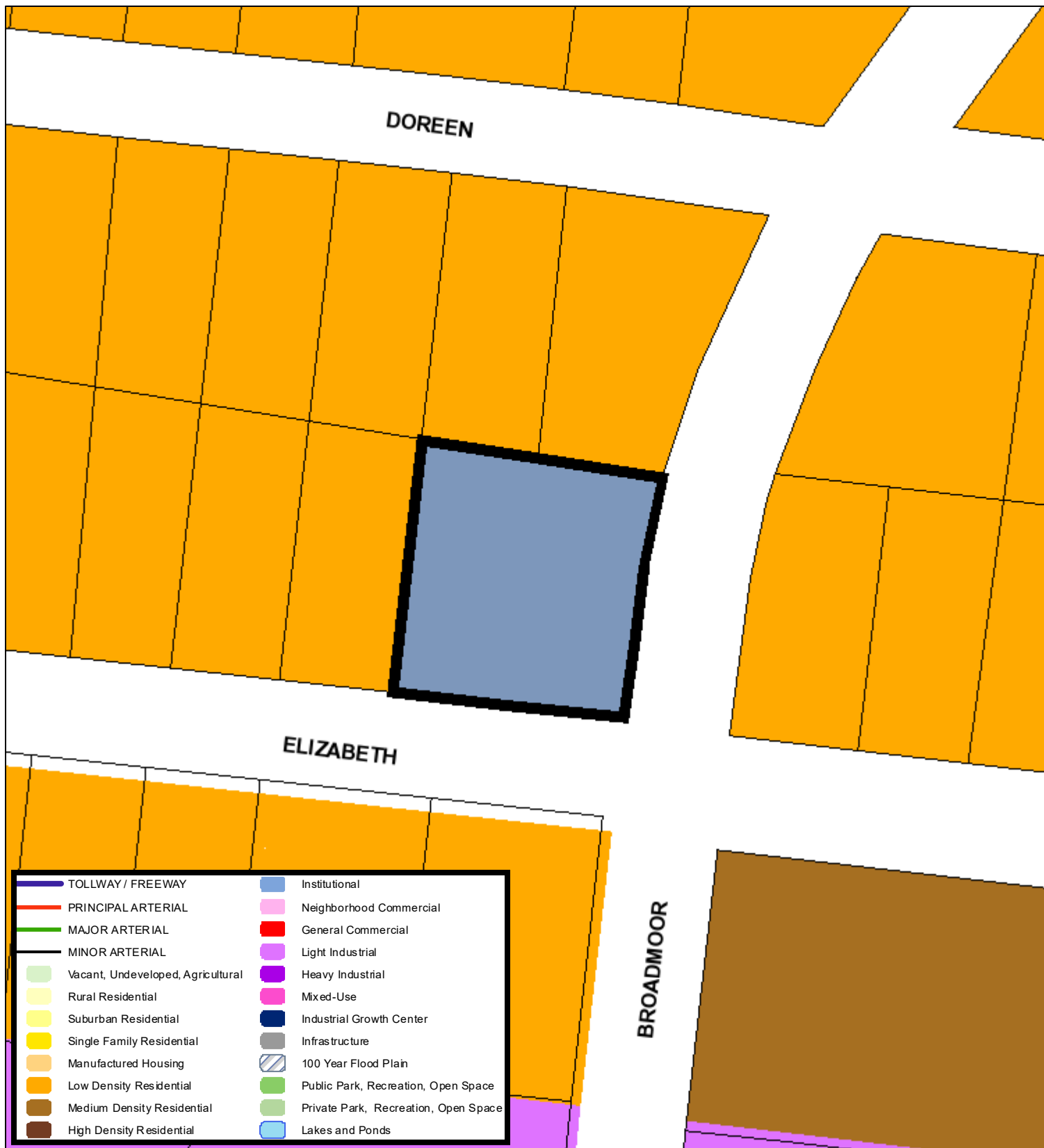
Applicant: Darunee Moore/Rodney Matthews
 Address: 8100 W. Elizabeth Lane
 Zoning From: CF
 Zoning To: Add a CUP for transitional housing
 Acres: 0.36792613
 Mapsco: Text
 Sector/District: Western_Hills_Ridglea
 Commission Date: 4/9/2025
 Contact: 817-392-6226



Area Map



Future Land Use



Aerial Photo Map



0 40 80 160 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-008

Council District: 5

Zoning Map Amendment & Site Plan

Case Manager: [Ana Alvarez](#)

Owner / Applicant: Riverbend Investment 1/Kenneth Newell, Newell Properties

Site Location: 7900 Trinity Blvd (approx. 100 feet south of Saranc Trail and Thames Trail)

Acreage: 39.345

Request

Proposed Use: Single Family

Request: From: "PD-224" "PD/SU" Planned Development/Specific Use for all existing zoning categories plus sand and gravel mining
To: "TL-N" Trinity Lakes Form-Based Code – Neighborhood Zone.

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Map Consistency: Requested change **is consistent**

Comprehensive Plan Policy Consistency: Requested change **is consistent**

Staff Recommendation: **Approval**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph

Project Description and Background

The subject property, encompassing approximately 39.345 acres, is currently vacant. The property is located approximately 100 feet south of Saranc Trail and Thames Trail. This property is closely connected to residential communities to the north and further east, which were rezoned as "A-5" and "R1" over the past two decades. This proposed rezoning can be viewed as an extension of the existing residential development which aligns with the surrounding land uses (R1, A-5) and the City's Comprehensive Plan.

The Trinity Lakes Form-Based District was established in 2012 in order to encourage economic development within East Fort Worth to accompany a growing residential market base. The district is intended to be a pedestrian oriented neighborhood with a mix of uses that can conveniently access shopping, employment, housing and retail services.

The Trinity Lakes – Neighborhood Zone District (TL-N) will provide a variety of residential lot sizes within the area. It will allow lots to have smaller front setbacks and other design standards that encourage green space.



Figure 1 Residential Court/Green space between residences within developing TL-N districts

In some areas, it will also require garages to be located at the rear of homes, accessed via a side driveway. This district was created to serve as a transition between residential neighborhoods and commercial zones. Examples of these lot types and the Neighborhood Zone design standards can be found just south of Trinity Blvd and west of Salado.

From the Trinity Lakes Development Code:

4.2.6 Neighborhood – The Neighborhood Zone is intended to provide for a range of residential uses and building types (low-density apartments, live-work, townhouses, multi-unit homes, patio homes, cottage homes, estate homes, etc.) along the southern edge of the Trinity Lakes Development. Development will connect to the existing regional trail network and allow that network to feed into the local trails of Trinity Lakes. The open space to the

south is envisioned as an amenity and provides exposure to the trail system in order for it to be used in a meaningful way. Development within the Neighborhood Zone shall meet the Building Form and Development Standards in Section 6.6 of this TLD Code.

During the February 20th Urban Design Commission hearing, the commissioners voted on whether to recommend approval or denial of the expansion of the Trinity Lakes form-based code. There was a motion made to approve, which passed 9-0 unanimously.

This case was continued from the March Zoning Commission hearing in order for the applicant to meet with the neighborhood organizations.

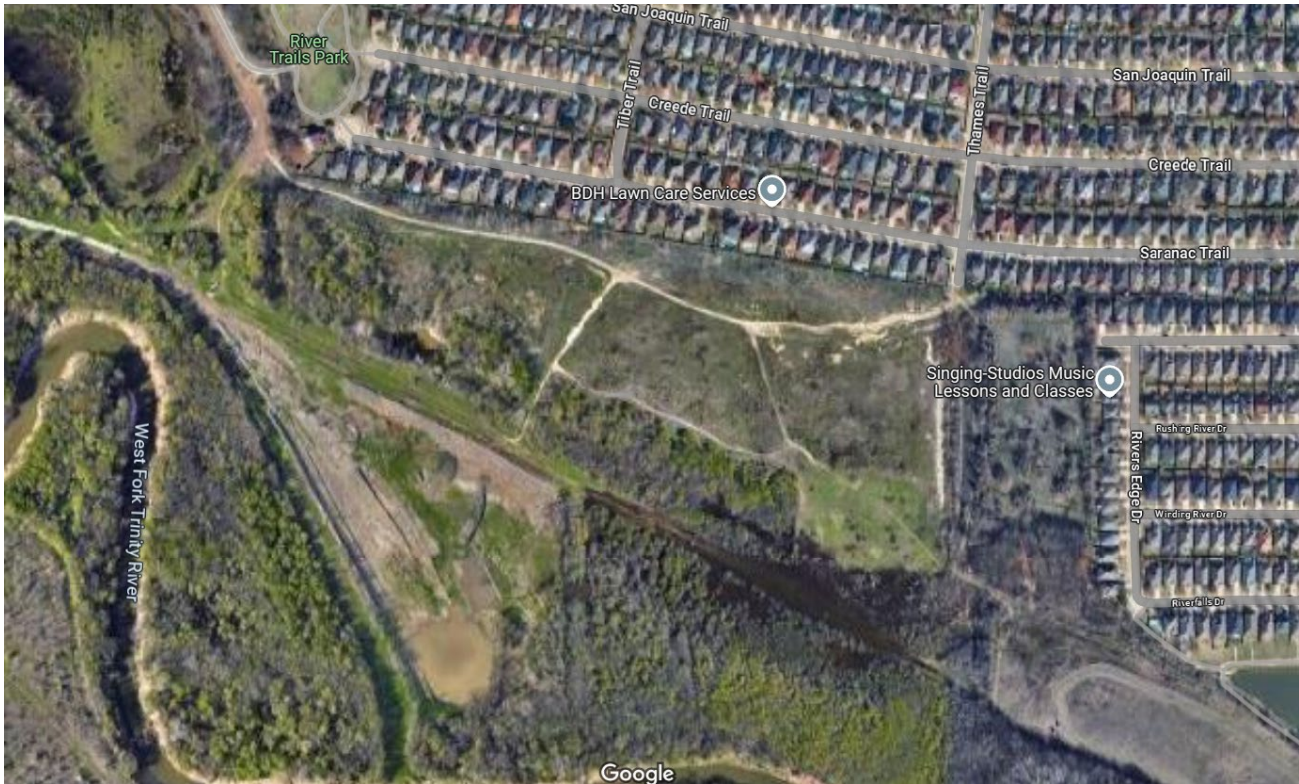


Figure 2 Google Aerial of site and terrain

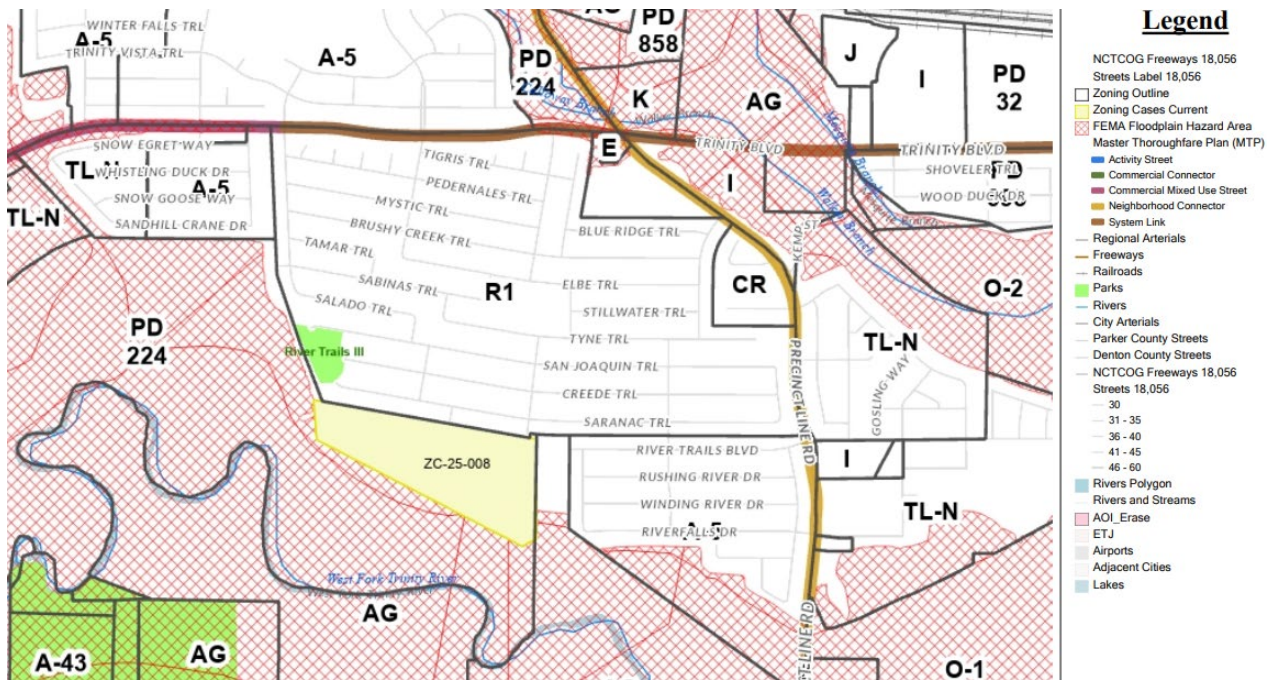


Figure 3 Zoning Map illustrating street network, Floodplain, etc.

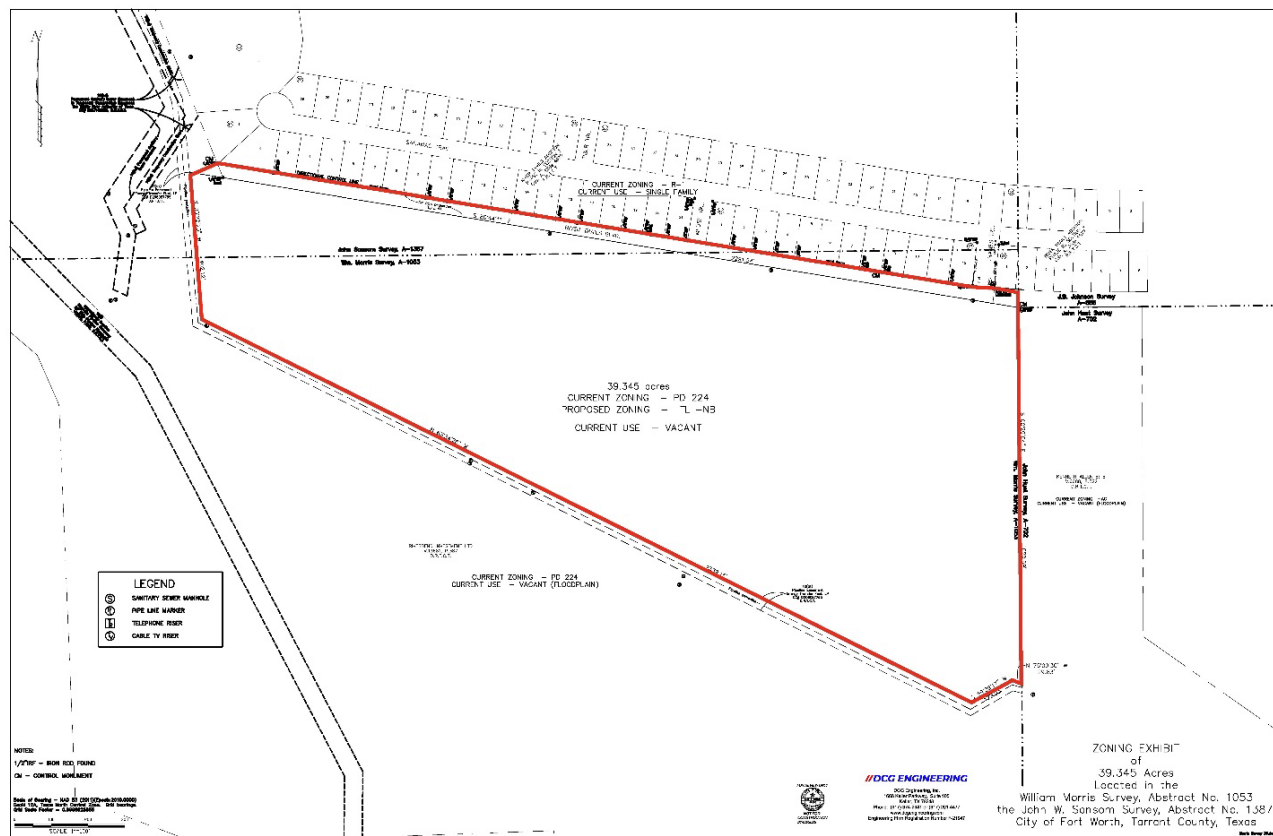


Figure 4 Site Survey (provided by applicant)

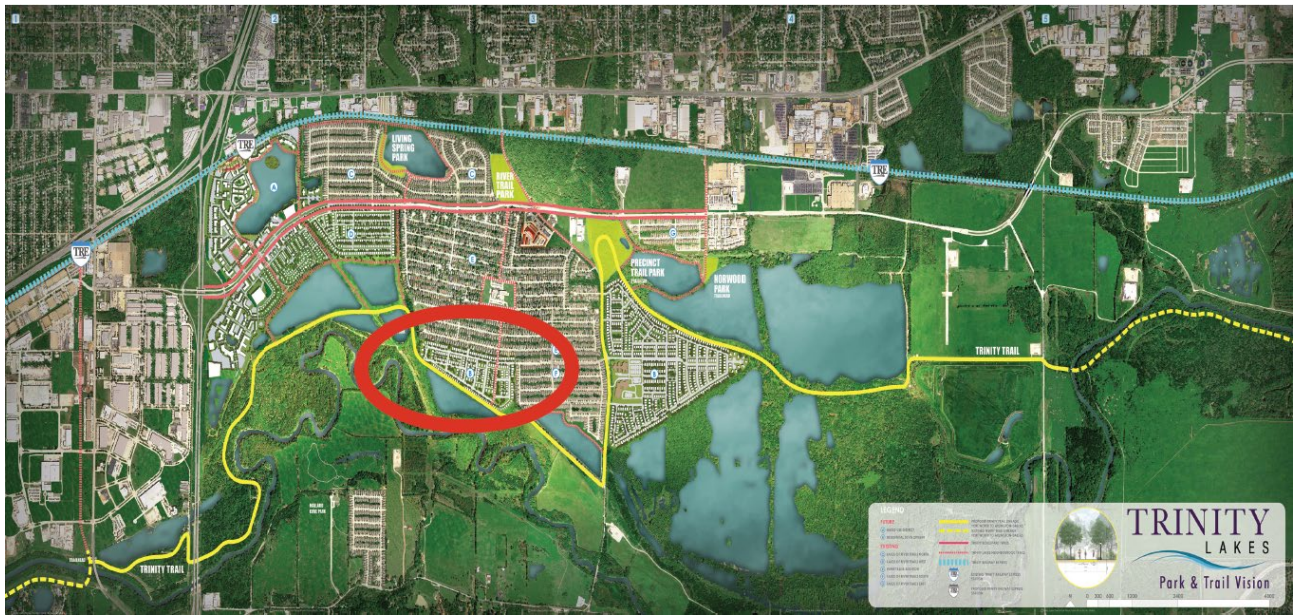


Figure 5 Master Plan Vision exhibit (provided by applicant to UDC)

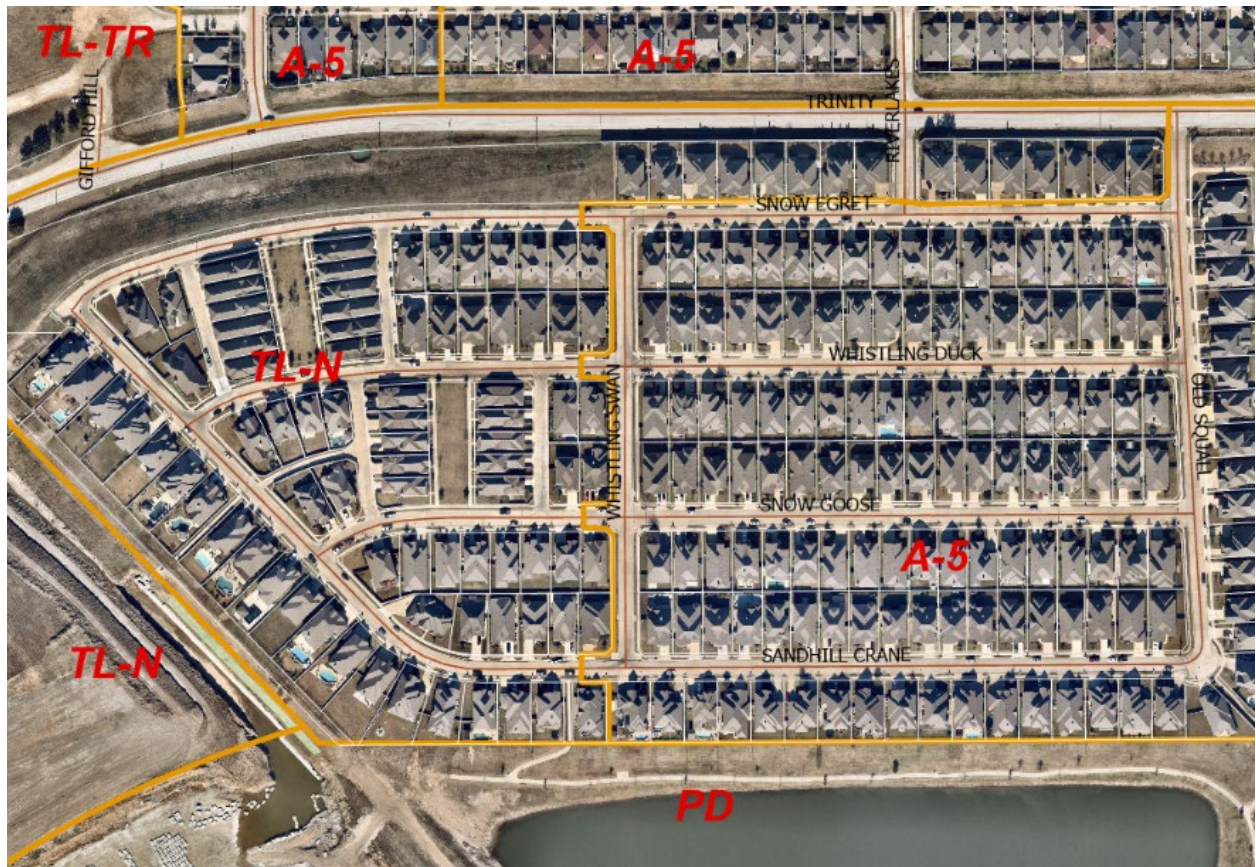


Figure 6 Example of the TL-N single family buildout adjacent to A-5 single family. On the left: various TL-N single family lot layouts; on the right: A-5 single family lot layouts.

Table 5.1 – Schedule of Uses

		Character Zone	Boulevard Mixed Use	Village Mixed Use	Highway Mixed Use	Campus Commercial	Transition	Neighborhood
Land Use								
Residential Uses								
Household Living	One-family detached dwelling		NP	NP	NP	NP	P	P
	One-family attached (townhouse, rowhouse)		NP	P	NP	NP	P	P ¹
	Manor Home		NP	P	NP	P	P	P/C
	Multifamily dwelling apartment		P	P	P	P	P	NP
	One dwelling unit when part of a business (Loft or Live-Work)		P	P	P	P	P	NP

¹ Maximum of 8 attached units in a lot

P= Permitted by right NP= Not Permitted

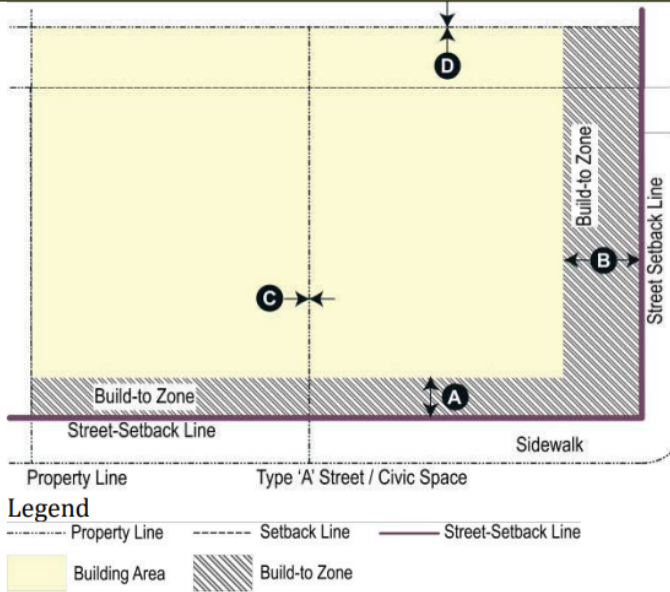
P/C = Permitted with Specific Criteria as established in Table 5.2

P/A = Permitted Accessory Use

P/A/C = Permitted Accessory Use with Specific Criteria as established in Table 5.2

Figure 7 Trinity Lakes Form-Based Code Schedule of Uses Table.
See full code for complete list of uses: [Trinity Lakes FBC](#)

6.6.2 Building Placement



(ii) Street Setback Line (Distance from center line of street cross section to edge of the BTZ)

Avenue	42 ft.	Neighborhood Street Type A	34 ft.
Park Edge Street	32 ft.	Mixed Use General Street Type B	30 ft.

(iii) Build-to Zone (BTZ) (measured from edge of SSL or ROW when using City Standard Streets)

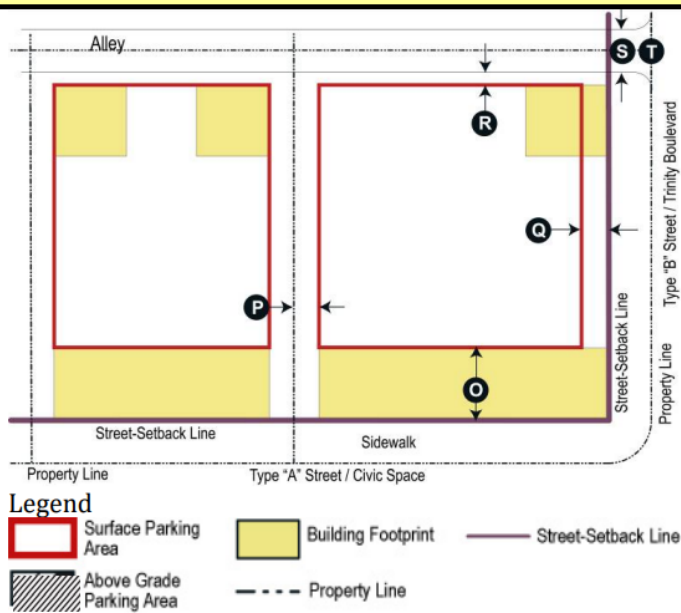
Front (Type 'A' Street / Civic Space)	0' – 20' (see #1)	A
Front (Boulevard/ Type 'B' Street)	0' – 30' (see #1)	B
Side and Rear (from property line)	0' (see #2)	C D

(iv) Building Frontage

% of building built to Type 'A' Street or Civic Space BTZ	60% (min.) (see #3 and #6)
% of building built to Type 'B' Street BTZ	30% (min.) (see #3 and #6)

Figure 8 Trinity Lakes Neighborhood Zone Building Placement

6.6.4 Parking and Service Areas



(i) Parking Location

Surface/At Grade Parking		
Type 'A' Street and Civic Space setback	Shall be located behind the principal building	O
Type 'B' Street setback	<ul style="list-style-type: none"> For lots less than 50' in width, min. of 3 feet behind the building façade line or 5 feet from the SSL along that street, whichever is less. For lots 50' or greater in width, see section 8.4.1 (vii) 	Q
Side setback	4' (min.)	P
Rear setback when alley is present (distance from alley right-of-way)	4' (min.)	R
Rear setback when alley is not present (distance from property line)	0' (min.)	R

(ii) Required Off-Street Parking Spaces

Residential Uses	1 space/unit
Accessory Dwelling Unit	None Required

Figure 9 Trinity Lakes Neighborhood Zone Parking and Service Areas

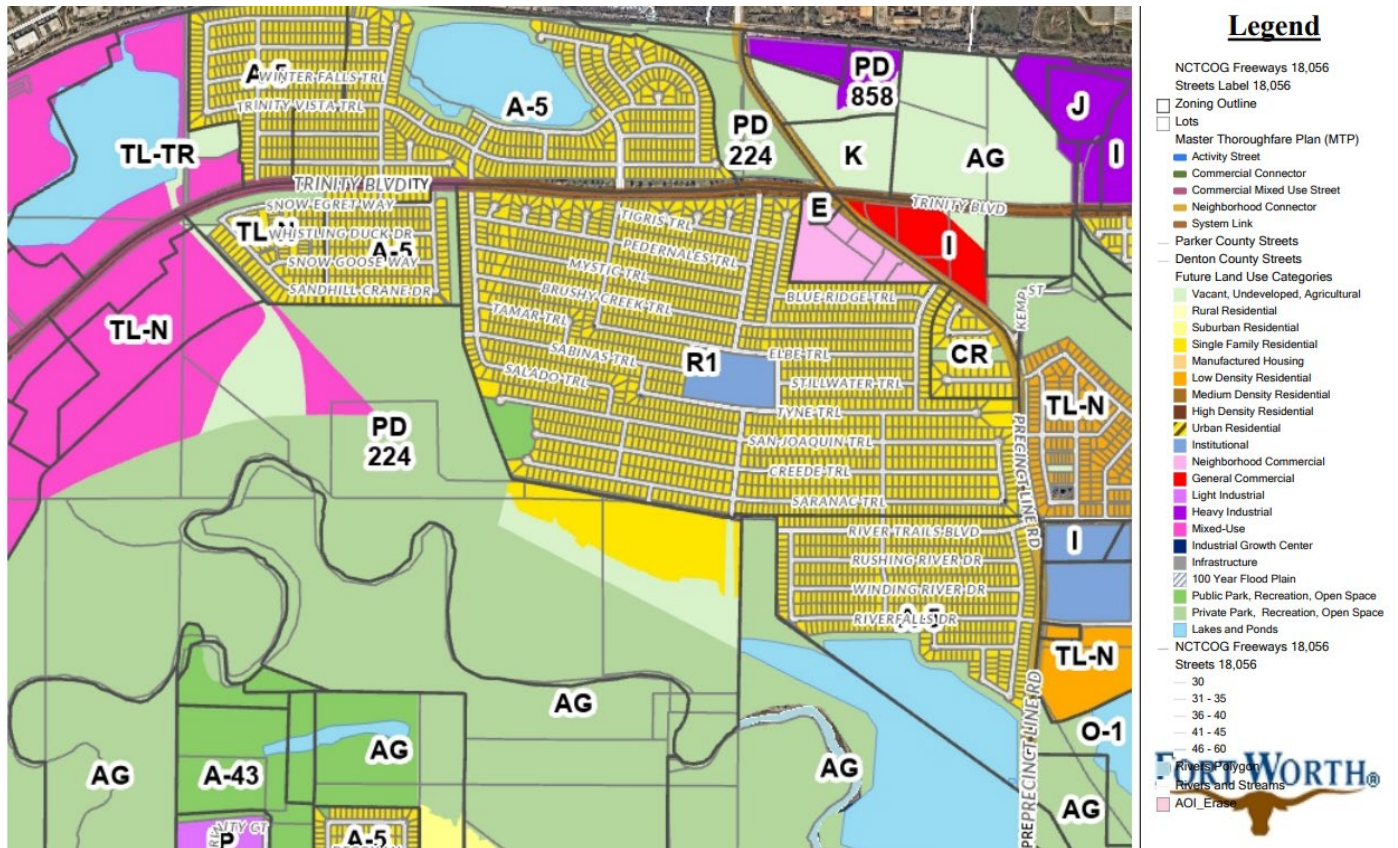





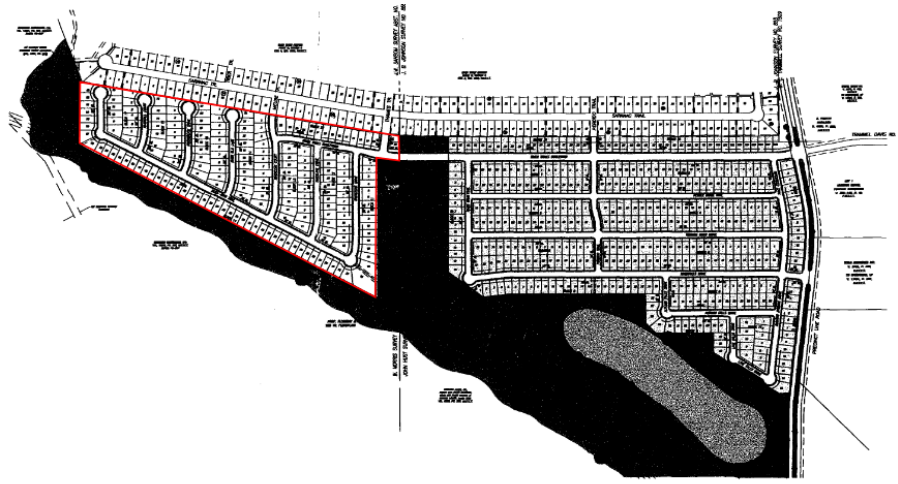


Figure 10 Existing and Future Land Use Map

-  EXIST. ZONING ZC-99-025
-  EXIST. ZONING ZC-02-190
-  EXIST. ZONING ZC-99-116
-  **PROP. ZONING ZC-02-274**
-  FUTURE ZONING



Lakes of River Trails
in the
City of Fort Worth, Tarrant County, Texas

OWNER & DEVELOPER:
RIVERBEND INVESTMENT, LTD. &
RIVERBEND INVESTMENT II
8004 GIFFORD HILL ROAD
FORT WORTH, TEXAS 76053
(817) 284-4100

ENGINEER:
WASHINGTON & ASSOCIATES
ENGINEERS - PLANNERS
3950 FOSSIL CREEK BLVD., SUITE 210
FORT WORTH, TEXAS 76137
(817) 306-1444

*Figure 11 2002 Zoning Diagram (ZC-02-274).
Configuration of lots will change greatly from this plan. All City requirements for development apply*

Surrounding Zoning and Land Uses

- | | |
|-------|---|
| North | “R1” Zero Lot Line/Cluster / Single family residences |
| East | “AG” Agricultural, “A-5” One-Family / Approx. 340 feet of vacant land and a one-family subdivision |
| South | “PD-224” "PD/SU" Planned Development/Specific Use for all existing zoning categories plus sand and gravel mining (See staff report) / Mitigation land includes trees, lakes, Trinity Trails and River |
| West | “PD-224” "PD/SU" Planned Development/Specific Use for all existing zoning categories plus sand and gravel mining (See staff report) / Mitigation land includes trees, lakes, Trinity Trails and River |

Recent Zoning History

- ZC-02-274. 8100-8400 Trinity Boulevard. APPROVED 12/10/02.
The City Council approved the application to rezone the previous 54.3-acre lot from PD-224 (Planned Development/Specific Use for All Existing Zoning Categories) to “A-5” (One-family Residential).
- ZC-02-190. 8200-8300 block of Trinity Boulevard. APPROVED 9/10/02.
From "AG" Agricultural and "PD-224" Planned Development Specific Use for all existing zoning categories ("I" Light Industrial and "IP" Industrial Park for subject property) plus sand and gravel mining subject to conditions to "A-5" One Family and "E" Neighborhood Commercial.
- ZN-99-025. 8500 block of Trinity Boulevard (190 acres). APPROVED 3/11/99.

From "PO 224" Planned Development Specific Use for all existing zoning categories plus sand and gravel mining subject to conditions to "A" One Family for Tarrant Acquisition Ltd.

- ZN-96-128 I SP-96-022 I PD 224. 7900 - 8800 Block of Trinity Boulevard. APPROVED 12/12/96. "I" Light Industrial, "G" Intensive Commercial, "0-2" Floodplain (Inactive district), "IP" Industrial Park (Inactive district), "C" Medium Density Multi-Family, "AG" Agricultural, "E" Neighborhood Commercial and "PO 4 7" Planned Development to "PD/SU" Planned Development Specific Use for all existing zoning categories plus sand and gravel mining subject to conditions for Tarrant Aggregate Corporation.

Public Notification

300-foot Legal Notifications were mailed on February 28, 2025.
The following organizations were notified: (February 26, 2025)

Organizations Notified	
Historic Randol’s Mill Valley Alliance, Inc.	River Trails HOA
Lakes of River Trails South HOA	East Fort Worth, Inc.
Streams And Valleys Inc	Trinity Habitat for Humanity
East Fort Worth Business Association	Fort Worth ISD
HEB ISD	

* Located within a registered Neighborhood Organization

Development Impact Analysis

Land Use Compatibility

The applicant is proposing to change the zoning from “PD-224” “PD/SU” Planned Development/Specific Use for all existing zoning categories plus sand and gravel mining to “TL-N” Trinity Lakes Neighborhood District. Surrounding land uses are primarily single family to the north and further east, with vacant mitigation land including trees, lakes, Trinity Trails and River that are part of the mining property to the west and south.

The proposed zoning is **compatible** with surrounding land uses.

Comprehensive Plan Consistency - FLU Map and Policies

The 2023 Comprehensive Plan designates the subject property primarily as Single Family Residential and open space. The proposed rezoning allows for the single-family residential type of build-out. The policies below apply to this development:

- Promote a desirable combination of compatible residential, office, retail, and commercial uses in the mixed-use zoning districts of the Oakland Corners Urban Village, Historic Handley Urban Village, and the Trinity Lakes form-based code district.
- Expand and enhance the public hike & bike trail system between Downtown Fort Worth and Downtown Dallas. Connect neighborhoods to the expanded Trinity Trails system.



- Encourage the use of floodplains for agricultural or recreational uses, including hike & bike trails.
- Encourage the protection of mature woodlands, riparian corridors, and other sensitive natural areas, while incorporating protected woodland areas as amenities in new developments.

RESIDENTIAL

Single-Family Residential

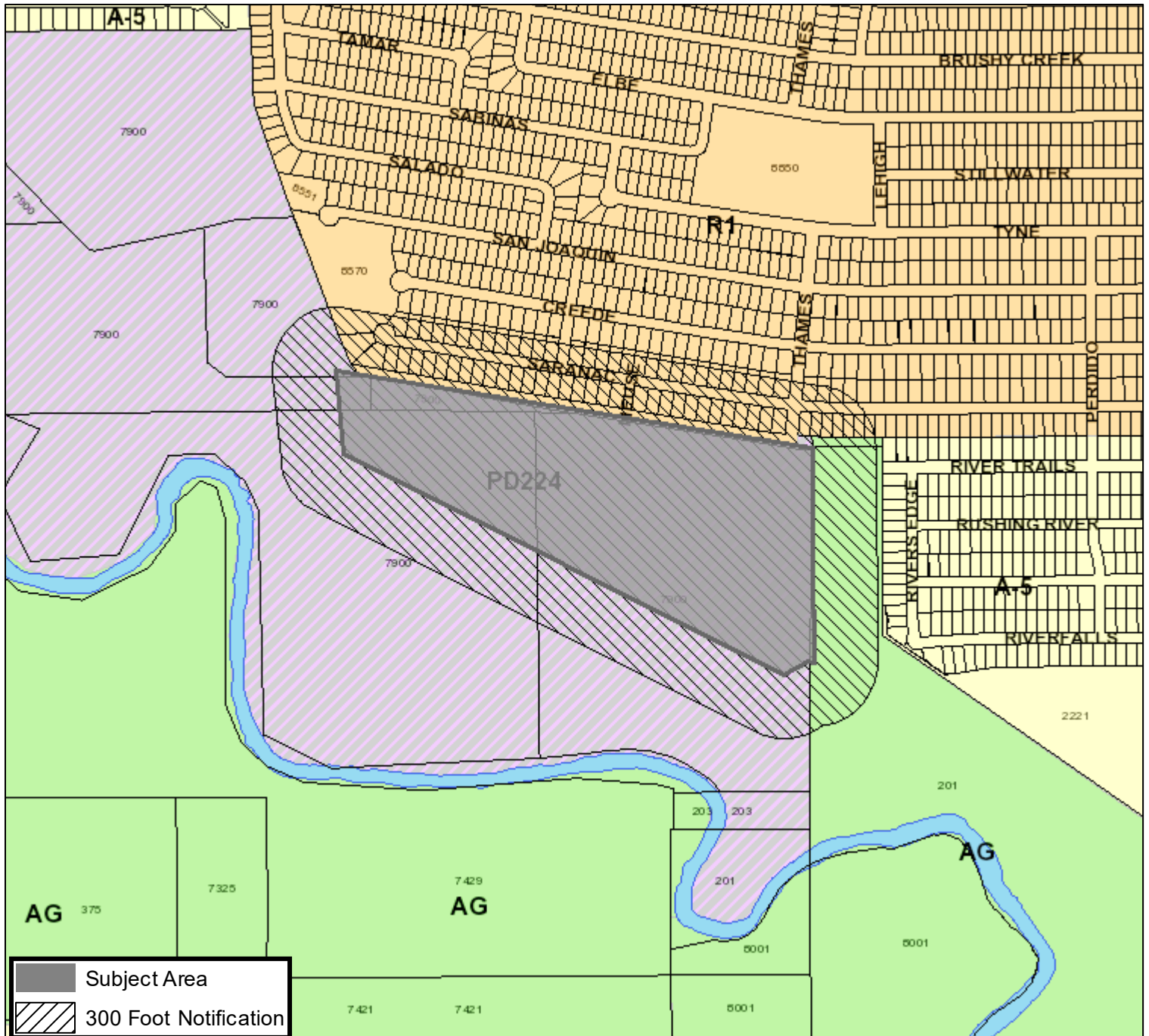
3,500+ sq. ft. lot single-family

A-10, A-7.5, A-5, AR

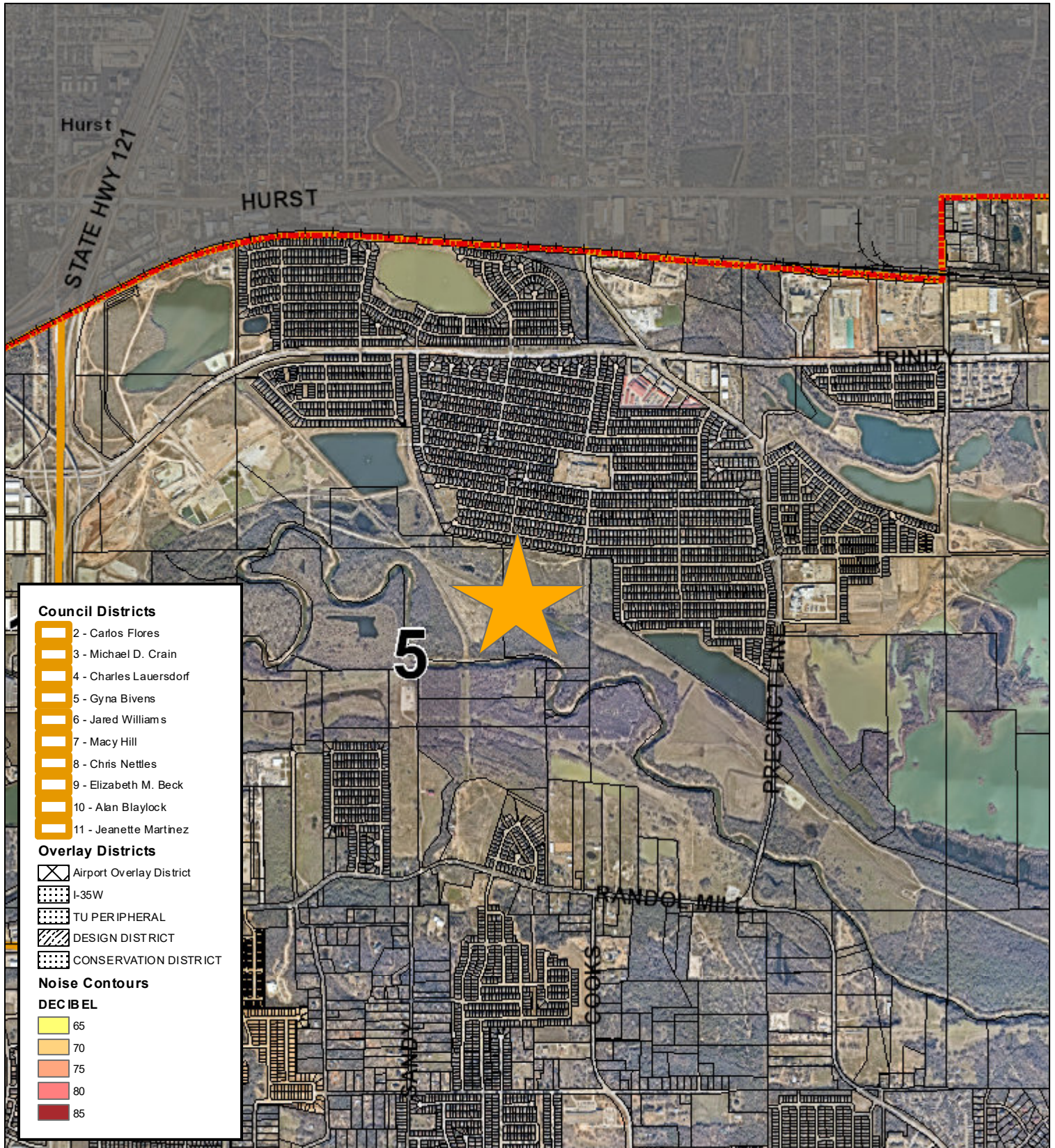
Based on the conformance with the future land use map and policy stated above, the proposed zoning **is consistent** with the Future Land Use Map and Comprehensive Plan Policies

Area Zoning Map

Applicant: Riverbend Investment 1 LTD by Newell Properties
 Address: South of 2500 block of Thames Trail
 Zoning From: PD 224 for sand & gravel mining
 Zoning To: TL-NB for single family
 Acres: 39.45
 Mapsco: Text
 Sector/District: Eastside
 Commission Date: 3/12/2025
 Contact: 817-392-7882



Area Map



Council Districts

- 2 - Carlos Flores
- 3 - Michael D. Crain
- 4 - Charles Lathersdorf
- 5 - Gyna Bivens
- 6 - Jared Williams
- 7 - Macy Hill
- 8 - Chris Nettles
- 9 - Elizabeth M. Beck
- 10 - Alan Blaylock
- 11 - Jeanette Martinez

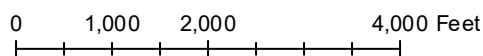
Overlay Districts

- Airport Overlay District
- I-35W
- TU PERIPHERAL
- DESIGN DISTRICT
- CONSERVATION DISTRICT

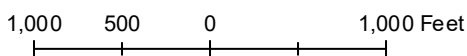
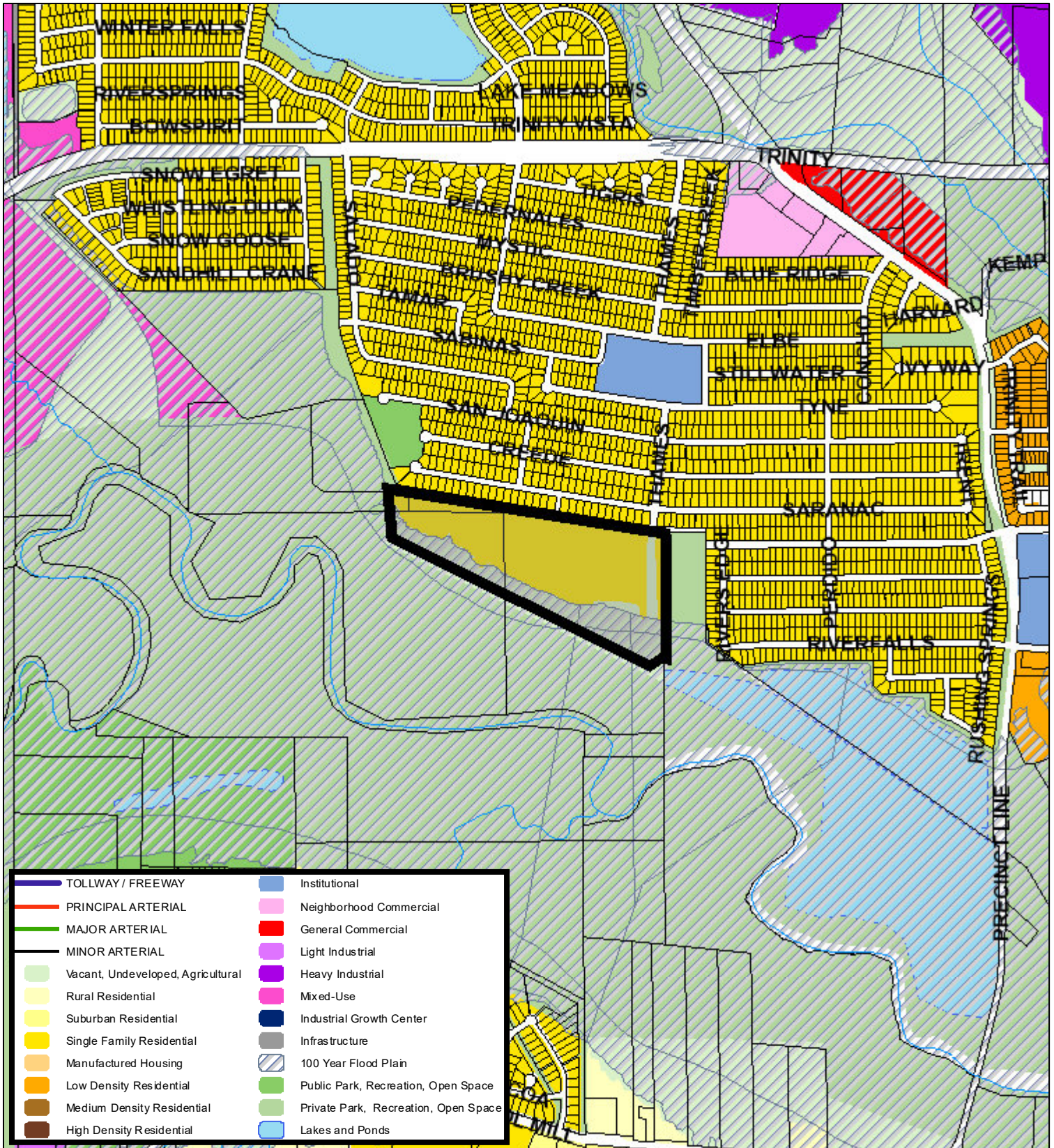
Noise Contours

DECIBEL

- 65
- 70
- 75
- 80
- 85



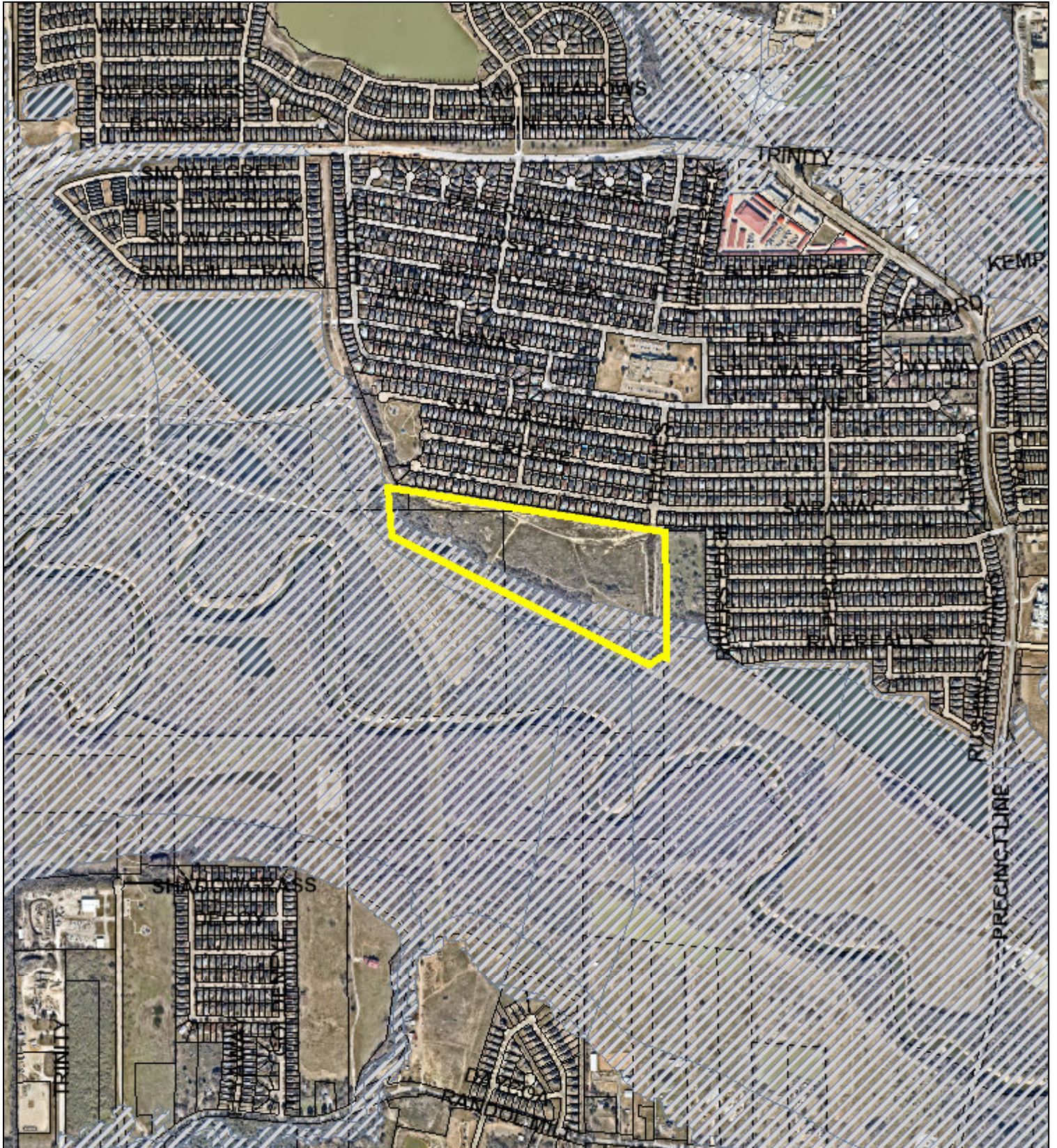
Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 650 1,300 2,600 Feet





Zoning Staff Report

April 9, 2025

Case Number: ZC-25-022

Council District: Future 6

Zoning Map Amendment

Case Manager: [Stephen Murray](#)

Owner / Applicant: Old Granbury Holdings, LLC

Site Location: 9625 Old Granbury Road

Acreage: 4.537 acres

Request

Proposed Use: Medical Office

Request: From: Unzoned

To: “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus auto parts & supply and auto repair adjoining a residential district; removing alcohol, liquor, bar, club, massage parlors, tobacco, smoke and vape shops, site plan waiver requested.

