

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 21653, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH (2015), BY AMENDING ARTICLE 3 "ACCESSORY USES", OF CHAPTER 5, "SUPPLEMENTAL USE STANDARDS," SECTION 5.305 "FENCES" TO PROVIDE FOR MATERIALS ALLOWED FOR FENCES REQUIRED ALONG ARTERIAL STREETS FOR ONE AND TWO-FAMILY SUBDIVISIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City desires to improve the durability and sustainability of materials for fences or walls required along arterial streets for one- and two-family subdivisions; and

WHEREAS, such goals can be accomplished by deleting cedar wood as an allowed material and allowing wrought iron, tubular steel, durable composite board with top and bottom rails, or other materials which have a longer period of durability and sustainability; and

WHEREAS, the City finds it to be in the public interest and general welfare to amend the Zoning Ordinance provisions to amend the materials allowed for fencing required along arterial streets for one- and two-family subdivisions.

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

SECTION 1.

Chapter 5 "Supplemental Use Standards", the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 3, "Accessory Uses" to amend Section 5.305(a)(18) to amend materials allowed for fences in one- and two-family subdivisions, to read as follows:

**Sec. 5.305 FENCES.**

(a) *Fences required.* Fences are required as follows.

(18) a. Any property (except when located in a mixed use district) that is platted into three lots or more for one- or two-family development where the side or rear yard are adjacent to an arterial street as defined by the city master thoroughfare plan, shall be required to provide a minimum six-foot ~~masonry~~ wall of brick, stone, masonry, decorative cast concrete, wrought iron, tubular steel, durable composite board with top and