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Map Consistency: Requested change **not compatible**

Comprehensive Plan Policy Consistency: Requested change **is compatible**

Staff Recommendation: **Approval**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
 - a. Area Map
 - b. Aerial Photograph
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Future Land Use Map

Project Description and Background

The subject site is a 4.537-acre tract within Future Council District 6. The site currently exists as a single-family dwelling and is proposed to be rezoned from the existing Unzoned Extra Territorial Jurisdiction (ETJ) to “PD/E” Planned Development for all uses in “E” Neighborhood Commercial plus auto parts & supply and auto repair adjoining a residential district; removing alcohol, liquor, bar, club, massage parlors, tobacco, smoke and vape shops, site plan waiver requested.

Surrounding the site are numerous single-family subdivisions and commercially zoned property. Rezoning the property would allow for the construction of a medical office in alignment with the surrounding neighborhood character.

At the March Public Hearing, the applicant asked to revise the application to PD/E. The case was continued to allow for renotification.



Old Granbury Road view of subject site



Surrounding Zoning and Land Uses

- North “A-5” Single Family – A single-family subdivision
- South Unzoned ETJ – A single-family residence
- East “A-5” Single Family – A single-family subdivision
- West “G’ Intensive Commercial – A vacant parcel of land

Recent Zoning History

- ZC-20-137 – Approved rezoning request from Unzoned ETJ to “A-5” Single-Family Residential; “E” Neighborhood Commercial; “G” Intensive Commercial

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet were mailed on March 28, 2025.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on March 28, 2025:

Organizations Notified	
Chisholm Trail Ranch Residential Community HOA	Streams and Valleys Inc
District 6 Alliance	Trinity Habitat for Humanity
Crowley ISD	Llano Springs HOA

Development Impact Analysis

Land Use Compatibility

The surrounding area is developed as single-family residential subdivisions and commercially zoned properties in various stages of development. Constructing a medical office in this area would be an appropriate and compatible use of the land due to the presence of numerous existing single-family subdivisions and commercially zoned parcels surrounding the subject site. This proposed rezoning will allow for a variety of medical and dental uses that will support and serve the community while providing infill development and discouraging the leapfrogging of development.

The presence of commercially zoned property to the west of the site across Old Granbury Road and diagonally to the site on the northwest corner of McPherson Blvd. makes this rezoning request suitable. Additionally, there is a large strip of commercially zoned property that begins approximately half a mile southeast of the subject site on the corner of McPherson Blvd. and Brewer Blvd. and extends east along McPherson Blvd.

As such, the proposed zoning is **compatible** with surrounding land uses.

Comprehensive Plan Consistency

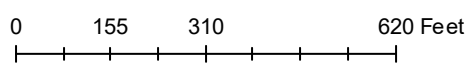
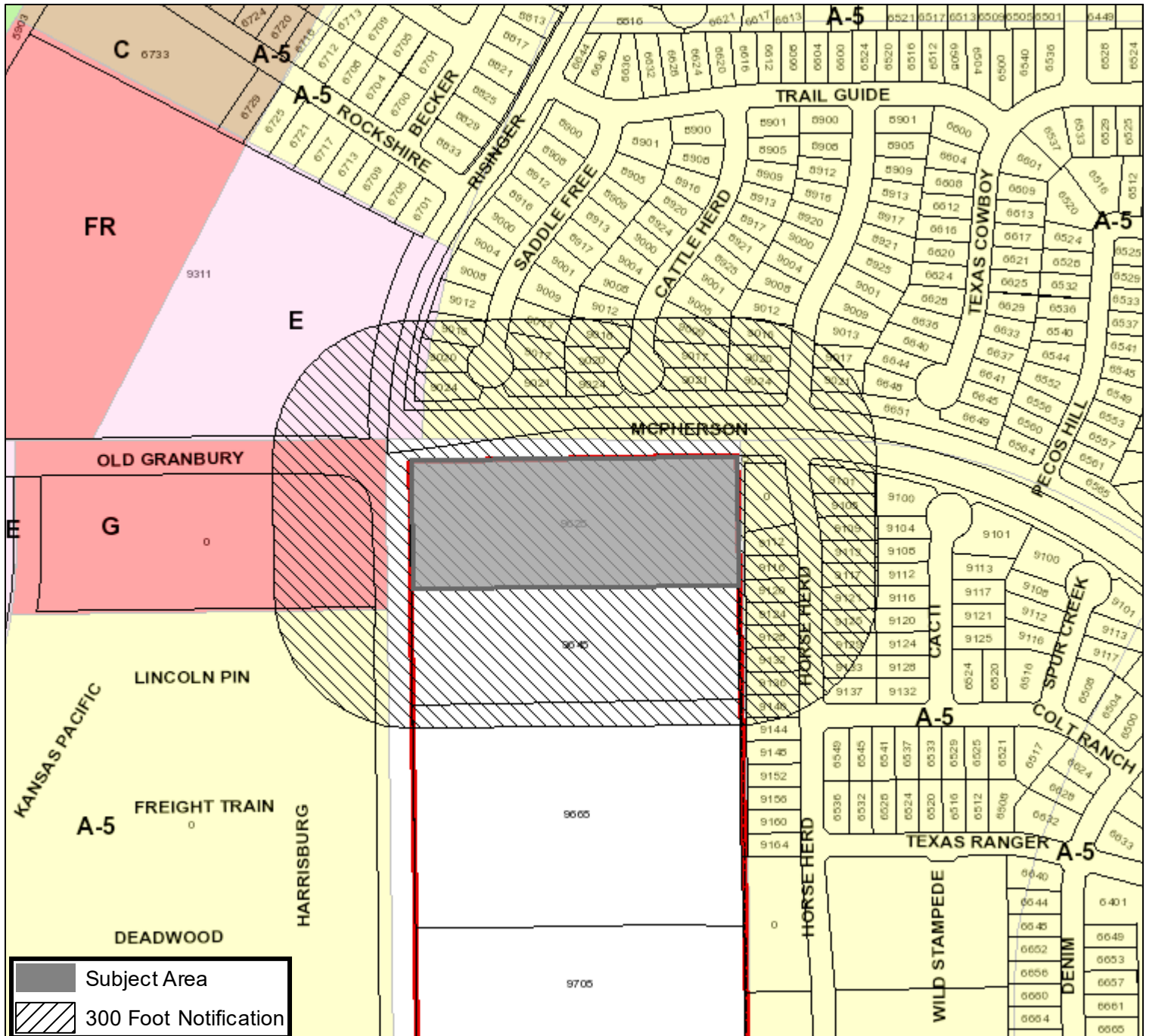
The adopted Comprehensive Plan currently designates the subject property as single-family on the Future Land Use Map. The proposed rezoning is **not consistent** with the future land use map.

However, the proposed rezoning is **consistent** with the Comprehensive Plan map and the polices below.

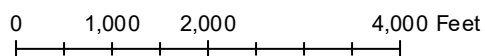
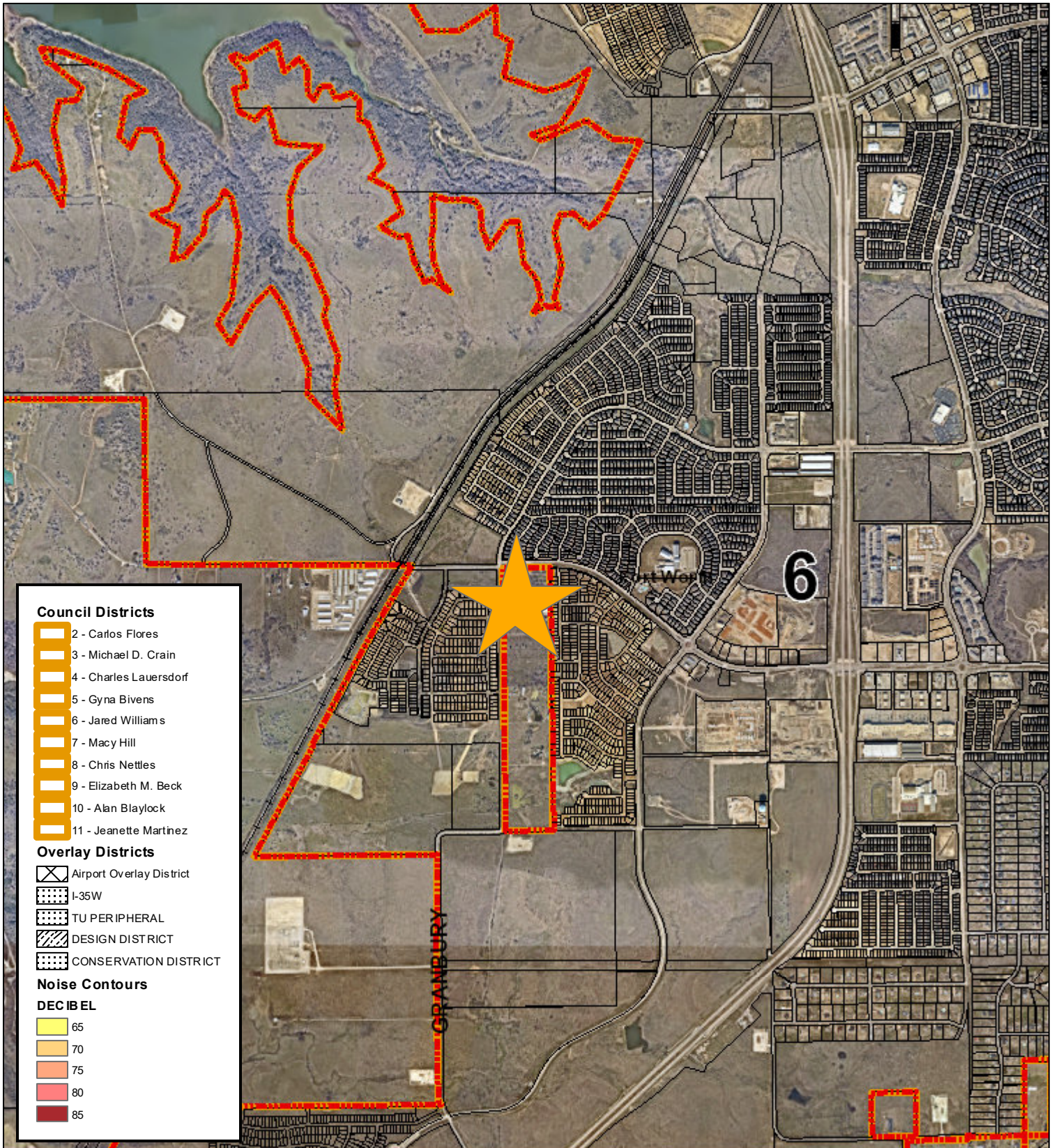
- *Promote appropriate infill development of vacant lots within developed areas, which will efficiently utilize existing infrastructure*
- *Promote appropriate infill of old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.*

Area Zoning Map

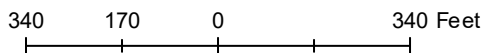
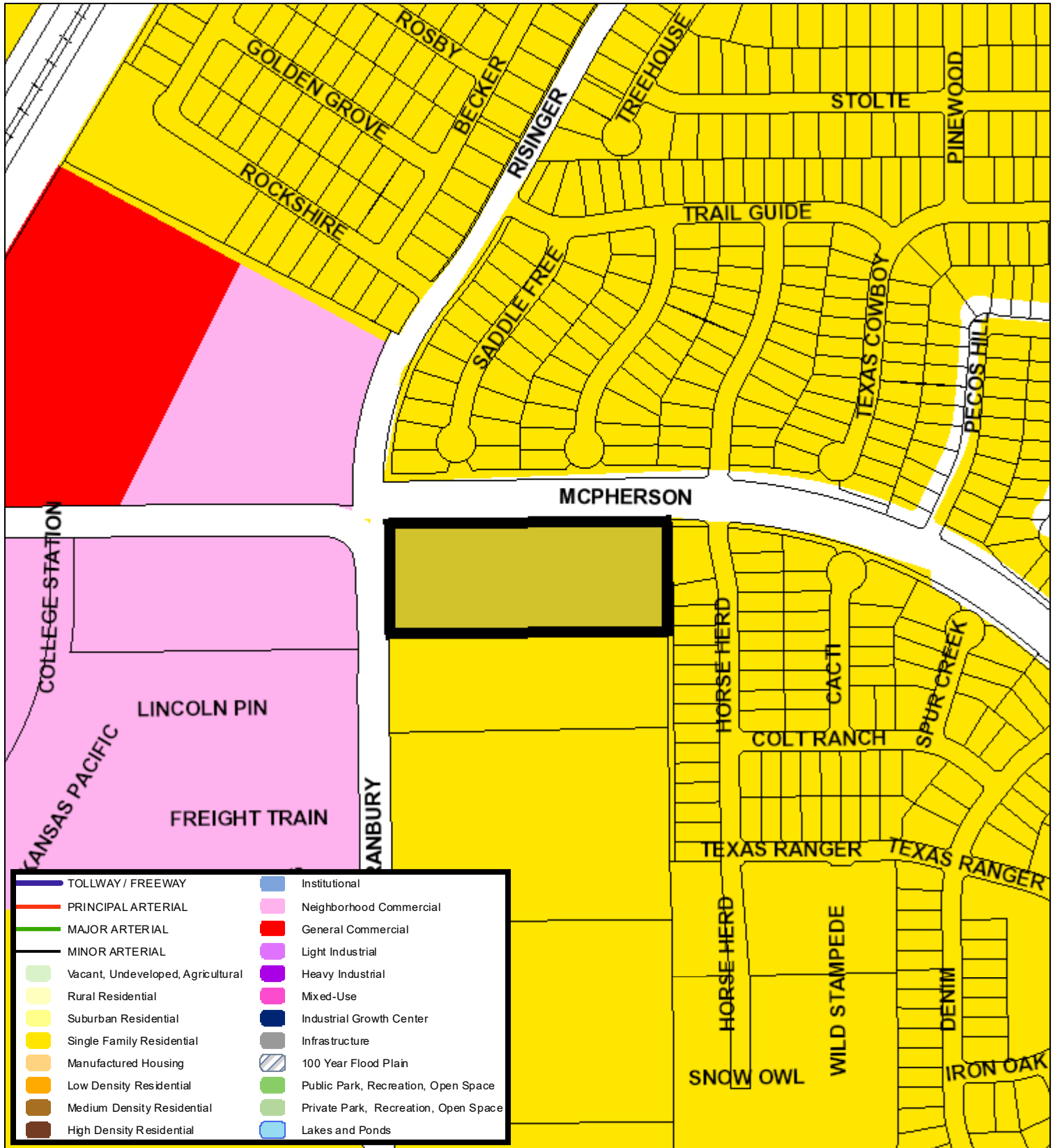
Applicant: Old Granbury Holdings LLC by Westwood Pro. Service
 Address: 9625 Old Granbury Road
 Zoning From: Unzoned
 Zoning To: PD/E plus auto parts sales & auto repair; removing alcohol, liquor, bar, club, massage parlors
 Acres: 4.537
 Mapsco: Text
 Sector/District: null
 Commission Date: 4/9/2025
 Contact: 817-392-2495



Area Map



Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 215 430 860 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-24-138

Council District: 9

Zoning Map Amendment

Case Manager: [Ana Alvarez](#)

Owner / Applicant: W Terrell LLC / Stephen Rivers, Riverbank Capital

Site Location: 400 W Terrell Ave (Near Southside Form-Based Code District)

Acreage: +/- 0.403 acres

Request

Proposed Use: Existing building will be remodeled for an event space and the new construction building will be for offices.

Request: From: “NS-T4N” Near Southside, Transect Zone T4: General Urban Neighborhood Zone

To: “NS-T4” Near Southside, Transect Zone T4: General Urban

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Map Consistency: Requested change **is consistent**

Comprehensive Plan Policy Consistency: Requested change **is consistent**

Staff Recommendation: **Approval**

Table of Contents

- [1. Project Description and Background](#)
- [2. Surrounding Zoning and Land Uses](#)
- [3. Recent Zoning History](#)
- [4. Public Notification](#)
- [5. Development Impact Analysis](#)
 - [a. Land Use Compatibility](#)
 - [b. Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Exhibit: Proposed Light Industrial Uses
8. Conceptual Plan
9. Area Map
10. Future Land Use Map
11. Aerial Photograph

Project Description and Background

The subject property is located north of Terrell Avenue and west of May Street. There is an existing building along the west property line which is proposed to be repurposed from warehouse into an event center. The remainder of the lot appears to have been used as a parking area, which is now in disrepair, with grass growing through the broken pavement and enclosed by a chain-link fence. A new two-story building is proposed along the north property line, perpendicular to the existing structure, and is intended for office use. The site has historically been commercial.

The property is zoned as "NS-T4N", Near Southside – General Urban Neighborhood Zone. However, the applicant wants to rezone the property to "NS-T4" Near Southside – General Urban Zone. This request aims to allow the proposed event center and office uses, which are permitted under NS-T4 zoning but not under the current NS-T4N designation, as the existing Neighborhood Zone does not allow single-use, non-residential developments.

NS-T4N zoning is a sub-zone within Near Southside that is meant to encourage smaller-scale neighborhood development, with structures up to four stories in height. The surrounding area is also zoned NS-T4N and primarily consists of two-story single-use commercial office buildings and apartment buildings ranging from two to four stories.

The proposed design for the existing and new structures at 400 W Terrell Avenue is generally consistent with the Near Southside Development Standards and Guidelines, as well as the requirements of the proposed new zoning (NS-T4). The proposed project complies with Section 2.B.1 (Promote a pedestrian-oriented urban form) to help promote a walkable, urban form of development, consistent with the district's historic urban character, promoting buildings that conform to tested urban design principles, and that adapt to changing conditions over time. The proposed project also complies with Section 5.A.1 and 5.A.2 in Streets and Public Spaces, promoting pedestrian activity, comfort, and balancing automobiles circulation requirements. Lastly, it is consistent with Section 5.A.1 and 5.A.8 in Sites and Buildings, providing an active, human-scale, continuous pedestrian-oriented street edge along the public sidewalks.

On December 19, 2024, the Urban Design Commission approved several waivers from the Near Southside Form-Based Code.

The UDC approved the waivers as outlined in the request, with the condition that the applicant works with staff on waiver #2 to reduce the proposed 10' wall to 8'.

That the requested Certificate of Appropriateness (COA) for the following six waivers from the Near Southside Standards and Guidelines be approved:

- 1) A primary pedestrian entrance located behind the parking lot, where primary entrance doors shall be located on the street frontage of the building;
- 3) A Parking lot in front of the building, where parking lots shall be located behind or to the side of buildings;
- 4) An approximately 48% "Maximum Surface Parking Lot Frontage" along W Terrell St (primary street), where parking lot frontage along primary streets shall not exceed 40%;
- 5) Provide windows and doors approximately 11% at the east elevation of the existing building, where new façades fronting on publicly accessible streets shall have openings and transparent glazing together more than 25% of the façade.
- 6) Provide 35% "Ground Floor Transparency" on the south elevation of the existing building, where at least 40% is required.

- 7) Provide approximately 16% "Ground Floor Transparency" on the east elevation of the existing building, where at least 40% is required.

On January 9, 2025, Design Review Staff approved a Certificate of Appropriateness for the construction of the new two-story structure and renovation of the existing single-story structure. Plans were approved with the modifications outlined by the Urban Design Commission at the hearing.



Mia (Hsin-Yi) Ho Digitally signed by Mia (Hsin-Yi) Ho
Date: 2025.01.22 08:37:16 -06'00'

Certificate of Appropriateness Urban Design Commission

Stephen Rivers / Nate Galata
400 W Terrell Ave

On December 19, 2024, the Urban Design Commission (UDC) APPROVED a request for a Certificate of Appropriateness for the following waivers from the Near Southside Development Standards and Guidelines to construct a new two-story building and renovate the existing single-story structure at the above-referenced address within the Near Southside District.

All in accordance with the plans stamped 'APPROVED' on January 9, 2025.

The requests for the following waivers (1, 3, 4, 5, 6, 7) are approved:

1. A primary pedestrian entrance located behind the parking lot;
3. A surface parking lot in front of the building;
4. An approximately 48% "Maximum Surface Parking Lot Frontage" along W Terrell St (primary street);
5. Provide windows and doors approximately 11% at the east elevation of the existing building;
6. Provide 35% "Ground Floor Transparency" on the south elevation of the existing building;
7. Provide approximately 16% "Ground Floor Transparency" on the east elevation of the existing building.

The applicant works with staff on waiver #2 to lower the proposed 10-foot-tall front yard fence to 8-foot.

APPROVALS AND PERMITS

Urban Design Commission or Urban Design Review Staff must approve work not included in this Certificate of Appropriateness prior to the issuance of a building permit. Approval of your case **does not** negate you from any other applicable requirements needed to obtain required permits. If necessary, you must obtain all required variances **before** a building permit will be issued.

APPEALS AND CERTIFICATE OF APPROPRIATENESS VALIDITY

An appeal to this decision may be submitted by written request to the City Secretary and the Urban Design Staff within 15 days of the date of this decision. Certificates of Appropriateness are valid for two years from the date of issuance.

FURTHER INFORMATION

Questions regarding this case may be forwarded to the Development Services Department at (817) 392-8000.

Figure 1 Certificate of Appropriateness



Figure 4 Google Street View of Subject Property. Existing building shown on the left will be repurposed.

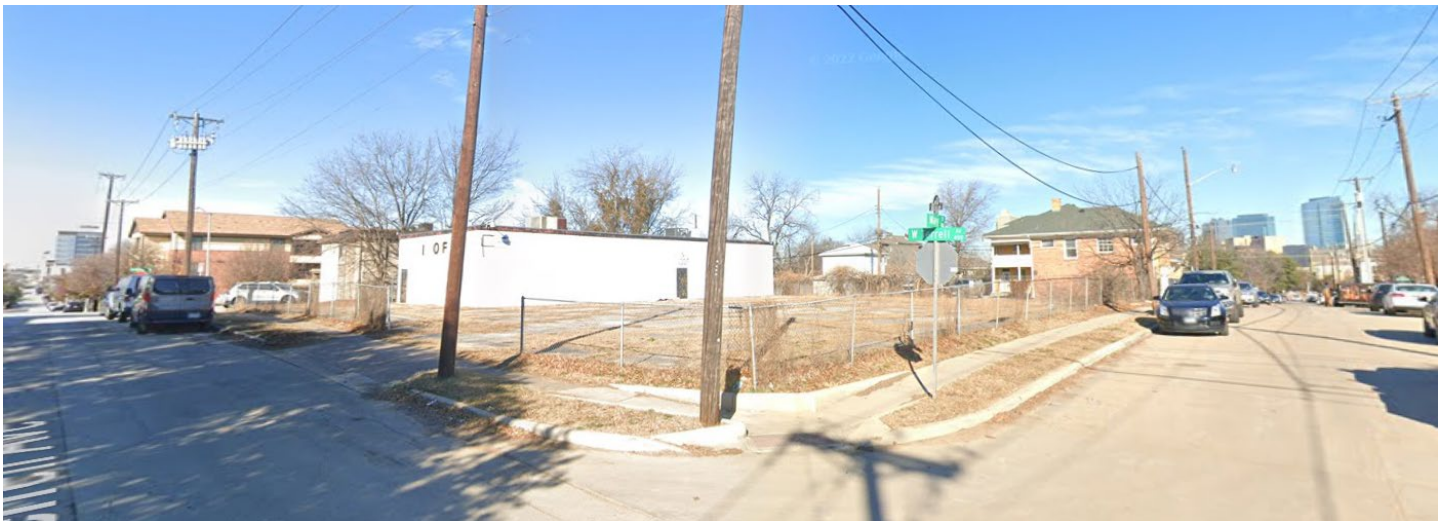


Figure 5 Google Street View looking northwest at the Subject Property

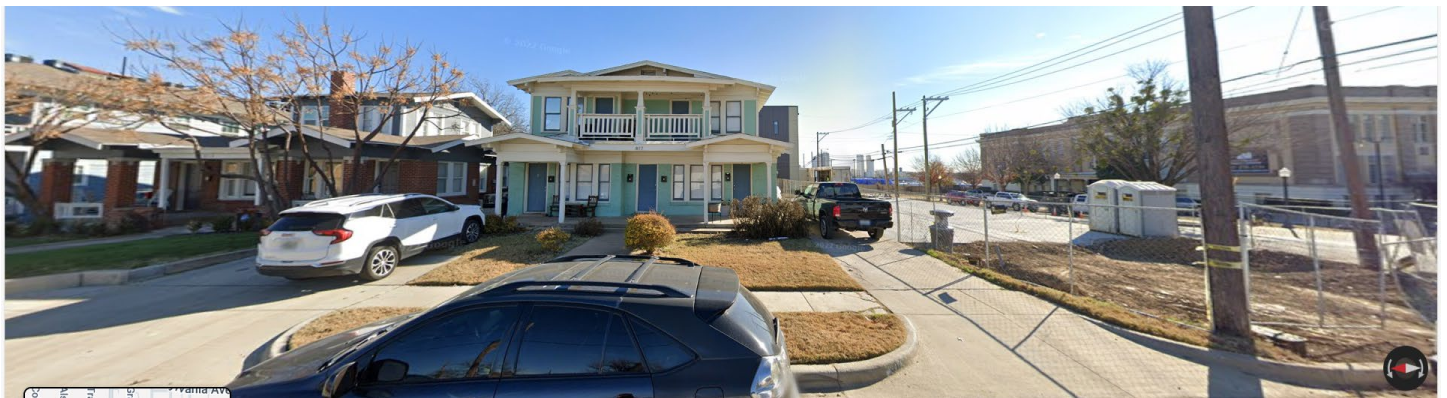


Figure 6 Google Street View of the properties east of the Subject Property. 2-story multifamily structures on the left and parking lot on the right



Figure 7 Google Street View of the properties north of the Subject Property. 2-story building with the last known use of office



Figure 8 Google Street View of the properties to the west of the Subject Property. 2-story office building

Surrounding Zoning and Land Uses

North	“NS-T4N” Near Southside T4N District / Two-Story Office Buildings (M E Operating & Serv Inc)
East	“NS-T4N” Near Southside T4N District / Two-Story Structures (Apartments) and parking lot
South	“NS-T4N” Near Southside T4N District / Four-Story Building (Parker Common Apartments)
West	“NS-T4N” Near Southside T4N District / Two-Story Office Building (Tarrant Co. MHRM Foundation)

Recent Zoning History

- ZC-07-164, from Various to NS-T5I with and without historical overlays; City initiated rezoning; subject property (in yellow) and large surrounding area.

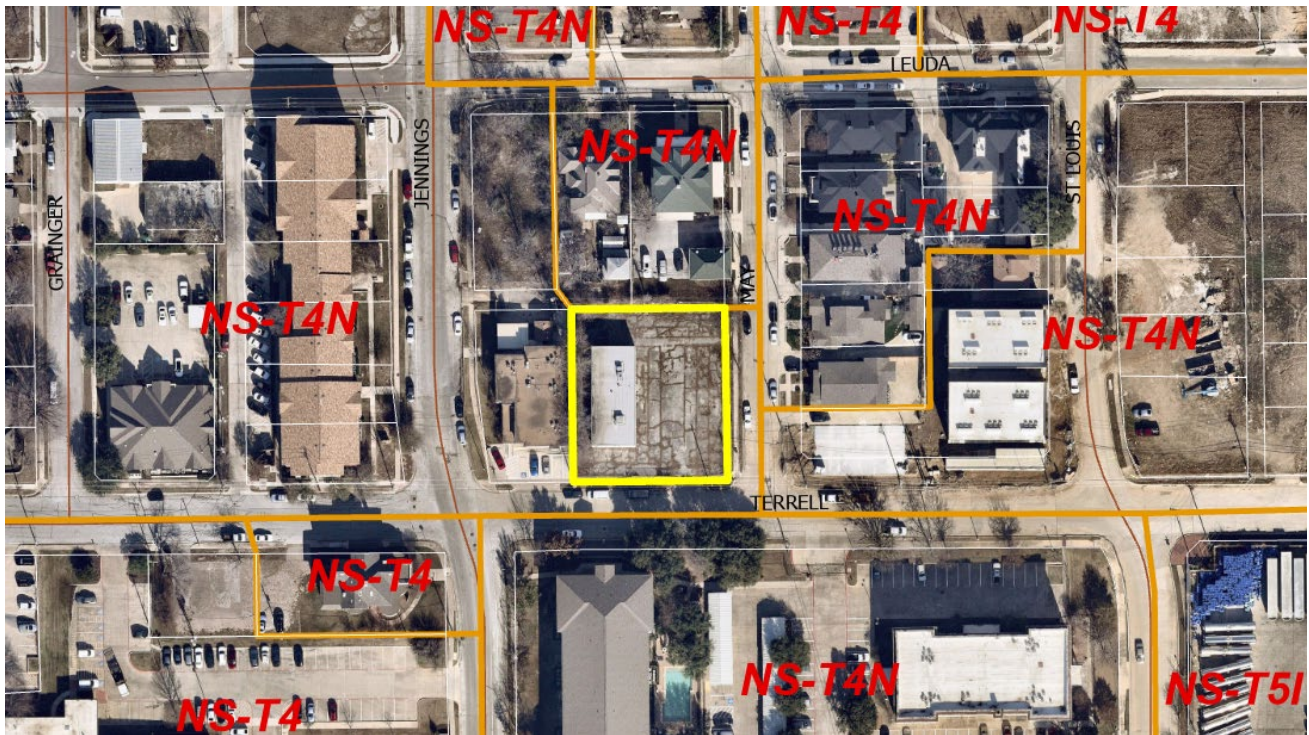


Figure 9 Zoning Map, Subject Property in yellow

Public Notification

300-foot Legal Notifications were mailed on March 28, 2025.
 The following organizations were notified: (emailed)

Organizations Notified	

* Site is not located within a registered NA

Development Impact Analysis

Land Use Compatibility

The primary purpose of this text amendment is to rezone the property from NS-T4N to NS-T4.
 The proposed zoning is **compatible** with surrounding land uses.

Comprehensive Plan- Map Consistency – Southside

The adopted Comprehensive Plan currently designates the Near Southside Form-Based District as Mixed-Use on the Future Land Use (FLU) Map. The FLU classifies Mixed-Use as UR, MU-1, MU-2, Form-Based Codes, and All Commercial. The proposed zoning is consistent with the following Comprehensive Plan policy.

MIXED-USE		Form-Based Codes
Mixed-Use	Retail, services, offices, entertainment, mixed uses, and multifamily residential (>36 units/acre multifamily, mixed-use multifamily and pedestrian-oriented development)	UR, MU-1, MU-2, Form-Based Codes, All Commercial
Mixed-Use Growth Center	Retail, services, offices, entertainment, mixed uses, and multifamily residential; Community Growth Centers are less intensive, and Regional Growth Centers are more intensive	UR, MU-1, MU-2, Form-Based Codes, All Commercial

Figure 10 FLU Map description

The proposed zoning is **consistent** with the future land use map for this area.

Comprehensive Plan Policy Consistency

The proposed request is consistent with the land use designations for this area, and aligns with the following policies and strategies of the Comprehensive Plan:

- Promote commercial, mixed-use, and urban residential development within the Near Southside, Near Southeast, La Gran Plaza, and Downtown Mixed-Use Growth Centers.
- Encourage office and high-density residential uses which will support area commercial uses.

Based on the conformance with the future land use map and policy stated above, the proposed zoning is **consistent** with the Comprehensive Plan.

Economic Development Plan

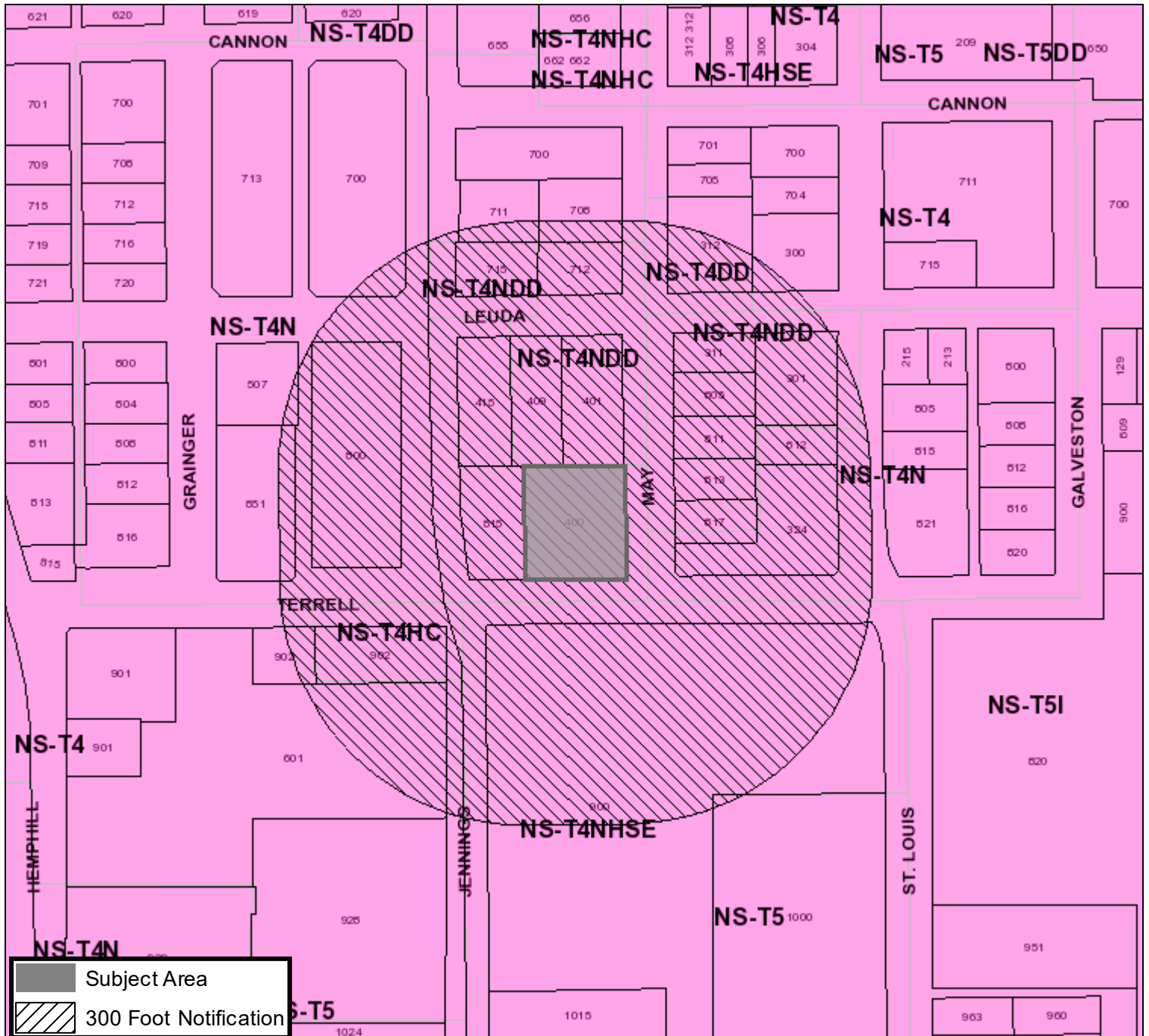
The adopted Economic Development Strategic Plan identified four different results to facilitate the success and growth of Fort Worth:

1. A more sustainable tax base, driven less by residential property valuation and more by commercial and industrial investment.
2. A commitment to “quality of place” throughout the community, including rising home values, new business startups, reduction of blighted areas, and the emergence of walkable corridors with a mixture of residential and commercial developments and related amenities.
3. Citywide urban and mixed-use development.

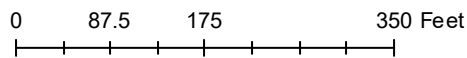


Area Zoning Map

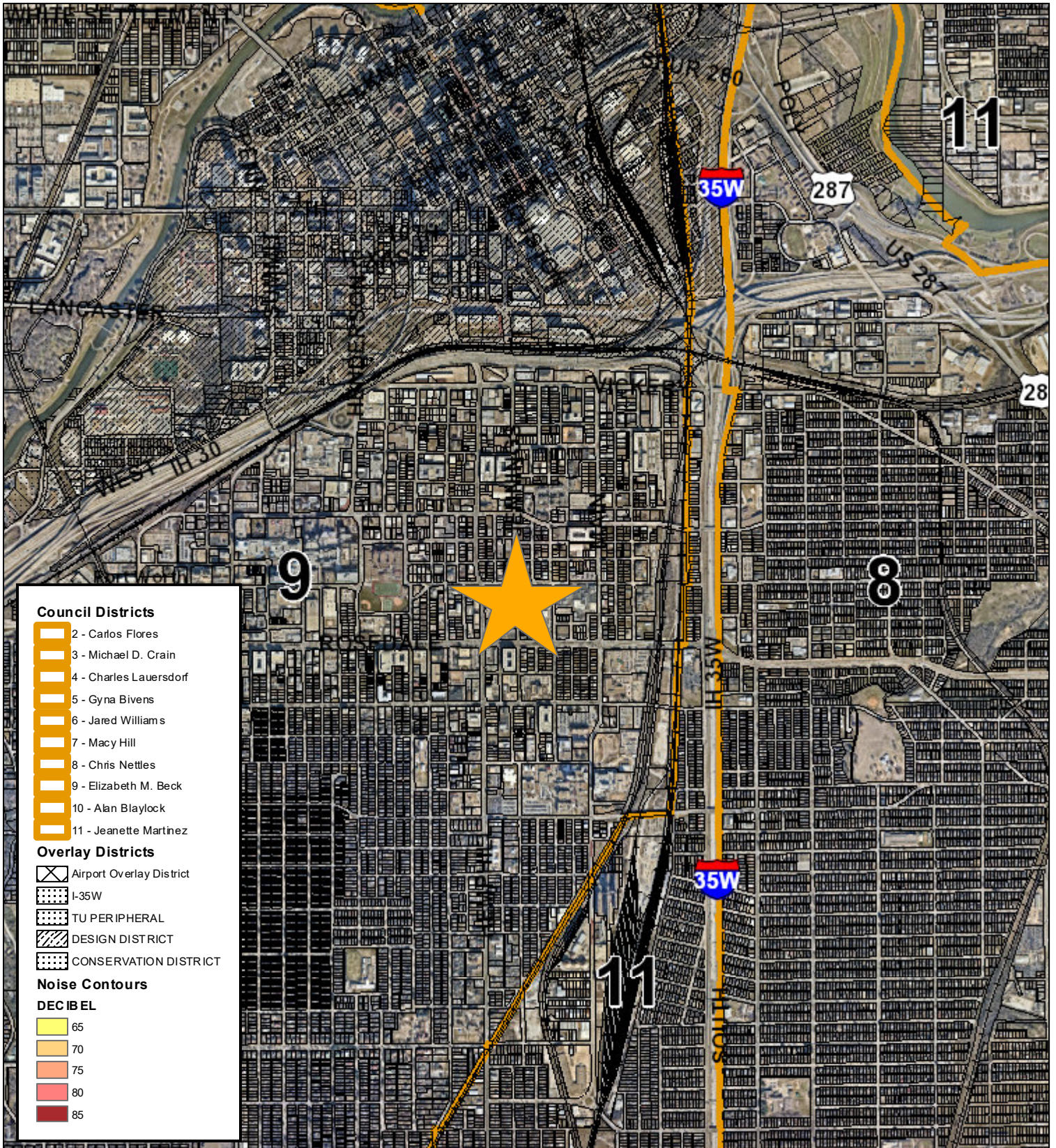
Applicant: W. Terrell LLC/Stephen Rivers
 Address: 400 W. Terrell Avenue
 Zoning From: NS-T4N
 Zoning To: NS-T4
 Acres: 0.39734109
 Mapsco: Text
 Sector/District: Southside
 Commission Date: 4/9/2025
 Contact: 817-392-7882



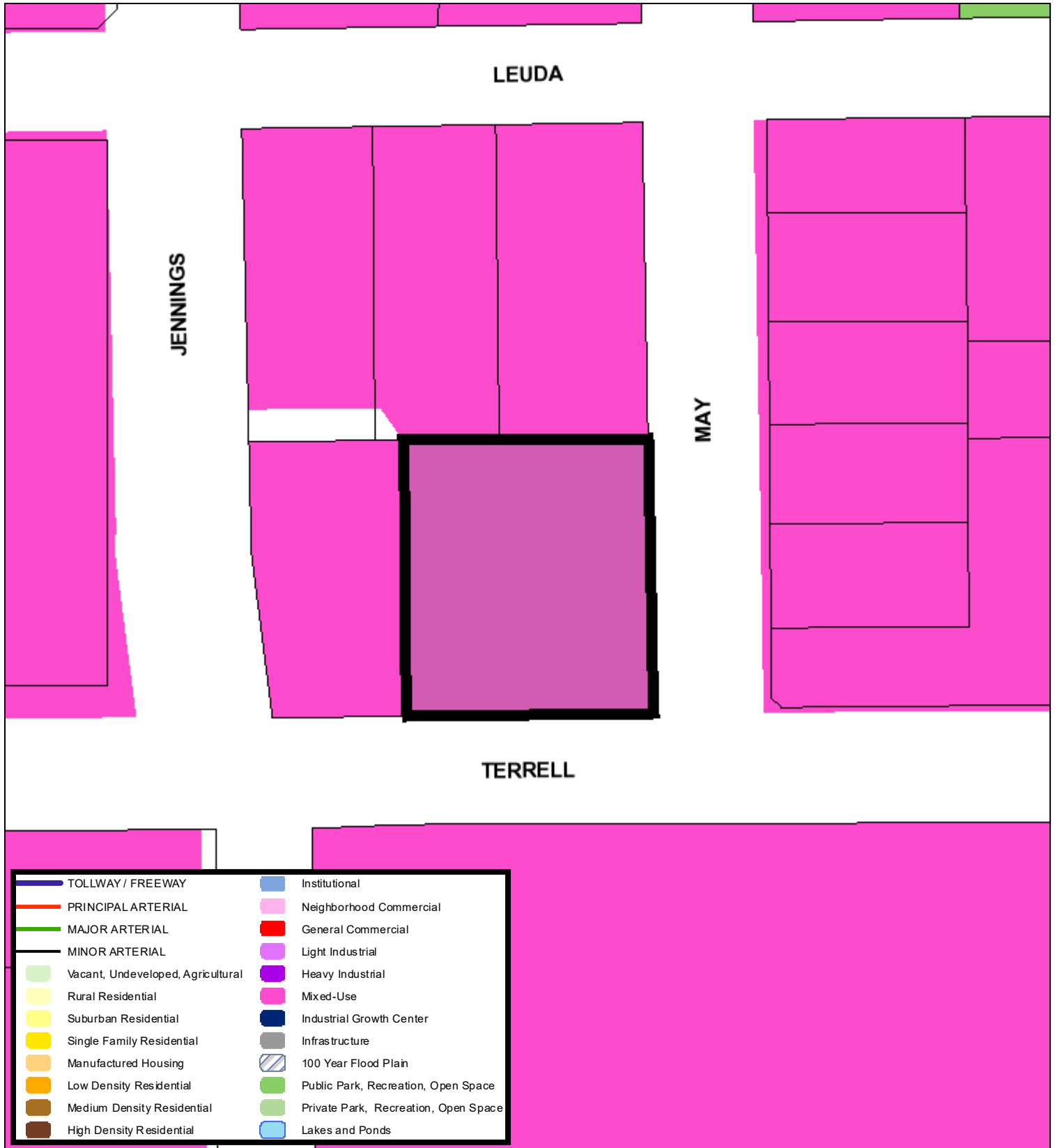
	Subject Area
	300 Foot Notification



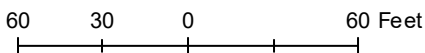
Area Map



Future Land Use



TOLLWAY / FREEWAY	Institutional
PRINCIPAL ARTERIAL	Neighborhood Commercial
MAJOR ARTERIAL	General Commercial
MINOR ARTERIAL	Light Industrial
Vacant, Undeveloped, Agricultural	Heavy Industrial
Rural Residential	Mixed-Use
Suburban Residential	Industrial Growth Center
Single Family Residential	Infrastructure
Manufactured Housing	100 Year Flood Plain
Low Density Residential	Public Park, Recreation, Open Space
Medium Density Residential	Private Park, Recreation, Open Space
High Density Residential	Lakes and Ponds



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 40 80 160 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-021

Council District: 11

Conditional Use Permit

Case Manager: [Stephen Murray](#)

Owner / Applicant: Glenn Woodard, Westwood PS / Aaron Buckner, 3220 Ennis Ave, LLC

Site Location: 3220 Ennis Avenue

Acres: 11.95 acres

Request

Proposed Use: Rock Crushing Facility

Request: To: Add Conditional Use Permit (CUP) for rock crushing facility in “K” Heavy Industrial; site plan included

Recommendation

Land Use Compatibility: Requested change **is not compatible**

Comprehensive Plan Map Consistency: **Not Applicable**

Comprehensive Plan Policy Consistency: Requested change **is not consistent**

Staff Recommendation: **Applicant requests continuance**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
 - c. [Site Plan Comments](#)
6. Zoning Map with 300 ft. Notification Area
7. Site Plan
8. Area Map
9. Future Land Use Map
10. Aerial Photograph

Project Description and Background

The proposed site is located on Ennis Street near the corner of Riverside Drive north of IH-30. The applicant is requesting to add a Add Conditional Use Permit (CUP) for rock crushing facility in “K” Heavy Industrial; site plan included.

Rock crushing facilities are only permitted within “K” Heavy Industrial zoning districts through the CUP process. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Surrounding uses are primarily industrial within this area. The subject site also adjoins the Trinity River. Prior to development the applicant will have to comply with both stormwater and floodplain requirements. The applicant has provided the following narrative:

THE PROPOSED SITE PLAN FOR LOT AR, BLOCK 1 OF THE RIVERSIDE ADDITION IS SITUATED ON 11.95 ACRES AT 3220 ENNIS AVENUE, IS DESIGNATED AS LIGHT INDUSTRIAL BY THE COMPREHENSIVE PLAN (NORTHEAST SECTOR) AND IS CURRENTLY ZONED "K" (HEAVY INDUSTRIAL). THE REQUESTED USE FOR THIS SITE IS "CONCRETE CRUSHING PLANT". THIS USE IS MOST CLOSELY RELATED TO HEAVY INDUSTRIAL, MINING QUARRY, DREDGING OR EXCAVATION OF ROCK, DIRT, GRAVEL, SANDSTONE INCLUDING ROCK AND CEMENT CRUSHERS, AND IS NOT PERMITTED IN ZONING DISTRICT "K" BY RIGHT. THE REQUESTED CUP SUPPORTS A USE THAT IS COMPATIBLE WITH THE EXISTING USES ADJACENT AND IN NEAR PROXIMITY. PROPERITES IMMEDIATELY TO THE NORTH AND SOUTH ARE ZONED "K", WITH EASTERN PROPERTIES ZONED "J".

DUE TO THIS WE ARE REQUESTING A CONDITIONAL USE PERMIT TO ALLOW THE PREVIOUSLY DESCRIBED OPERATIONS.

THE ZONING SITE PLAN ILLUSTRATES THE PROPOSED SITE LAYOUT, COMPLETE WITH NECESSARY FACILITIES AND MACHINERY.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit allows for an unlimited time period for the operation of a use unless otherwise approved by the City Council. If a time limit is established for a Conditional Use Permit, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) Conditional use permits in residential districts shall be limited to those uses designated “CUP” in the Residential District Use Table in Chapter 4, Article 6, Section 4.603.
- b) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.

- c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.
- d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate of Occupancy and subdivision approval have been satisfied.

Section (d) provides the following Conditional Use Permit factors in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan;
- b) The proposed use is compatible with the existing and adjacent uses.
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5;
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods;
- e) The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.

Surrounding Zoning and Land Uses

North “K” Heavy Industrial / Industrial uses
East “J” Medium Industrial / Single family uses with scattered vacant lots
South “K” Heavy Industrial / Industrial uses
West “J” Medium Industrial; “F” General Commercial / Trinity River, undeveloped

Recent Zoning History

- Site has been zoned “K” Heavy Industrial since before the early 2000’s

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet were mailed on March 28, 2025.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on March 28, 2025

Organizations Notified	
Riverside Alliance	United Riverside
Tarrant Regional Water District	East Fort Worth, Inc.
Streams and Valleys Inc.	Trinity Habitat for Humanity
United Riverside Rebuilding Corporation, Inc.	East Fort Worth Business Association
FWISD	

**Located within this registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

The applicant is requesting to add a Add Conditional Use Permit (CUP) for rock crushing facility in “K” Heavy Industrial; site plan included. Surrounding land uses consist of other industrial uses in industrial zoning on most sides.

The proposed zoning request **is not compatible** with surrounding land uses and does not preserve the character and integrity of adjacent development; and is materially detrimental to the public health, safety, and welfare to other property in the vicinity. The proposed site is located next to the Trinity River, near the floodplain, with large trees on the southeast portion of the site. A rock crushing facility could result in additional dust, noise, runoff, and other impacts to surrounding industrial neighborhoods. In addition, single-family homes are also located across the street along Riverside Drive roughly 300 ft away.

Comprehensive Plan Consistency– Northeast Sector

The 2023 Comprehensive Plan currently designates the subject property as “Light Industrial” on the Future Land Use Map, where less intensive industrial uses are encouraged. The proposed zoning is not consistent with the land use designations for this area, and conflicts the following policies of the Comprehensive Plan:

- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.
- Locate large industrial uses along freight rail lines, highways, or airports within industrial growth centers and other appropriate locations.

Based on a lack of conformance with the future land use map and with the policies stated above, the proposed zoning is **not consistent** with the Comprehensive Plan.

Site Plan Comments

Zoning and Land Use

The site plan as submitted is not in general compliance with the Zoning Ordinance regulations.

1. Add the surfacing (i.e. grass turf, gravel, walks, etc.) elsewhere existing or proposed on the site that is not proposed for vehicular paving and circulation.
2. Label the height of the fence on the north.

Stormwater

- Site may require an accepted drainage study if platting greater than 1 acre or if total land disturbance exceeds 1 acre.
- FEMA Floodplain is located along the southern property boundary. There is a dedicated Floodplain Easement along the FEMA Floodplain on the southern boundary of the property.

Fire

- The following would apply to occupied buildings:
- Building hose lay: buildings must be located within 150' of the edge of a public street or a fire lane must be provided.
- Section 503 Fire Lane Specifications
- Section 503.1.1 Buildings and Facilities
- Hydrant/building hose lay: A hydrant must be provided within 500' of a hydrant.
- Sections 507.5.1 Hydrants

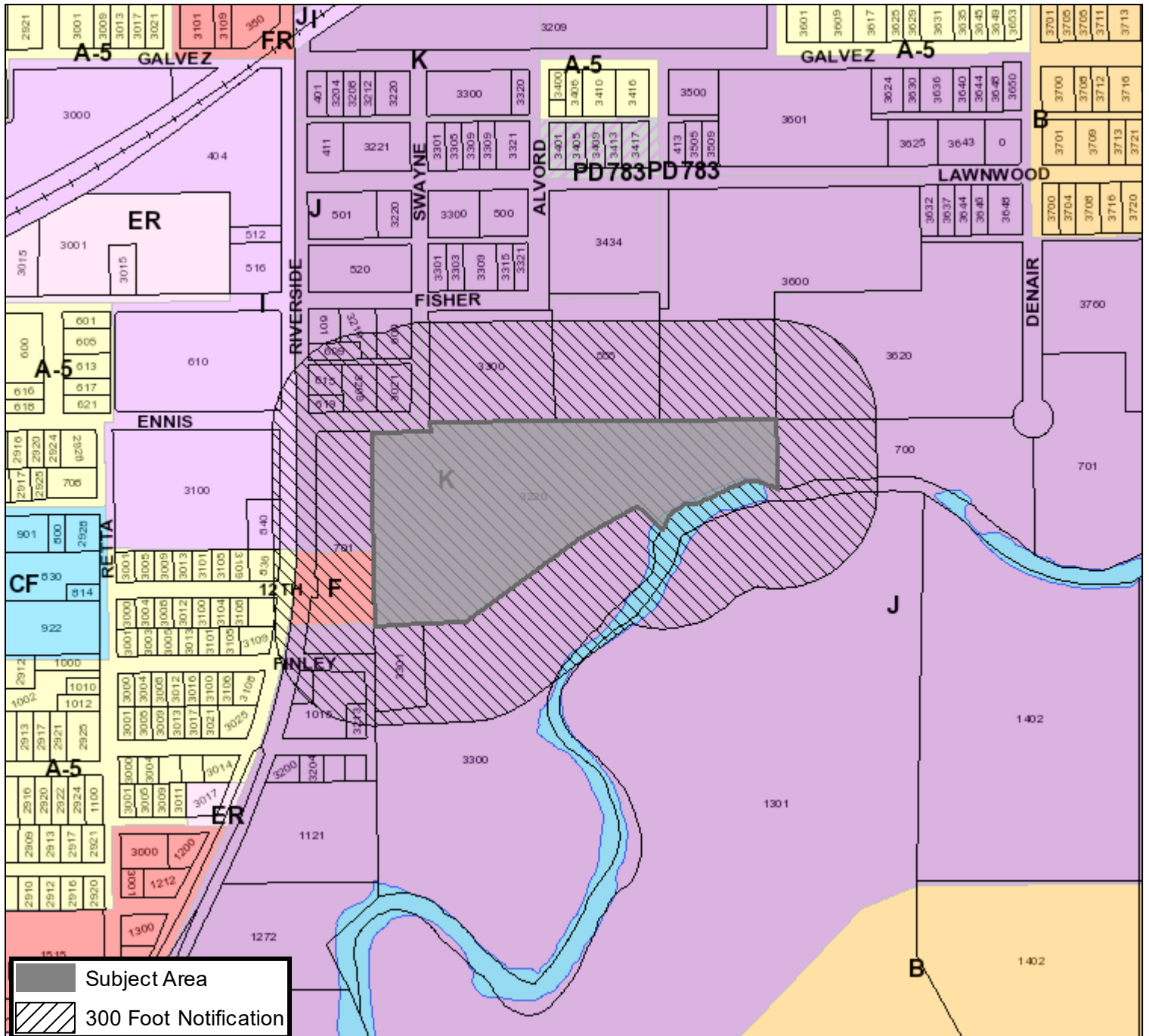
TPW



- FYI: Sidewalks and street lights will be required on all street frontages if not currently existing
- FYI: Curb and gutter will need to be installed along street frontages if not currently existing
- FYI: Driveways are subject to the City of Fort Worth Access Management Policy;

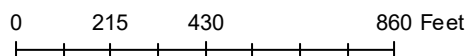
(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Park & Recreation, and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)

Area Zoning Map

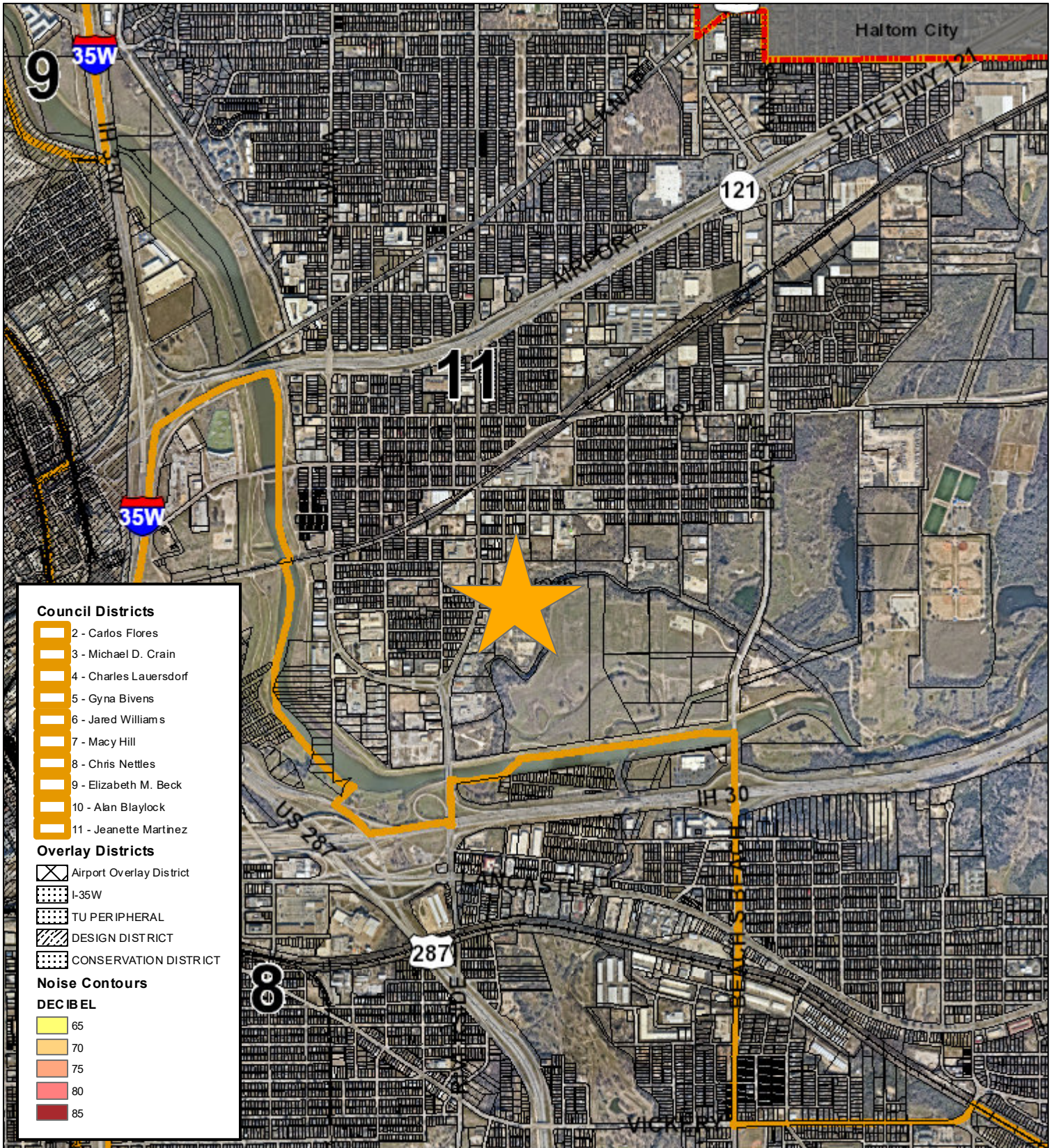
Applicant: 3220 Ennis Avenue LLC/ Westwood Professional Serv.
 Address: 3220 Ennis Avenue
 Zoning From: K
 Zoning To: Add CUP for rock crushing facility
 Acres: 11.95
 Mapsco: Text
 Sector/District: Northeast
 Commission Date: 4/9/2025
 Contact: 817-392-8028



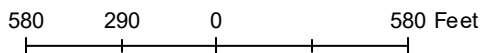
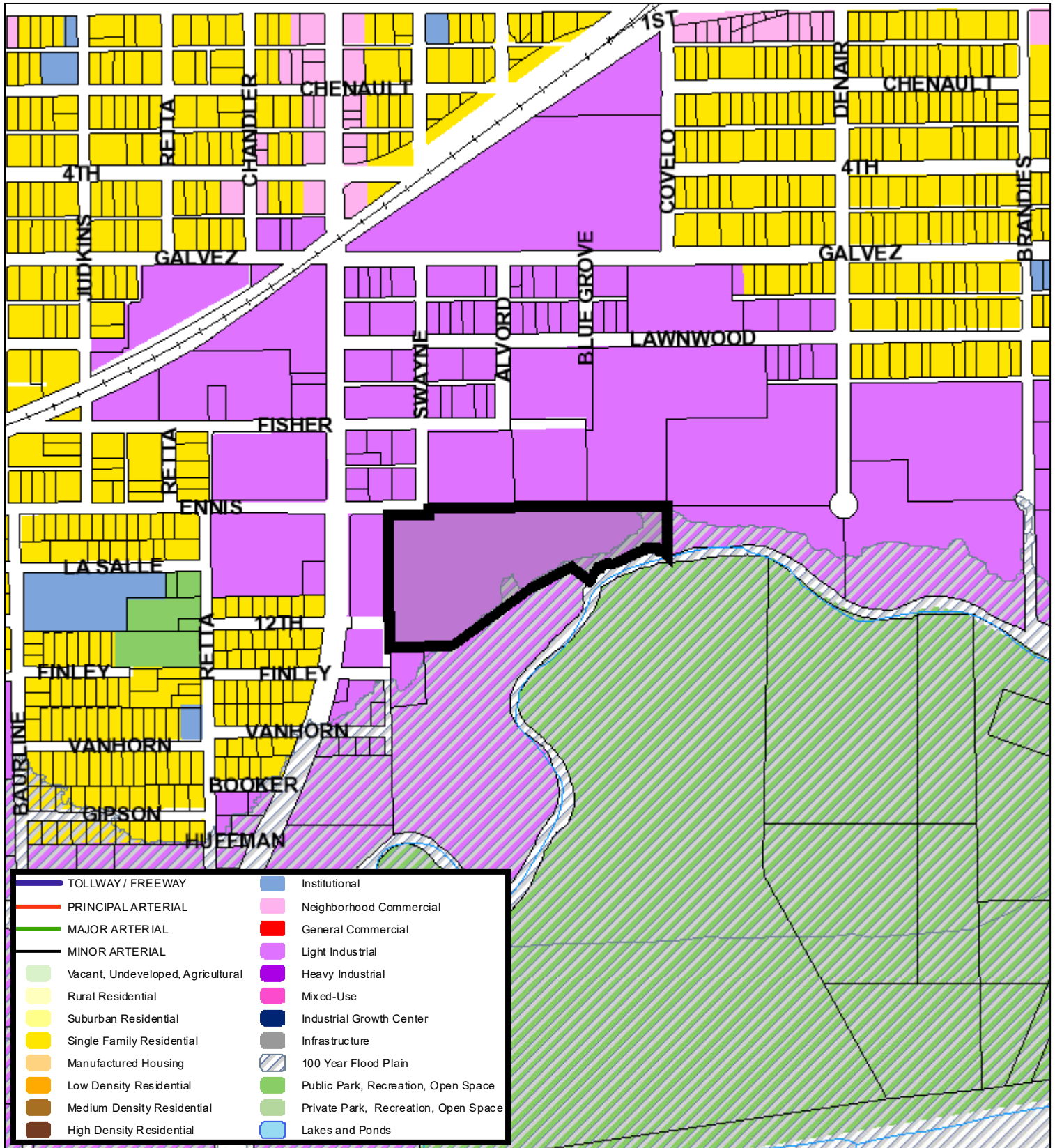
	Subject Area
	300 Foot Notification



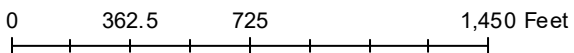
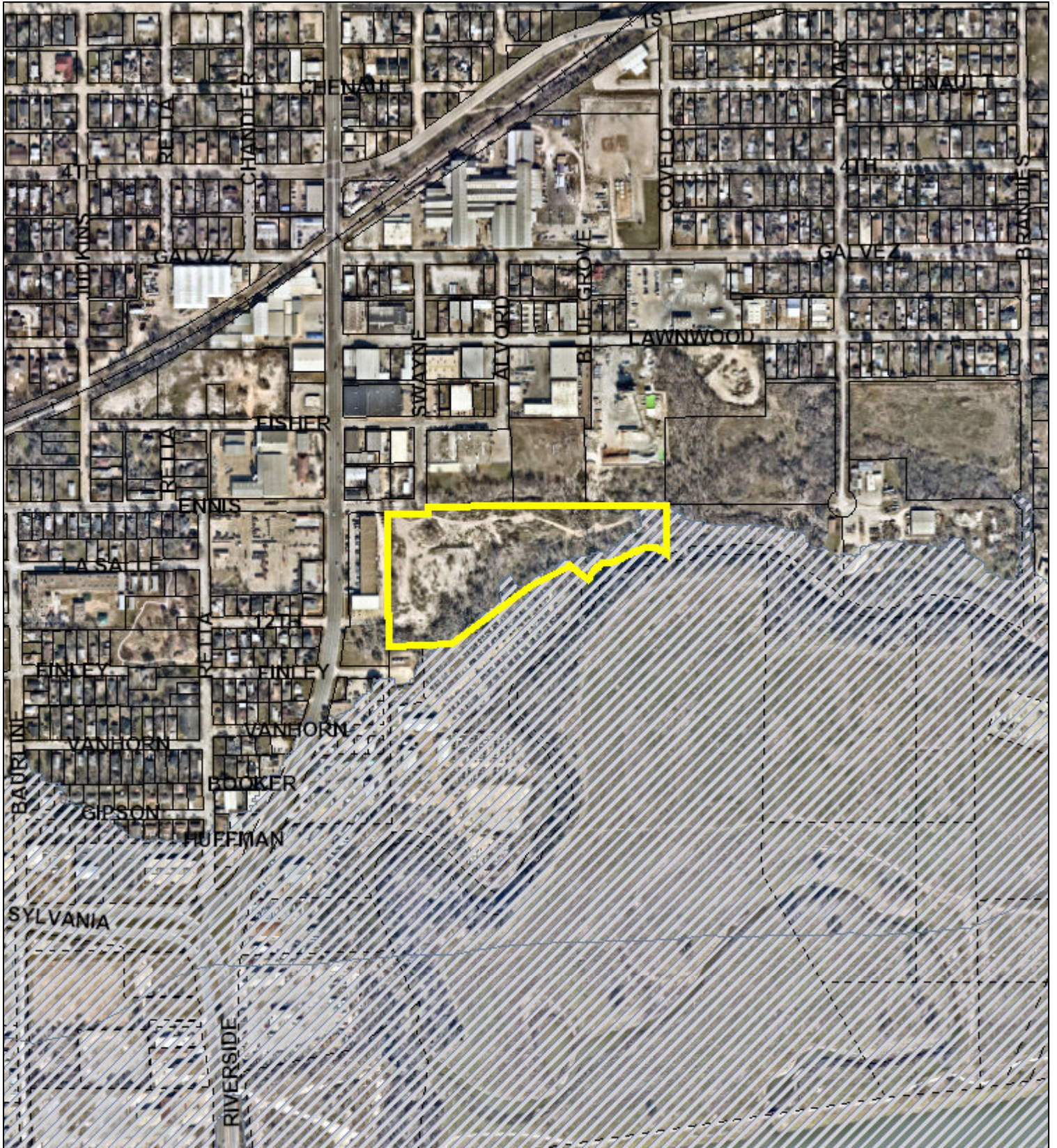
Area Map



Future Land Use



Aerial Photo Map





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-023

Council District: 11

Zoning Map Amendment

Case Manager: [Dave McCorquodale](#)

Owner / Applicant: S&K Asset Developers, LLC / Suman Atteti

Site Location: 5114 Norma Street

Acreage: 0.48 acres

Request

Proposed Use: Two Single-family lots/homes

Request: From: “A-7.5” One-Family

To: “A-5” One-Family

Recommendation

Land Use Compatibility: Requested change **is compatible.**

Comprehensive Plan Map Consistency: Requested change **is consistent.**

Comprehensive Plan Policy Consistency: Requested change **is consistent.**

Staff Recommendation: **Approval**

Table of Contents

- [1. Project Description and Background](#)
- [2. Surrounding Zoning and Land Uses](#)
- [3. Recent Zoning History](#)
- [4. Public Notification](#)
- [5. Development Impact Analysis](#)
 - [a. Land Use Compatibility](#)
 - [b. Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph

Project Description and Background

This vacant property contains two parcels and is located on the east side of the city two blocks north of E. Lancaster Ave. and approximately one mile inside Loop 820 in Council District 11. The total area of the subject property (the northern parcel) is approximately 21,094 sq. ft. The City owns the southern parcel that is part of a larger drainage/stormwater detention facility.

The owner proposes to subdivide the subject property into two 10,500 sq. ft. lots and construct two detached single-family homes (one on each lot).

The property area is sufficient to accommodate two “A-7.5” lots, however, the width is 106 feet—four feet less than the 110-feet needed to accommodate two lots with a minimum 55-foot width in the “A-7.5” district. For this reason, the owner is requesting a zoning change to “A-5” which allows for 50-foot lot widths.

Surrounding Zoning and Land Uses

North “A-7.5” One-Family residential
East “A-7.5” One-Family residential
South “A-7.5” One-Family residential (City-owned drainage/stormwater detention area)
West “A-7.5” One-Family residential

Recent Zoning History

- ZC-10-150: Council-initiated rezoning of 387 acres in the Central Meadowbrook Neighborhood changed the zoning of this block of Norma Street from “B” Two-Family Residential to “A-7.5” One-Family Residential.

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet were mailed on **March 28, 2025**.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on **March 28, 2025**:

Organizations Notified	
Neighborhoods of East Fort Worth Alliance	East Fort Worth Business Association
Trinity Habitat for Humanity	Southeast Fort Worth, Inc.
Streams and Valleys Inc.	Central Meadowbrook NA*
East Fort Worth, Inc.	Fort Worth ISD

**Located closest to this registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

Most of the properties in this block are larger than “A-7.5” requires, though lot sizes range from 6,000 sq. ft. to larger than one-half acre in size. The zoning change request is consistent with the existing single-family home development pattern in the neighborhood. The rezoning request would allow for detached single-family homes on lots greater than 10,000 sq. ft., which is **compatible** with the surrounding land use.

Comprehensive Plan Consistency

The requested zoning change is **consistent** with the 2023 Comprehensive Plan. The Future Land Use Map designates this property as Single-Family Residential which is characterized by 3,500+ sq. ft. lots with single-family homes. Zoning districts consistent with Single-Family Residential include A-10, A-7.5, A-5, and AR.

The requested zoning change is **consistent** with the following policies of the Comprehensive Plan:

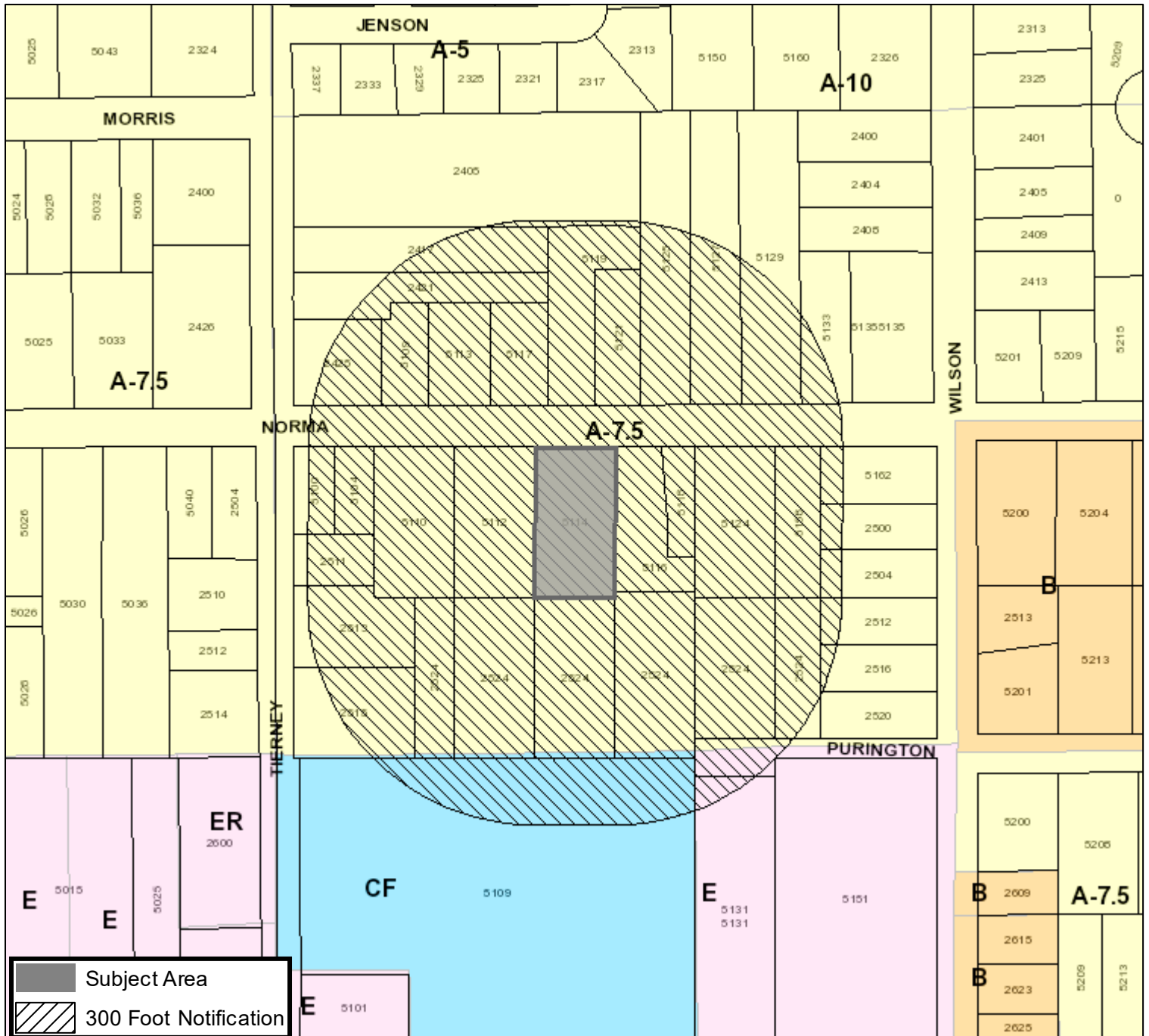
- Promote appropriate infill development of vacant lots within developed areas, which will efficiently utilize existing infrastructure
- Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods.



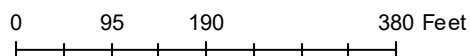
ZC-25-023

Area Zoning Map

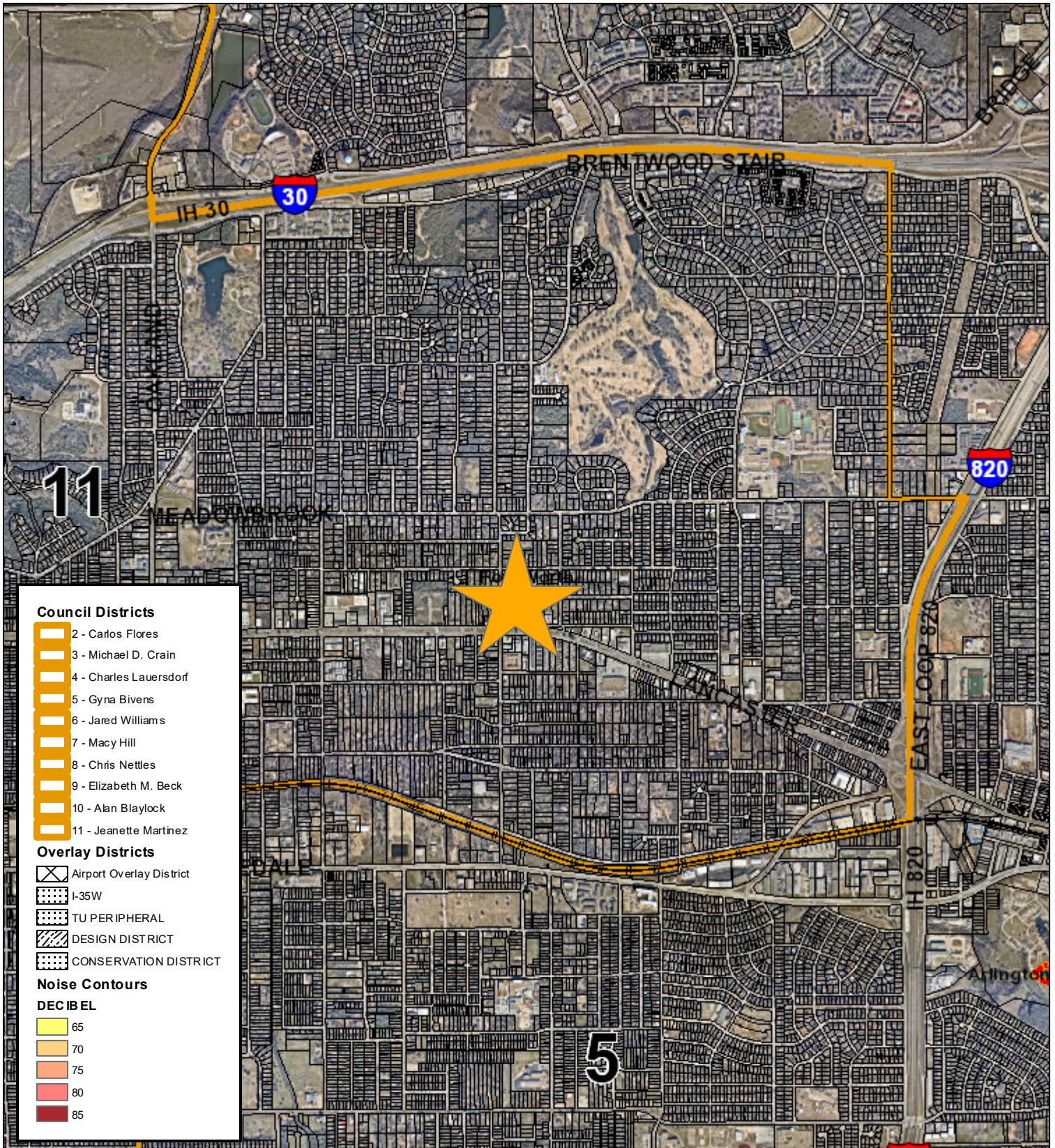
Applicant: S&K Asset Developers, LLC/Suman Atteti
 Address: 5114 Norma Street
 Zoning From: A-7.5
 Zoning To: A-5
 Acres: 0.485
 Mapsco: Text
 Sector/District: Eastside
 Commission Date: 4/9/2025
 Contact: 817-392-8043



	Subject Area
	300 Foot Notification



Area Map



Council Districts






-  2 - Carlos Flores
-  3 - Michael D. Crain
-  4 - Charles Lauersdorf
-  5 - Gyna Bivens
-  6 - Jared Williams
-  7 - Macy Hill
-  8 - Chris Nettles
-  9 - Elizabeth M. Beck
-  10 - Alan Blaylock
-  11 - Jeanette Martinez

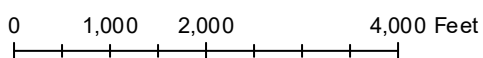
Overlay Districts

-  Airport Overlay District
-  I-35W
-  TU PERIPHERAL
-  DESIGN DISTRICT
-  CONSERVATION DISTRICT

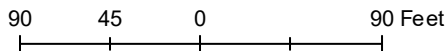
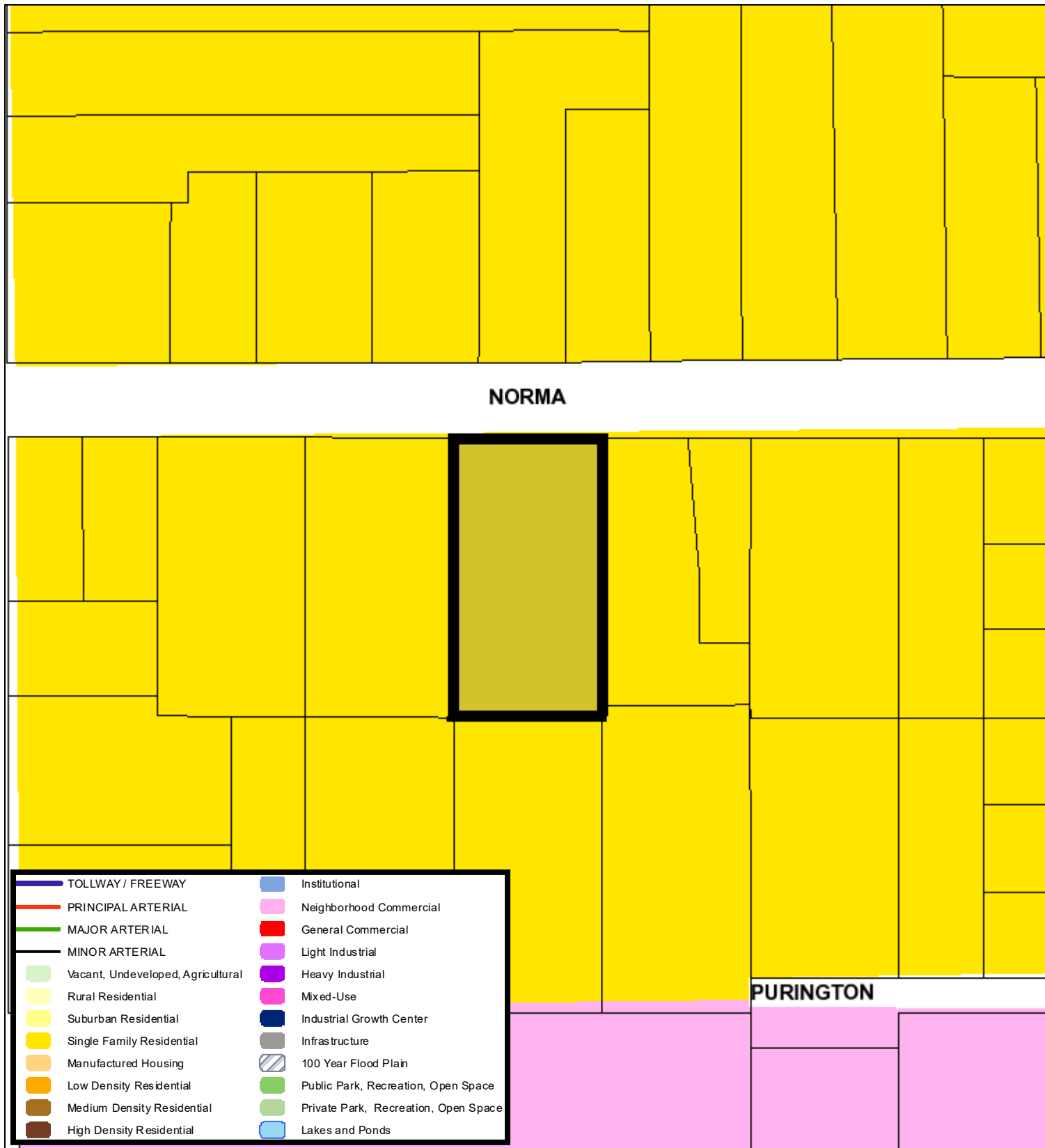
Noise Contours

DECIBEL

-  65
-  70
-  75
-  80
-  85



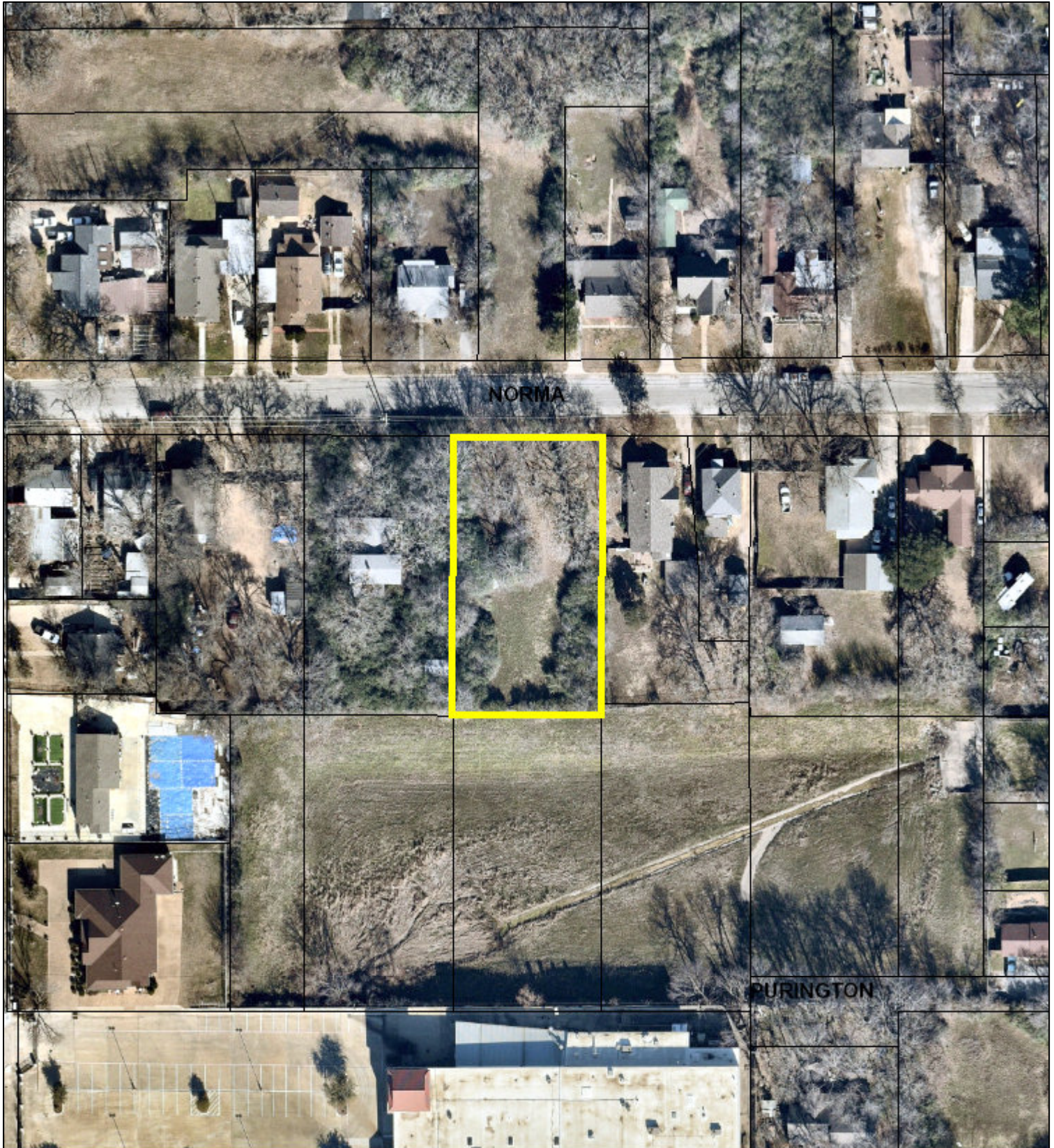
Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 60 120 240 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-044

Council District: 11

Zoning Map Amendment

Case Manager: Lynn Jordan

Owner / Applicant: FL Logic LLC / Ohad Shushan / Rocky Garcia

Site Location: 621 South Retta Street

Acreage: 0.17 acres

Request

Proposed Use: Duplex residential (2 existing dwelling units)

Request: From: "A-5" One-Family Residential

To: "PD/B" Planned Development for "B" Two-Family Residential excluding community home, boarding home facility, government office facility, museum, waiver to front yard parking; site plan included

Recommendation

Land Use Compatibility: Requested change **is compatible.**

Comprehensive Plan Map Consistency: Requested change **is not consistent.**

Comprehensive Plan Policy Consistency: Requested change **is consistent.**

Staff Recommendation: **Approval**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
- b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph

Project Description and Background

The property is located in Council District 11 at the corner of South Retta and Ennis. The lot contains two dwelling units, approximately .016 acres. The property currently consists of two separate dwellings. Some time ago, the garage was converted to a dwelling unit, only allowed in “B” zoning district. The zoning request is for “PD/B Planned Development for “B” Two-Family excluding certain uses with a waiver to the front yard parking requirement; site plan included.

The original property only provided one parking space in the detached garage. However, current development standards require two parking spaces behind the front building wall for dwelling units with three or fewer bedrooms and one space for each additional bedroom. This property would require a total of three parking spaces. The applicant submitted a plan indicating the three spaces required.

A similar zoning request ZC-23-185 for “PD/A-5” Planned Development for all uses in “A-5” One-Family plus duplex was Denied at Council February 2024.

Surrounding Zoning and Land Uses

North “A-5” One-Family detached residential / single family
East “I” Light Industrial / warehouse
South “A-5” One-Family detached residential / single family
West “A-5” One-Family detached residential / single family

Recent Zoning History

- ZC-23-185 subject site, A-5 to PD/A-5 plus duplex denied with prejudice
- ZC-19-057 subject site and surrounding area, Council-initiated zoning, approved
- ZC-18-051 Surplus property rezoning from “B” to “A-5” approved
- ZC-22-028 from “ER” to “J” Denied w/o prejudice
- ZC-22-194 from “A-7.5” to “PD/A-7.5” plus triplex, denied

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet were mailed on **March 28, 2025**.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on **March 28, 2025**:

Organizations Notified	
United Riverside NA	East Fort Worth, Inc.
Riverside Alliance	Streams And Valleys Inc
Tarrant Regional Water District	Trinity Habitat for Humanity
Friends of Riverside Park	United Riverside Rebuilding Corporation, Inc.
East Fort Worth Business Association	Fort Worth ISD

**Located closest to this registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

The property in question is located on the far end of the A-5 district. East of the intersection of Ennis and Retta, properties are zoned industrial, while on the west side they are zoned A-5 and primarily consist of single-family homes. Moving north from Retta to Fisher, properties are also zoned A-5, which marks the beginning of the ER commercial restricted district. On the southern side of the property, properties are zoned A-5 up to the point where Retta intersects with LaSalle. To the southwest, properties are zoned CF community facilities, while to the east they are zoned I light industrial.

Although the applicant is requesting the zoning change to bring the existing property into compliance and not to construct a new structure,

As such, the proposed zoning **is compatible** with surrounding land uses.

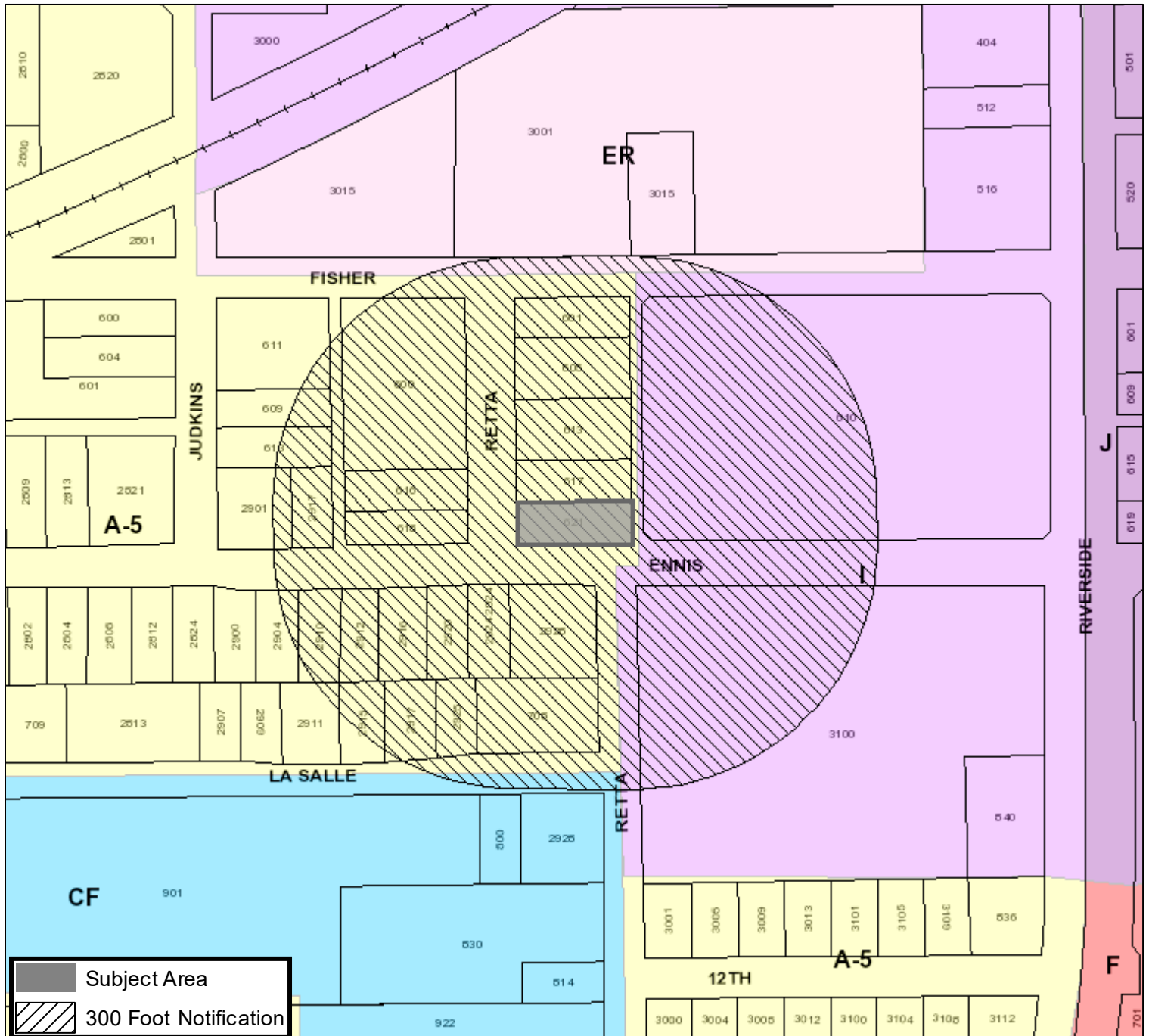
Comprehensive Plan Consistency - Northeast



The 2023 Adopted Comprehensive Plan designates the property as Single Family Residential although the proposed zoning is not consistent with the Future Land Use Designation, it is consistent with following policies of the Comprehensive Plan:

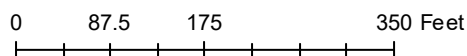
1. Encourage locating multiple-unit residential structures on corner lots.
2. Promote measures to ensure that all types of residential developments are compatible in scale to abutting residential developments.
3. Promote a desirable combination of compatible residential, office, retail, and commercial uses
4. Additionally, the continued usage of these units provides alternative and affordable housing accommodations, especially within the older parts of town. While the use of two units is not consistent with the Single-Family designation of the future land use plan, it does provide affordable and accessible housing which is also a policy of the city.

Area Zoning Map

Applicant: FL Logic LLC/Ohad Ben Shushan
 Address: 621 S. Retta Street
 Zoning From: A-5
 Zoning To: B
 Acres: 0.17259851
 Mapsco: Text
 Sector/District: Northeast
 Commission Date: 4/9/2025
 Contact: null



	Subject Area
	300 Foot Notification



Director, of Development Services

Date

Notes

One parking space S Retta St

Two parking spaces Ennis Ave









621 S. Retta Street

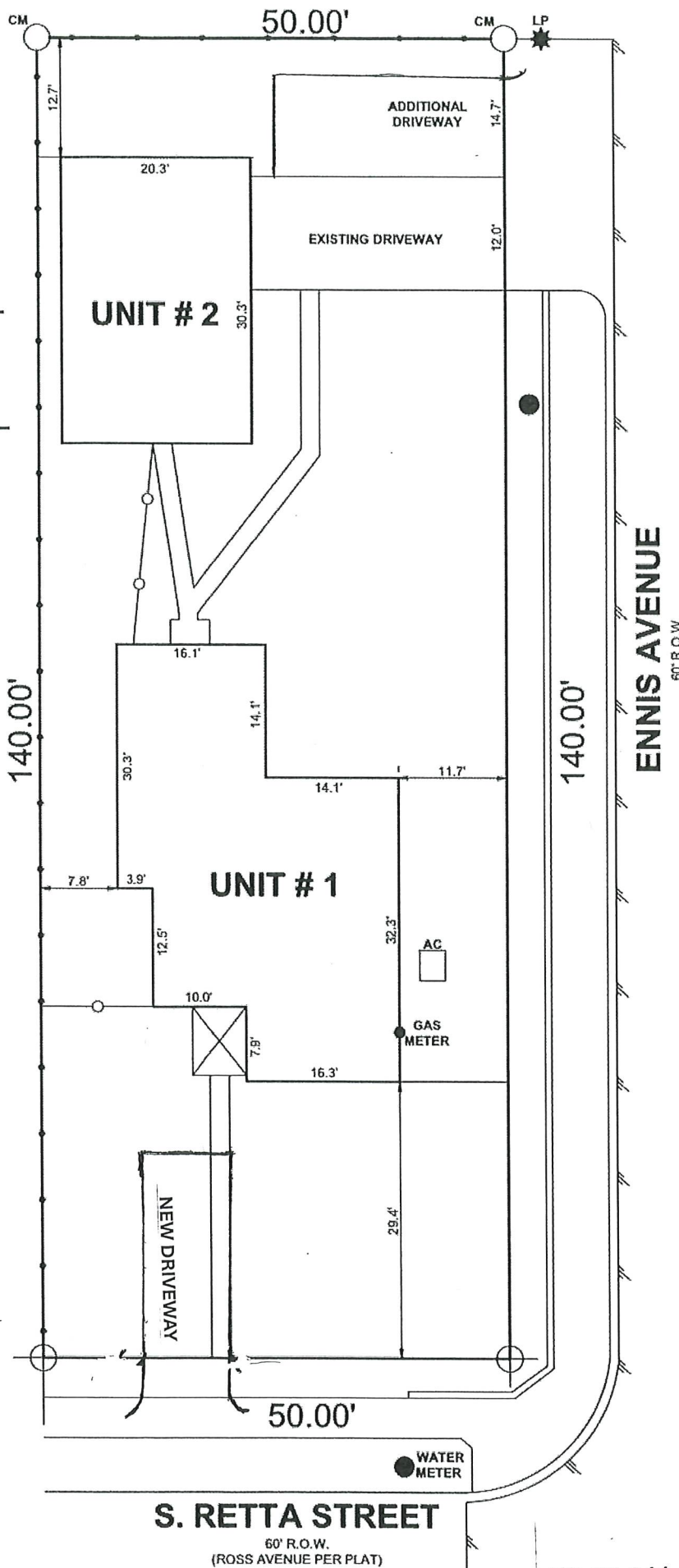
621 South Retta Street, Fort Worth, Texas, USA

SCALE
1" : 15'

A3

LEGEND :

-  1/2" ROD FOUND
-  POINT FOR CORNER
-  POWER POLE
- CM** CONTROLLING MONUMENT
- AC** AIR CONDITIONER
- LP** LIGHT POLE
-  CHAIN LINK
-  EDGE OF ASPHALT
-  COVERED AREA

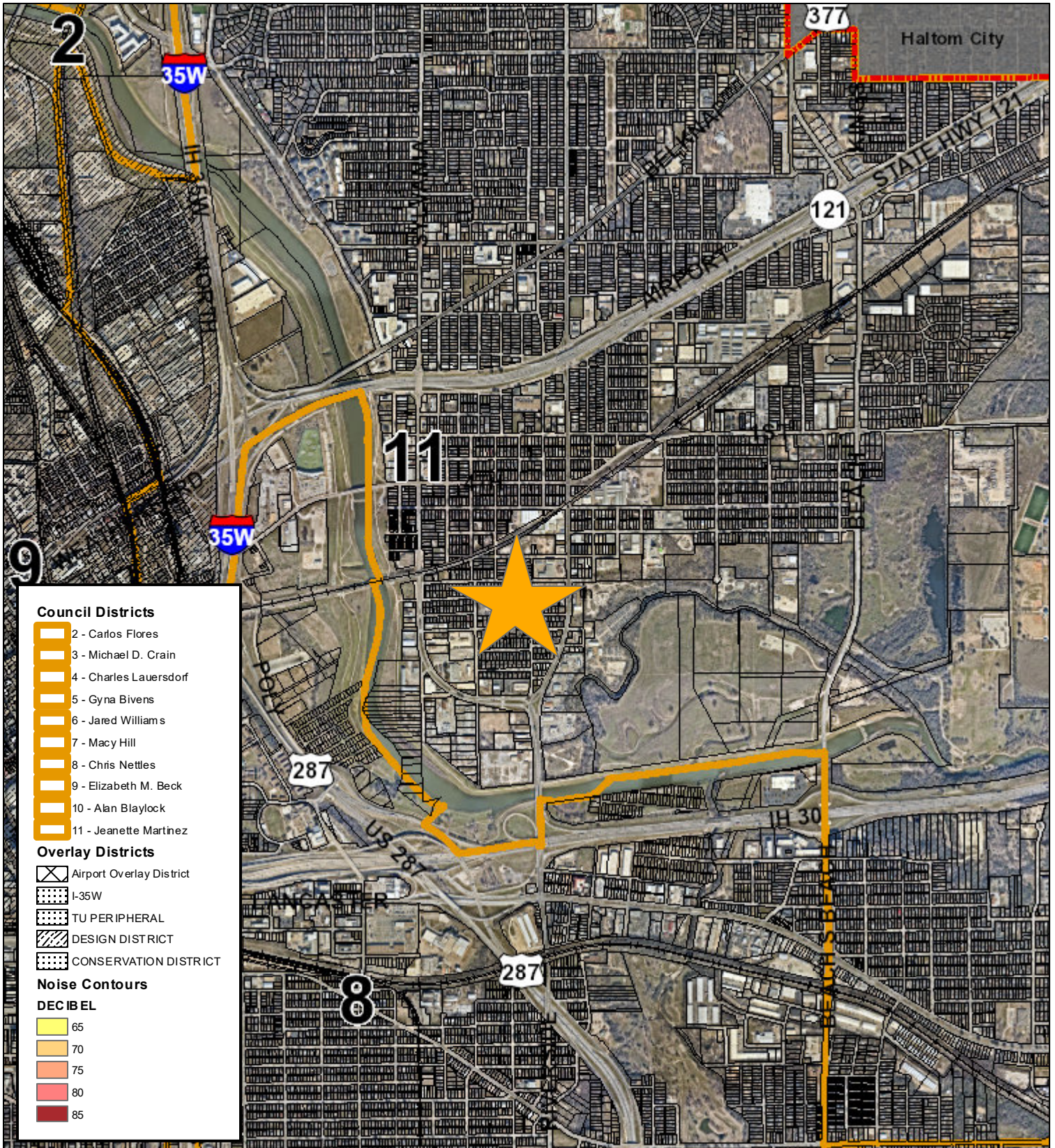


S. RETTA STREET

60' R.O.W.
(ROSS AVENUE PER PLAT)

ZC-25-044

Area Map



Council Districts

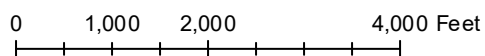
- 2 - Carlos Flores
- 3 - Michael D. Crain
- 4 - Charles Lauersdorf
- 5 - Gyna Bivens
- 6 - Jared Williams
- 7 - Macy Hill
- 8 - Chris Nettles
- 9 - Elizabeth M. Beck
- 10 - Alan Blaylock
- 11 - Jeanette Martinez

Overlay Districts

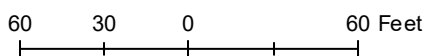
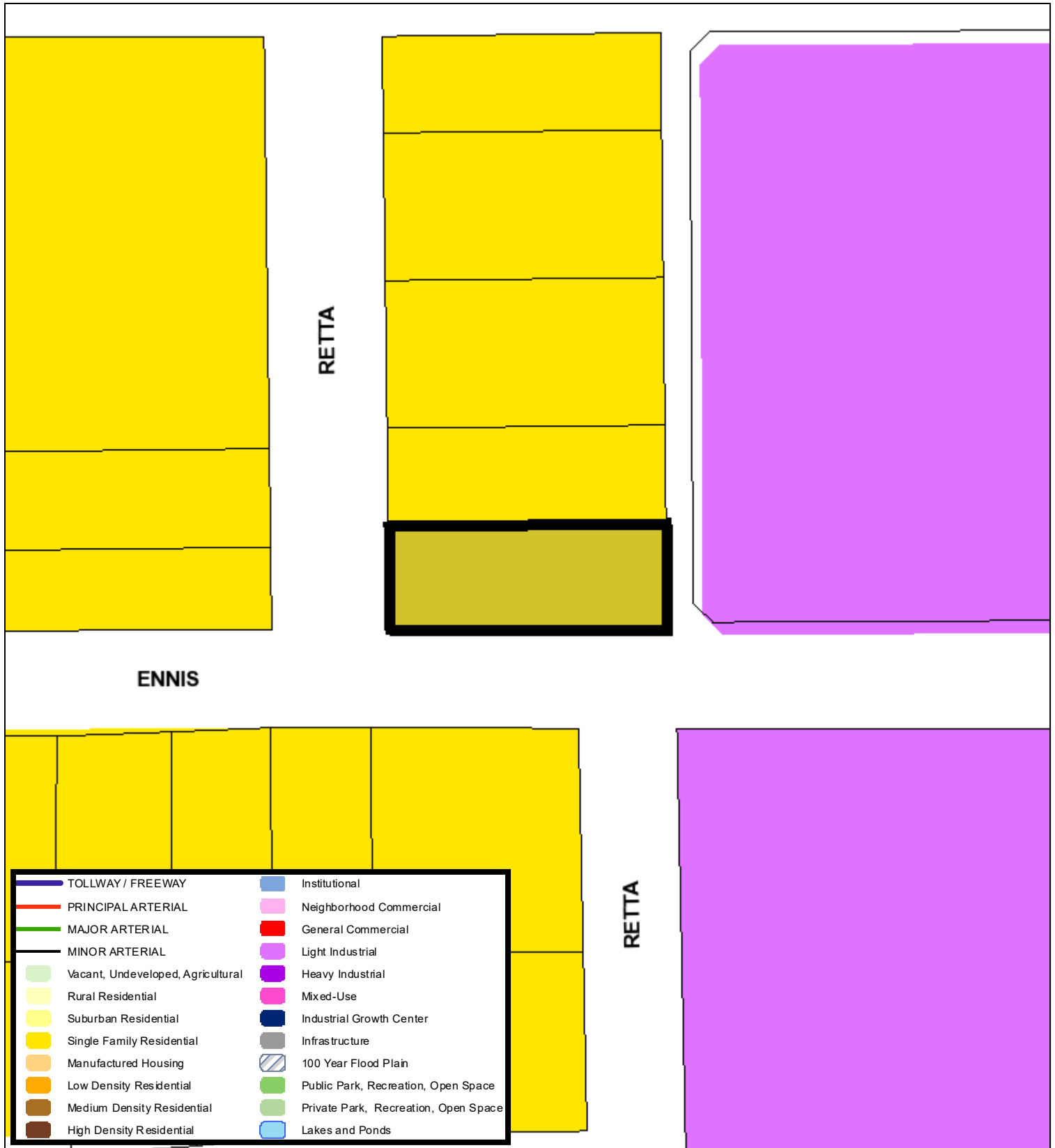
- Airport Overlay District
- I-35W
- TU PERIPHERAL
- DESIGN DISTRICT
- CONSERVATION DISTRICT

Noise Contours

- DECIBEL**
- 65
 - 70
 - 75
 - 80
 - 85



Future Land Use



Aerial Photo Map



0 40 80 160 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-046

Council District: 2

Zoning Map Amendment

Case Manager: [Stephen Murray](#)

Owner / Applicant: Jason Morgan & Adam Comer / Stolen Shakespeare Guild

Site Location: 3623 & 3621 Decatur Ave

Acreage: 0.26 acres

Request

Proposed Use: Performance Arts Theater

Request: From: “A-5 One-Family

To: “E” Neighborhood Commercial

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Map Consistency: Requested change **is consistent**

Comprehensive Plan Policy Consistency: Requested change **is consistent**

Staff Recommendation: **Approval**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph

Project Description and Background

The property is located at the intersection of 36th Street & Decatur Avenue. The applicant would like to amend the zoning from “A-5” One-Family to “E” Neighborhood Commercial to allow for a performance arts venue in an existing vacant church building. Below is the applicant’s narrative:

We propose to rezone 3623 Decatur Avenue for use as a theater. The property has been operating as a church, and the different parcels on the property are zoned differently. We understand they need to match and all be zoned E.

Stolen Shakespeare Guild is a non-profit 501(c)(3) theater arts organization that has been in existence since 2006. We are dedicated to uniting and enriching our community through the preservation and celebration of classic theater. Our organization produces a full season of 6-7 shows that are classics and classics in their genre. Next season, we will produce a Shakespeare Festival: Twelfth Night and Richard III that will run in repertory, the classic musicals Hairspray and My Fair Lady, the Agatha Christie play A Murder is Announced, and A Christmas Carol. Additionally, we host weekly voice lessons, a Teen Shakespeare Competition, and a Teen Summer Workshop that culminates in a performance. For the past 18 years, we performed at the Fort Worth Community Arts Center and have had to find a new home since its closure. Throughout our history, we have contributed significantly to the cultural landscape of the city.

Our goals align with the City’s Comprehensive Plan; we coordinate to support K-16 curricula and lifelong learning, strengthen the economic vitality of the community, and foster engagement, inclusion, and communication with the local community. We look forward to being a part of the Diamond Hill-Jarvis neighborhood. Given our 18-year history, we expect to bring in existing patrons from all over Tarrant County and greater DFW to increase traffic and economic development in our new neighborhood.

We have already begun working to engage the Diamond Hill-Jarvis community. We are down the street from Diamond Hill-Jarvis High School and have reached out to their theater director and administrators about participation in our education initiatives; they were excited about this opportunity. We are offering two good neighbor scholarships to our workshop just for Diamond Hill-Jarvis High School students. Additionally, we have begun reaching out to our local neighborhood associations and plan to offer discounted tickets for residents of the 76106 zip code.

3623 Decatur Avenue is in a mixed-use area. We are surrounded by a combination of businesses and homes. With the library and High School just down the street, we hope to create a small cultural hub within the Diamond Hill-Jarvis neighborhood.

Thank you for your consideration.

Surrounding Zoning and Land Uses

North “E” Neighborhood Commercial / convenience store
East “E” Neighborhood Commercial / commercial
South “A-5” One-Family / single-family
West “A-5” One-Family / single-family

Recent Zoning History

- None

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet were mailed on March 28, 2025.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on March 28, 2025

Organizations Notified	
Inter-District 2 Alliance	Diamond Hill Jarvis NAC*
Streams and Valleys Inc.	Trinity Habitat for Humanity
FWISD	

**Located within this registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

The applicant is requesting a zoning change to “E” Neighborhood Commercial to allow for a performance art venue for a theatre group. Surrounding land uses are commercial to the north and east with single-family to the south and west. The applicant intends to remodel the existing vacant church site to create this space for theatre.

The proposed rezoning **is compatible** at this location

Comprehensive Plan Consistency – Northside

The adopted Comprehensive Plan designates the subject property as neighborhood commercial. The requested zoning classification **is consistent** with for the land use designation and the following Comprehensive Plan policies:

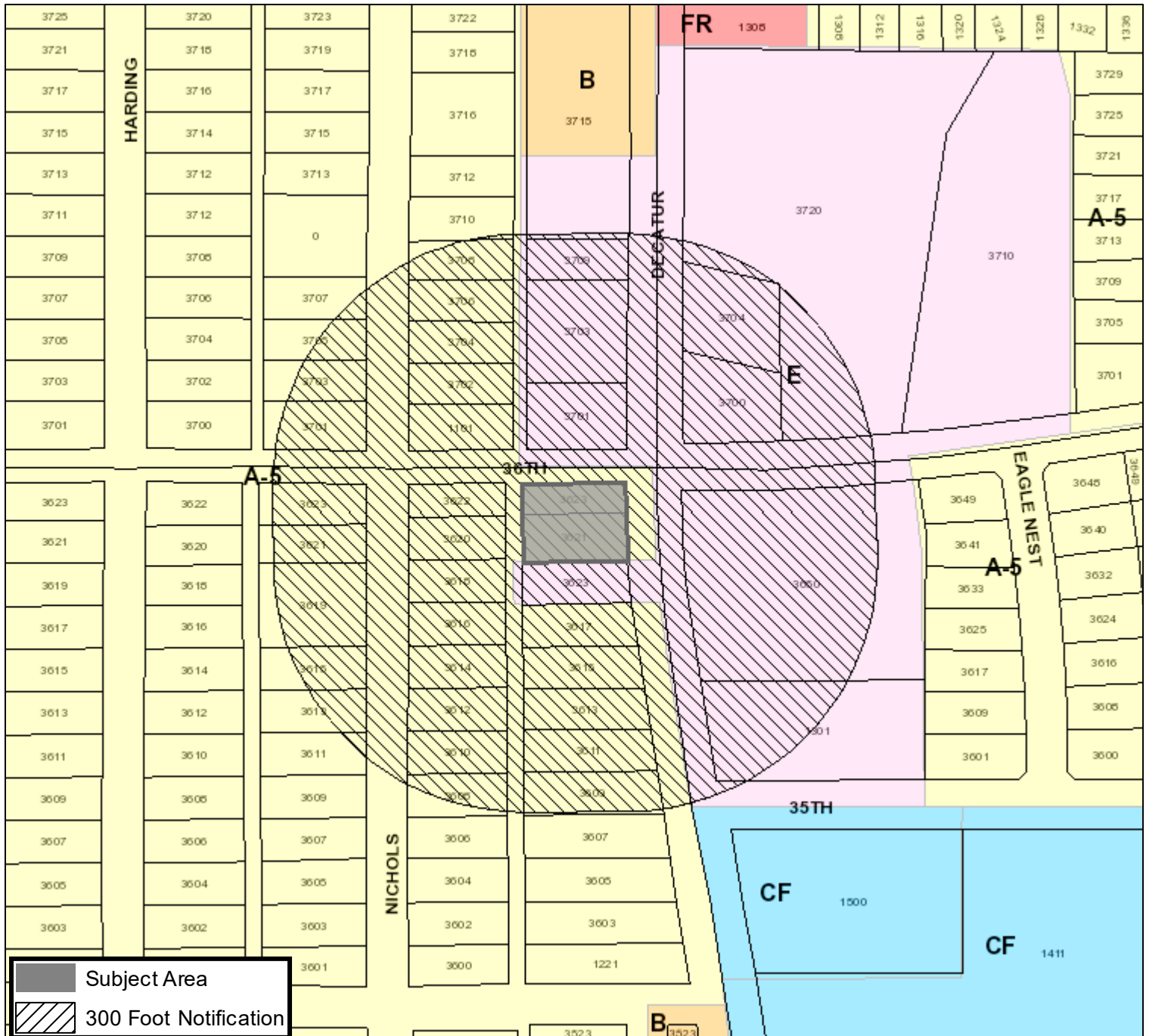
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.
- Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods





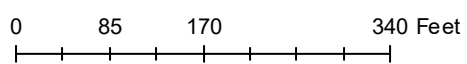
ZC-25-046

Area Zoning Map

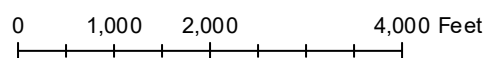
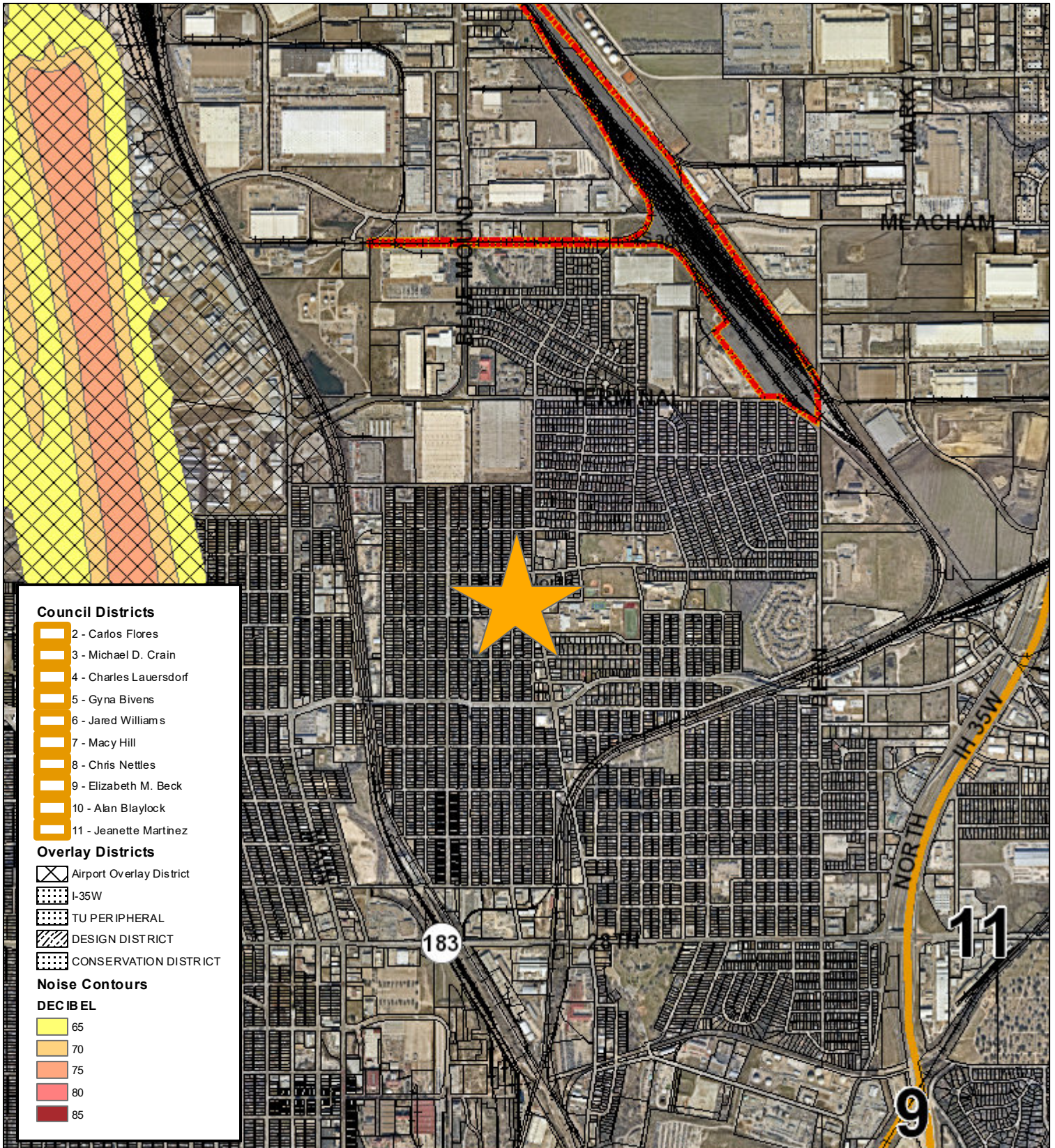
Applicant: Stolen Shakespeare Guild
 Address: 6323 Decatur Avenue
 Zoning From: A-5
 Zoning To: E
 Acres: 0.2694573
 Mapsco: Text
 Sector/District: Northeast
 Commission Date: 4/9/2025
 Contact: 817-392-8028



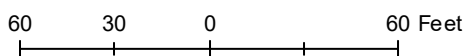
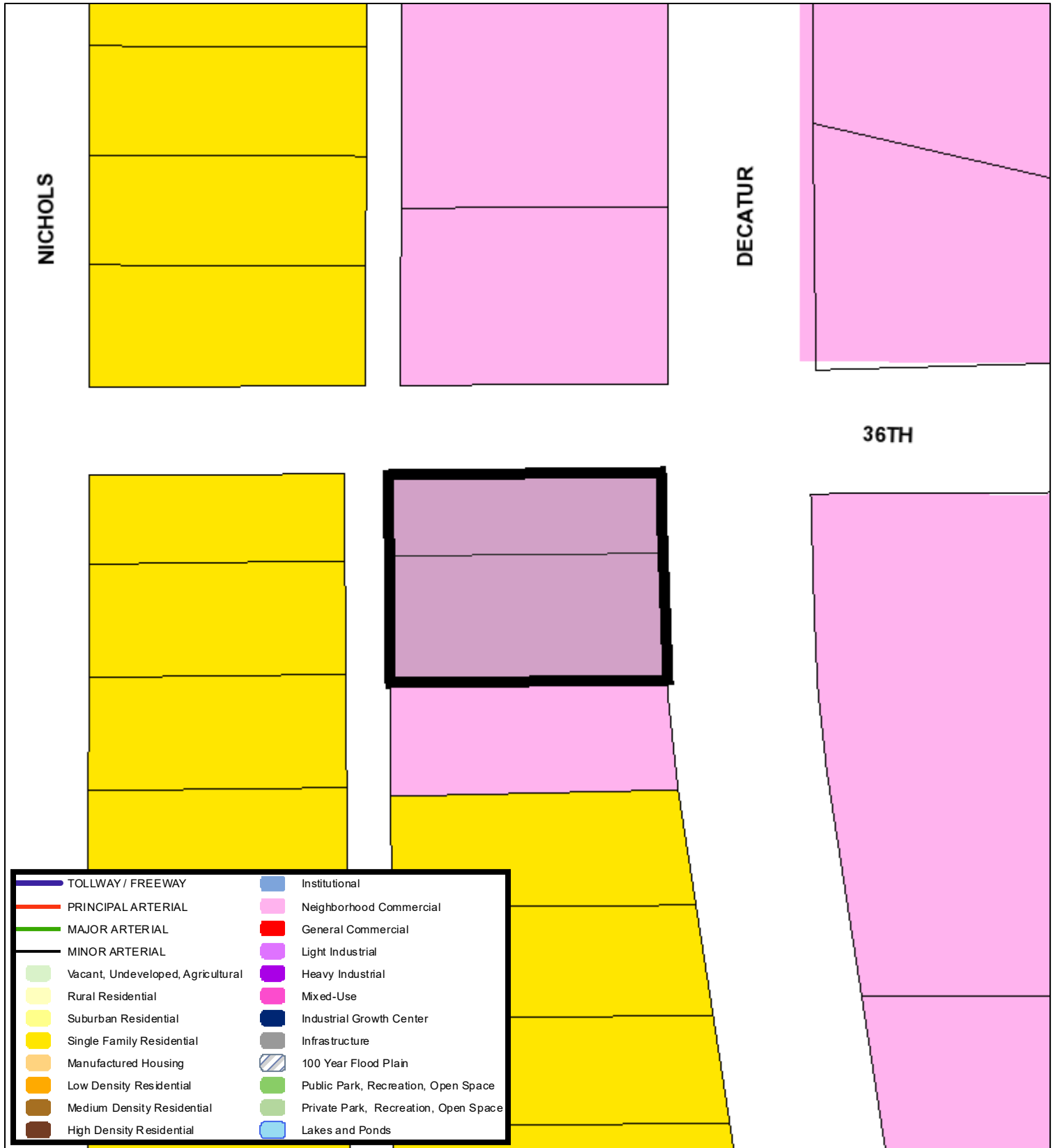
 Subject Area
 300 Foot Notification



Area Map



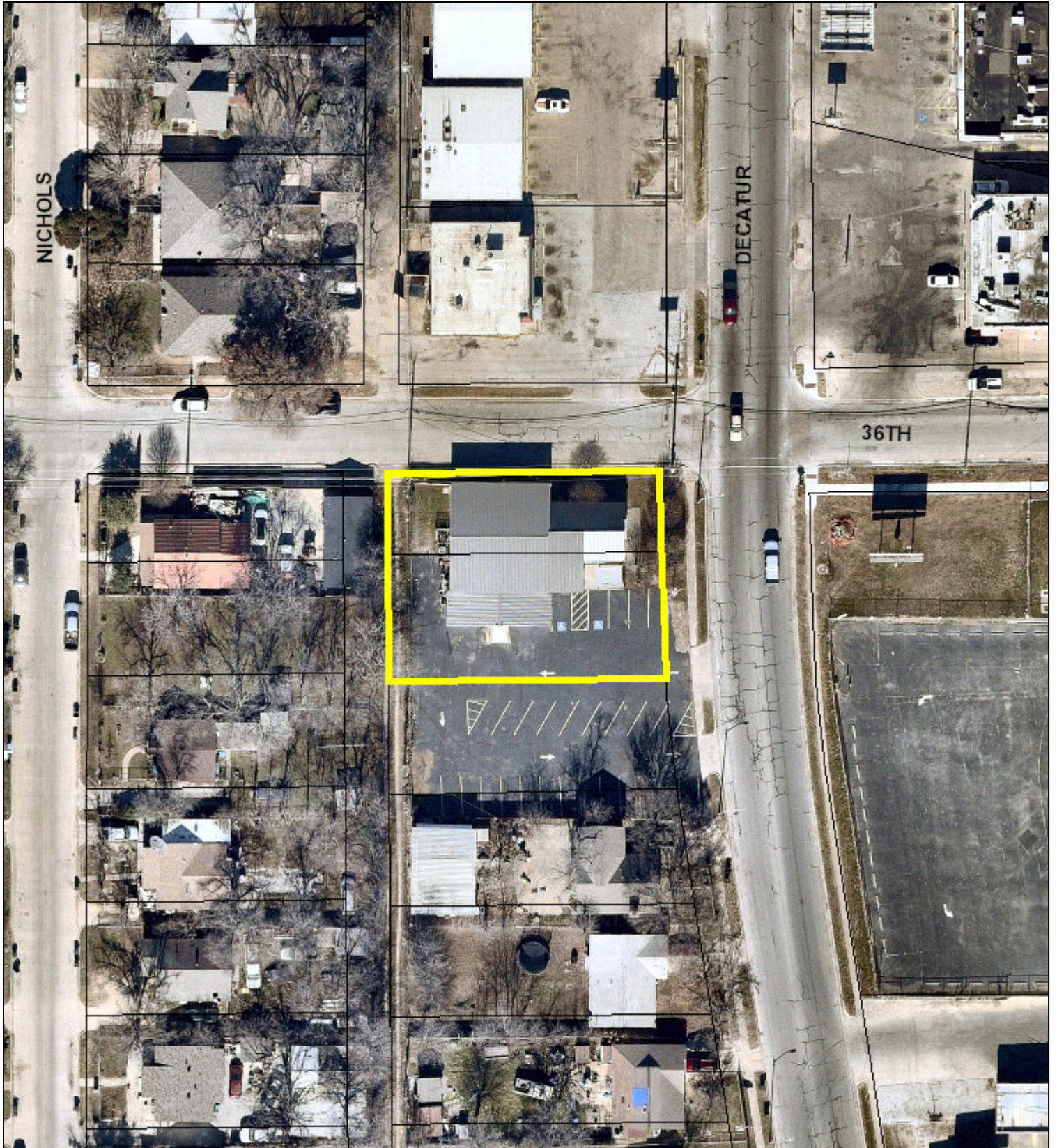
Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 37.5 75 150 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-048

Council District: 7

Zoning Map Amendment

Case Manager: [Dave McCorquodale](#)

Owner / Applicant: SP Capstone Group, LLC / Halle Properties, LLC (Jonathan Strawther)

Site Location: 9700 Oxenfree Blvd. (SE corner White Settlement Rd. & Academy Blvd.) **Acreage:** 1.28 ac

Request

Proposed Use: Automotive Repair (New 7,020 sq. ft. Discount Tire with 6 service bays)

Request: To: Add Conditional Use Permit (CUP) to allow for automotive repair/tire shop facility in "E" Neighborhood Commercial

Recommendation

Land Use Compatibility: Requested change **is not compatible.**

Comprehensive Plan Map Consistency: **Not Applicable.**

Comprehensive Plan Policy Consistency: Requested change **is not consistent.**

Staff Recommendation: **Denial**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph

Project Description and Background

The subject property, located on the west side of the city outside Loop 820, is a 1.28-acre parcel of a larger 8.67-acre commercial tract located on the southeast corner of White Settlement Road and Academy Boulevard.

The applicant proposes to construct a new 7,020 sq. ft. Discount Tire with 6 service bays which is not allowed by right in “E” Neighborhood Commercial. The applicant is requesting a Conditional Use Permit to allow for the proposed use.

A similar CUP request for a tire shop in “E” Neighborhood Commercial was denied in late 2024 (ZC-24-118).

Surrounding Zoning and Land Uses

North “G” Intensive Commercial

East PD 1140 - "PD/F" for all uses in "F" General Commercial plus mini-warehouse; site plan waived

South “A-5” One-Family residential

West “E” Neighborhood Commercial

Recent Zoning History

- ZC-22-084: The property was rezoned from “OM” Office Midrise to “E” Neighborhood Commercial in June 2022 as part of a larger rezoning request that included residential properties to the south.

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet were mailed on **March 28, 2025**.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on **March 28, 2025**:

Organizations Notified	
Willow Wood HOA*	White Settlement ISD
Trinity Habitat for Humanity	NAS Fort Worth JRB RCC*
Streams and Valleys Inc.	

**Located closest to this registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

Most of the properties surrounding this site are currently under development or vacant. The applicant is requesting to modify the current zoning designation of the property from "E" Neighborhood Commercial to add a Conditional Use Permit (CUP) overlay for an automotive repair facility. The CUP requirement allows revocation as an option for code violations.

Automotive repair facilities are allowed by right in districts "FR" General Commercial Restricted, "F" General Commercial, and "G" Intensive Commercial with adherence to supplemental standards found in Section 5.104 of the City Code. These facilities are not allowed in Neighborhood Commercial districts that are typically adjacent to residential neighborhoods. The zoning change request **is not compatible** with the adjacent residential land uses to the south within this development.

Comprehensive Plan Consistency

The requested zoning change aligns with the 2023 Comprehensive Plan's Future Land Use Map designation of General Commercial for this property. General Commercial includes all commercial zoning districts without any distinction of the intensity of the commercial land use. The requested change **is consistent** with the Future Land Use Map designation; however, it does not advance any of the policies of the Comprehensive Plan.

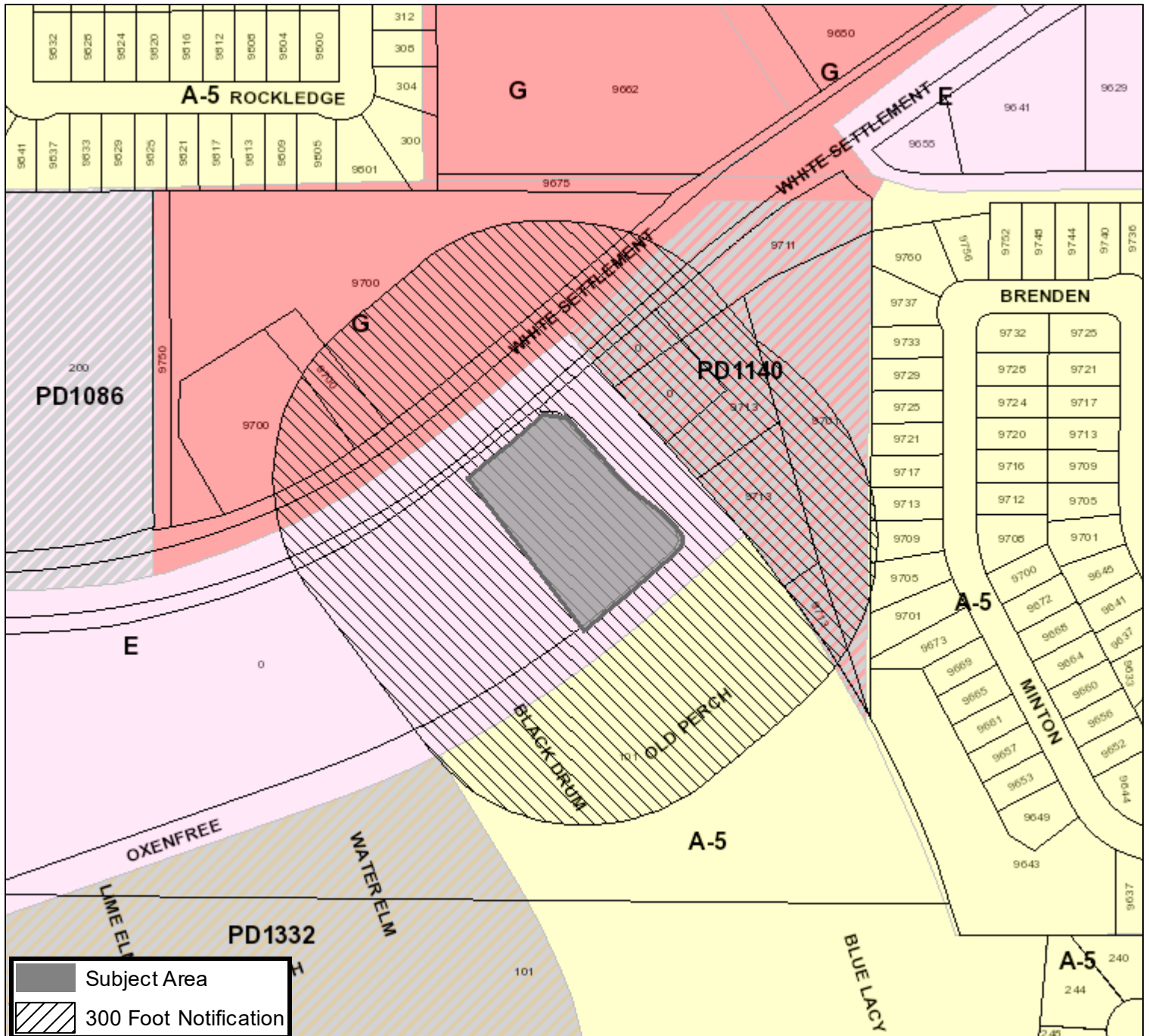
Intensive commercial uses should be buffered from residential areas by less-intensive commercial districts and uses as articulated in the Comprehensive Plan's land use policy:



- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

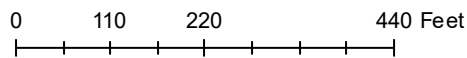
While undeveloped properties to the north and east of this site do allow automotive repair shops by right with supplemental standards, when looking at the subject property the proposed zoning change is **not consistent** with the Comprehensive Plan of separating incompatible land uses.

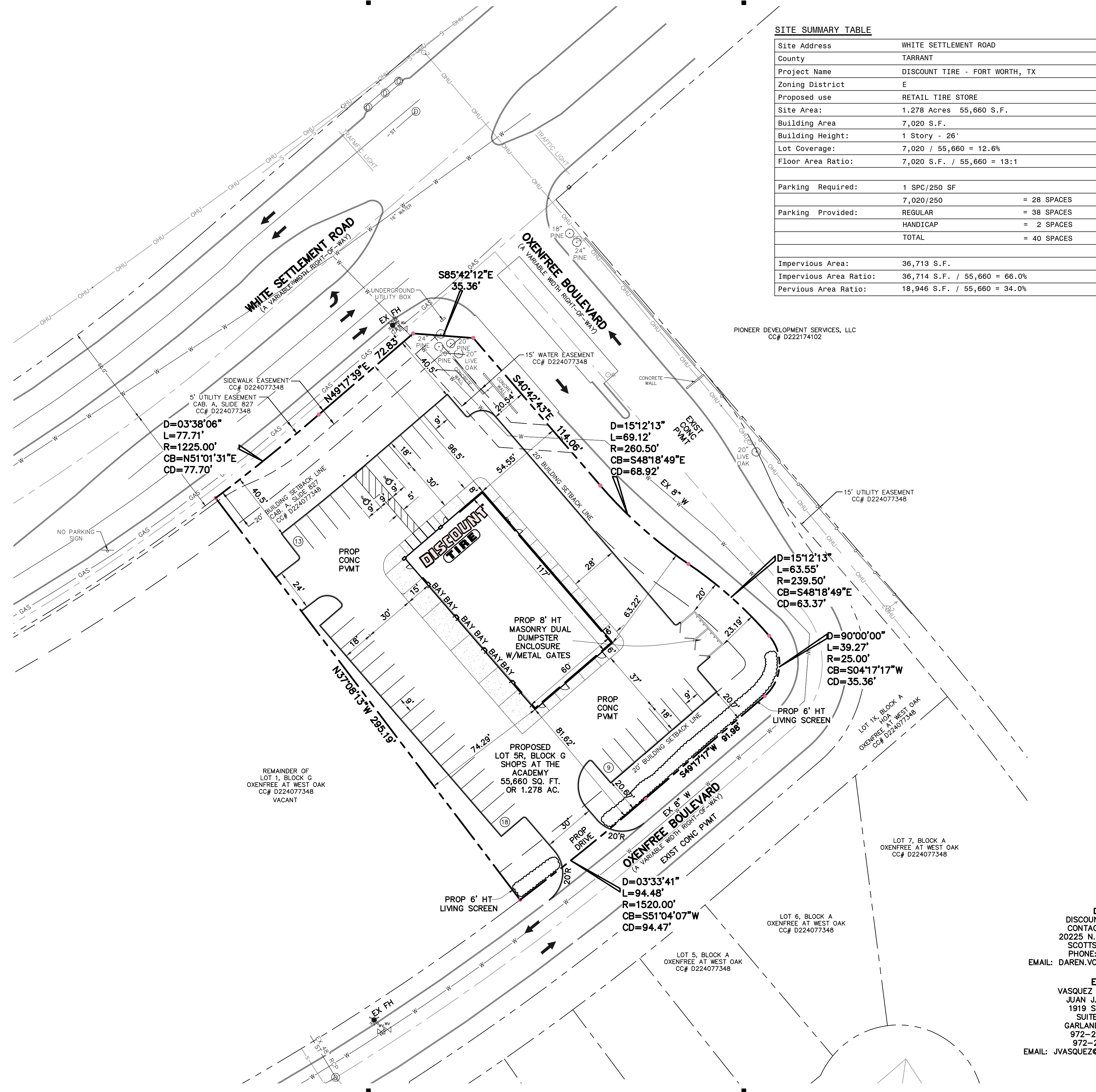
Area Zoning Map

Applicant: SP Capstone Group, LLC/Vasquez Engineering, LLC
 Address: 9700 block White Settlement Road
 Zoning From: E
 Zoning To: Add CUP for auto repair
 Acres: 1.28455693
 Mapsco: Text
 Sector/District: Far West
 Commission Date: 4/9/2025
 Contact: 817-392-8043

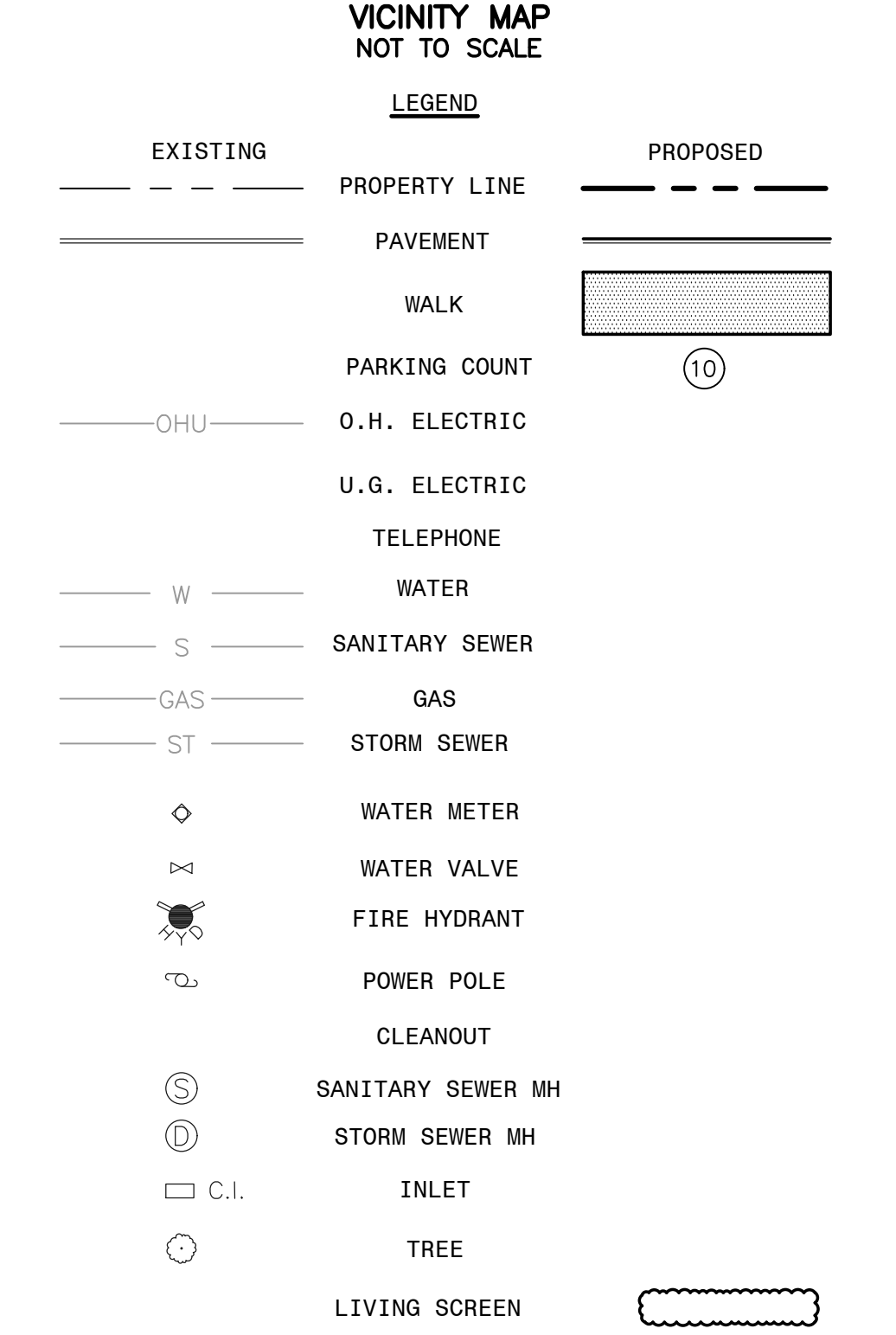
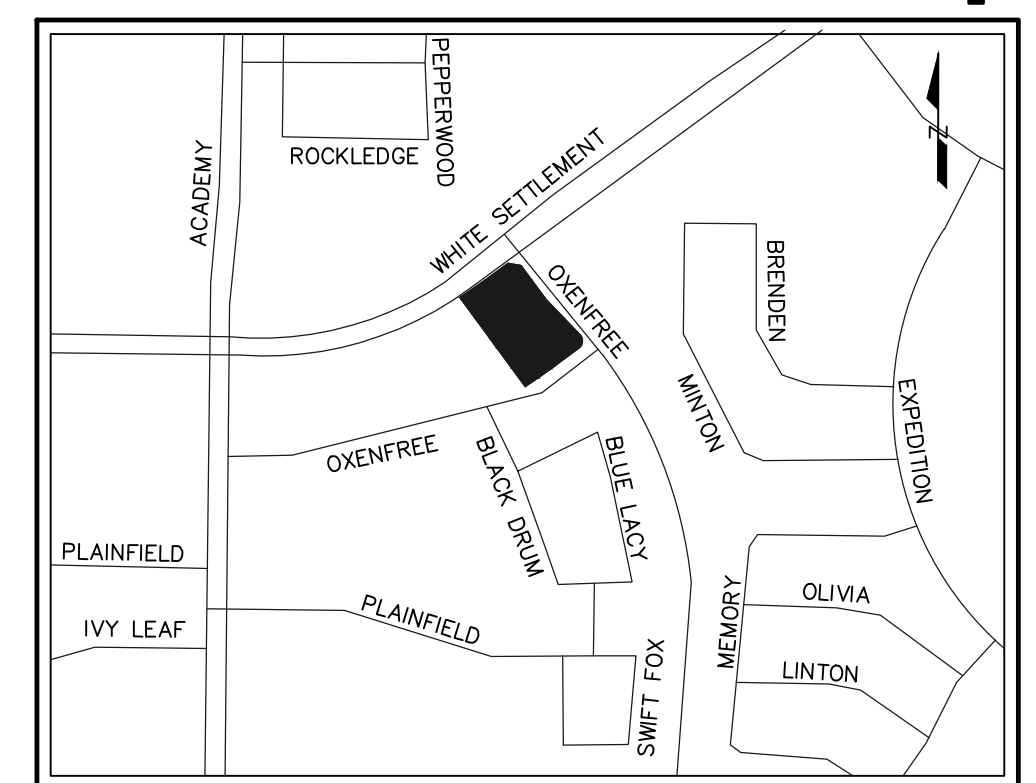
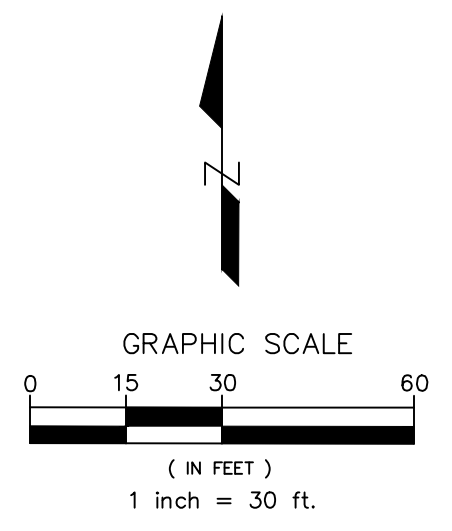


 Subject Area
 300 Foot Notification





SITE SUMMARY TABLE	
Site Address	WHITE SETTLEMENT ROAD
County	TARRANT
Project Name	DISCOUNT TIRE - FORT WORTH, TX
Zoning District	E
Proposed use	RETAIL TIRE STORE
Site Area:	1.278 Acres 55,660 S.F.
Building Area	7,020 S.F.
Building Height:	1 Story - 26'
Lot Coverage:	7,020 / 55,660 = 12.6%
Floor Area Ratio:	7,020 S.F. / 55,660 = 13:1
Parking Required:	1 SPC/250 SF
	7,020/250 = 28 SPACES
Parking Provided:	REGULAR = 38 SPACES
	HANDICAP = 2 SPACES
	TOTAL = 40 SPACES
Impervious Area:	36,713 S.F.
Impervious Area Ratio:	36,714 S.F. / 55,660 = 66.0%
Pervious Area Ratio:	18,946 S.F. / 55,660 = 34.0%



- PROJECT NOTES**
- BOUNDARY & TOPOGRAPHIC INFORMATION BASED ON SURVEY PREPARED BY PEISER & MANKIN SURVEYING, LLC., DATED 10/29/2024
 - SEE CIVIL PLANS FOR SITE DESIGN.
 - SEE LANDSCAPE PLANS FOR SITE LANDSCAPING & IRRIGATION DESIGN.
- GENERAL NOTES**
- THIS PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
 - THIS PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY.
 - ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS.
 - ALL PROVIDED LIGHTING WILL CONFORM TO THE LIGHTING CODE.
 - THIS PROJECT WILL COMPLY WITH SECTION 5.104.

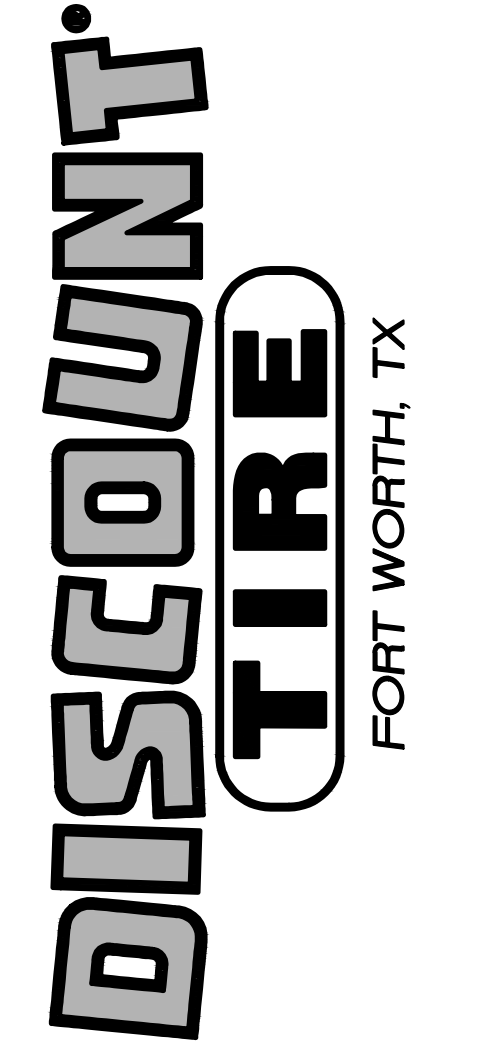
DEVELOPER:
DISCOUNT TIRE COMPANY
CONTACT: DAREN VOYLES
20225 N. SCOTTSDALE ROAD
SCOTTSDALE, AZ 85255
PHONE: 480-599-7072
EMAIL: DAREN.VOYLES@DISCOUNTTIRECO.COM

ENGINEER:
VASQUEZ ENGINEERING, LLC
JUAN J. VASQUEZ, P.E.
1919 S. SHILOH ROAD
SUITE 440, LB 44
GARLAND, TEXAS 75042
972-278-2948 TELE
972-271-1383 FAX
EMAIL: JVASQUEZ@VASQUEZENGINEERING.COM

SITE PLAN
DISCOUNT TIRE
LOT 5R, BLOCK G
SHOPS AT THE ACADEMY
1.278 ACRES, 55,660 SF
CITY OF FORT WORTH, TEXAS
MARCH 27, 2025

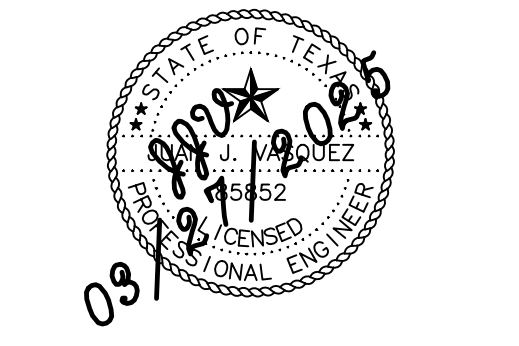
CITY CASE NUMBER: XXXXX

VASQUEZ ENGINEERING L.L.C.
1919 S. Shiloh Road
Suite 440, LB 44
Garland, Texas 75042
Ph: 972-278-2948
TX Registration # F-12266



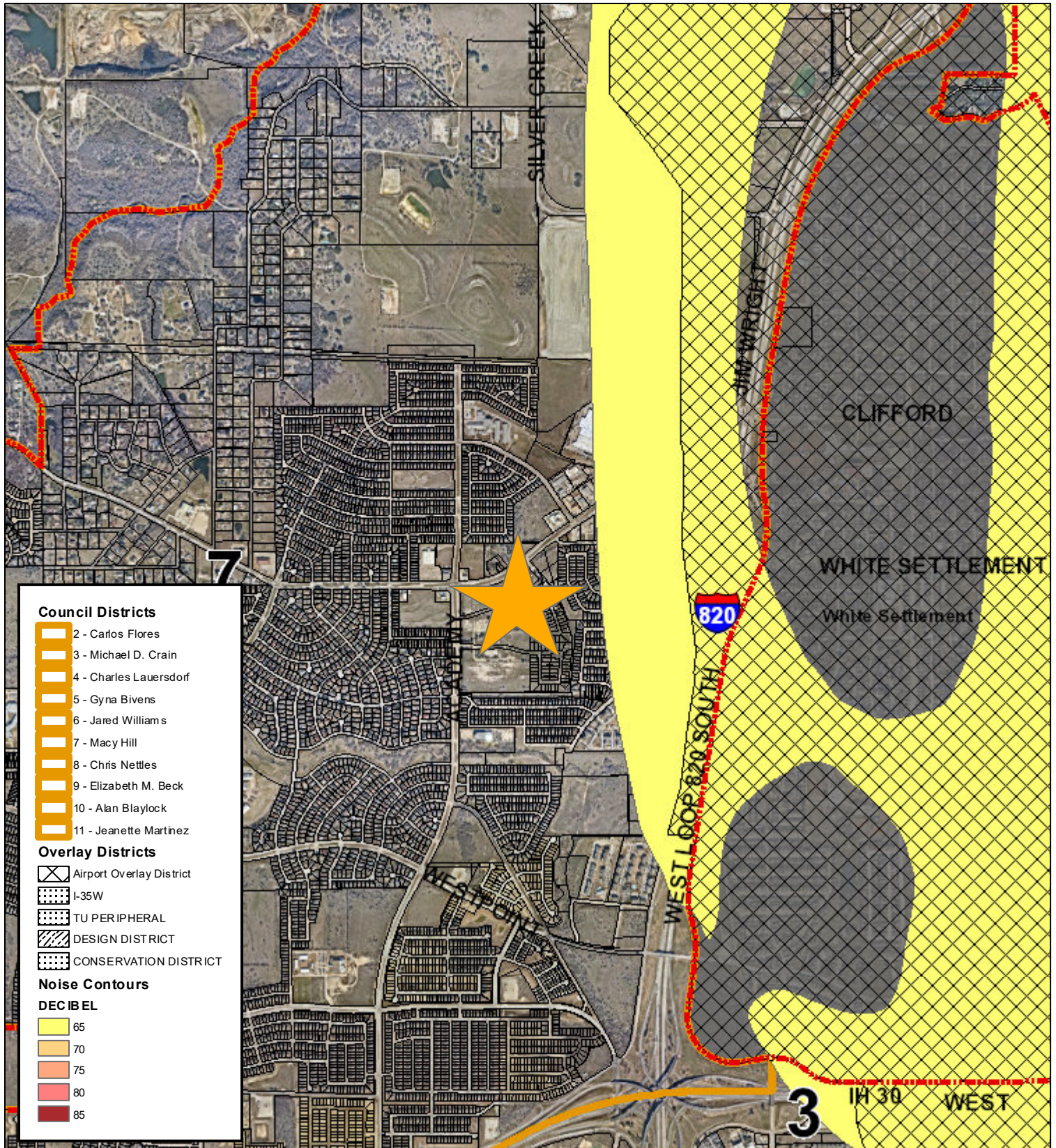
CONSTRUCTION DOCUMENT		
NO.	REVISIONS DESCRIPTION	DATE
500-338	JOB NO.	
03/27/2025	DATE	
D.R.S.	DRAWN BY	
J.J.V.	CHECKED BY	

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY JUAN J. VASQUEZ, P.E. 85852, ON 03/27/2025



DRAWING TITLE
SITE PLAN
DRAWING NO.
SP1

Area Map



Council Districts

- 2 - Carlos Flores
- 3 - Michael D. Crain
- 4 - Charles Lauersdorf
- 5 - Gyna Bivens
- 6 - Jared Williams
- 7 - Macy Hill
- 8 - Chris Nettles
- 9 - Elizabeth M. Beck
- 10 - Alan Blaylock
- 11 - Jeanette Martinez

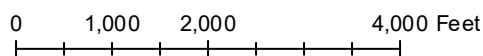
Overlay Districts

- Airport Overlay District
- I-35W
- TU PERIPHERAL
- DESIGN DISTRICT
- CONSERVATION DISTRICT

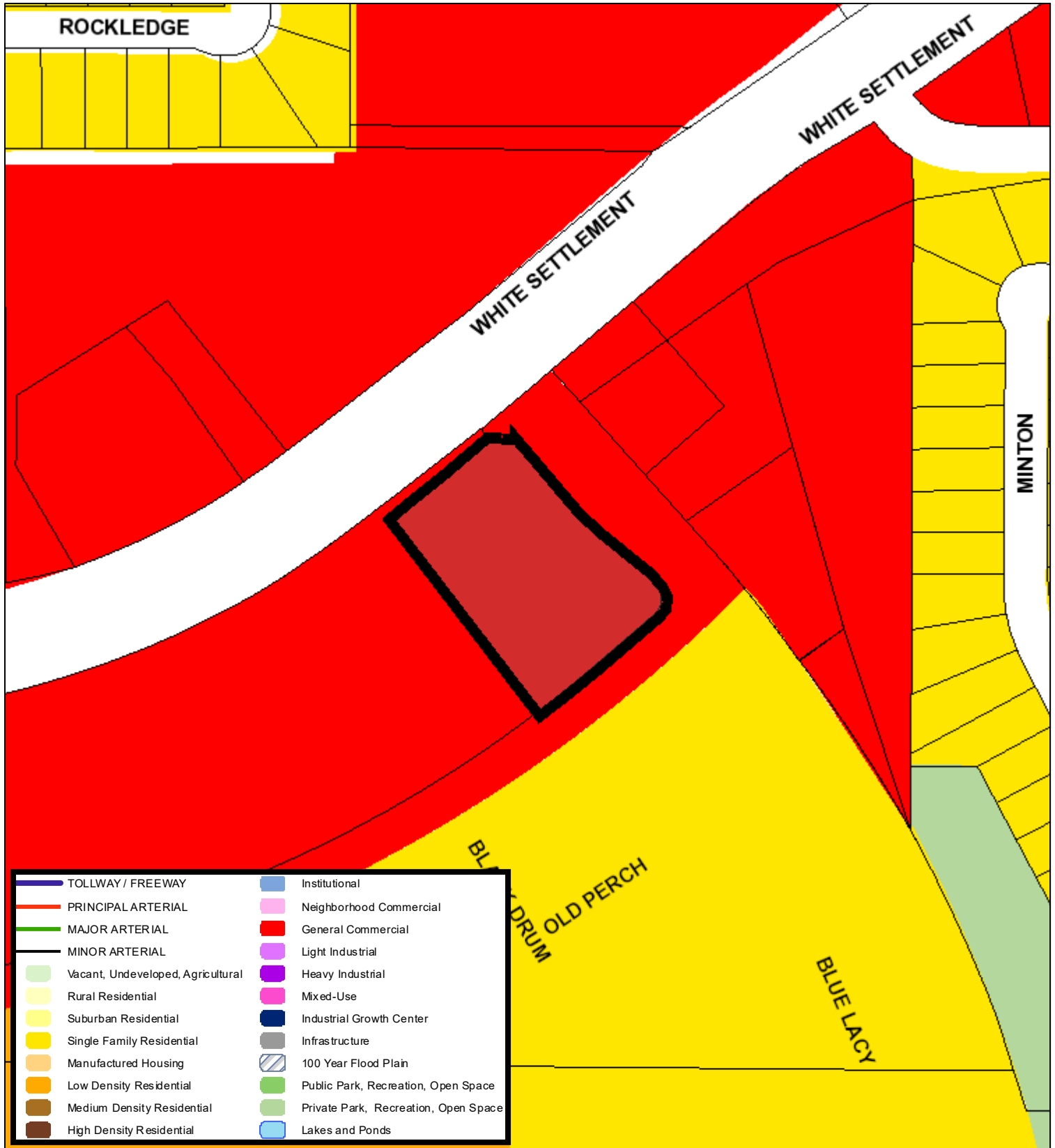
Noise Contours

DECIBEL

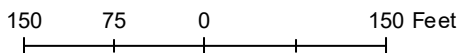
- 65
- 70
- 75
- 80
- 85



Future Land Use



TOLLWAY / FREEWAY	Institutional
PRINCIPAL ARTERIAL	Neighborhood Commercial
MAJOR ARTERIAL	General Commercial
MINOR ARTERIAL	Light Industrial
Vacant, Undeveloped, Agricultural	Heavy Industrial
Rural Residential	Mixed-Use
Suburban Residential	Industrial Growth Center
Single Family Residential	Infrastructure
Manufactured Housing	100 Year Flood Plain
Low Density Residential	Public Park, Recreation, Open Space
Medium Density Residential	Private Park, Recreation, Open Space
High Density Residential	Lakes and Ponds



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 100 200 400 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-049

Council District: 8

Zoning Map Amendment

Case Manager: [Dave McCorquodale](#)

Owner / Applicant: Pinnacle Properties of Texas / AANI Design Build, LLC

Site Location: 4400 Ellis Ranch Trail

Acreage: 5.67 ac

Request

Proposed Use: 27 Single-family residential lots/homes

Request: From: “A-10” One-Family

To: “A-5” One-Family

Recommendation

Land Use Compatibility: Requested change **is not compatible.**

Comprehensive Plan Map Consistency: Requested change **is consistent.**

Comprehensive Plan Policy Consistency: Requested change **is not consistent.**

Staff Recommendation: **Denial**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph

Project Description and Background

This undeveloped property is located in the southeast part of the city within Council District 8 generally east of S. Riverside Drive and south of E. Berry St. The applicant has provided the following narrative of their development intent:

“The proposed project is a 27-lot development of a vacant tract of land. The subject property is approximately 5.67 acres and is currently undeveloped. The proposed development will consist of one- and two-story single-family residences ranging in size from 2,000 to 4,000 square feet. Each residence will have 3+ Bedrooms, 2.5+ Baths, and 2 Car Garages. It is our intention to build a high quality, contemporary, and walkable community.”

Surrounding Zoning and Land Uses

North “A-7.5” One-Family residential
East “A-7.5” One-Family residential
South “A-10” undeveloped property
West “A-10” undeveloped property

Recent Zoning History

- ZC-10-117 was a larger Council-initiated rezoning in conjunction with the Glencrest Civic League. The subject property and the adjacent vacant parcel to the south were rezoned from “A-5” to “A-10”. Many other properties in the vicinity were rezoned from “A-5” to larger-lot single family districts.

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet were mailed on **March 28, 2025**.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on **March 28, 2025**:

Organizations Notified	
United Communities Association of South Fort Worth	The New Mitchell Boulevard NA
Trinity Habitat for Humanity	Glencrest Civic League*
Streams and Valleys Inc.	Southeast Fort Worth, Inc.

Development Impact Analysis

Land Use Compatibility

The properties surrounding this site include existing single-family residential neighborhood and undeveloped properties also zoned for single-family residential. The developed properties are zoned “A-7.5” and the undeveloped properties are zoned “A-10”. The proposed land use “A-5” lots surrounded by larger single family lots **is not compatible** with the surrounding land use.

Summary of lot sizes from Conceptual Site Plan:

Open space lots: 2 (13,383 sq. ft. total); both fronting Ellis Ranch Trail	
5,000 – 6,000 sq. ft.	15 lots
6,000 – 7,500 sq. ft.	7 lots
>7,500 sq.ft.	5 lots

81.5% of proposed lots are smaller than adjacent existing “A-7.5” lots to the north and east of the site. 18.5% of proposed lots meet or exceed minimum lot size of the surrounding residential “A-7.5” neighborhood.

Comprehensive Plan Consistency

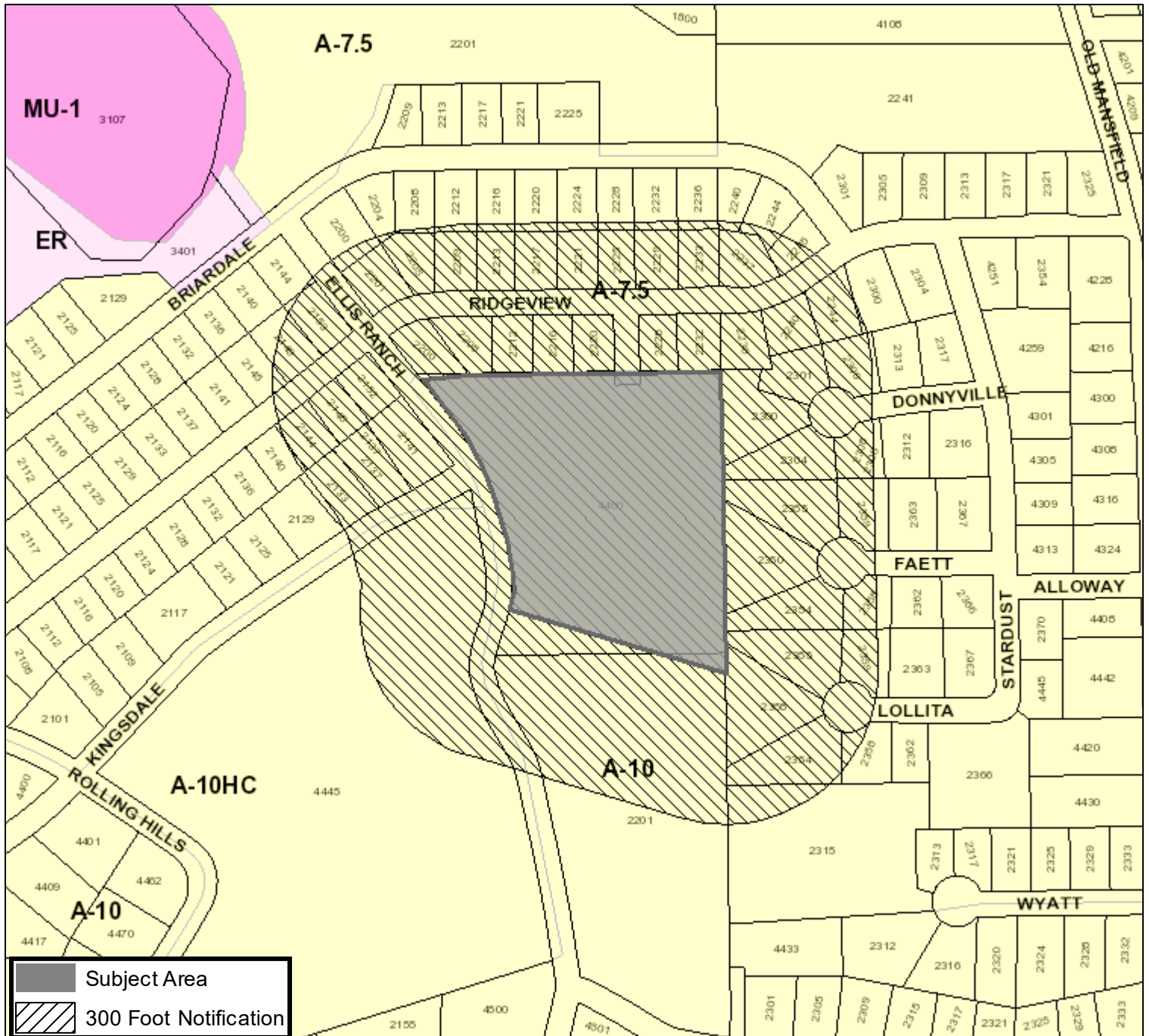
The 2023 Comprehensive Plan designates this property as future Single-Family Residential and the requested zoning change **is consistent** with the Future Land Use Map. This rezoning request for “A-5” one-family residential is **not consistent** with the following policy:

- Encourage new development in character with the existing neighborhood scale, architecture, and platting pattern, while working to improve pedestrian, bicycle, and transit access between adjacent neighborhoods and nearby destinations.

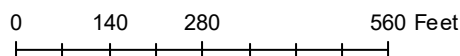
“A-5” lots surrounded by “A-7.5” and “A-10” lots is not characteristic of the existing neighborhood scale and platting pattern.

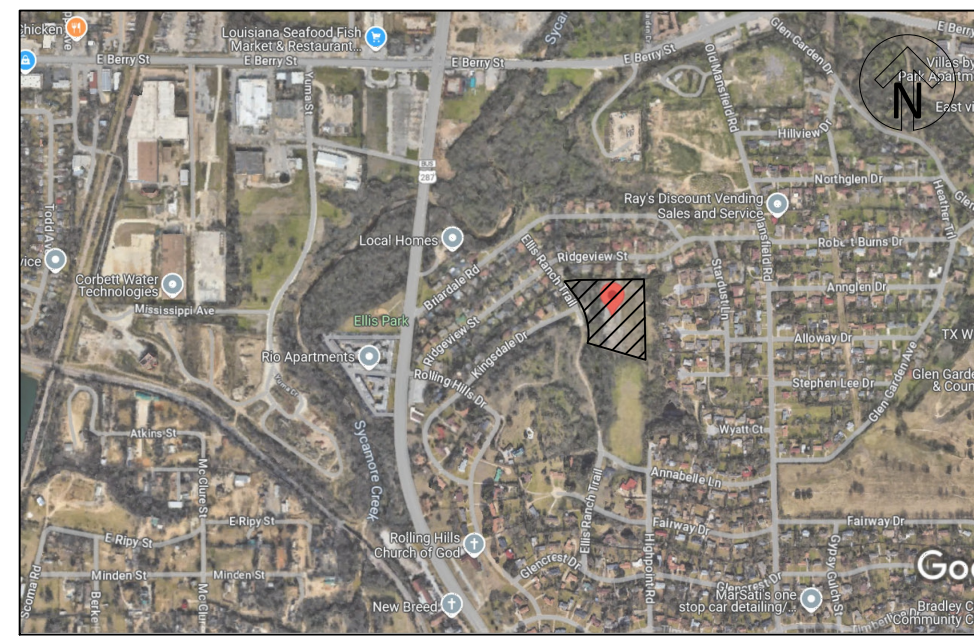
Area Zoning Map

Applicant: Pinnacle Properties of Texas/AANI Design Build, LL
 Address: 4400 Ellis Ranch Trail
 Zoning From: A-10
 Zoning To: A-5
 Acres: 5.671
 Mapsco: Text
 Sector/District: Southeast
 Commission Date: 4/9/2025
 Contact: 817-392-8043



	Subject Area
	300 Foot Notification





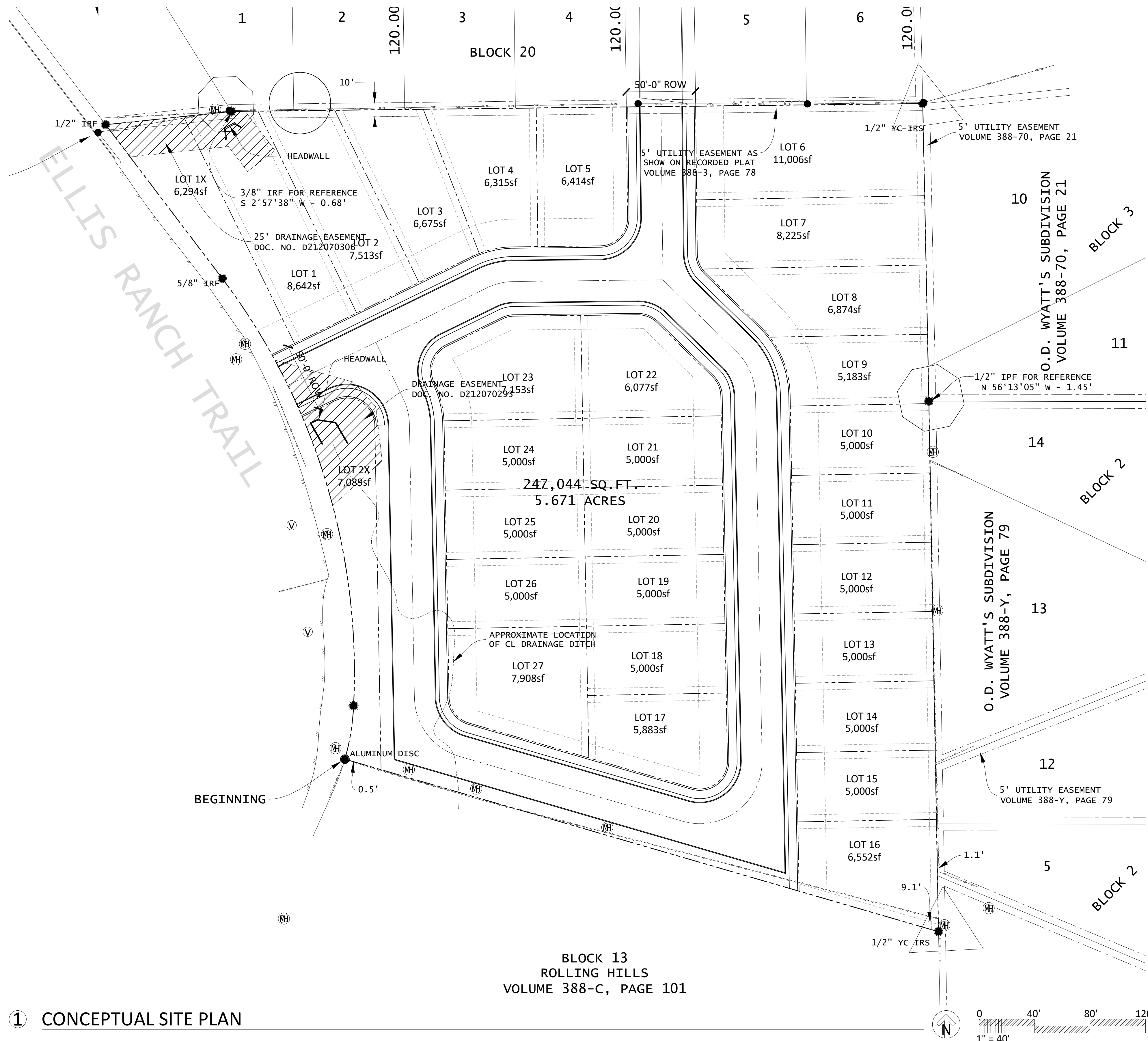
SUMMARY TABLE

	ALLOW/REQD	PROVIDED
ZONING	A-10	A-5
USE	Single Family Residential	
LOT AREA	247,044 sq.ft / 5.67 acres	
OPEN SPACE AREA	13,383 sq.ft / 0.31 acres	
ROW AREA	68,244 sq.ft / 1.57 acres	
BUILDABLE AREA	165,417 sq.ft / 3.79 acres	
# OF UNITS	27	
DENSITY (DU/AC)	Gross 4.76 u.p.a. Net 7.12 u.p.a.	

LOT MATRIX

#	AREA (sf)	MAX COV. (sf)
Lot 1x	6,294 sq.ft.	-----
Lot 1	8,642 sq.ft.	4,321 sq.ft.
Lot 2	7,513 sq.ft.	3,757 sq.ft.
Lot 3	6,675 sq.ft.	3,338 sq.ft.
Lot 4	6,315 sq.ft.	3,158 sq.ft.
Lot 5	6,414 sq.ft.	3,207 sq.ft.
Lot 6	11,006 sq.ft.	5,503 sq.ft.
Lot 7	8,225 sq.ft.	4,113 sq.ft.
Lot 8	6,874 sq.ft.	3,437 sq.ft.
Lot 9	5,183 sq.ft.	2,592 sq.ft.
Lot 10	5,000 sq.ft.	2,500 sq.ft.
Lot 11	5,000 sq.ft.	2,500 sq.ft.
Lot 12	5,000 sq.ft.	2,500 sq.ft.
Lot 13	5,000 sq.ft.	2,500 sq.ft.
Lot 14	5,000 sq.ft.	2,500 sq.ft.
Lot 15	5,000 sq.ft.	2,500 sq.ft.
Lot 16	6,552 sq.ft.	3,276 sq.ft.
Lot 17	5,883 sq.ft.	2,942 sq.ft.
Lot 18	5,000 sq.ft.	2,500 sq.ft.
Lot 19	5,000 sq.ft.	2,500 sq.ft.
Lot 20	5,000 sq.ft.	2,500 sq.ft.
Lot 21	5,000 sq.ft.	2,500 sq.ft.
Lot 22	6,077 sq.ft.	3,039 sq.ft.
Lot 23	7,153 sq.ft.	3,577 sq.ft.
Lot 24	5,000 sq.ft.	2,500 sq.ft.
Lot 25	5,000 sq.ft.	2,500 sq.ft.
Lot 26	5,000 sq.ft.	2,500 sq.ft.
Lot 27	7,908 sq.ft.	3,954 sq.ft.
Lot 2x	7,089 sq.ft.	-----

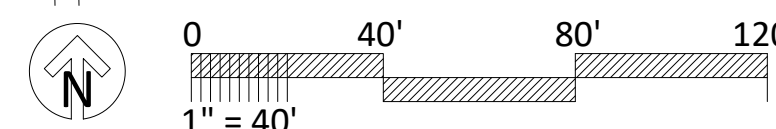
- NOTES:**
- THIS PROJECT WILL COMPLY WITH SECTION 6.301, LANDSCAPING.
 - THIS PROJECT WILL COMPLY WITH SECTION 6.302, URBAN FORESTRY.
 - ALL SIGNAGE WILL CONFORM TO ARTICLE 4, SIGNS.
 - ALL PROVIDED LIGHTING WILL CONFORM TO THE LIGHTING CODE.



① CONCEPTUAL SITE PLAN

BLOCK 13
ROLLING HILLS
VOLUME 388-C, PAGE 101

Director of Development Services
Date: _____



**AANI Design
Build LLC**

Prj. #24183 ISSUE RECORD		
DATE:	ISSUED FOR:	COMMENTS:

LEGEND:

Contact Info:
OWNER OF RECORD:
 Pinnacle Properties of Texas
 7045 Portobello Drive
 Plano, TX 75024
 p: 214-417-3019

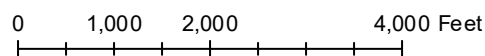
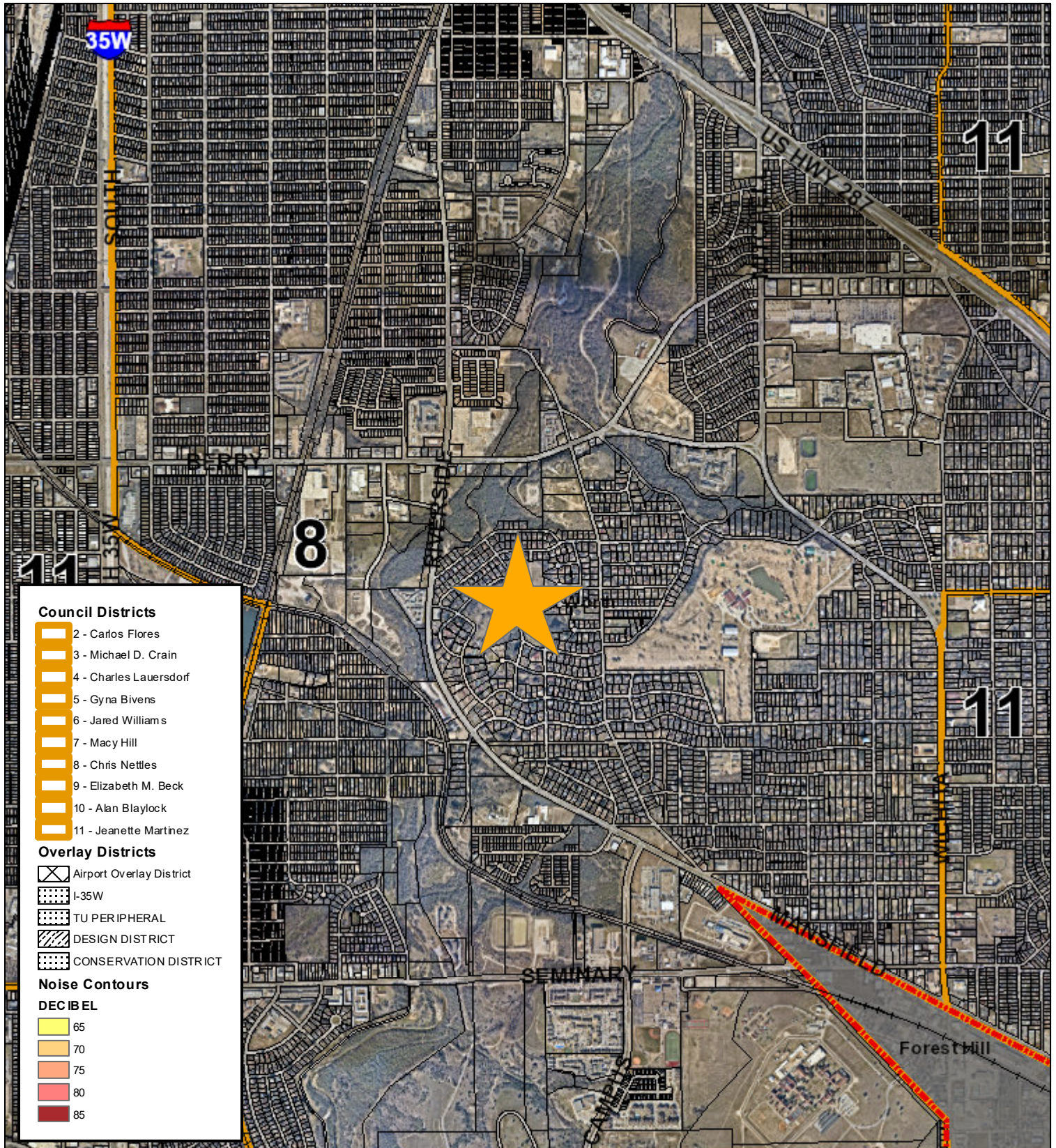
SURVEYOR:
 Barry Rhodes, RPLS 3691
 7509 Pennridge Circle
 Rowlett, TX 75088
 p: 214-356-6807

APPLICANT:
 AANI Design Build, LLC
 p: 817-269-4154
 e: nathan.aanidesignbuild@gmail.com

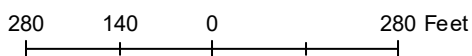
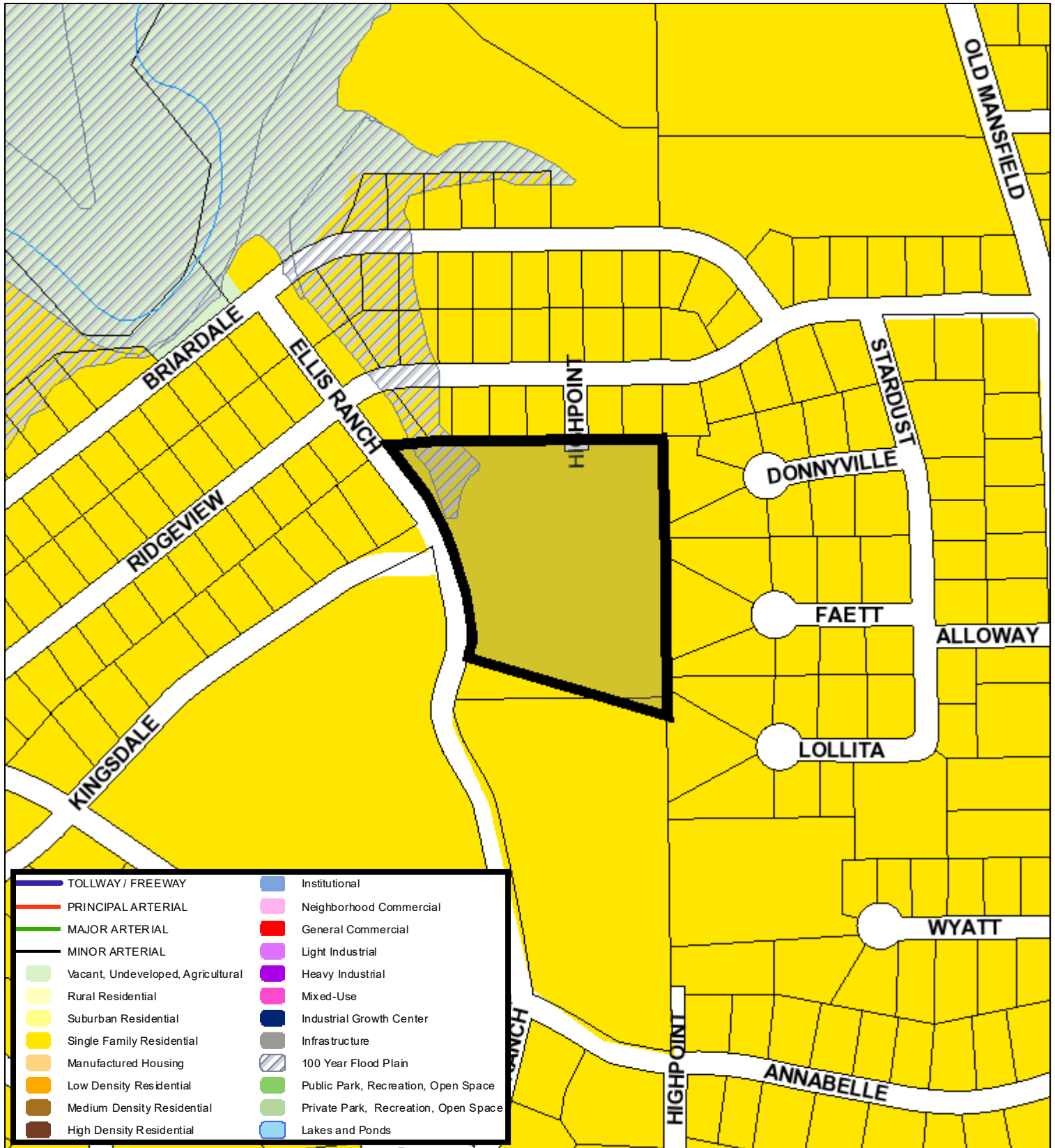
Date: 02-25-2025
 Scale: 1" = 40'
 Drawn By: N. P. K.
 Page: **SP1**

PROJECT INFO: Case #:
 SITE PLAN for
ELLIS RANCH HOMES
 4400 Ellis Ranch Trail, Fort Worth, TX
 Site Plan

Area Map



Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 180 360 720 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-052

Council District: 4

Zoning Map Amendment

Case Manager: [Beth Knight](#)

Owner / Applicant: Multiple owners/Hillwood/Westwood Professional Services **Acreage:** 111.36 acres

Site Location: 9700 - 10500 (odds) blocks N. Riverside Drive

Request

Proposed Use: Adding Stealth Telecommunication Towers where not allowed and development waiver to allow Stealth Telecommunication Towers to be 50 feet from residential buildings

Request: From: “PD 961” Planned Development for all uses in “D” High Density Multifamily plus assisted living and nursing home

To: Amend “PD961” Planned Development for all uses in “D” High Density Multifamily with assisted living and nursing home, to add 110’ Stealth Telecommunication Towers and Telecommunication Antenna (on structures), and a development standard for no minimum setback adjacent to residential structure; site plan waiver requested

Recommendation

Land Use Compatibility: Requested change **is not compatible**

Comprehensive Plan Map Consistency: Requested change **is not consistent**

Comprehensive Plan Policy Consistency: Requested change **is not consistent**

Staff Recommendation: **Denial**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)

- b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Area Map
8. Future Land Use Map
9. Aerial Photograph
10. Exhibit

Project Description and Background

The property is a row of properties approximately ¼ mile long, located on the west side of Old Denton Road/Riverside Drive, between Golden Triangle Boulevard and Heritage Trace Parkway. The area is currently zoned “PD 961” Planned Development for all uses in “D” High Density Multifamily plus assisted living and nursing home. The row of properties with multifamily-based zoning acts as a transitional land use between the single family uses to the east and intensive commercial uses to the west. The site has no notable tree canopy and is generally half developed at this time.

The Planned Development began in 2013 for in “D” High Density Multifamily and was amended in 2014 to add assisted living and nursing home. The zoning ordinance has existing standards for antennas and stealth telecommunication towers. Telecommunication antennas or panels are allowed by right on institutional, commercial, and industrial uses. If a stealth telecommunication tower is desired in a residential district, the location must be approved thru a Special Exception by the Board of Adjustment. Stealth telecommunication towers are limited to a height of 35 feet in residential districts.

The applicant is requesting to add telecommunication panels/antennas on all buildings, as well as allow 110-foot tall stealth telecommunication towers by right in this residential district, and to place them as close as 50 feet to a residential building. However, the zoning ordinance prescribes the Board of Adjustment (BOA) process for: adding telecommunication panels/antennas on residential buildings, placing stealth telecommunication towers in residential districts, and allowing 110-foot tall towers in residential districts. The zoning request appears to be an attempt to circumvent this process. The application provides no information as to why the standard BOA process should not be followed. Stealth towers are not allowed everywhere by right due to the significant visual impacts of these structures, especially when over 50 feet tall in a residential district.

The proposed PD amendment requests the stealth towers to be 110 feet, which is almost as tall as the tallest 120-foot structure allowed in industrial districts. The requested 50-foot setback from a residential building is the same distance as a standard single family lot width, instead of a more typical 220-foot setback. The lack of a site plan and no limitation noted on the number or spacing of stealth telecommunication towers throughout the existing PD boundaries creates a number of issues. With a 50-foot setback from residential buildings, this lack of defined number of towers could allow for a row of towers along Old Denton Road/Riverside Drive because the existing PD standards note a 60-foot setback on this roadway. An unlimited number of towers could also allow clumping of towers in current open space areas that are more than 50 feet deep, which eliminates the basis for open space in multifamily developments. Properties that are undeveloped at this time could be built as stealth tower “farms”, similar to electricity-generating windmills. Requesting both building antennas and stealth towers means the development could have an antenna on the multifamily building and a stealth tower in a 50-foot span.

The following table provides information related to the proposed waivers of the standard zoning ordinance requirements. The waivers requested by the applicant, but not cured thru inclusion of a site plan, are bolded.

Standard	D Zoning	Proposed PD/D
Antennas on buildings	Not allowed without a BOA variance	Allowed on all buildings by right

Stealth telecommunication tower placement	No tower allowed without a BOA Special Exception	Unlimited number of towers with no spacing standards by right
Stealth telecommunication tower height	35-foot maximum non-residential structure height	110-foot height allowed by right

Surrounding Zoning and Land Uses

North “G” Intensive Commercial / commercial uses and vacant land
 East “A-5” One-Family, “CF” Community Facilities, “K” Heavy Industrial / single family subdivisions, elementary & middle school, industrial uses
 South “G” Intensive Commercial / commercial uses
 West “G” Intensive Commercial / commercial uses and vacant land

Recent Zoning History

ZC-13-004, northern portion of subject site, from C, G, J to G, PD for D uses with waivers, approved 2/6/2013.
 ZC-14-081, southern portion of subject site, from G, PD 961 to PD for D uses plus assisted living, memory care; with development standards, site plan waiver, approved 8/7/2014.

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet were mailed on March 28, 2025.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on March 28, 2025

Organizations Notified	
North Fort Worth Alliance	Tehama Ridge HOA
Crawford Farms HOA	Sunset Hills HOA
Heritage HOA*	Streams and Valleys Inc
Trinity Habitat for Humanity	Northwest ISD
Keller ISD	

* Located nearest to this registered Neighborhood Association

Development Impact Analysis

Land Use Compatibility

The applicant is proposing to add telecommunication antennas on residential buildings, as well as stealth telecommunication towers to the existing “PD/D” with limited development standards and waivers to setbacks and the standard Board of Adjustment approval process. While the site acts as a transitional multi-family area between the single family uses to the east and the intensive commercial uses to the west, the PD amendment would allow an unlimited number of 110-foot stealth telecommunication towers over more than 100 acres, creating extreme visual blight. Fewer residential protections than required are noted, and the lack of spacing between the stealth towers could allow for numerous stealth towers approximately 150 feet from the single family subdivisions to the east. A site plan waiver is requested, which further hinders public review of the stealth tower placements. The proposed zoning also by-passes the proper procedures for stealth tower siting, which is review and approval by the Board of Adjustment. The proposed zoning **is not compatible** with surrounding land uses nor the appropriate review procedures in the Zoning Ordinance.

Comprehensive Plan Consistency – Far North

The adopted Comprehensive Plan designates the subject property as future Mixed-Use Growth Center within the future land use map. The Alliance Town Center Mixed-Use Growth Center is designed to have predominantly residential and commercial land uses to serve the local residents. The proposed PD amendment **is not consistent** with the Comprehensive Plan map designation as it represents an erosion of the community mixed-use growth center with unlimited stealth telecommunications tower development.

The following land use policies are not supported by the rezoning request:

- Balance Growth Center development patterns among accessibility, affordability, mobility, community cohesion, and environmental quality.
- Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.
- Promote appropriate commercial, mixed-use, and urban residential development within the Alliance Gateway West, Alliance Town Center, Fossil Creek, and Nance Ranch Mixed-Use Growth Centers.
- Encourage the preservation and enhancement of the natural landscape by retaining trees, natural drainage ways, and unique vistas.

Based on a lack of conformance with the future land use map and with the policies stated above, the proposed zoning is **not consistent** with the Comprehensive Plan.

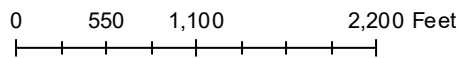
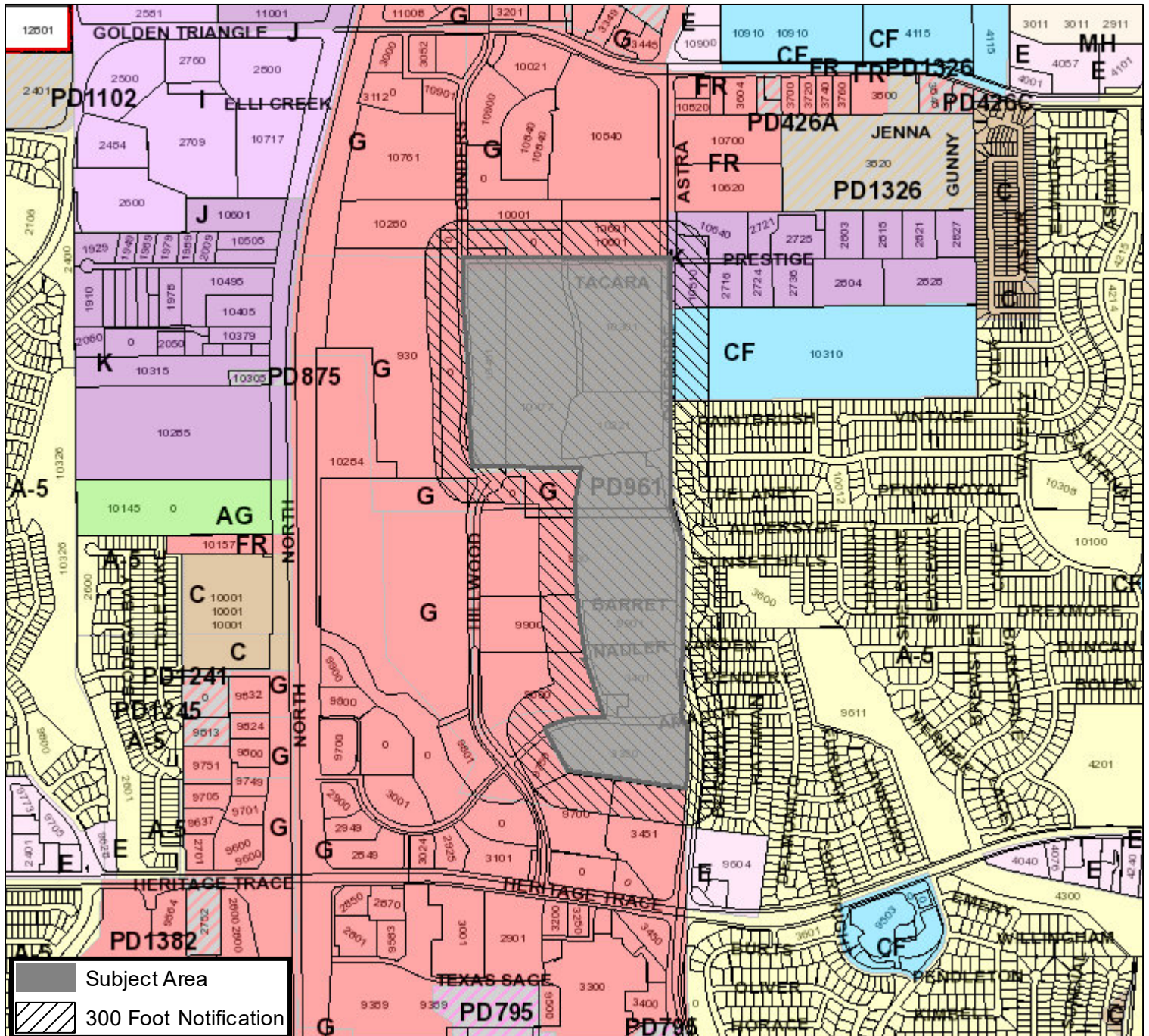
Planned Development Standards

This property shall be developed in accordance with the attached Exhibit “A” (legal description) and allow for all uses within Section 4.712 High Density Multifamily (“D”) District with the following modifications:

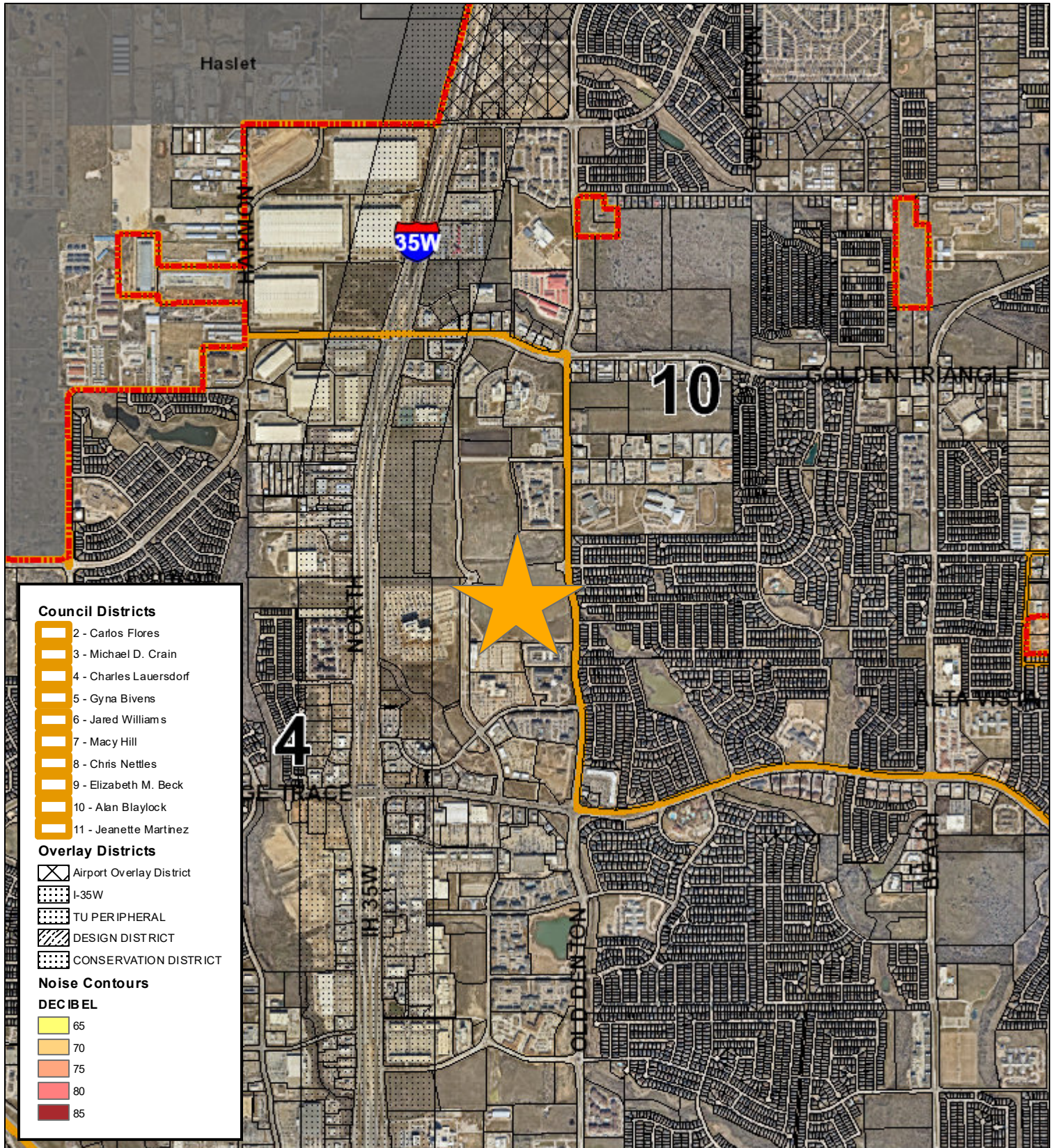
- Open Space – 35 percent minimum within the limits of the PD-D
- Units per Acre – Average 24 within the limits of the PD-D
- Height - 45’ maximum, slab to top plate. Stealth telecommunication towers are permitted to a height of 110 feet.
- 60’ building setback from Old Denton/North Riverside Drive ROW
- Parking – On street parking adjacent to platted lots shall count towards the minimum parking requirements for that lot.
- PD Site Plan waived
- Fence requirement adjacent to single family district waived
- Allow for Senior Living uses, including Independent Living, Assisted Living, Memory Care, and Skilled Nursing.
- Allow for Stealth Telecommunication Tower. Stealth Telecommunication Towers shall comply with all ordinances within City of Fort Worth’s § 5.137(b) Stealth Telecommunication Tower. A variance is requested for § 5.137(b)(2) Setback requirements, reducing the setback to 50’ setback from residential buildings.

Area Zoning Map

Applicant: Multiple owners/Hillwood/Westwood Professional Ser
 Address: 9700 - 10500 (odds) blks N. Riverside Drive
 Zoning From: G, PD 961 for multifamily uses and assisted living
 Zoning To: Amend PD 961 to add 100' cell or stealth towers, antennas on buildings; site plan waived
 Acres: 111.361
 Mapsco: Text
 Sector/District: Far North
 Commission Date: 4/9/2025
 Contact: 817-392-8190



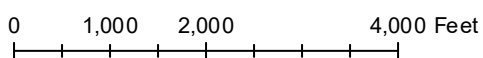
Area Map



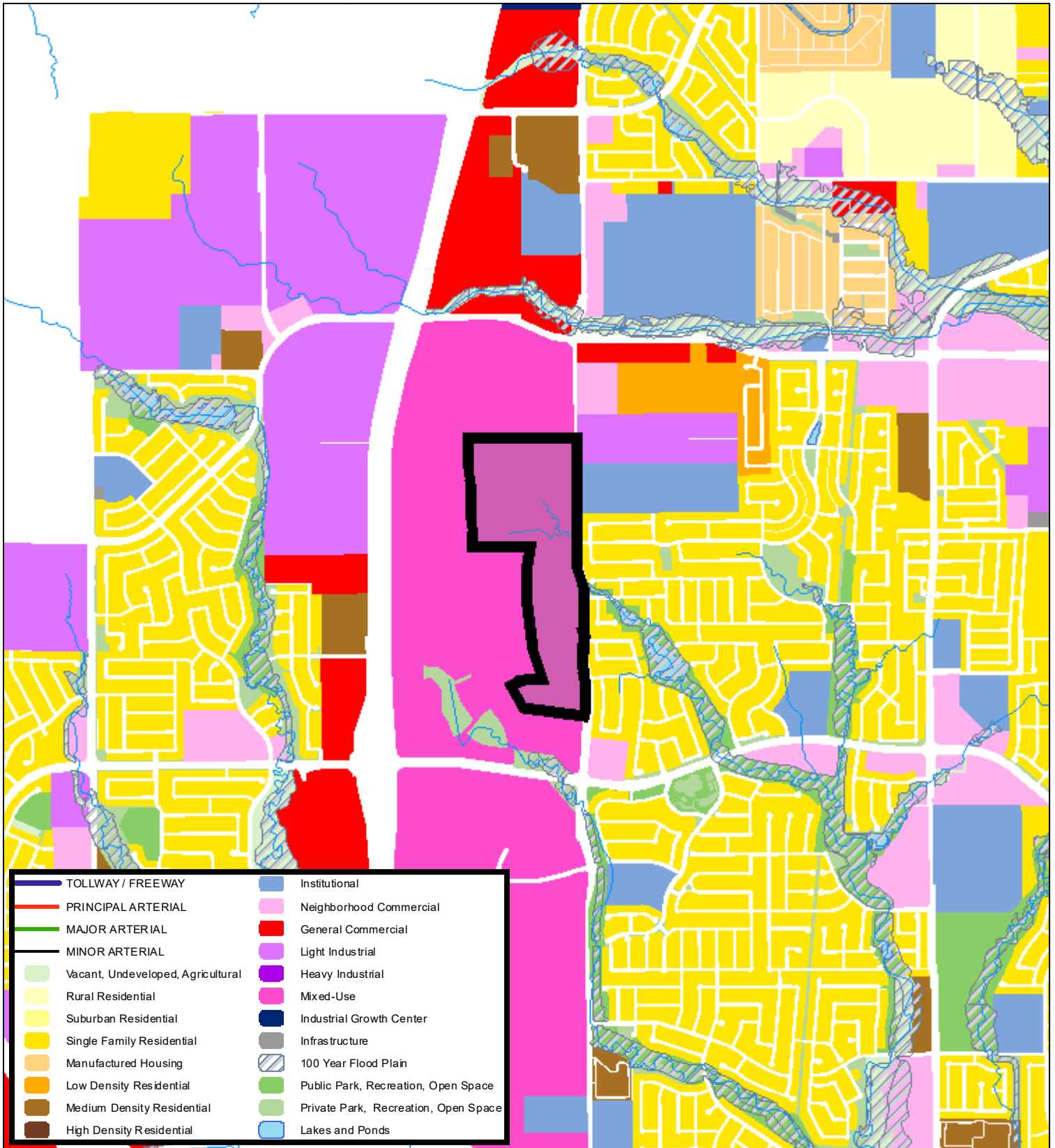
Council Districts	
	2 - Carlos Flores
	3 - Michael D. Crain
	4 - Charles Lauersdorf
	5 - Gyna Bivens
	6 - Jared Williams
	7 - Macy Hill
	8 - Chris Nettles
	9 - Elizabeth M. Beck
	10 - Alan Blaylock
	11 - Jeanette Martinez

Overlay Districts	
	Airport Overlay District
	I-35W
	TU PERIPHERAL
	DESIGN DISTRICT
	CONSERVATION DISTRICT

Noise Contours	
DECIBEL	
	65
	70
	75
	80
	85



Future Land Use

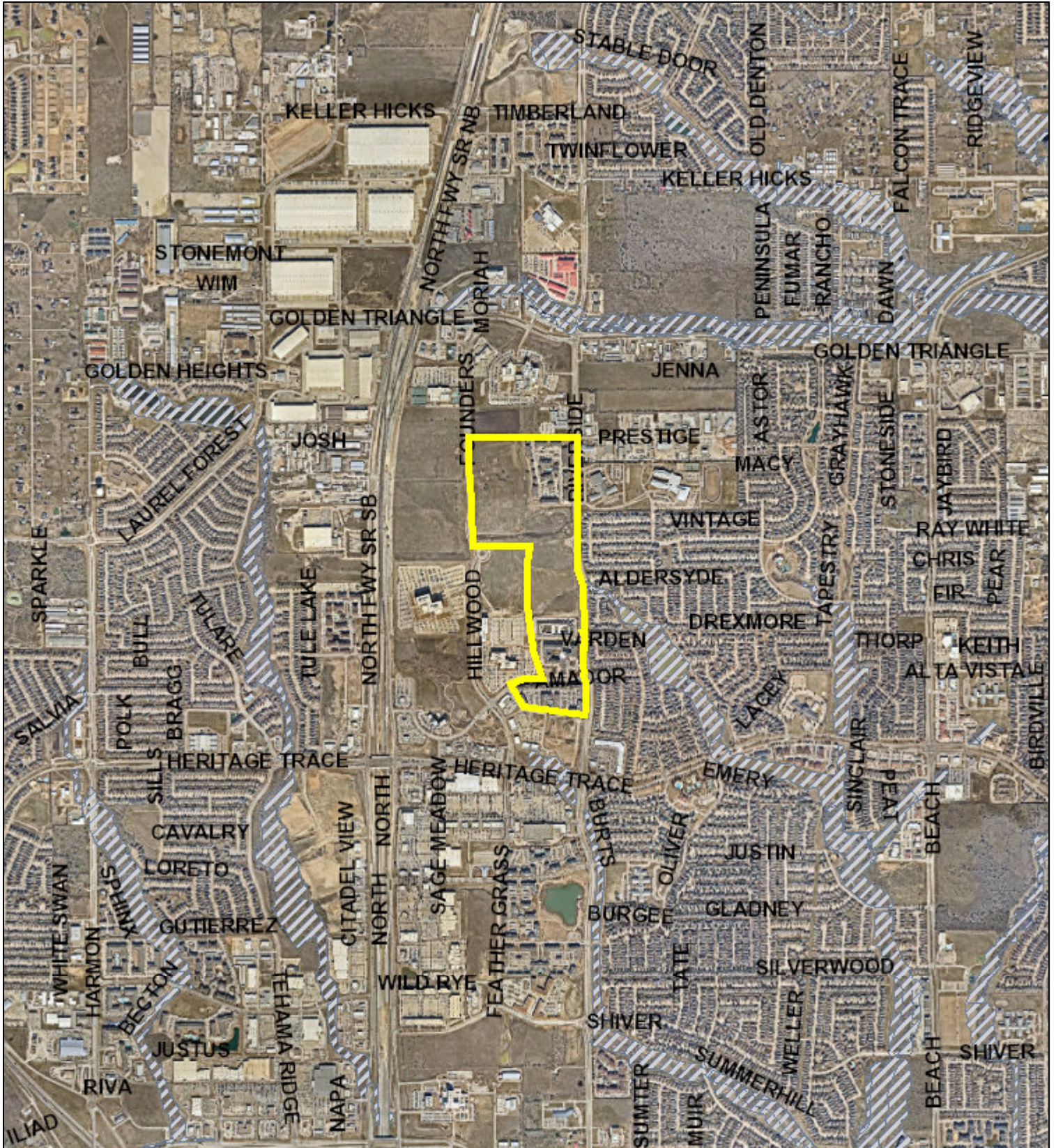


1,900 950 0 1,900 Feet

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 1,250 2,500 5,000 Feet





Zoning Staff Report

Date: March 12, 2025

Case Number: ZC-25-056

Council District: 11

Zoning Map Amendment & Site Plan

Case Manager: [Sandy Michel](#)

Owner / Applicant: Shelia Johnson / Ralph Adams

Site Location: 3809 Radford Road

Acreage: 0.2271 acre

Request

Proposed Use: Single-family home

Request: From: "MU-1" Low-Intensity Mixed-Use
To: "A-7.5" One-family detached

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Map Consistency: Requested change **is consistent**

Comprehensive Plan Policy Consistency: Requested change **is consistent**

Staff Recommendation: **Approval**

Table of Contents

1. [Project Description and Background](#)
2. [Surrounding Zoning and Land Uses](#)
3. [Recent Zoning History](#)
4. [Public Notification](#)
5. [Development Impact Analysis](#)
 - a. [Land Use Compatibility](#)
 - b. [Comprehensive Plan Consistency](#)
6. Zoning Map with 300 ft. Notification Area
7. Exhibit: Proposed Light Industrial Uses
8. Conceptual Plan
9. Area Map
10. Future Land Use Map
11. Aerial Photograph

Project Description and Background

The subject property, approximately 0.2271 acres, is located east of Radford Road and is currently undeveloped (**Figure 1**). Previously, the parcel contained a single-family home, which has since been demolished to make way for new development. The surrounding area primarily consists of a residential neighborhood, with a mix of churches and commercial establishments nearby. The property is currently zoned “MU-1” Low-Intensity Mixed-Use, which is consistent with most surrounding parcels, except for the lot to the south, which is zoned “A-10” One-Family.

The property is associated with an active building permit (**PB25-01573**), and initial site preparations have started. A residence on the property was demolished. The applicant proposes developing a new single-family home on the site (**Figure 2**). Staff has included the site plan submitted as part of the building permit to offer helpful context and illustrate the applicant’s overall vision for the project. However, it is important to note that a formal site plan is not required at this stage of the rezoning process.

The land use table in the Zoning Ordinance indicates that single-family residential is permitted in MU-1 zoning. However, staff has identified inconsistencies in the ordinance and will be processing a text amendment to correct the land use table to show that single-family residential is not a permitted use.



Figure 1: Site Photos taken by staff on 04/01/25

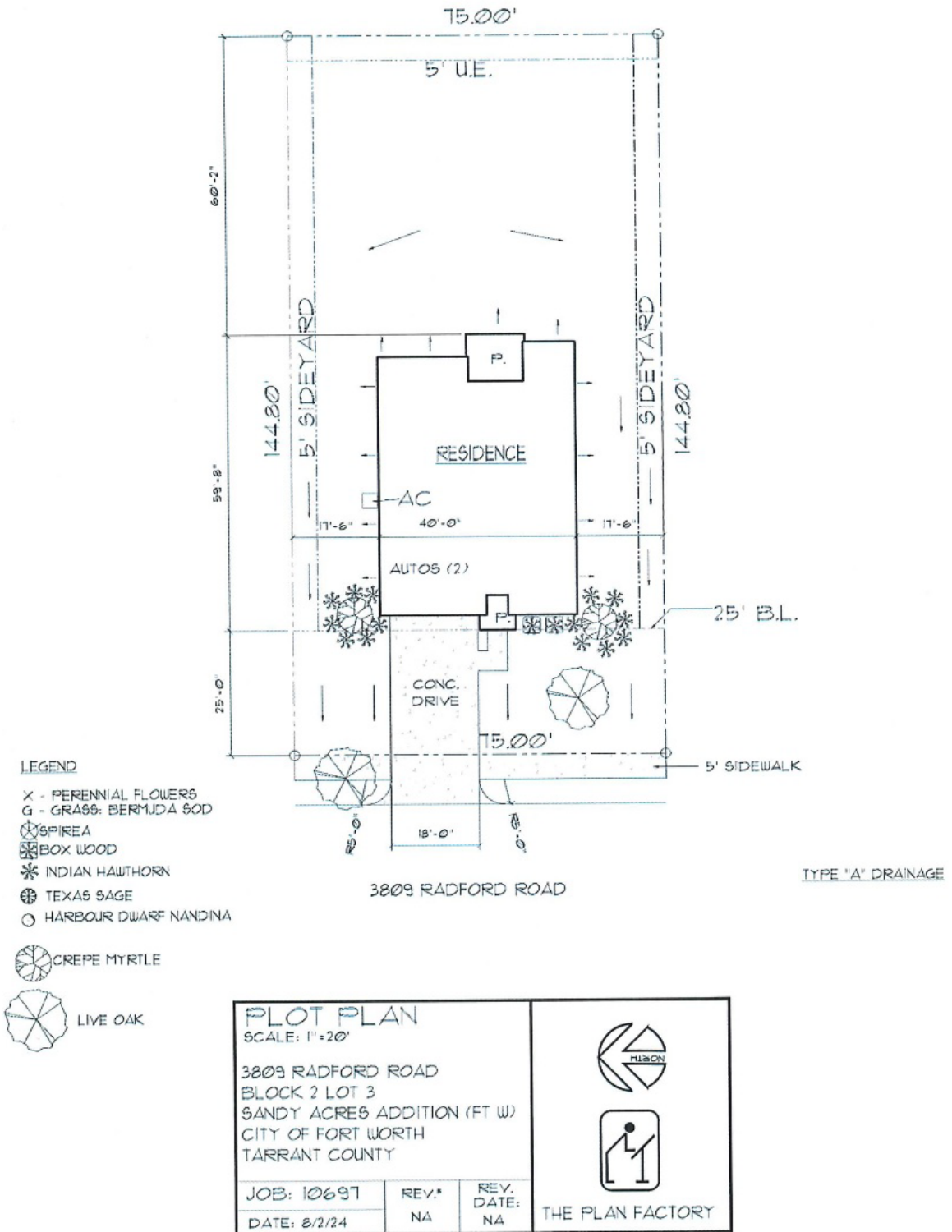


Figure 2: Site Plan Exhibit

*The ordinance information used in this section can be found [here](#).

Surrounding Zoning and Land Uses

North: “MU-1” Low-Intensity Mixed-Use / residential
East: “MU-1” Low-Intensity Mixed-Use / undeveloped
South: “A-10” One-Family / undeveloped
West: “MU-1” Low-Intensity Mixed-Use / undeveloped

Recent Zoning History

- ZC-19-116: City of Fort Worth Planning and Development; Map amendment to add Stop Six Design Overlay; Various zoning districts. The case was Approved by City Council on 09/10/2019;
- ZC-08-206: City of Fort Worth Planning and Development; From "A-5" One-Family, "B" Two-family, "D" High Density, "ER" Neighborhood Commercial Restricted, "ER/HC" Neighborhood Commercial Restricted/ Historic and Cultural, "E" Neighborhood Commercial, "E/HC" Neighborhood Commercial/ Historic and Cultural, “F” General Commercial, “I” Light Industrial to "A-10" One-Family, "A-5" One-Family, “CF” Community Facilities, "MU-1" Low-Intensity Mixed-Use, "MU-1/HC" Low-Intensity Mixed-Use/ Historic and Cultural. City Council approved all except: 3700 NE Loop 820 and 5713 Berry Street, from "F" general commercial and "I" light industrial to "MU-1" low mixed use (this was denied) on Feb 17, 2009.

Public Notification

Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property lying within 300 feet on March 28, 2025.

Posted Notice

A sign was erected on the property not less than 10 days before the Zoning Commission public hearing date.

Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star Telegram at least 15 days before the hearing.

Courtesy Notice

The following organizations were emailed on March 28, 2025:

Organizations Notified	
North Fort Worth Alliance	Streams and Valleys Inc
Southeast Fort Worth Inc	East Fort Worth, Inc
Echo Heights Stop Six Environmental Coalition	

* Located within a registered Neighborhood Organization

Land Use Compatibility

The majority of the area is zoned for “MU-1” Low-Intensity Mixed-Use MU-1, with the exception of the property to the south, which is designated for residential use (“A-10” One-Family). The applicant’s proposed land use—a single-family home—is consistent with the existing residential neighborhood to the south and west, creating a more cohesive transition between zoning districts.

As outlined in the Project Description and Background, the Mixed-Use (MU) district regulations underwent significant amendments in 2021, including the removal of single-family detached homes as a permitted use. However, inconsistencies in legal documentation and published regulations resulted in single-family detached homes still appearing as an allowed use in the MU-1 Low-Intensity Mixed-Use and MU-2 High-Intensity Mixed-Use districts within the published Ordinance 4.1203 ‘*District Use Table*’* for form-based districts.

The purpose of the Mixed-Use districts is to promote architectural diversity, increase density, live/work building types, and foster a walkable urban environment. However, in the mixed-use districts does not include single-family detached homes as a part of that intent, as these developments are inherently lower in density and do not align with the urban planning goals of the MU districts.

- **Intent of the Low-Intensity Mixed-Use Zoning District:****
 - Promote a pedestrian-oriented urban environment.
 - Ensure high-quality design of public spaces and buildings that face public areas.
 - Encourage creativity, architectural diversity, and exceptional design standards.
 - Enhance walkability throughout the district.
 - Maximize connectivity and access within the area.
 - Support affordable housing initiatives and the creation of mixed-income communities.

Furthermore, the development standards within the Mixed-Use zoning framework impose stringent design requirements—such as height minimums, proximity tests, and enhanced landscaping requirements—that make the construction of single-family homes impractical. These requirements create an undue hardship for property owners attempting to build detached single-family homes within these districts. The removal of single-family homes from the MU-1 and MU-2 zoning categories was an intentional policy decision aimed at ensuring that these districts evolve in accordance with their intended urban, high-density, and mixed-use character.

Given these zoning inconsistencies and the hardships imposed by the current MU-1 zoning, the applicant’s request for a zoning change would allow for a more appropriate and compatible land use that aligns with the surrounding residential development.

Given the nature of the proposed zoning district and the constraints imposed by the current zoning, the applicant’s intended use remains compatible with the surrounding area. The proposed zoning district offers development standards that are more appropriate and supportive of single-family residential use, making it a better fit for both the site and the adjacent residential zoning. Overall, the proposed change would create greater consistency with the character of the surrounding neighborhood and ensure more practical development outcomes.

The proposed zoning is **compatible** with surrounding land uses.

Comprehensive Plan- Map Consistency

The adopted Comprehensive Plan designates the subject property as Mixed-Use, as indicated on the Future Land Use (FLU) Map.

MIXED-USE		
Mixed-Use	Retail, services, offices, entertainment, mixed uses, and multifamily residential (>36 units/acre multifamily, mixed-use multifamily and pedestrian-oriented development)	UR, MU-1, MU-2, Form-Based Codes, All Commercial
Mixed-Use Growth Center	Retail, services, offices, entertainment, mixed uses, and multifamily residential; Community Growth Centers are less intensive, and Regional Growth Centers are more intensive	UR, MU-1, MU-2, Form-Based Codes, All Commercial

The subject property is currently designated as Mixed-Use in the Future Land Use (FLU) Map. While the proposed rezoning to “A-7.5” One-Family Detached does not strictly align with the FLU designation, the intended single-family residential use is consistent with the broader goals and policies of the Comprehension Plan. Additionally, the proposed use is supported by one of the zoning districts recommended within the Mixed-Use FLU category.

The Mixed-Use FLU designation permits the following zoning districts (with the district that allows the proposed use shown in **bold**):

- “UR” Urban Residential (**allows for single-family**)
- “MU-1” Low-Intensity Mixed-Use
- “MU-2” High-Intensity Mixed-Use
- All commercial zoning districts

****Note:** There are no applicable form-based codes for this area.

The Comprehensive Plan supports infill and new development that is compatible in scale, design, and density with surrounding neighborhoods, while also prioritizing the preservation of existing residential character. As previously mentioned, this property formerly contained a single-family home, and the intent is simply to replace it—maintaining the established neighborhood fabric without conflicting with the area's long-term planning goals. This proposal aligns with the plan’s intent and policies, which emphasize preserving residential neighborhoods and providing appropriate transitions between single-family and higher-density developments.

Key policies guiding this vision include:

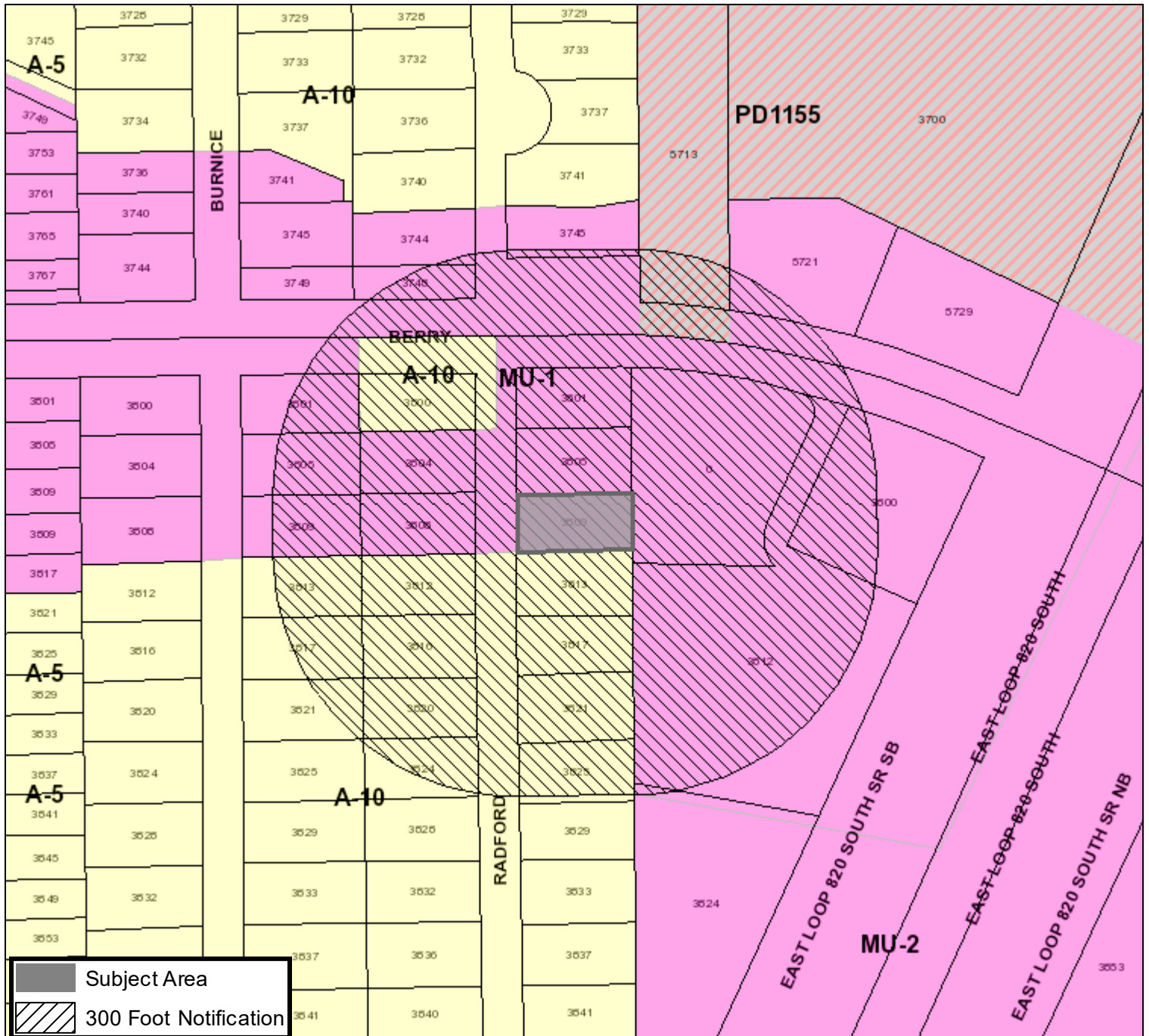
- *Encourage new development in character with the existing neighborhood scale, architecture, and platting pattern, while working to improve pedestrian, bicycle, and transit access between adjacent neighborhoods and nearby destinations.*
- *Promote measures to ensure that all types of residential developments are compatible in scale to abutting residential developments. A dramatic difference in lot size and units per acre should be discouraged for new development immediately adjacent to existing development or platted and zoned property, unless mitigation is provided to minimize the effects of the new use.*
- *Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods.*
- *Preserve the character of rural and suburban residential neighborhoods.*



Based on conformance with the policies stated above, the proposed zoning is **consistent** with the Comprehensive Plan FLU Map and Policies.

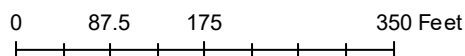
*The ordinance information used in this section can be found [here](#).

Area Zoning Map

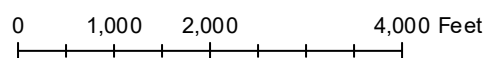
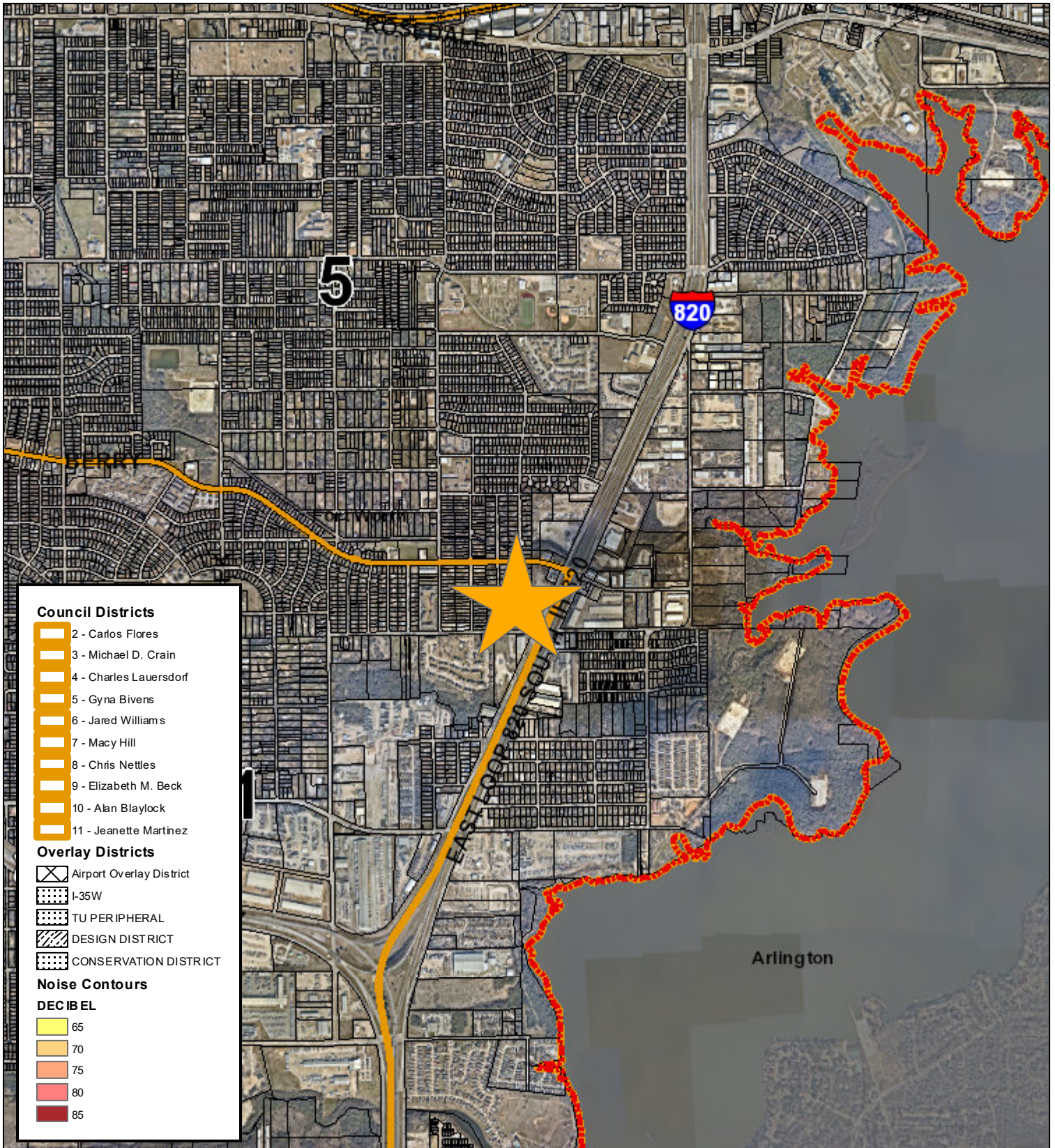
Applicant: Shelia Johnson/Ralph Adams
 Address: 3809 Radford Road
 Zoning From: MU-1
 Zoning To: A-7.5
 Acres: 0.227
 Mapsco: Text
 Sector/District: Southeast
 Commission Date: 4/9/2025
 Contact: 817-392-2806



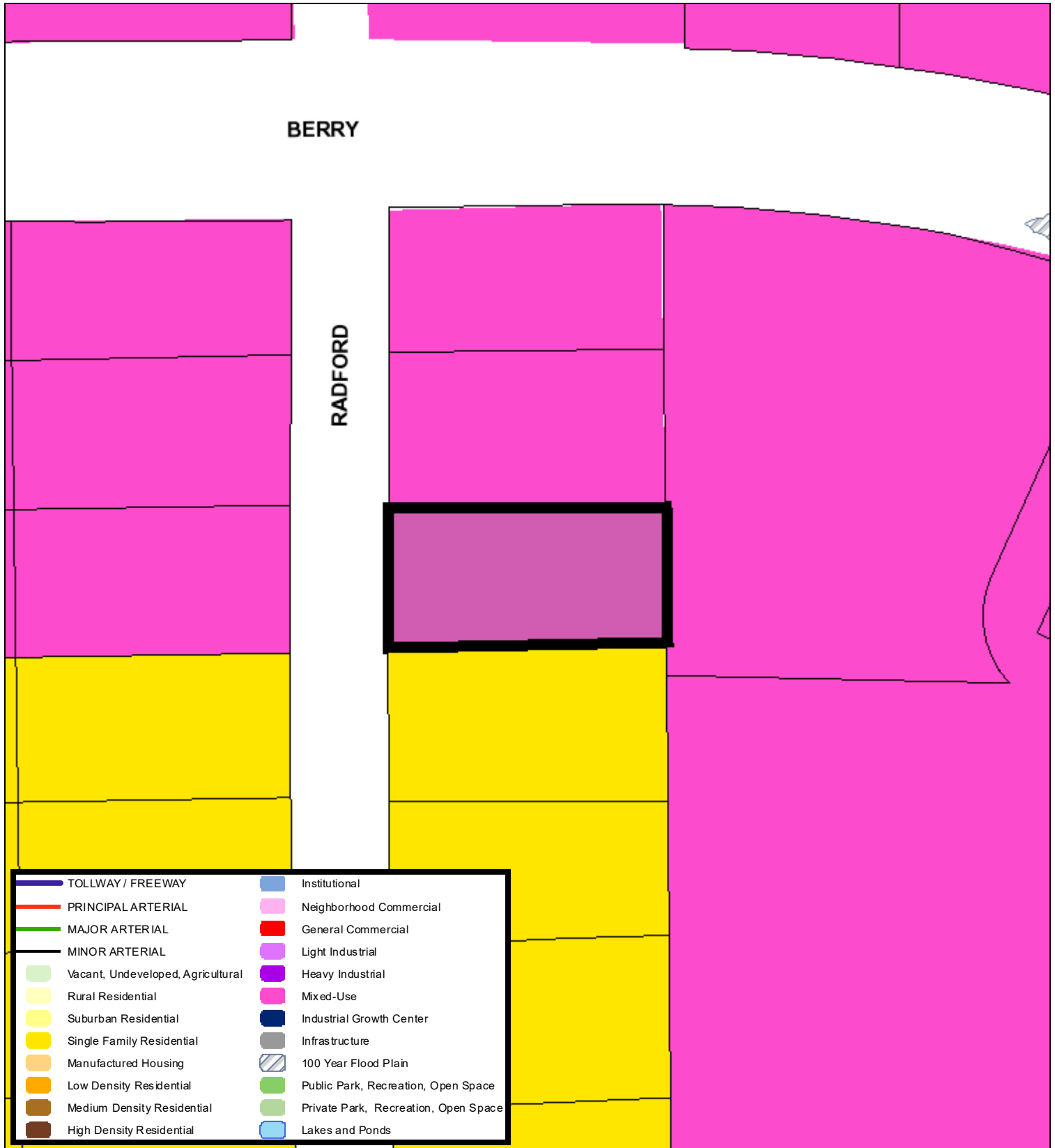
	Subject Area
	300 Foot Notification



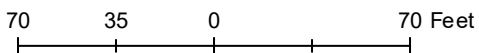
Area Map



Future Land Use



 TOLLWAY / FREEWAY	 Institutional
 PRINCIPAL ARTERIAL	 Neighborhood Commercial
 MAJOR ARTERIAL	 General Commercial
 MINOR ARTERIAL	 Light Industrial
 Vacant, Undeveloped, Agricultural	 Heavy Industrial
 Rural Residential	 Mixed-Use
 Suburban Residential	 Industrial Growth Center
 Single Family Residential	 Infrastructure
 Manufactured Housing	 100 Year Flood Plain
 Low Density Residential	 Public Park, Recreation, Open Space
 Medium Density Residential	 Private Park, Recreation, Open Space
 High Density Residential	 Lakes and Ponds



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 40 80 160 Feet





Zoning Staff Report

Date: April 9, 2025

Case Number: ZC-25-062

District: All

Zoning Map Amendment

Case Manager: [Jaclyn Ingram](#)

Owner / Applicant: City of Fort Worth

Request

Proposed Use: Ordinance text amending Urban Forestry Section of the Comprehensive Zoning Ordinance of the City of Fort Worth, regulations relating to tree coverage, preservation, planting and maintenance; amend Chapter 9, “Definitions,” Section 9.101, “Defined Terms” to revise and add definitions related to Urban Forestry

Request: AN ORDINANCE AMENDING THE COMPREHENSIVE 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 6, “DEVELOPMENT STANDARDS” OF ARTICLE 3, “LANDSCAPING, BUFFERS, AND URBAN FORESTRY” TO REVISE SECTION 6.302 “URBAN FORESTRY” REGULATIONS RELATING TO TREE COVERAGE, PRESERVATION, PLANTING AND MAINTENANCE; AMEND CHAPTER 9, “DEFINITIONS,” SECTION 9.101, “DEFINED TERMS” TO REVISE AND ADD DEFINITIONS RELATED TO URBAN FORESTRY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

Recommendation

Staff Recommendation:

Approval

Table of Contents

Project Description and Background

The primary purpose of this text amendment is to repeal and reinstate Appendix A, Chapter 6, “Development Standards,” Article 3 “Landscaping, Buffers and Urban Forestry,” Section 6.302. Below is the primary language in the Ordinance.

SECTION 1.

That the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by repealing and reinstating in its entirety Appendix A, Chapter 6, “Development Standards,” Article 3 “Landscaping, Buffers and Urban Forestry,” Section 6.302, to read as follows:

§ 6.302 URBAN FORESTRY.

(a) *Purpose.* Trees have a positive economic effect on the city by enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, making the city a more attractive place in which to live, visit and do business. It is the purpose of this section to achieve 30% tree canopy coverage citywide and to promote a multi-aged urban forest. This may be accomplished by addressing the preservation and protection of healthy and significant trees, providing for the replacement and replanting of trees that are removed during development, and establishing additional tree canopy.

(b) *Penalties for violations.*

(1) Any person, firm or corporation who intentionally or knowingly violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any ~~of the~~ provisions of this ordinance may be issued a citation and upon conviction thereof may be fined in an amount not to exceed ~~\$5002,000.00~~. In cases of offenses involving the illegal removal of trees or noncompliance with an approved permit or urban forestry plan, the removal of each tree constitutes a separate offense. In cases of continuing violation, each separate day that a violation continues constitutes a separate offense.

(2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provision of this ordinance may be subject to a civil penalty in accordance with § 2-322 of the city code for the removal of trees. The civil penalty authorized by this subsection may be imposed by the director in addition to the misdemeanor penalty in paragraph (1) of this subsection. The imposition of a civil penalty may be appealed to the city council. Any appeal must be made in writing and must be filed with the director within ten calendar days following the date of the initial written decision of the director. The director shall refer the appeal to the city council and the decision of the city council shall be final. The aggrieved appellant shall bear the burden of proof to show why, by preponderance of the evidence, the civil penalty should not be assessed. The imposition of a civil penalty under this section suspends all permits or permit applications issued to or for the benefit of the property and all work under ~~such~~ any such permits until the civil penalty is fully paid.

(3) Where illegal tree removal has occurred and the physical evidence has been removed from the site, the civil penalty will be assessed based on calculations using any remaining physical evidence, photos and documents available to the city, calculated in accordance with § 2-322 of the city code for significant ~~or large~~

trees removed or damaged.

(4) a. The owner of a single lot within a one-family or two-family residentially zoned district who removes or causes to be removed trees without first obtaining the required permit may be issued an after-the-fact permit. An after-the-fact permit shall be issued if:

1. The applicant can demonstrate that the criteria for removal in the after-the-fact application would meet the regulations in effect at the time the tree was removed: and
2. The applicant has paid the fee for an after-the-fact permit which shall be double the fee ~~offer~~ an urban forestry permit.

b. A citation may be issued in accordance with subsection (b)(1) for a misdemeanor and upon conviction shall be fined not more than \$500 for the removal or damage of each tree and any other violation of this ordinance.

c. If the applicant cannot demonstrate that the criteria for removal in the after-the-fact application would have met the current regulations, then an after-the-fact permit shall not be issued and the person shall be in violation of this subsection, and the person shall be subject to both criminal and civil penalties.

d. A second after-the-fact permit shall not be issued if:

1. ~~Another~~ The person who committed the violation ~~has of this section occurs by a person~~ previously been issued an after-the-fact permit: or
2. ~~The~~ An after-the fact permit was previously issued ~~for on~~ the same propertysite on which an after the fact permit was issued within the previous five years of the date of the second violation.

(c) *Enforcement.* Any code compliance officer or the urban forestry administrator, the city forester or his or her designee shall have the authority to enforce the provisions of this section.

~~(bd)~~ *Applicability of urban forestry requirements.* These requirements in Section 6.302 shall be applicable to all development as described below, unless subject to the exemptions in subsection ~~(ee)~~ below:

- (1) Removal of any trees of six inches or greater in diameter;
- (2) Construction of new structures for which a building permit is required;
- (3) Expansion of structures used for commercial/institutional and industrial uses that increase the footprint of existing structures by at least 30% or add at least 3,000 square feet to existing structures;
- (4) Clearing of all or a portion of property, including grading or construction of a parking lot;
- (5) Subdivision of land greater than one acre for the construction of one- or two-family dwellings, including contiguous lots with the same owner that total more than one acre;
- (6) Construction of manufactured home parks and recreational vehicle parks for which a permit is required and private recreation facilities located in manufactured housing subdivisions;
- (7) Mixed use (“MU”) zoned properties. These properties must provide, through either preservation or planting, 50% canopy coverage of required open space;
- (8) New agricultural development that requires tree removal; and
- (9) Public projects that will physically change the surface or will include removal of trees six inches or

greater.

(ee) *Exemptions from urban forestry requirements.* The following are not subject to urban forestry requirements:

- (1) Structures that do not create or expand building square footage or temporary structures such as job shacks associated with construction activities, when no trees greater than six inches are removed;
- (2) Any single residential lot with a one- or two-family dwelling that is one acre or less in size;
- (3) Change in use of an existing structure, unless the structure is expanded in accordance with subsection (bd)(3) above;
- (4) Any area within a design overlay district or form-based code unless the standards ~~for that district~~ do not address urban forestry;
- (5) Construction or expansion of structures in the “H” central business district;
- (6) Any area located within an airport operating area as defined by § 3-1 of the city code;

(7) Panther Island and work associated with the Trinity River Vision Project, including but not limited to, valley storage projects.

(87) Any tree that is deemed to be in unsafe condition, or is injurious to common good, or to electrical, gas or water utilities, or sewer pipes, pavement or improvements, or is infested and dangerous to other trees or conflicts with other ordinances or regulations as determined by the urban forestry administrator; and

(98) Gas well sites and natural gas pipeline compressor stations, except as outlined in Chapter 15, gas drilling of the city code.

(f) Relief provisions. The purpose of this subsection is to grant a waiver to certain height and setback requirements if the urban forestry regulations, as applied to a development, would unreasonably burden the development of the property. The director or the director’s designee may grant relief in accordance with the following:

(1) Criteria for approval. In deciding whether to grant relief, the director or the director’s designee shall determine that:

- a. all or a part of the urban forestry regulations may deprive the applicant of economically viable use of the property;
- b. the proposed design has minimized the loss of trees and canopy to the extent possible;
- c. the relief requested will not injure the existing or permitted use of adjacent conforming property, will not make the property substantially different from properties within the same zoning category, has no adverse effects on adjacent properties, and would not result in an adverse effect on traffic circulation, drainage or utilities; and
- d. that tree preservation or mitigation unduly burdens the development of the property due to a unique physical circumstance on the property or by reducing the developable portion of the property to 25% of the property.

(2) Relief provided shall be limited to the following:

a. An increase in building height for properties zoned C, CR, CF, E, and ER, up to a maximum of 14 additional feet above the height allowed in the applicable zoning district for the property, subject to compliance with all requirements for building setbacks and bufferyards adjacent to applicable residential districts; and

b. Up to a 50% reduction to the required front, rear or side yard setbacks.

(3) In instances where relief is granted, all requirements for tree preservation and canopy in the urban forestry ordinance must be complied with.

(4) The director, and the director's designee, may decline to grant relief pursuant to this subsection.

~~(d)~~ *General requirements.* The following requirements apply to all development:

(1) *Tree protections and maintenance.*

a. *Procedures required prior to development activities.*

1. *Protective fencing.* Prior to development activities, the contractor or subcontractor shall construct and maintain, for each preserved tree or tree cluster on a tract, a protective fence which encircles the outer limits of the critical root zone of the tree to protect it from development activities. All protective fencing shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed. Fencing shall meet the state minimum standards of a four-foot orange plastic mesh net with T-posts, ~~including a top rail or other type of support~~. Significant trees shall be protected with a minimum four-foot chain link fence with support cables and T-posts.

2. *Signage.* All fencing shall have signs attached every one hundred feet which read "Keep Out, Tree Protection Area" written in contrasting colors in both English and Spanish with letters at least two inches in height. All signs must be at least ten inches high and fourteen inches wide.

~~23. *Bark protection.* In situations where a preserved tree remains in immediate area of intended construction and the urban forestry administrator ~~city forester~~ determines the tree bark to be in danger of damage by development activities, the contractor or subcontractor shall protect the tree by enclosing the entire circumference of the tree with two-inch by four-inch lumber encircled with wire or other means that does not damage the tree. The intent is to protect the bark of the tree against incidental contact by large construction equipment.~~

~~34. *Canopy coverage protection.* All trees being preserved for canopy coverage under subsection (g)(4) below or a significant ~~or large~~ tree covered under subsection (g)(5) below due to size will be protected during any development activities. ~~Development activities will include vegetation removal, grading, demolition, installation of utilities and/or construction of structures and site amenities.~~~~

b. The Pprotective measures in subsection (g)(1)(a)(as defined in this section) must occur on all trees located within 50 feet of development activities.

c. The Pprotective measures in subsection (g)(1)(a) are required within the critical root zone radius from the trunk at one foot per inch diameter measured at ~~breast height (DBH)~~.

d. The following activities within the critical root zone are prohibited:

1. No material intended for use in construction or waste material accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any preserved tree;

2. No equipment shall be cleaned or other liquids deposited or allowed to flow overland with the limits of the critical root zone of a preserved tree. This includes, without limitations, paint, oil, solvents, asphalt, concrete, mortar or similar materials;
3. No signs, wires or other attachments, other than those of a protective nature, shall be attached to any preserved tree;
4. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any preserved tree other than on existing street pavement;
5. No heavy equipment, including, but not limited to, trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors and hoists shall be allowed inside the critical root zone of any preserved tree on any construction site without the specific approval of the urban forestry administrator city forester;
6. No grade change within the critical root zone of any preserved tree without submission of a certified arborist/forester report dealing with protections and the report acceptance by the urban forestry administrator city forester; or
7. No filling activity in the critical root zone of any preserved tree may occur as a permanent condition which may damage the tree. Tree wells may be used to ensure that the root zone is protected.

e. Replacement of any preserved tree which dies within five years due to construction or development activities will be the responsibility of the original applicant property owner. Replacement will be new trees with a minimum of three inches each in diameter and equal to five times the lost canopy. Tree replacement will be guaranteed for an additional period of two years.

(2) *Construction methods.*

- a. *Boring.* Boring of utilities under preserved trees shall be required in those circumstances where it is not possible to trench around the critical root zone of the preserved tree. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of 48 inches.
- b. *Grade change.* In situations where the urban forestry administrator city forester approves a grade change within the critical root zone of a preserved tree, procedures and special conditions shall be approved by the urban forestry administrator city forester in advance of any work.
- c. *Trenching.* All trenching shall be designed to avoid trenching across the critical root zone of any preserved tree, unless otherwise approved by the urban forestry administrator city forester. All work within the critical root zone requires advance approval by the urban forestry administrator city forester. The placement of underground utility lines such as electric, phone, gas, etc., is encouraged to be located outside the critical root zone of preserved trees. Trenching for an irrigation system shall be placed outside the critical root zone, except into the critical root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the critical root zone. Boring is required for all underground utility lines that cross the critical root zone.
- d. *Root pruning.* All roots two inches or larger in diameter which are exposed as a result of trenching or other excavation shall be cut off square with a sharp medium tooth saw and covered with pruning compound within two hours of initial exposure.

- e. *Underground utilities.* All onsite underground utilities with backfill other than onsite material shall have a clay dam every 200 feet for the entire length of the utility placement.
- f. *Paving.* No paving is allowed within the critical root zone of any preserved tree unless otherwise approved by the urban forestry administrator city forester. Approvals will be based upon best management practices for tree preservation.
- (3) *Tree planting to achieve ~~the goal of~~ canopy coverage.*
- a. Trees planted to provide canopy coverage shall be a minimum of two and one-half to three inches each in diameter and each tree planted will be credited ~~its~~ canopy coverage at normal maturity. ~~These credits are~~ as follows, with canopy coverage credit being reduced at the discretion of the City if not meeting the minimum spacing requirements:
1. *Large canopy tree with typical crown width of 50 feet in diameter.* Two thousand square feet (minimum spacing of 40 feet on center);
 2. *Medium canopy tree with typical crown width of 30 feet in diameter.* Seven hundred square feet (minimum spacing of 24 feet on center); and
 3. *Small canopy tree with typical crown width of ten feet in diameter.* One hundred square feet (minimum spacing of eight feet on center).
- b. Tree planting requirements: Table ~~HB~~ is a list of desirable and adapted trees protected species for the Fort Worth area. ~~Other trees~~ Trees other than those listed in Table ~~BH~~ will be considered by the urban forestry administrator city forester and granted on a case-by-case basis. The approval of additional species will be judged on adaptability, long-term health and growth characteristics of the tree type.
- c. The minimum size of tree planted will be two and one-half to three inches in diameter. The caliper measurement of the trunk shall be taken at a point six inches above the ground if the resulting measurement is no more than four inches in diameter. If the resulting measurement is more than four inches, the measurement of the caliper shall be taken at 12 inches above the ground. If the tree is multi-trunk, the main stem will be given full credit for its diameter and all other stems will receive one-half credit. The total of all must be three inches or greater.
- d. All newly planted trees that die within two years of the date of project completion ~~will~~ must be replaced by the current property owner. ~~Any~~ ~~The~~ replacement tree that dies within two years of the date the replacement tree is planted must be replaced by the current property owner. ~~carries the same two-year replacement requirement.~~ The requirement to replace the trees shall run with the land.
- e. A minimum of 16 square feet of permeable surfaces must be provided for all tree plantings.
- f. Expansion of structures used for commercial/institutional and industrial uses: Tree plantings to achieve canopy coverage will be based only on the square footage of the expansion footprint rather than the entire site to ensure at least minimal tree replacement. Only tree removal permits for trees greater than six inches in diameter are required for expansions under 3,000 square feet.
- (4) *Warranty/replacement.* Any preserved tree that dies or becomes hazardous and a threat to public safety or property due to construction activities within five years following the date of issuance of the certificate of occupancy shall be replaced following the criteria outlined above for tree preservation and significant tree replacement by the original applicant or assigned party.

(5) A certificate of occupancy shall not be issued until the requirements of subsection (gh) below are met.

(eh) *Specific requirements based on land use.* The city's goal to achieve a city-wide tree canopy cover of at least 30% and to promote the functional distribution of that canopy throughout various land uses as development occurs through a combination of planting and retention goals and requirements for tree canopy cover. In support of the overall goal of tree canopy cover for the city, the following land use requirements shall apply.

(1) *One- and two-family residential land uses.*

a. Minimum retained or planted canopy coverage shall be 40%;

b. Canopy for new subdivisions: the 40% canopy coverage requirement for one- and two- family residential land uses will be reduced to 25% if:

1. One tree per residential lot is planted on all lots up to 5,000 square feet in area;

2. One additional tree for each additional 5,000 square feet of lot area, or fraction thereof is planted, up to a maximum of nine trees per residential lot; and

3. The remaining portion of the 25% canopy coverage may be provided in public rights- of-way, parks, homeowner's association lots or boundary street parkways.

c. Phased development of residential subdivisions: residential subdivisions that are to be developed in phases must provide a plan that complies with the retention requirements at full build- out as approved on the preliminary plat. If a final plat requests credit for trees in undeveloped phases or units that are planned for future development, it will be necessary for all subsequent plats to identify trees for retention or provide mitigation as needed to obtain the required canopy coverage percentage. Updated plans must be provided to urban forestry as the subdivision is developed.

d. Canopy for existing platted residential lots over one acre:

1. Retained canopy coverage of 25%; and

2. Overall canopy coverage of 40%.

(2) *Multifamily land uses.* Minimum retained or planted canopy coverage shall be 50% of open space.

(3) *Institutional land uses.* Minimum retained or planted canopy coverage shall be 30%.

(4) *Commercial land uses.* Minimum retained or planted canopy coverage shall be 30%.

(5) *Mixed use land uses in "MU" mixed-use zoning.* Minimum retained or planted canopy coverage shall be 50% of open space.

(6) *Industrial land uses.* Minimum retained and planted canopy coverage shall be 20%.

(7) *Surface parking areas.*

a. Minimum canopy coverage shall be 40%;

b. The canopy coverage shall be achieved through preservation of existing trees or tree planting

within the parking field and drives;

c. No requirement for one- and two-family residential uses; and

d. 1. Credit shall be given for preserved or planted trees located outside the subject property within the parkway of adjacent streets.

2. Trees planted to provide canopy coverage shall be a minimum of three inches each in diameter and will be credited its canopy coverage at normal maturity. ~~These credits are~~ as follows with canopy coverage credit being reduced at the discretion of the City if not meeting the minimum spacing requirements:

i. *Large canopy tree with typical crown width of 50 feet in diameter.* Two thousand square feet (minimum spacing of 40 feet on center);

ii. *Medium canopy tree with typical crown width of 30 feet in diameter.* Seven hundred square feet (minimum spacing of 24 feet on center); and

iii. *Small canopy tree with typical crown width of ten feet in diameter.* One hundred square feet (minimum spacing of eight feet on center).

(8) *Public projects (e.g., water, sewer, street or drainage).*

a. Minimum retained and planted canopy coverage shall be 30%; and

b. Public projects may elect to mitigate required canopy coverage through payment into the tree fund at a rate of \$600 per required tree. No mitigation or payment in to the tree fund shall be required if the public project does not prevent the surface from being restored to its original condition or where the public project will not require tree removal.

(9) *Agricultural land uses.*

a. Minimum canopy retention shall be 25%.

b. New agriculture development will require documentation of the existing canopy coverage and a detailed tree survey of the property prior to clearing or grading of the property. The tree survey will include the location, size and species of tree. At the time of development a payment of \$200 per diameter inch will be required for up to 25% of the removed trees over six inches in diameter. The canopy coverage and total diameter inch total will run with the land provided approved documentation is recorded in the applicable county deed records.

(~~h~~) *Delineation of artificial lot.* If a developer wishes to develop a portion of a one acre or larger tract, the developer may request that the director of the development services department, or the director's designee, ~~director~~ delineate the portion of the tract to be developed as an artificial lot, for purposes of calculating urban forestry requirements for the development. Artificial lots may be delineated in any type of development, including schools and places of worship. All artificial lots shall meet the following requirements:

(1) Contain the entire area on which the development is to occur, including all paved areas;

(2) Contain a land area of less than 50% of the entire tract, or, if the proposed artificial lot contains more than 50% of the entire tract, the ~~d~~Director, or the director's designee, must determine that a substantial amount of the tract is not affected by the proposed development; and

(3) Be delineated on the urban forestry plan as provided in subsection (g) below.

(g) *Urban forestry plan/permits.* No activity subject to the urban forestry requirements shall be conducted without the required permit for such activity, as further described below.

(1) *Permits.*

a. Tree removal permit is required:

1. Prior to the removal of a single tree. No permit shall be issued if the remaining canopy coverage is less than the 25% minimum retention; or

2. For the removal of any tree six inches or greater in diameter.

b. Urban forestry permit is required:

1. For the removal of more than one tree;

2. For construction of new structures on properties where a building permit is required, unless exempted under subsection (ee) above.

c. An urban forestry plan is required to be submitted with the urban forestry permit.

d. An approved urban forestry permit will run with the land. If the project scope or configuration changes prior to any disturbance of the land, the approved urban forestry permit is invalid and the owner/developer shall apply for a new permit.

e. An urban forestry permit shall expire on the fifth anniversary of the date the permit was issued if no progress has been made toward implementation of the urban forestry plan.

(2) *Urban forestry plan.*

a. Submission of an urban forestry plan is required for the issuance of an urban forestry permit and is required before or at the time of application for building permit. At the time of submission of the urban forestry plan, the applicant shall elect a method of preservation of existing canopy under subsection (g)(4) below.

b. If no trees exist on the site, the applicant shall document the existing conditions and comply with urban forestry plan application requirements below, ~~but shall not be required to elect a method of preservation of existing canopy under subsection (g)(4) below.~~

(3) *Urban forestry plan application requirements.* Prior to any platting activity, site plan preparation and submission for development, demolition, disruptive activities (including clearing and grading) or tree removal, the following information must be submitted through a two-part process.

a. *Part One: documentation of existing conditions.*

1. The first submittal shall include two copies of a scaled diagram of the subject property in which development, disruption or tree removal is proposed. The scaled diagram may be an engineered drawing, survey, air photo or other illustration. Part One will reflect the existing conditions by including the following information:

i. Boundaries of the property and its calculated area, i.e., acres, square feet;

ii. Location map showing the proximity of the property to the nearest streets;

- iii. Outline of the existing tree canopy area on the property and the calculated area (square feet or acres) of existing canopy coverage, differentiating between the canopy of protected and unprotected tree species using Tables A and B in subsection (n) of this Section. Properties with no existing protected canopy shall indicate such conditions;
 - iv. Scaled existing or proposed utilities regulated by the public utility commission and/or Texas railroad commission. Indicate the calculated area (square footage or acres) for these rights-of-ways or easements;
 - v. Location of each significant ~~or large~~ tree as defined in § 9.101, its species and canopy area; and
 - vi. Tables ~~B, C, D, and E~~ and F in subsection (h) below.
2. Upon completion and approval of Part One documentation, tree removals will be granted if a minimum of 50% of the existing protected tree canopy is retained. The documentation of pre-development canopy coverage shall be maintained with the property until development occurs. The required retention indicated in Part One documentation will be achieved within the area remaining after the initial clearing.
3. Part One documentation shall expire on the second anniversary of the date of approval if no progress has been made toward completion of a Part Two submission. If tree removals occur after approval of Part One documentation, but the Part One documentation subsequently expires, the new Part One application shall be based on the conditions on the property when the original Part One application was submitted to the City.
- b. *Part Two: Components of the urban forestry plan.* Part Two will overlay the proposed improvements and removals/preservations/ plantings. Two copies shall be provided and shall include the following information:
- 1. Scaled site plan depicting the location of proposed structures, parking areas, drives, ~~and~~ amenities, construction material storage areas, and other construction impacts;
 - 2. Tree canopy areas that are desired to be removed;
 - 3. Location and description of trees (large, medium or small canopy crown) that will be planted from Table ~~FB~~ to reach the minimum canopy as stated in subsection (~~eh~~) above; and
 - 4. Tables G and H in subsection (h) below.
- (4) ~~General preservation methods requirements offer protected tree species canopy. At the submission of an urban forestry plan/permit application, the applicant shall elect one of the following tree preservation of existing canopy compliance methods.~~
- ~~a. Method "A." Preservation of existing canopy coverage regardless of tree species:~~
 - ~~1. At least 25% of the existing canopy coverage must be retained, regardless of tree species, on all properties greater than one acre, provided however, significant or large trees must be preserved as outlined in subsection (g)(5) below. The existing canopy can be determined via recent air photo, on the ground survey or other approved method by the city forester;~~
 - ~~2. Property located in floodplains or located in areas that will be dedicated to public spaces may~~

~~be counted toward the required 25% minimum retention;~~

~~3. Calculation of all canopy coverage and retention areas will not include utility rights-of-way or easements covered under the rules and regulation of the public utility commission and/or Texas railroad commission;~~

~~4. To remove more than the minimum retention will require a waiver from the urban design commission; and~~

~~5. The overall canopy coverage percentage requirement must be met by planting the size and species of protected trees in Table A, Protected Trees, in subsection (l) below:~~

~~b. Method "B." Preservation of existing canopy coverage using protected trees only. Protected trees must be on the site to use this method. See Table A of subsection (l) below for a list of protected trees:~~

a. Existing canopy coverage of protected species shall be retained as follows:

1. For property greater than one acre, at least a minimum of 25% of the tree canopy of protected trees listed in Table B of subsection (n) on the property being developed must be retained;

2. A minimum of 50% of the tree canopy of post oaks and blackjack oaks on the property must be retained and shall be credited towards the 25% minimum tree canopy required for protected trees set forth in subsection (j)(4)(1); and

3. In addition to the requirements in subsections (j)(4)(1) and (j)(4)(2), provided however, significant or large trees must be preserved as outlined in subsection (ji)(5) below. The total overall retained and planted canopy coverage for the applicable land use must meet a total of 5% over the required minimum canopy coverage. (e.g., residential coverage would be a minimum of 45%, commercial coverage would be a minimum of 35% and industrial would be a minimum of 25%); and

ba. If only unprotected tree species exist on the property being developed, no preservation requirement will apply, but the applicant shall provide additional documentation to verify the existing conditions, including but not limited to, photographs or a report by an arborist. The property may be inspected to verify the existing conditions.

eb.2. An onsite tree survey noting the location, size and species, (diameter of trees six inches or greater) and canopy coverage of each protected tree with a diameter of six inches or greater will be required. This survey shall be completed and signed/sealed by one of the following: Texas licensed landscape architect, certified arborist, Texas licensed landscape contractor or Texas certified nurseryman.

(5) *Preservation of significant ~~or large~~ trees.*

a. Significant ~~or large~~ protected trees listed in section (n), Table B that are ~~2724~~ inches in diameter (84.8275.36 inches in circumference) for the entire city or 18 inches in diameter (56.55 inches in circumference) for and Ppost Oaks and Bblackjack Oaks east of Interstate Highway 35W that are 18 inches in diameter (56.55 inches in circumference) can only be removed by permit issued by ~~of the urban forestry administrator~~ city forester. The reduced diameter for post Oaks and Blackjack Oaks east of IH 35W is in recognition of the naturally occurring Post Oak Savannahs within the Cross Timbers Zone. Preservation of a significant ~~or large~~ tree will be credited to the required preserved canopy cover one and one-half times the actual canopy size.

b. Significant ~~or large~~ trees may be removed if one of the following conditions is met:

1. An area one and one-half times the area of the canopy of the tree identified for removal is retained on the same site or offsite when designated as part of the associated urban forestry permit. If a significant post oak or blackjack oak is being removed, the retained canopy must be a post oak or blackjack oak. For any other significant protected tree, the retained canopy may be any protected species. ~~The one and one-half retention of existing trees shall be of the same species as the tree being removed in the Post Oak Savanna as indicated on Exhibit "A" or from the~~ protected list if not in the Post Oak Savanna and The retained canopy shall be in addition to excess of the required tree canopy coverage on the site/tract;

- 2. Planting of new trees from the preferred protected tree list (see Table ~~FB~~ of subsection (ln) below) at five times greater in canopy area than the removed specific tree canopy. The additional planting of five to one (5 to 1) will be in excess of the required tree coverage on the site or offsite when designated as part of the associated urban forestry permit;

3. Payment into the tree fund ~~based upon the~~ in accordance with Section 2-322 of the City Code for the mitigation fee for removal of significant tree total diameter of the specific tree times \$200 per diameter inch, or \$4.94 per square foot of canopy; or

4. The Urban ~~d~~Design ~~e~~Commission approves a plan that mitigates the removal of significant ~~or large~~ trees.

(6) *Urban forestry plan amendments.*

a. *Minor amendments.* Minor amendments to an approved urban forestry plan may be approved administratively if one of three conditions below is met:

1. An increase in the total canopy;

2. Adjustments in the type of tree to be planted, considering that trees from the protected tree list in Table B of preferred trees must be replaced with trees from the protected tree list in Table B said list; or

3. Any adjustments in planting location required due to site specific issues including traffic circulation, safety, drainage or utilities, given that the adjustments include only the relocation of trees of the same type and size as provided on the approved urban forestry plan. These adjustments cannot include the removal or transplantation of a tree not considered in the approved urban forestry plan.

b. Amendments that do not meet any of the conditions in subsection (g)(6)a. of this section must be submitted to and approved by the urban design commission before construction begins.

(hk) *Urban forestry development agreement.*

(1) *The urban forestry development agreement ("agreement").*

a. The agreement is intended to facilitate the development of large tract developments, other than single-family or two-family developments, under common ownership which would meet or exceed an overall canopy coverage of 30% for all properties included in the agreement. The intent of a development agreement is to allow areas with more extensive canopy to remain and contribute to the 30% overall coverage while allowing the canopy in other development areas to be reduced. Individual properties that are subject to the agreement are required to maintain canopy coverage requirements for different land use types as outlined in subsection (hk)(1)(c). below.

b. The original application for an agreement shall include an initial spreadsheet of minimum canopies and acreages, the form of which is provided in Table I of subsection (1n) below. Thereafter, Table J of subsection (1n) below shall be completed with the provided canopies and acreages included at the time of each subsequent submittal as property/tracts are being developed. These updates shall be provided at the time of submittal of each individual Part One document.

No approval shall be granted nor tree removals to be completed without the submission of the Table J form as set forth in subsection (1n) below.

c. The agreement must be presented to the city council for approval prior to its execution. Any amendments may be approved administratively if the regulations of this subsection (1k) are satisfied. The initial submission for approval of an agreement shall include:

1. A map all of the properties to be included in the agreement, identified by land use and acreage;
2. Individual maps of each land use type (commercial, industrial, etc.); and
3. Table I of subsection (1n) below.

(2) *Overall Part One permit.* An overall Part One permit as part of an agreement will be issued if the following conditions are met:

a. Minimum acreage allowed shall be 1,000 acres with all of the acres to be located within the same watershed. Applicant shall provide an exhibit depicting all of the property/tracts and acreages that will be subject to the agreement;

b. The property/tracts subject to the agreement shall be separated by land use type, but shall not include single-family or two-family development. Applicant will provide exhibits for each land use type for the initial submittal and will update for subsequent submittals. Canopy requirements will be tracked by land use type;

c. The minimum canopy coverage for each tract described in an agreement shall be:

Commercial	15%	Parking	40%
Industrial	10%	Parking	20%
Airport industrial	5%	Parking	20%
Multifamily	25% of required open space		

d. All of the acreage to be included in an agreement shall be under common ownership at the time of the agreement, under a currently approved overall Part One, or part of an approved concept plan or preliminary plat. A list shall be provided of any separate corporations to be included in an agreement documenting that all are part of the same parent company. The list shall be provided with the initial overall Part One submission and shall provide the filing number associated with the articles of incorporation filed with the Texas Secretary of State.

e. The overall Part One permit shall not expire for a period of 15 years and may be renewed for additional ten-year periods. Renewals will be approved administratively if the permit remains under the same terms and conditions of the original agreement approved by the city council or with amendments

approved administratively. Progress shall be defined as the platting, permitting or vertical construction on the properties. The expiration period in subsection (g)(3)a.3. above shall apply to the individual Part One submissions. Individual Part One permits shall be defined as property/tracts that are submitted for approval after the date of execution of the agreement.

f. The agreement shall run with the land and properties which are included in the original agreement and subsequently sold shall remain under the terms of the agreement regardless of future ownership. The agreement shall be recorded in the real property records in the county which the property subject to the agreement is located. Recordation shall be the responsibility of the applicant, including the cost of recording fees. Within 14 days after execution and recordation, a copy of the recorded documentation shall be provided to the city. The Part One permit shall not be issued until the recorded copy is received.

g. Future acquired properties by the original applicant of the agreement may be included in the agreement after a recalculation of the canopy coverage and approval by staff if the conditions of this section are met. Acquired properties not included in the agreement shall be subject to the regulations of this section. Additional properties may not be included into the agreement within three years of the end of the initial term of the agreement. No properties shall be allowed to be added to the agreement during any renewal terms.

(l) Conservation Easements. A conservation easement to ensure the continual preservation of the trees being planted or preserved may be granted to a land trust or other public agency approved by the City in accordance with this subsection under the following conditions: 1) when approval is granted by the urban forestry administrator for trees to be preserved or planted on a separate property from the property being developed; and 2) the form of the easement is acceptable to the City Attorney's Office.

(h) *Appeals.*

(1) If the urban forestry administrator city forester, or other city official, refuses to accept or issue an urban forestry plan/permit, or if the applicant disagrees with the decision of city staff, the applicant may request an appeal of the decision to the urban design commission within ten days after the decision of city staff. The appeal shall be in writing and shall be transmitted to the executive secretary of the urban design commission within ten days after receipt of notification that the urban forestry administrator city forester will not accept the urban forestry plan/permit.

(2) The urban design commission shall consider the appeal within 30 days after the appeal is received by the board's executive secretary or as soon thereafter as reasonably practical, unless the applicant requests a later hearing in writing. The urban design commission shall not release the applicant from the requirements of this ordinance, unless the applicant first presents credible evidence from which the urban design commission can reasonably conclude application of this ordinance to the applicant would be likely to deprive the applicant of rights protected by law.

(3) The urban design commission may take the following actions on an appeal:

- a. Deny the appeal, in which case the urban forestry plan/permit shall not be accepted or granted;
- b. Grant the appeal and direct the urban forestry administrator city forester to accept and approve the urban forestry plan/permit; or
- c. Grant the appeal subject to such provisions, conditions or limitations as deemed appropriate by the urban design commission.

(4) In no event shall acceptance of an application guarantee that the city will issue the urban forestry

plan/permit, unless the permit application is in compliance with all applicable codes, laws and regulations.

(5) Appeals of the urban design commission will be heard ~~by the district court in accordance with Section 2.102(g) of the Zoning Ordinance.~~

~~(j) Penalties for violation.~~

~~(1) 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 may be issued a citation and upon conviction thereof may be fined in an amount not to exceed \$500. In cases of offenses involving the illegal removal of trees or noncompliance with an approved permit or urban forestry plan, the removal of each tree constitutes a separate offense. In cases of continuing violation, each separate day that a violation continues constitutes a separate offense.~~

~~(2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provision of this ordinance may be subject to a civil penalty in accordance with § 2-322 of the city code for the removal of trees. The civil penalty authorized by this subsection may be imposed by the director in addition to the misdemeanor penalty in paragraph (1) of this section. The imposition of a civil penalty may be appealed to the city council. Any appeal must be made in writing and must be filed with the director within ten calendar days following the date of the initial written decision. The director shall refer the appeal to the city council and the decision of the city council shall be final. The aggrieved shall bear the burden of proof to show why, by preponderance of the evidence, the civil penalty should not be assessed. The imposition of a civil penalty under this section suspends all permits or permit applications issued to or for the benefit of the property and all work under such any permits until the civil penalty is fully paid.~~

~~(3) Where illegal tree removal has occurred and the physical evidence has been removed from the site, the civil penalty will be assessed based on calculations using any remaining physical evidence, photos and documents available to the city, calculated in accordance with § 2-322 of the city code for significant or large trees removed or damaged.~~

~~(4) a. The owner of a single lot within a one-family or two-family residentially zoned district who removes or causes to be removed trees without first obtaining the required permit may be issued an after-the-fact permit. An after-the-fact permit shall be issued if:~~

- ~~1. The applicant can demonstrate that the criteria for removal in the after-the-fact application would meet the regulations in effect at the time the tree was removed; and~~
- ~~2. The applicant has paid the fee for an after-the-fact permit which shall be double the fee of a urban forestry permit.~~

~~b. A citation may be issued for a misdemeanor and upon conviction shall be fined not more than \$500 for the removal or damage of each tree.~~

~~c. If the applicant cannot demonstrate that the criteria for removal in the after-the-fact application would have met the current regulations, then an after-the-fact permit shall not be issued and the person shall be in violation of this section, subject to both criminal and civil penalties.~~

~~d. A second after-the-fact permit shall not be issued if:~~

- ~~1. Another violation of this section occurs by a person previously issued an after-the-fact permit; or~~

2. ~~The after the fact permit was issued on the same site on which an after the fact permit was issued within five years of the date of the second violation.~~

~~(k) Enforcement. Any code compliance officer, the city forester or his or her designee shall have the authority to enforce the provisions of this section.~~

(ln) Tables.

<u>Table A.</u> <u>Unprotected Tree Species</u>	
<u>Ash</u>	<u><i>Fraxinus sp.</i></u>
<u>Ash juniper</u>	<u><i>Juniperus ashei</i></u>
<u>Bradford pear</u>	<u><i>Pyrus calleryana</i></u>
<u>Chinaberry</u>	<u><i>Melia azeoarach</i></u>
<u>Chinese Tallow</u>	<u><i>Triadica sebifera</i></u>
<u>Cottonwood</u>	<u><i>Populus deltoides</i></u>
<u>Golden raintree</u>	<u><i>Koelreuteria paniculata</i></u>
<u>Hackberry/ Sugarberry</u>	<u><i>Celtis laevigata</i></u>
<u>Ligustrum</u>	<u><i>Ligustrum sp.</i></u>
<u>Mesquite</u>	<u><i>Prosopis glandulosa</i></u>
<u>Mimosa</u>	<u><i>Albizia julibrissin</i></u>
<u>Mulbery</u>	<u><i>Morus alba</i></u>
<u>Osage Orange/ Bois de' Arc (fruiting)</u>	<u><i>Maclura pomifera</i></u>
<u>Siberian elm</u>	<u><i>Ulmus pumila</i></u>
<u>Silver maple</u>	<u><i>Acer saccharinum</i></u>
<u>Tree of Heaven</u>	<u><i>Ailanthus altissima</i></u>
<u>Willow</u>	<u><i>Salix sp.</i></u>
* Any species of tree, shrub, vine or grass listed in the Nonnative Invasive Plants of Southern Forests, published by the United States Department of Agriculture Forest Service.	

<u>Table A. Protected Trees</u>	
<u>Redbud</u>	<u><i>Cereis canadensis</i></u>
<u>Mexican Plum</u>	<u><i>Prunus mexicana</i></u>
<u>Cherry Laurel</u>	<u><i>Prunus caroliniana</i></u>
<u>Eve's Necklace</u>	<u><i>Sophora affinis</i></u>
<u>Crab Apple</u>	<u><i>Malus angustifolia</i></u>

Bradford Pear	<i>Pyrus calleryana</i> var. <i>Bradford</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Caddo Maple	<i>Acer barbatum</i> var. <i>Caddo</i>
Red Maple	<i>Acer rubrum</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Red Oak	<i>Quercus shumardii</i>
Texas Red Oak	<i>Quercus texana</i>
Post Oak	<i>Quercus stellata</i>
Blackjack Oak	<i>Quercus marilandica</i>
Pecan	<i>Carya illinoensis</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Cedar Elm	<i>Ulmus crassifolia</i>
American Elm	<i>Ulmus americana</i>
Bald Cypress	<i>Taxodium distichum</i>
Black Walnut	<i>Juglans nigra</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Texas Ash	<i>Fraxinus texensis</i>
Southern Magnolia	<i>Magnolia grandiflora</i>

Table B. Protected Species		
Large Canopy Trees (over 40 feet tall and 20 inches or more in diameter when mature)		
American elm	<i>Ulmus americana</i>	Not recommended for parking lots
Baldcypress	<i>Taxodium distichum</i>	Not recommended for parking lots
Black walnut	<i>Juglans nigra</i>	
Bur oak*	<i>Quercus macrocarpa</i>	
Cedar elm*	<i>Ulmus crassifolia</i>	
Chinquapin oak*	<i>Quercus muhlenbergii</i>	
Lacebark elm	<i>Ulmus parvifolia</i>	
Live oak*	<i>Quercus virginiana</i>	
Pecan	<i>Carya illinoensis</i>	Not recommended for high heat areas

Pond cypress	<i>Taxodium ascendens</i>	
Post oak	<i>Quercus stellate</i>	Must preserve 50% if on site
Red oak	<i>Quercus shumardii</i>	Not recommended for high heat areas
Medium Canopy Trees (25 to 50 feet tall, 10 to 20 inches in diameter when mature)		
Afghan pine*	<i>Pinus elderica</i>	
Arizona cypress*	<i>Hesperocyparis arizonica</i>	
Blackjack oak	<i>Quercus marilandica</i>	Must preserve 50% if on site
Bigtooth maple*	<i>Acer grandidentatum</i>	
'Caddo' maple*	<i>Acer saccharum 'Caddo'</i>	
Chinese pistache*	<i>Pistache chinensis</i>	
Eastern redcedar*	<i>Juniperus virginiana</i>	
Ginkgo	<i>Ginkgo biloba</i>	
Japanese Black Pine	<i>Pinus thunbergiana</i>	
Lacey oak	<i>Quercus laceyi</i>	
Monterrey oak*	<i>Quercus polymorpha</i>	
Shantung maple	<i>Acer truncatum</i>	
Shin oak (Bigelow)	<i>Quercus sinuata var. breviloba</i>	
Southern magnolia	<i>Magnolia grandiflora</i>	Not recommended for high heat areas
Texas red oak	<i>Quercus buckleyi</i>	
Trident maple	<i>Acer buergerianum</i>	
Western soapberry*	<i>Sapindus saponaria</i>	
Small Canopy Trees (less than 25 feet tall or 10 inches in diameter when mature)		
American smoketree	<i>Cotinus obovatus</i>	
Carolina buckhorn	<i>Frangula caroliniana</i>	Not recommended for high heat areas
Cherry-laurel	<i>Prunus caroliniana</i>	
Crapemyrtle*	<i>Lagerstroemia indica</i>	
Desert willow*	<i>Chilopsis linearis</i>	
Eve's necklace*	<i>Styphnolobium affine</i>	
Indian cherry	<i>Frangula caroliniana</i>	
Japanese maple	<i>Acer palmatum</i>	Not recommended for high heat areas
Mexican buckeye	<i>Ungnadia speciosa</i>	
Mexican plum	<i>Prunus mexicana</i>	
Possumhaw holly	<i>Ilex decidua</i>	
Rough -leaf dogwood	<i>Cornus drummondii</i>	Not recommended for high heat areas

Rusty blackhaw	<i>Viburnum rufidulum</i>	
Texas persimmon*	<i>Diospyros texana</i>	
Texas redbud	<i>Cercis canadensis var. texensis</i>	
Vitex	<i>Vitex agnus-castus</i>	
Waxmyrtle	<i>Myrica cerifera</i>	
Yaupon holly*	<i>Ilex vomitoria</i>	
* Drought tolerant species		



Table BC. Net Urban Forestry Area		
Net Urban Forestry Area	Square Feet	Acres
Gross area of property		
Utility rights-of-way or easements regulated by the public utility commission/Texas railroad commission	—	—
Net urban forestry area		

Table CD. Required Tree Canopy Area		
	Square Feet	Acres
Net urban forestry area		
Land use/canopy coverage ratio	x	
One- or two-family (40% coverage)		
One- or two-family with trees planted on individual lots (25% coverage)		
Commercial (30% coverage)		
Industrial (20% coverage)		
Additional 5% if only protected trees are being preserved		
Required canopy coverage		

Table DE. Minimum Canopy Retention		
	Square Feet	Acres
Existing tree canopy area		
Preservation requirement	X 0.25	X 0.25
Additional 5% if only protected trees are being preserved <u>Preservation requirement for post oak and blackjack oak</u>	<u>X0.5</u>	<u>X 0.5</u>
Minimum retention		

Table EF. Significant Tree Removal			
	Calculation	Inches DBH	Canopy Sq. Ft.
All Post Oaks/Blackjack Oaks 20 <u>18</u> inches DBH <u>dbh</u> (if east of I-35)			
All other trees 30-24 inches DBH <u>dbh</u> (regardless of species or location)			
Total of significant trees to be preserved			
Significant tree preservation credit	(sq. ft. x 1.5)		
Total of significant trees to be removed	()		
Removal options (choose one):			
Retention of existing canopy 1.5X the canopy of removed significant trees—in excess of minimum retention	(sq. ft. x 1.5)		
Planting additional trees 5X the canopy of removed significant trees—in excess of total planting	(sq. ft. x 5)		
Payment into tree fund for total inches DBH <u>dbh</u> of significant trees removed @ \$200 per inch DBH <u>dbh</u> in accordance with Section 2-322 of the City Code	(sq. ft. x \$ 200 300)		
Urban design commission approved plan that mitigates the removal of the significant tree(s)			

Table F. Preferred Tree List	
Large Canopy Trees	-
Pecan #	<i>Carya illinoensis</i>
Deodar Cedar	<i>Cedrus deodara</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Southern Magnolia #	<i>Magnolia grandiflora</i>
Bur Oak *	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Shumard Oak #	<i>Quercus shumardii</i>
Texas Red Oak	<i>Quercus buckleyi</i>
Live Oak *	<i>Quercus virginiana</i>

American Elm	<i>Ulmus americana</i>
Cedar Elm *	<i>Ulmus crassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Medium Canopy Trees	-
Caddo Maple *	<i>Acer barbatum var. Caddo</i>
Bigtooth Maple *	<i>Acer grandidentatum</i>
Common Persimmon	<i>Diospyros virginiana</i>
Texas Ash	<i>Fraxinus texensis</i>
Ginkgo	<i>Ginkgo biloba</i>
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>
Eastern Red Cedar *	<i>Juniperus virginiana</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Eldarica (Afghan) Pine *	<i>Pinus eldarica</i>
Italian Stone Pine	<i>Pinus pinea</i>
Chinese Pistache *	<i>Pistacia chinensis</i>
Honey Mesquite *	<i>Prosopis glandulosa</i>
Blackjack Oak *	<i>Quercus marilandica</i>
Monterrey (Mex. White) Oak *	<i>Quercus polymorpha</i>
Western Soapberry *	<i>Sapindus drummondii</i>
Pond Cypress	<i>Taxodium ascendens</i>
Bald Cypress *	<i>Taxodium distichum</i>
Small Canopy Trees	-
Japanese Maple #	<i>Acer palmatum</i>
Common Button-bush	<i>Cephalanthus occidentalis</i>
Redbud *	<i>Cercis canadensis</i>
Desert Willow *	<i>Chilopsis linearis</i>
Rough-leaf Dogwood #	<i>Cornus drummondii</i>
Texas Persimmon *	<i>Diospyros texana</i>
Carolina Buckthorn #	<i>Frangula caroliniana</i>
Yaupon Holly *	<i>Ilex vomitoria</i>
Deciduous Holly	<i>Ilex decidua</i>
Creape Myrtle *	<i>Lagerstroemia indica</i>
Mexican Plum *	<i>Prunus mexicana</i>
White-Shin Oak *	<i>Quercus sinuata var. breviloba</i>
Flameleaf Sumac *	<i>Rhus lanceolata</i>

Eve's Necklace *	<i>Sophora affinis</i>
Mexican Buckeye *	<i>Ungnadia speciosa</i>
Rusty Blackhaw	<i>Viburnum rufidulum</i>
* — Drought tolerant species	

— Not recommended for parking lots or high heat areas

	Square feet	Acres
Area of existing tree canopy retained		
Planting		
____ large canopy trees @ 2,000 square feet per tree (minimum spacing of 40 feet on center)		
____ medium canopy trees @ 700 square feet per tree (minimum spacing of 24 feet on center)		
____ small canopy trees @ 100 square feet per tree (minimum spacing of 8 feet on center)		
____ additional trees		
Total preservation and planting		

Parking Areas for Commercial or Industrial Uses	Square Feet	Acres
Area of parking and drives		
Required canopy coverage of parking areas	X 0.4	X 0.4
Required canopy coverage		
Area of canopy coverage being provided		

Overall Canopy (enter Land Use Type) - Part 1		
<i>Net Urban Forestry Area</i>	<i>Square Feet</i>	<i>Acres</i>

Gross area of property		
Utility easements		
Net urban forestry area		
Required Tree Canopy Area	Square Feet	Acres
Net area		
Canopy ratio		
Required tree canopy coverage		
Preservation/Retention of Existing Canopy	Square Feet	Acres
Existing tree canopy		
Preservation requirement (20, 30, 40%)		
Minimum retention of existing tree canopy		
Area of existing tree canopy retained		
Preservation ratio		
Retention of Canopy for Significant and Large Tree Canopy Removal	Square Feet	Acres
Significant and large tree canopy to be removed		
Preservation requirement (150%)		
Minimum retention of existing tree canopy for removal of significant and large tree canopy		
Area of existing tree canopy retained for removal of significant and large tree canopy		

U F C #	Proj ect Na me	Proje ct Addr ess	Site Acre age	Us ag e Cl ass	Canopy Coverage Required (sq. ft.)	Canopy Coverage Provided (sq. ft.)	Off Site Mitigation? (Y/N)	Beginnin g Land Balance	Ending Land Balanc e

SECTION 2.

That the Code of the City of Fort Worth (1986), as amended is hereby further amended by amending Appendix A, Chapter 9, “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 9.101, “Defined Terms” to amend certain definitions and add definitions related to urban

forestry to read as follows:

§ 9.101 DEFINED TERMS

URBAN FORESTRY ADMINISTRATOR/CITY FORESTER. For the purpose of tree preservation, that person or persons designated by the director of ~~planning and development~~ the development services department to provide administrative review and approval of urban forestry plans/permits (urban forestry compliance section).

PROTECTED TREE. Any tree listed in Table ~~AB~~, Section 6.302.

~~SIGNIFICANT OR LARGE TREE.~~ A protected tree that is 2724 inches in diameter (~~75.3684.82~~ inches in circumference) ~~for the entire city~~ or 18 inches in diameter (56.55 inches in circumference) for post oaks and blackjack oaks ~~east of Interstate Highway 35 West.~~

DIAMETER OF AN EXISTING TREE. That measurement of the size/diameter of a tree as determined by measuring at four and one-half feet above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus half the diameter of each additional trunk.

TREE. A woody plant having at least one well-defined stem or trunk, a defined crown and a mature height of at least ten feet. ~~Any object of natural growth.~~

TREE REMOVAL. The cutting, destroying, removing, moving, poisoning, banding, marking or effectively destroying through damaging, any tree six inches or greater in diameter, regardless of species, situated on property regulated by the zoning ordinance without first obtaining an urban forestry plan/permit from the city forester.

TREE REMOVAL PERMIT. A permit required for the removal of a single tree as required under § 6.302.

URBAN FORESTRY PERMIT. A permit required under § 6.302 for the removal of more than one tree or the construction of new structures on properties greater than one acre for where a building permit is required.

URBAN FORESTRY PLAN. A plan showing the location of existing canopy coverage and any trees that are classified as large or significant as per § 6.302 ~~(g)(3)~~. on the site, the location of all easements, the location of all proposed buildings, a grading plan, if applicable; the trees desired to be removed, the trees that shall remain on the site, and an accompanying document indicating the reason for the proposed removal of any tree, and if applicable, a description on how the existing healthy trees proposed to be retained will be protected from damage from construction.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE 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 6, “DEVELOPMENT STANDARDS” OF ARTICLE 3, “LANDSCAPING, BUFFERS, AND URBAN FORESTRY” TO REVISE SECTION 6.302 “URBAN FORESTRY” REGULATIONS RELATING TO TREE COVERAGE, PRESERVATION, PLANTING AND MAINTENANCE; AMEND CHAPTER 9, “DEFINITIONS,” SECTION 9.101, “DEFINED TERMS” TO REVISE AND ADD DEFINITIONS RELATED TO URBAN FORESTRY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 211 of the Texas Local Government Code allows a municipality to regulate land use for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, the Attorney General of Texas has ruled that a home-rule city may enforce its reasonable land development regulations for the purposes of maintaining aesthetics and property values which would include landscaping and tree preservation (AG Opinion No. GA-0697); and

WHEREAS, in order to maintain and enhance a positive image and a livable city it is important to promote site planning which furthers the preservation of mature trees and to protect trees during construction, to facilitate the design and construction which contribute to the long-term viability of existing trees and to control the removal of trees when necessary; and

WHEREAS, the City Council recognized that there was a need to establish regulations addressing the protection of healthy and significant trees and to provide for the replacement and replanting of trees that are necessarily removed during construction, development or redevelopment in an expeditious manner and with due regard for the legal rights of property owners; and

WHEREAS, it was the intent of the regulations to limit the removal of tree canopy, promote an urban forest, promote the orderly development of the City of Fort Worth, and to protect the public health, safety and general welfare of the citizens of the City of Fort Worth; and

WHEREAS, the regulations had the following objectives: to eliminate the process of clear cutting; to promote the preservation/conservation of trees throughout the City; to recognize the benefits of trees in the urban environment; to encourage the planting and preservation of quality

trees that are suitable to an area; to promote a safe environment that includes trees; to aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, wind and heat abatement; to provide visual buffering within and between land uses of differing character to alleviate the harshness of urban life; to enhance the beautification and aesthetics of the City; to safeguard and enhance property values and to protect public and private investment; to conserve energy; to provide habitat for wildlife; and to encourage the preservation of large trees which, once removed, can be replaced only after generations; and

WHEREAS, it is advisable that the City Council amend the urban forestry regulations governing the preservation and removal of trees within the City; to allow the removal of trees that are short lived and fast growing and invasive to disturbed land or open fields, to codify procedures to increase efficiency and effectiveness, and to incentivize the installation of drought resistant and a variety of tree types.

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

SECTION 1.

That the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by repealing and reinstating in its entirety Appendix A, Chapter 6, "Development Standards," Article 3 "Landscaping, Buffers and Urban Forestry," Section 6.302, to read as follows:

§ 6.302 URBAN FORESTRY.

(a) *Purpose.* Trees have a positive economic effect on the city by enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, making the city a more attractive place in which to live, visit and do business. It is the purpose of this section to achieve 30% tree canopy coverage citywide and to promote a multi-aged urban forest. This may be accomplished by addressing the preservation and protection of healthy and significant trees, providing for the replacement and replanting of trees that are removed during development, and establishing additional tree canopy.

(b) *Penalties for violations.*

(1) Any person, firm or corporation who intentionally or knowingly violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any ~~of the provisions~~ of this ordinance may be issued a citation and upon conviction thereof may be fined in an amount not to exceed \$5002,000.00. In cases of offenses involving the illegal removal of trees or noncompliance with an approved permit or urban forestry plan, the removal of each tree constitutes a separate offense. In cases of continuing violation, each separate day that a violation continues constitutes a separate offense.

(2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provision of this ordinance may be subject to a civil penalty in accordance with § 2-322 of the city code for the removal of trees. The civil

penalty authorized by this subsection may be imposed by the director in addition to the misdemeanor penalty in paragraph (1) of this subsection. The imposition of a civil penalty may be appealed to the city council. Any appeal must be made in writing and must be filed with the director within ten calendar days following the date of the initial written decision of the director. The director shall refer the appeal to the city council and the decision of the city council shall be final. The ~~aggrieved-appellant~~ shall bear the burden of proof to show why, by preponderance of the evidence, the civil penalty should not be assessed. The imposition of a civil penalty under this section suspends all permits or permit applications issued to or for the benefit of the property and all work under ~~such~~ any such permits until the civil penalty is fully paid.

(3) Where illegal tree removal has occurred and the physical evidence has been removed from the site, the civil penalty will be assessed based on calculations using any remaining physical evidence, photos and documents available to the city, calculated in accordance with § 2-322 of the city code for significant ~~or large~~ trees removed or damaged.

(4) a. The owner of a single lot within a one-family or two-family residentially zoned district who removes or causes to be removed trees without first obtaining the required permit may be issued an after-the-fact permit. An after-the-fact permit shall be issued if:

1. The applicant can demonstrate that the criteria for removal in the after-the-fact application would meet the regulations in effect at the time the tree was removed: and

2. The applicant has paid the fee for an after-the-fact permit which shall be double the fee ~~offor an~~ urban forestry permit.

b. A citation may be issued in accordance with subsection (b)(1) for a misdemeanor and upon conviction shall be fined not more than \$500 for the removal or damage of each tree and any other violation of this ordinance.

c. If the applicant cannot demonstrate that the criteria for removal in the after-the-fact application would have met the current regulations, then an after-the-fact permit shall not be issued and the person shall be in violation of this subsection, and the person shall be subject to both criminal and civil penalties.

d. A second after-the-fact permit shall not be issued if:

1. ~~Another~~ The person who committed the violation ~~has of this section occurs by a person~~ previously been issued an after-the-fact permit: or

2. ~~The An~~ after-the fact permit was previously issued ~~for on~~ the same property site on which an after the fact permit was issued within the previous five years of the date of the second violation.

(c) *Enforcement.* Any code compliance officer or the urban forestry administrator, the city forester or his or her designee shall have the authority to enforce the provisions of this section.

(~~bd~~) *Applicability of urban forestry requirements.* These requirements in Section 6.302 shall be applicable to all development as described below, unless subject to the exemptions in subsection (~~ee~~) below:

(1) Removal of any trees of six inches or greater in diameter;

- (2) Construction of new structures for which a building permit is required;
- (3) Expansion of structures used for commercial/institutional and industrial uses that increase the footprint of existing structures by at least 30% or add at least 3,000 square feet to existing structures;
- (4) Clearing of all or a portion of property, including grading or construction of a parking lot;
- (5) Subdivision of land greater than one acre for the construction of one- or two-family dwellings, including contiguous lots with the same owner that total more than one acre;
- (6) Construction of manufactured home parks and recreational vehicle parks for which a permit is required and private recreation facilities located in manufactured housing subdivisions;
- (7) Mixed use (“MU”) zoned properties. These properties must provide, through either preservation or planting, 50% canopy coverage of required open space;
- (8) New agricultural development that requires tree removal; and
- (9) Public projects that will physically change the surface or will include removal of trees six inches or greater.

(ee) *Exemptions from urban forestry requirements.* The following are not subject to urban forestry requirements:

- (1) Structures that do not create or expand building square footage or temporary structures such as job shacks associated with construction activities, when no trees greater than six inches are removed;
- (2) Any single residential lot with a one- or two-family dwelling that is one acre or less in size;
- (3) Change in use of an existing structure, unless the structure is expanded in accordance with subsection (bd)(3) above;
- (4) Any area within a design overlay district or form-based code unless the standards ~~for that district~~ do not address urban forestry;
- (5) Construction or expansion of structures in the “H” central business district;
- (6) Any area located within an airport operating area as defined by § 3-1 of the city code;
- (7) Panther Island and work associated with the Trinity River Vision Project, including but not limited to, valley storage projects.
- ~~(87)~~ Any tree that is deemed to be in unsafe condition, or is injurious to common good, or to electrical, gas or water utilities, or sewer pipes, pavement or improvements, or is infested and dangerous to other trees or conflicts with other ordinances or regulations as determined by the urban forestry administrator; and
- ~~(98)~~ Gas well sites and natural gas pipeline compressor stations, except as outlined in Chapter 15, gas drilling of the city code.

(f) Relief provisions. The purpose of this subsection is to grant a waiver to certain height and setback requirements if the urban forestry regulations, as applied to a development, would unreasonably burden the development of the property. The director or the director's designee may grant relief in accordance with the following:

(1) Criteria for approval. In deciding whether to grant relief, the director or the director's designee shall determine that:

a. all or a part of the urban forestry regulations may deprive the applicant of economically viable use of the property;

b. the proposed design has minimized the loss of trees and canopy to the extent possible;

c. the relief requested will not injure the existing or permitted use of adjacent conforming property, will not make the property substantially different from properties within the same zoning category, has no adverse effects on adjacent properties, and would not result in an adverse effect on traffic circulation, drainage or utilities; and

d. that tree preservation or mitigation unduly burdens the development of the property due to a unique physical circumstance on the property or by reducing the developable portion of the property to 25% of the property.

(2) Relief provided shall be limited to the following:

a. An increase in building height for properties zoned C, CR, CF, E, and ER, up to a maximum of 14 additional feet above the height allowed in the applicable zoning district for the property, subject to compliance with all requirements for building setbacks and bufferyards adjacent to applicable residential districts; and

b. Up to a 50% reduction to the required front, rear or side yard setbacks.

(3) In instances where relief is granted, all requirements for tree preservation and canopy in the urban forestry ordinance must be complied with.

(4) The director, and the director's designee, may decline to grant relief pursuant to this subsection.

~~(d)~~ *General requirements.* The following requirements apply to all development:

(1) *Tree protections and maintenance.*

a. *Procedures required prior to development activities.*

1. *Protective fencing.* Prior to development activities, the contractor or subcontractor shall construct and maintain, for each preserved tree or tree cluster on a tract, a protective fence which encircles the outer limits of the critical root zone of the tree to protect it from development activities. All protective fencing shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed. Fencing shall meet the state minimum standards of a four-foot orange plastic mesh net with T-posts, ~~including a top rail or other type of support~~. Significant trees shall be protected with a minimum four-foot chain link fence with support cables and T-posts.

2. Signage. All fencing shall have signs attached every one hundred feet which read “Keep Out, Tree Protection Area” written in contrasting colors in both English and Spanish with letters at least two inches in height. All signs must be at least ten inches high and fourteen inches wide.

23. Bark protection. In situations where a preserved tree remains in immediate area of intended construction and the urban forestry administrator ~~city forester~~ determines the tree bark to be in danger of damage by development activities, the contractor or subcontractor shall protect the tree by enclosing the entire circumference of the tree with two-inch by four-inch lumber encircled with wire or other means that does not damage the tree. The intent is to protect the bark of the tree against incidental contact by large construction equipment.

34. Canopy coverage protection. All trees being preserved for canopy coverage under subsection (g)(4) below or a significant ~~or large~~ tree covered under subsection (g)(5) below due to size will be protected during any development activities. ~~Development activities will include vegetation removal, grading, demolition, installation of utilities and/or construction of structures and site amenities.~~

b. ~~The P~~protective measures in subsection (g)(1)(a)(as defined in this section) must occur on all trees located within 50 feet of development activities.

c. ~~The P~~protective measures in subsection (g)(1)(a) are required within the critical root zone radius from the trunk at one foot per inch diameter measured at ~~breast height (DBH).~~

d. The following activities within the critical root zone are prohibited:

1. No material intended for use in construction or waste material accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any preserved tree;

2. No equipment shall be cleaned or other liquids deposited or allowed to flow overland within the limits of the critical root zone of a preserved tree. This includes, without limitations, paint, oil, solvents, asphalt, concrete, mortar or similar materials;

3. No signs, wires or other attachments, other than those of a protective nature, shall be attached to any preserved tree;

4. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any preserved tree other than on existing street pavement;

5. No heavy equipment, including, but not limited to, trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors and hoists shall be allowed inside the critical root zone of any preserved tree on any construction site without the specific approval of the urban forestry administrator ~~city forester~~;

6. No grade change within the critical root zone of any preserved tree without submission of a certified arborist/forester report dealing with protections and the report acceptance by the urban forestry administrator ~~city forester~~; or

7. No filling activity in the critical root zone of any preserved tree may occur as a permanent condition which may damage the tree. Tree wells may be used to ensure that the root zone is protected.

e. Replacement of any preserved tree which dies within five years due to construction or development activities will be the responsibility of the ~~original applicant~~ property owner. Replacement will be new trees with a minimum of three inches each in diameter and equal to five times the lost canopy. Tree replacement will be guaranteed for an additional period of two years.

(2) *Construction methods.*

a. *Boring.* Boring of utilities under preserved trees shall be required in those circumstances where it is not possible to trench around the critical root zone of the preserved tree. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of 48 inches.

b. *Grade change.* In situations where the ~~urban forestry administrator~~ city forester approves a grade change within the critical root zone of a preserved tree, procedures and special conditions shall be approved by the ~~urban forestry administrator~~ city forester in advance of any work.

c. *Trenching.* All trenching shall be designed to avoid trenching across the critical root zone of any preserved tree, unless otherwise approved by the ~~urban forestry administrator~~ city forester. All work within the critical root zone requires advance approval by the ~~urban forestry administrator~~ city forester. The placement of underground utility lines such as electric, phone, gas, etc., is encouraged to be located outside the critical root zone of preserved trees. Trenching for an irrigation system shall be placed outside the critical root zone, except into the critical root zone perpendicular to the tree trunk and in the manner that has the least possible encroachment into the critical root zone. Boring is required for all underground utility lines that cross the critical root zone.

d. *Root pruning.* All roots two inches or larger in diameter which are exposed as a result of trenching or other excavation shall be cut off square with a sharp medium tooth saw and covered with pruning compound within two hours of initial exposure.

e. *Underground utilities.* All onsite underground utilities with backfill other than onsite material shall have a clay dam every 200 feet for the entire length of the utility placement.

f. *Paving.* No paving is allowed within the critical root zone of any preserved tree unless otherwise approved by the ~~urban forestry administrator~~ city forester. Approvals will be based upon best management practices for tree preservation.

(3) *Tree planting to achieve ~~the goal of~~ canopy coverage.*

a. Trees planted to provide canopy coverage shall be a minimum of two and one-half to three inches each in diameter and each tree planted will be credited ~~its~~ canopy coverage at normal maturity. ~~These credits are~~ as follows, with canopy coverage credit being reduced at the discretion of the City if not meeting the minimum spacing requirements:

1. *Large canopy tree with typical crown width of 50 feet in diameter.* Two thousand square feet (minimum spacing of 40 feet on center);

2. *Medium canopy tree with typical crown width of 30 feet in diameter.* Seven hundred square feet (minimum spacing of 24 feet on center); and

3. *Small canopy tree with typical crown width of ten feet in diameter.* One hundred square feet (minimum spacing of eight feet on center).

b. Tree planting requirements: Table HB is a list of ~~desirable and adapted trees protected species~~ for the Fort Worth area. ~~Other~~ Trees other than those listed in Table BH will be considered by the urban forestry administrator city forester and granted on a case-by-case basis. The approval of additional species will be judged on adaptability, long-term health and growth characteristics of the tree type.

c. The minimum size of tree planted will be two and one-half to three inches in diameter. The caliper measurement of the trunk shall be taken at a point six inches above the ground if the resulting measurement is no more than four inches in diameter. If the resulting measurement is more than four inches, the measurement of the caliper shall be taken at 12 inches above the ground. If the tree is multi-trunk, the main stem will be given full credit for its diameter and all other stems will receive one-half credit. The total of all must be three inches or greater.

d. All newly planted trees that die within two years of the date of project completion ~~will~~ must be replaced by the current property owner. ~~Any~~ The replacement tree that dies within two years of the date the replacement tree is planted must be replaced by the current property owner. ~~carries the same two-year replacement requirement~~. The requirement to replace the trees shall run with the land.

e. A minimum of 16 square feet of permeable surfaces must be provided for all tree plantings.

f. Expansion of structures used for commercial/institutional and industrial uses: Tree plantings to achieve canopy coverage will be based only on the square footage of the expansion footprint rather than the entire site to ensure at least minimal tree replacement. Only tree removal permits for trees greater than six inches in diameter are required for expansions under 3,000 square feet.

(4) *Warranty/replacement*. Any preserved tree that dies or becomes hazardous and a threat to public safety or property due to construction activities within five years following the date of issuance of the certificate of occupancy shall be replaced following the criteria outlined above for tree preservation and significant tree replacement by the original applicant or assigned party.

(5) A certificate of occupancy shall not be issued until the requirements of subsection (gh) below are met.

(eh) *Specific requirements based on land use*. The city's goal to achieve a city-wide tree canopy cover of at least 30% and to promote the functional distribution of that canopy throughout various land uses as development occurs through a combination of planting and retention goals and requirements for tree canopy cover. In support of the overall goal of tree canopy cover for the city, the following land use requirements shall apply.

(1) *One- and two-family residential land uses*.

a. Minimum retained or planted canopy coverage shall be 40%;

b. Canopy for new subdivisions: the 40% canopy coverage requirement for one- and two-family residential land uses will be reduced to 25% if:

1. One tree per residential lot is planted on all lots up to 5,000 square feet in area;

2. One additional tree for each additional 5,000 square feet of lot area, or fraction thereof is planted, up to a maximum of nine trees per residential lot; and

3. The remaining portion of the 25% canopy coverage may be provided in public rights-of-way, parks, homeowner's association lots or boundary street parkways.

c. Phased development of residential subdivisions: residential subdivisions that are to be developed in phases must provide a plan that complies with the retention requirements at full build-out as approved on the preliminary plat. If a final plat requests credit for trees in undeveloped phases or units that are planned for future development, it will be necessary for all subsequent plats to identify trees for retention or provide mitigation as needed to obtain the required canopy coverage percentage. Updated plans must be provided to urban forestry as the subdivision is developed.

d. Canopy for existing platted residential lots over one acre:

1. Retained canopy coverage of 25%; and
2. Overall canopy coverage of 40%.

(2) *Multifamily land uses.* Minimum retained or planted canopy coverage shall be 50% of open space.

(3) *Institutional land uses.* Minimum retained or planted canopy coverage shall be 30%.

(4) *Commercial land uses.* Minimum retained or planted canopy coverage shall be 30%.

(5) *Mixed use land uses in "MU" mixed-use zoning.* Minimum retained or planted canopy coverage shall be 50% of open space.

(6) *Industrial land uses.* Minimum retained and planted canopy coverage shall be 20%.

(7) *Surface parking areas.*

a. Minimum canopy coverage shall be 40%;

b. The canopy coverage shall be achieved through preservation of existing trees or tree planting within the parking field and drives;

c. No requirement for one- and two-family residential uses; and

d. 1. Credit shall be given for preserved or planted trees located outside the subject property within the parkway of adjacent streets.

2. Trees planted to provide canopy coverage shall be a minimum of three inches each in diameter and will be credited its canopy coverage at normal maturity. ~~These credits are~~ as follows with canopy coverage credit being reduced at the discretion of the City if not meeting the minimum spacing requirements:

i. *Large canopy tree with typical crown width of 50 feet in diameter.* Two thousand square feet (minimum spacing of 40 feet on center);

ii. *Medium canopy tree with typical crown width of 30 feet in diameter.* Seven hundred square feet (minimum spacing of 24 feet on center); and

iii. *Small canopy tree with typical crown width of ten feet in diameter.* One hundred square feet (minimum spacing of eight feet on center).

(8) *Public projects (e.g., water, sewer, street or drainage).*

a. Minimum retained and planted canopy coverage shall be 30%; and

b. Public projects may elect to mitigate required canopy coverage through payment into the tree fund at a rate of \$600 per required tree. No mitigation or payment in to the tree fund shall be required if the public project does not prevent the surface from being restored to its original condition or where the public project will not require tree removal.

(9) *Agricultural land uses.*

a. Minimum canopy retention shall be 25%.

b. New agriculture development will require documentation of the existing canopy coverage and a detailed tree survey of the property prior to clearing or grading of the property. The tree survey will include the location, size and species of tree. At the time of development a payment of \$200 per diameter inch will be required for up to 25% of the removed trees over six inches in diameter. The canopy coverage and total diameter inch total will run with the land provided approved documentation is recorded in the applicable county deed records.

(~~h~~) *Delineation of artificial lot.* If a developer wishes to develop a portion of a one acre or larger tract, the developer may request that the director of the development services department, or the director's designee, director delineate the portion of the tract to be developed as an artificial lot, for purposes of calculating urban forestry requirements for the development. Artificial lots may be delineated in any type of development, including schools and places of worship. All artificial lots shall meet the following requirements:

(1) Contain the entire area on which the development is to occur, including all paved areas;

(2) Contain a land area of less than 50% of the entire tract, or, if the proposed artificial lot contains more than 50% of the entire tract, the ~~d~~Director, or the director's designee, must determine that a substantial amount of the tract is not affected by the proposed development; and

(3) Be delineated on the urban forestry plan as provided in subsection (~~g~~) below.

(~~g~~) *Urban forestry plan/permits.* No activity subject to the urban forestry requirements shall be conducted without the required permit for such activity, as further described below.

(1) *Permits.*

a. Tree removal permit is required:

1. Prior to the removal of a single tree. No permit shall be issued if the remaining canopy coverage is less than the 25% minimum retention; or

2. For the removal of any tree six inches or greater in diameter.

b. Urban forestry permit is required:

1. For the removal of more than one tree;

2. For construction of new structures on properties where a building permit is required, unless exempted under subsection (~~ee~~) above.

c. An urban forestry plan is required to be submitted with the urban forestry permit.

d. An approved urban forestry permit will run with the land. If the project scope or configuration changes prior to any disturbance of the land, the approved urban forestry permit is invalid and the owner/developer shall apply for a new permit.

e. An urban forestry permit shall expire on the fifth anniversary of the date the permit was issued if no progress has been made toward implementation of the urban forestry plan.

(2) *Urban forestry plan.*

a. Submission of an urban forestry plan is required for the issuance of an urban forestry permit and is required before or at the time of application for building permit. At the time of submission of the urban forestry plan, the applicant shall elect a method of preservation of existing canopy under subsection (~~gj~~)(4) below.

b. If no trees exist on the site, the applicant shall document the existing conditions and comply with urban forestry plan application requirements below, ~~but shall not be required to elect a method of preservation of existing canopy under subsection (g)(4) below.~~

(3) *Urban forestry plan application requirements.* Prior to any platting activity, site plan preparation and submission for development, demolition, disruptive activities (including clearing and grading) or tree removal, the following information must be submitted through a two-part process.

a. *Part One: documentation of existing conditions.*

1. The first submittal shall include two copies of a scaled diagram of the subject property in which development, disruption or tree removal is proposed. The scaled diagram may be an engineered drawing, survey, air photo or other illustration. Part One will reflect the existing conditions by including the following information:

i. Boundaries of the property and its calculated area, i.e., acres, square feet;

ii. Location map showing the proximity of the property to the nearest streets;

iii. Outline of the existing tree canopy area on the property and the calculated area (square feet or acres) of existing canopy coverage, differentiating between the canopy of protected and unprotected tree species using Tables A and B in subsection (n) of this Section. Properties with no existing protected canopy shall indicate such conditions;

iv. Scaled existing or proposed utilities regulated by the public utility commission and/or Texas railroad commission. Indicate the calculated area (square footage or acres) for these rights-of-ways or easements;

v. Location of each significant ~~or large~~ tree as defined in § 9.101, its species and canopy area; and

vi. Tables ~~B, C, D, and E~~ and F in subsection (~~4n~~) below.

2. Upon completion and approval of Part One documentation, tree removals will be granted if a minimum of 50% of the existing protected tree canopy is retained. The documentation of pre-development canopy coverage shall be maintained with the property until development occurs. The required retention indicated in Part One documentation will be achieved within the area remaining after the initial clearing.

3. Part One documentation shall expire on the second anniversary of the date of approval if no progress has been made toward completion of a Part Two submission. If tree removals occur after approval of Part One documentation, but the Part One documentation subsequently expires, the new Part One application shall be based on the conditions on the property when the original Part One application was submitted to the City.

b. *Part Two: Components of the urban forestry plan.* Part Two will overlay the proposed improvements and removals/preservations/ plantings. Two copies shall be provided and shall include the following information:

1. Scaled site plan depicting the location of proposed structures, parking areas, drives, and amenities, construction material storage areas, and other construction impacts;

2. Tree canopy areas that are desired to be removed;

3. Location and description of trees (large, medium or small canopy crown) that will be planted from Table FB to reach the minimum canopy as stated in subsection (eh) above; and

4. Tables G and H in subsection (hn) below.

~~(4) *General preservation methods requirements for protected tree species canopy.* At the submission of an urban forestry plan/permit application, the applicant shall elect one of the following tree preservation of existing canopy compliance methods:~~

~~— a. *Method “A.”* Preservation of existing canopy coverage regardless of tree species:~~

~~— 1. At least 25% of the existing canopy coverage must be retained, regardless of tree species, on all properties greater than one acre, provided however, significant or large trees must be preserved as outlined in subsection (g)(5) below. The existing canopy can be determined via recent air photo, on the ground survey or other approved method by the city forester;~~

~~— 2. Property located in floodplains or located in areas that will be dedicated to public spaces may be counted toward the required 25% minimum retention;~~

~~— 3. Calculation of all canopy coverage and retention areas will not include utility rights-of-way or easements covered under the rules and regulation of the public utility commission and/or Texas railroad commission;~~

~~— 4. To remove more than the minimum retention will require a waiver from the urban design commission; and~~

~~— 5. The overall canopy coverage percentage requirement must be met by planting the size and species of protected trees in Table A, Protected Trees, in subsection (l) below.~~

~~b. Method "B." Preservation of existing canopy coverage using protected trees only. Protected trees must be on the site to use this method. See Table A of subsection (l) below for a list of protected trees:~~

a. Existing canopy coverage of protected species shall be retained as follows:

1. For property greater than one acre, at least a minimum of 25% of the tree canopy of protected trees listed in Table B of subsection (n) on the property being developed must be retained;

2. A minimum of 50% of the tree canopy of post oaks and blackjack oaks on the property must be retained and shall be credited towards the 25% minimum tree canopy required for protected trees set forth in subsection (j)(4)(1); and

3. In addition to the requirements in subsections (j)(4)(1) and (j)(4)(2), provided however, significant or large trees must be preserved as outlined in subsection (j)(5) below. The total overall retained and planted canopy coverage for the applicable land use must meet a total of 5% over the required minimum canopy coverage. (e.g., residential coverage would be a minimum of 45%, commercial coverage would be a minimum of 35% and industrial would be a minimum of 25%); and

~~ba. If only unprotected tree species exist on the property being developed, no preservation requirement will apply, but the applicant shall provide additional documentation to verify the existing conditions, including but not limited to, photographs or a report by an arborist. The property may be inspected to verify the existing conditions.~~

eb.2. An onsite tree survey noting the location, size and species, (diameter of trees six inches or greater) and canopy coverage of each protected tree with a diameter of six inches or greater will be required. This survey shall be completed and signed/sealed by one of the following: Texas licensed landscape architect, certified arborist, Texas licensed landscape contractor or Texas certified nurseryman.

(5) *Preservation of significant or large trees.*

a. Significant or large protected trees listed in section (n), Table B that are 27/24 inches in diameter (84.82/75.36 inches in circumference) for the entire city or 18 inches in diameter (56.55 inches in circumference) for and Ppost Ooaks and Bblackjack Ooaks east of Interstate Highway 35W that are 18 inches in diameter (56.55 inches in circumference) can only be removed by permit issued by of the urban forestry administrator city forester. The reduced diameter for post Oaks and Blackjack Oaks east of IH 35W is in recognition of the naturally occurring Post Oak Savannahs within the Cross Timbers Zone. Preservation of a significant or large tree will be credited to the required preserved canopy cover one and one-half times the actual canopy size.

b. Significant or large trees may be removed if one of the following conditions is met:

1. An area one and one-half times the area of the canopy of the tree identified for removal is retained on the same site or offsite when designated as part of the associated urban forestry permit. If a significant post oak or blackjack oak is being removed, the retained canopy must be a post oak or blackjack oak. For any other significant protected tree, the retained canopy may be any protected species. The one and one-half retention of existing trees shall be of the same species as the tree being removed in the Post Oak Savanna as indicated on Exhibit "A" or from the

~~protected list if not in the Post Oak Savanna and~~ The retained canopy shall be in addition to excess ~~of~~ the required tree canopy coverage on the site/tract;

2. Planting of new trees from the ~~preferred-protected tree~~ list (see Table ~~FB~~ of subsection ~~(fn)~~ below) at five times greater in canopy area than the removed specific tree canopy. The additional planting of five to one (5 to 1) will be in excess of the required tree coverage on the site or offsite when designated as part of the associated urban forestry permit;

3. Payment into the tree fund ~~based upon the~~ in accordance with Section 2-322 of the City Code for the mitigation fee for removal of significant trees ~~total diameter of the specific tree times \$200 per diameter inch, or \$4.94 per square foot of canopy~~; or

4. ~~The~~ Urban ~~d~~Design ~~e~~Commission approves a plan that mitigates the removal of significant ~~or large~~ trees.

(6) *Urban forestry plan amendments.*

a. *Minor amendments.* Minor amendments to an approved urban forestry plan may be approved administratively if one of three conditions below is met:

1. An increase in the total canopy;

2. Adjustments in the type of tree to be planted, considering that trees from the protected tree list in Table B ~~of preferred trees~~ must be replaced with trees from the protected tree list in Table B ~~said list~~; or

3. Any adjustments in planting location required due to site specific issues including traffic circulation, safety, drainage or utilities, given that the adjustments include only the relocation of trees of the same type and size as provided on the approved urban forestry plan. These adjustments cannot include the removal or transplantation of a tree not considered in the approved urban forestry plan.

b. Amendments that do not meet any of the conditions in subsection ~~(gj)~~(6)a. of this section must be submitted to and approved by the urban design commission before construction begins.

~~(hk)~~ *Urban forestry development agreement.*

(1) *The urban forestry development agreement (“agreement”).*

a. The agreement is intended to facilitate the development of large tract developments, other than single-family or two-family developments, under common ownership which would meet or exceed an overall canopy coverage of 30% for all properties included in the agreement. The intent of a development agreement is to allow areas with more extensive canopy to remain and contribute to the 30% overall coverage while allowing the canopy in other development areas to be reduced. Individual properties that are subject to the agreement are required to maintain canopy coverage requirements for different land use types as outlined in subsection ~~(hk)~~(1)(c). below.

b. The original application for an agreement shall include an initial spreadsheet of minimum canopies and acreages, the form of which is provided in Table I of subsection ~~(fn)~~ below. Thereafter, Table J of subsection ~~(fn)~~ below shall be completed with the provided canopies and acreages included at the time of each subsequent submittal as property/tracts are being developed. These updates shall be provided at the time of submittal of each individual Part One document.

No approval shall be granted nor tree removals to be completed without the submission of the Table J form as set forth in subsection (~~h~~) below.

c. The agreement must be presented to the city council for approval prior to its execution. Any amendments may be approved administratively if the regulations of this subsection (~~h~~) are satisfied. The initial submission for approval of an agreement shall include:

1. A map all of the properties to be included in the agreement, identified by land use and acreage;
2. Individual maps of each land use type (commercial, industrial, etc.); and
3. Table I of subsection (~~h~~) below.

(2) *Overall Part One permit.* An overall Part One permit as part of an agreement will be issued if the following conditions are met:

a. Minimum acreage allowed shall be 1,000 acres with all of the acres to be located within the same watershed. Applicant shall provide an exhibit depicting all of the property/tracts and acreages that will be subject to the agreement;

b. The property/tracts subject to the agreement shall be separated by land use type, but shall not include single-family or two-family development. Applicant will provide exhibits for each land use type for the initial submittal and will update for subsequent submittals. Canopy requirements will be tracked by land use type;

c. The minimum canopy coverage for each tract described in an agreement shall be:

Commercial	15%	Parking	40%
Industrial	10%	Parking	20%
Airport industrial	5%	Parking	20%
Multifamily	25% of required open space		

d. All of the acreage to be included in an agreement shall be under common ownership at the time of the agreement, under a currently approved overall Part One, or part of an approved concept plan or preliminary plat. A list shall be provided of any separate corporations to be included in an agreement documenting that all are part of the same parent company. The list shall be provided with the initial overall Part One submission and shall provide the filing number associated with the articles of incorporation filed with the Texas Secretary of State.

e. The overall Part One permit shall not expire for a period of 15 years and may be renewed for additional ten-year periods. Renewals will be approved administratively if the permit remains under the same terms and conditions of the original agreement approved by the city council or with amendments approved administratively. Progress shall be defined as the platting, permitting or vertical construction on the properties. The expiration period in subsection (~~g~~)(3)a.3. above shall apply to the individual Part One submissions. Individual Part One permits shall be defined as property/tracts that are submitted for approval after the date of execution of the agreement.

f. The agreement shall run with the land and properties which are included in the original agreement and subsequently sold shall remain under the terms of the agreement regardless of future ownership. The agreement shall be recorded in the real property records in the county which the property subject to the agreement is located. Recordation shall be the responsibility of the applicant, including the cost of recording fees. Within 14 days after execution and recordation, a copy of the recorded documentation shall be provided to the city. The Part One permit shall not be issued until the recorded copy is received.

g. Future acquired properties by the original applicant of the agreement may be included in the agreement after a recalculation of the canopy coverage and approval by staff if the conditions of this section are met. Acquired properties not included in the agreement shall be subject to the regulations of this section. Additional properties may not be included into the agreement within three years of the end of the initial term of the agreement. No properties shall be allowed to be added to the agreement during any renewal terms.

(l) —Conservation Easements. A conservation easement to ensure the continual preservation of the trees being planted or preserved may be granted to a land trust or other public agency approved by the City in accordance with this subsection under the following conditions: 1) when approval is granted by the urban forestry administrator for trees to be preserved or planted on a separate property from the property being developed; and 2) the form of the easement is acceptable to the City Attorney’s Office.

(h) *Appeals.*

(1) If the urban forestry administrator ~~city forester~~, or other city official, refuses to accept or issue an urban forestry plan/permit, or if the applicant disagrees with the decision of city staff, the applicant may request an appeal of the decision to the urban design commission within ten days after the decision of city staff. The appeal shall be in writing and shall be transmitted to the executive secretary of the urban design commission within ten days after receipt of notification that the urban forestry administrator ~~city forester~~ will not accept the urban forestry plan/permit.

(2) The urban design commission shall consider the appeal within 30 days after the appeal is received by the board’s executive secretary or as soon thereafter as reasonably practical, unless the applicant requests a later hearing in writing. The urban design commission shall not release the applicant from the requirements of this ordinance, unless the applicant first presents credible evidence from which the urban design commission can reasonably conclude application of this ordinance to the applicant would be likely to deprive the applicant of rights protected by law.

(3) The urban design commission may take the following actions on an appeal:

a. Deny the appeal, in which case the urban forestry plan/permit shall not be accepted or granted;

b. Grant the appeal and direct the urban forestry administrator ~~city forester~~ to accept and approve the urban forestry plan/permit; or

c. Grant the appeal subject to such provisions, conditions or limitations as deemed appropriate by the urban design commission.

(4) In no event shall acceptance of an application guarantee that the city will issue the urban forestry plan/permit, unless the permit application is in compliance with all applicable codes, laws and regulations.

(5) Appeals of the urban design commission will be heard ~~by the district court~~ in accordance with Section 2.102(g) of the Zoning Ordinance.

~~—(j) Penalties for violation.~~

~~—(1) 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 may be issued a citation and upon conviction thereof may be fined in an amount not to exceed \$500. In cases of offenses involving the illegal removal of trees or noncompliance with an approved permit or urban forestry plan, the removal of each tree constitutes a separate offense. In cases of continuing violation, each separate day that a violation continues constitutes a separate offense.~~

~~—(2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any provision of this ordinance may be subject to a civil penalty in accordance with § 2-322 of the city code for the removal of trees. The civil penalty authorized by this subsection may be imposed by the director in addition to the misdemeanor penalty in paragraph (1) of this section. The imposition of a civil penalty may be appealed to the city council. Any appeal must be made in writing and must be filed with the director within ten calendar days following the date of the initial written decision. The director shall refer the appeal to the city council and the decision of the city council shall be final. The aggrieved shall bear the burden of proof to show why, by preponderance of the evidence, the civil penalty should not be assessed. The imposition of a civil penalty under this section suspends all permits or permit applications issued to or for the benefit of the property and all work under such any permits until the civil penalty is fully paid.~~

~~—(3) Where illegal tree removal has occurred and the physical evidence has been removed from the site, the civil penalty will be assessed based on calculations using any remaining physical evidence, photos and documents available to the city, calculated in accordance with § 2-322 of the city code for significant or large trees removed or damaged.~~

~~—(4) a. The owner of a single lot within a one-family or two-family residentially zoned district who removes or causes to be removed trees without first obtaining the required permit may be issued an after-the-fact permit. An after-the-fact permit shall be issued if:~~

~~——1. The applicant can demonstrate that the criteria for removal in the after-the-fact application would meet the regulations in effect at the time the tree was removed; and~~

~~——2. The applicant has paid the fee for an after-the-fact permit which shall be double the fee of a urban forestry permit.~~

~~——b. A citation may be issued for a misdemeanor and upon conviction shall be fined not more than \$500 for the removal or damage of each tree.~~

~~——c. If the applicant cannot demonstrate that the criteria for removal in the after-the-fact application would have met the current regulations, then an after-the-fact permit shall not be issued and the person shall be in violation of this section, subject to both criminal and civil penalties.~~

- ~~d. A second after the fact permit shall not be issued if:~~
- ~~1. Another violation of this section occurs by a person previously issued an after the fact permit: or~~
 - ~~2. The after the fact permit was issued on the same site on which an after the fact permit was issued within five years of the date of the second violation.~~
- ~~(k) Enforcement. Any code compliance officer, the city forester or his or her designee shall have the authority to enforce the provisions of this section.~~

(ln) Tables.

<u>Table A.</u> <u>Unprotected Tree Species</u>	
<u>Ash</u>	<u><i>Fraxinus sp.</i></u>
<u>Ash juniper</u>	<u><i>Juniperus ashei</i></u>
<u>Bradford pear</u>	<u><i>Pyrus calleryana</i></u>
<u>Chinaberry</u>	<u><i>Melia azeoarach</i></u>
<u>Chinese Tallow</u>	<u><i>Triadica sebifera</i></u>
<u>Cottonwood</u>	<u><i>Populus deltoides</i></u>
<u>Golden raintree</u>	<u><i>Koelreuteria paniculata</i></u>
<u>Hackberry/ Sugarberry</u>	<u><i>Celtis laevigata</i></u>
<u>Ligustrum</u>	<u><i>Ligustrum sp.</i></u>
<u>Mesquite</u>	<u><i>Prosopis glandulosa</i></u>
<u>Mimosa</u>	<u><i>Albizia julibrissin</i></u>
<u>Mulberry</u>	<u><i>Morus alba</i></u>
<u>Osage Orange/ Bois de' Arc (fruiting)</u>	<u><i>Maclura pomifera</i></u>
<u>Siberian elm</u>	<u><i>Ulmus pumila</i></u>
<u>Silver maple</u>	<u><i>Acer saccharinum</i></u>
<u>Tree of Heaven</u>	<u><i>Ailanthus altissima</i></u>
<u>Willow</u>	<u><i>Salix sp.</i></u>
<u>* Any species of tree, shrub, vine or grass listed in the Nonnative Invasive Plants of Southern Forests, published by the United States Department of Agriculture Forest Service.</u>	

<u>Table A. Protected Trees</u>	
<u>Redbud</u>	<u><i>Cereis canadensis</i></u>
<u>Mexican Plum</u>	<u><i>Prunus mexicana</i></u>

Cherry Laurel	<i>Prunus caroliniana</i>
Eve's Necklaee	<i>Sophora affinis</i>
Crab Apple	<i>Malus angustifolia</i>
Bradford Pear	<i>Pyrus calleryana</i> var. <i>Bradford</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Caddo Maple	<i>Acer barbatum</i> var. <i>Caddo</i>
Red Maple	<i>Acer rubrum</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Red Oak	<i>Quercus shumardii</i>
Texas Red Oak	<i>Quercus texana</i>
Post Oak	<i>Quercus stellata</i>
Blaekjack Oak	<i>Quercus marilandica</i>
Pecan	<i>Carya illinoensis</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Cedar Elm	<i>Ulmus crassifolia</i>
American Elm	<i>Ulmus americana</i>
Bald Cypress	<i>Taxodium distichum</i>
Black Walnut	<i>Juglans nigra</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Texas Ash	<i>Fraxinus texensis</i>
Southern Magnolia	<i>Magnolia grandiflora</i>

Table B. Protected Species		
Large Canopy Trees (over 40 feet tall and 20 inches or more in diameter when mature)		
American elm	<i>Ulmus americana</i>	Not recommended for parking lots
Baldcypress	<i>Taxodium distichum</i>	Not recommended for parking lots
Black walnut	<i>Juglans nigra</i>	
Bur oak*	<i>Quercus macrocarpa</i>	
Cedar elm*	<i>Ulmus crassifolia</i>	
Chinquapin oak*	<i>Quercus muhlenbergii</i>	
Lacebark elm	<i>Ulmus parvifolia</i>	
Live oak*	<i>Quercus virginiana</i>	
Pecan	<i>Carya illinoensis</i>	Not recommended for high heat areas

Pond cypress	<i>Taxodium ascendens</i>	
Post oak	<i>Quercus stellate</i>	Must preserve 50% if on site
Red oak	<i>Quercus shumardii</i>	Not recommended for high heat areas
Medium Canopy Trees (25 to 50 feet tall, 10 to 20 inches in diameter when mature)		
Afghan pine*	<i>Pinus elderica</i>	
Arizona cypress*	<i>Hesperocyparis arizonica</i>	
Blackjack oak	<i>Quercus marilandica</i>	Must preserve 50% if on site
Bigtooth maple*	<i>Acer grandidentatum</i>	
'Caddo' maple*	<i>Acer saccharum 'Caddo'</i>	
Chinese pistache*	<i>Pistache chinensis</i>	
Eastern redcedar*	<i>Juniperus virginiana</i>	
Ginkgo	<i>Ginkgo biloba</i>	
Japanese Black Pine	<i>Pinus thunbergiana</i>	
Lacey oak	<i>Quercus laceyi</i>	
Monterrey oak*	<i>Quercus polymorpha</i>	
Shantung maple	<i>Acer truncatum</i>	
Shin oak (Bigelow)	<i>Quercus sinuata var. breviloba</i>	
Southern magnolia	<i>Magnolia grandiflora</i>	Not recommended for high heat areas
Texas red oak	<i>Quercus buckleyi</i>	
Trident maple	<i>Acer buergerianum</i>	
Western soapberry*	<i>Sapindus saponaria</i>	
Small Canopy Trees (less than 25 feet tall or 10 inches in diameter when mature)		
American smoketree	<i>Cotinus obovatus</i>	
Carolina buckhorn	<i>Frangula caroliniana</i>	Not recommended for high heat areas
Cherry-laurel	<i>Prunus caroliniana</i>	
Crapemyrtle*	<i>Lagerstroemia indica</i>	
Desert willow*	<i>Chilopsis linearis</i>	
Eve's necklace*	<i>Styphnolobium affine</i>	
Indian cherry	<i>Frangula caroliniana</i>	
Japanese maple	<i>Acer palmatum</i>	Not recommended for high heat areas
Mexican buckeye	<i>Ungnadia speciosa</i>	
Mexican plum	<i>Prunus mexicana</i>	
Possumhaw holly	<i>Ilex decidua</i>	
Rough -leaf dogwood	<i>Cornus drummondii</i>	Not recommended for high heat areas
Rusty blackhaw	<i>Viburnum rufidulum</i>	
Texas persimmon*	<i>Diospyros texana</i>	
Texas redbud	<i>Cercis canadensis var. texensis</i>	
Vitex	<i>Vitex agnus-castus</i>	
Waxmyrtle	<i>Myrica cerifera</i>	
Yaupon holly*	<i>Ilex vomitoria</i>	
* Drought tolerant species		

Table BC. Net Urban Forestry Area		
Net Urban Forestry Area	Square Feet	Acres
Gross area of property		
Utility rights-of-way or easements regulated by the public utility commission/Texas railroad commission	—	—
Net urban forestry area		

Table CD. Required Tree Canopy Area		
	Square Feet	Acres
Net urban forestry area		
Land use/canopy coverage ratio	x	
One- or two-family (40% coverage)		
One- or two-family with trees planted on individual lots (25% coverage)		
Commercial (30% coverage)		
Industrial (20% coverage)		
Additional 5% if only protected trees are being preserved		
Required canopy coverage		

Table DE. Minimum Canopy Retention		
	Square Feet	Acres
Existing tree canopy area		
Preservation requirement	X 0.25	X 0.25
Additional 5% if only protected trees are being preserved <u>Preservation requirement for post oak and blackjack oak</u>	<u>X0.5</u>	<u>X 0.5</u>
Minimum retention		

Table EF. Significant Tree Removal

	Calculation	Inches Dbh DBH	Canopy Sq. Ft.
All Post Oaks/Blackjack Oaks 20 18-inches DBH dbh (if east of I-35)			
All other trees 30-24 inches DBH dbh (regardless of species or location)			
Total of significant trees to be preserved			
Significant tree preservation credit	(sq. ft. x 1.5)		
Total of significant trees to be removed	()		
Removal options (choose one):			
Retention of existing canopy 1.5X the canopy of removed significant trees—in excess of minimum retention	(sq. ft. x 1.5)		
Planting additional trees 5X the canopy of removed significant trees—in excess of total planting	(sq. ft. x 5)		
Payment into tree fund for total inches DBH dbh of significant trees removed @ \$200 per inch DBH dbh in accordance with <u>Section 2-322 of the City Code</u>	(sq. ft. x \$ 200 300)		
Urban design commission approved plan that mitigates the removal of the significant tree(s)			

Table F. Preferred Tree List	
Large Canopy Trees	-
Pecan #	<i>Carya illinoensis</i>
Deodar Cedar	<i>Cedrus deodara</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Southern Magnolia #	<i>Magnolia grandiflora</i>
Bur Oak *	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Shumard Oak #	<i>Quercus shumardii</i>
Texas Red Oak	<i>Quercus buckleyi</i>
Live Oak *	<i>Quercus virginiana</i>
American Elm	<i>Ulmus americana</i>
Cedar Elm *	<i>Ulmus crassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Medium Canopy Trees	-

Caddo Maple *	<i>Acer barbatum var. Caddo</i>
Bigtooth Maple *	<i>Acer grandidentatum</i>
Common Persimmon	<i>Diospyros virginiana</i>
Texas Ash	<i>Fraxinus texensis</i>
Ginkgo	<i>Ginkgo biloba</i>
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>
Eastern Red Cedar *	<i>Juniperus virginiana</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Eldarica (Afghan) Pine *	<i>Pinus eldarica</i>
Italian Stone Pine	<i>Pinus pinea</i>
Chinese Pistache *	<i>Pistacia chinensis</i>
Honey Mesquite *	<i>Prosopis glandulosa</i>
Blackjack Oak *	<i>Quercus marilandica</i>
Monterrey (Mex. White) Oak *	<i>Quercus polymorpha</i>
Western Soapberry *	<i>Sapindus drummondii</i>
Pond Cypress	<i>Taxodium ascendens</i>
Bald Cypress *	<i>Taxodium distichum</i>
Small Canopy Trees	-
Japanese Maple #	<i>Acer palmatum</i>
Common Button-bush	<i>Cephalanthus occidentalis</i>
Redbud *	<i>Cercis canadensis</i>
Desert Willow *	<i>Chilopsis linearis</i>
Rough-leaf Dogwood #	<i>Cornus drummondii</i>
Texas Persimmon *	<i>Diospyros texana</i>
Carolina Buckthorn #	<i>Frangula caroliniana</i>
Yaupon Holly *	<i>Ilex vomitoria</i>
Deciduous Holly	<i>Ilex decidua</i>
Creape Myrtle *	<i>Lagerstroemia indica</i>
Mexican Plum *	<i>Prunus mexicana</i>
White Shin Oak *	<i>Quercus sinuata var. breviloba</i>
Flameleaf Sumac *	<i>Rhus lanceolata</i>
Eve's Necklacc *	<i>Sophora affinis</i>
Mexican Buckeye *	<i>Ungnadia speciosa</i>
Rusty Blackhaw	<i>Viburnum rufidulum</i>
*—Drought tolerant species	

~~# Not recommended for parking lots or high heat areas~~

Table G. Tree Preservation and Planting Area

	Square feet	Acres
Area of existing tree canopy retained		
Planting		
____ large canopy trees @ 2,000 square feet per tree		
(minimum spacing of 40 feet on center)		
____ medium canopy trees @ 700 square feet per tree		
(minimum spacing of 24 feet on center)		
____ small canopy trees @ 100 square feet per tree		
(minimum spacing of 8 feet on center)		
____ additional trees		
Total preservation and planting		

Table H. Parking Canopy Area

Parking Areas for Commercial or Industrial Uses	Square Feet	Acres
Area of parking and drives		
Required canopy coverage of parking areas	X 0.4	X 0.4
Required canopy coverage		
Area of canopy coverage being provided		

Table I. Initial Urban Forestry Development Agreement

Overall (enter Land Use Type) - Part 1	Canopy	
Net Urban Forestry Area	Square Feet	Acres
Gross area of property		
Utility easements		
Net urban forestry area		
Required Tree Canopy Area	Square Feet	Acres
Net area		

Canopy ratio		
Required tree canopy coverage		
<i>Preservation/Retention of Existing Canopy</i>	<i>Square Feet</i>	<i>Acres</i>
Existing tree canopy		
Preservation requirement (20, 30, 40%)		
Minimum retention of existing tree canopy		
Area of existing tree canopy retained		
Preservation ratio		
<i>Retention of Canopy for Significant and Large Tree Canopy Removal</i>	<i>Square Feet</i>	<i>Acres</i>
Significant and large tree canopy to be removed		
Preservation requirement (150%)		
Minimum retention of existing tree canopy for removal of significant and large tree canopy		
Area of existing tree canopy retained for removal of significant and large tree canopy		

Table J. Urban Forestry Development Agreement Canopy Tracking									
UFC #	Project Name	Project Address	Site Acreage	Usage Class	Canopy Coverage Required (sq. ft.)	Canopy Coverage Provided (sq. ft.)	Off Site Mitigation? (Y/N)	Beginning Land Balance	Ending Land Balance

SECTION 2.

That the Code of the City of Fort Worth (1986), as amended is hereby further amended by amending Appendix A, Chapter 9, “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 9.101, “Defined Terms” to amend certain definitions and add definitions related to urban forestry to read as follows:

§ 9.101 DEFINED TERMS

URBAN FORESTRY ADMINISTRATOR~~CITY FORESTER~~. For the purpose of tree preservation, that person or persons designated by the director of ~~planning and development~~the development services department to provide administrative review and approval of urban forestry plans/permits (urban forestry compliance section).

PROTECTED TREE. Any tree listed in Table ~~A~~B, Section 6.302.

~~SIGNIFICANT OR LARGE TREE~~. A protected tree that is 2724 inches in diameter (~~75.3684.82~~ inches in circumference) ~~for the entire city~~ or 18 inches in diameter (56.55 inches in circumference) for post oaks and blackjack oaks ~~east of Interstate Highway 35 West~~.

DIAMETER OF AN EXISTING TREE. That measurement of the size/diameter of a tree as determined by measuring at four and one-half feet above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus half the diameter of each additional trunk.

TREE. A woody plant having at least one well-defined stem or trunk, a defined crown and a mature height of at least ten feet. ~~Any object of natural growth.~~

TREE REMOVAL. The cutting, destroying, removing, moving, poisoning, banding, marking or effectively destroying through damaging, any tree six inches or greater in diameter, regardless of species, situated on property regulated by the zoning ordinance without first obtaining an urban forestry plan/permit from the city forester.

TREE REMOVAL PERMIT. A permit required for the removal of a single tree as required under § 6.302.

URBAN FORESTRY PERMIT. A permit required under § 6.302 for the removal of more than one tree or the construction of new structures on properties greater than one acre for where a building permit is required.

URBAN FORESTRY PLAN. A plan showing the location of existing canopy coverage and any trees that are classified as large or significant as per § 6.302~~(g)(3)~~. on the site, the location of all easements, the location of all proposed buildings, a grading plan, if applicable; the trees desired to be removed, the trees that shall remain on the site, and an accompanying document indicating the

reason for the proposed removal of any tree, and if applicable, a description on how the existing healthy trees proposed to be retained will be protected from damage from construction.

SECTION 3.

That the zoning regulations and districts, as herein established, have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after full and complete public hearing with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of a building and encouraging the most appropriate use of land throughout the community.

SECTION 4.

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5.

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, 21653 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 6.

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 7.

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 (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

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 V.T.C.A. Local Government Code Subsection 52.013.

SECTION 9.

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

APPROVED AS TO FORM AND LEGALITY:

Assistant City Attorney

Jannette Goodall, City Secretary

Adopted: _____

Effective: _____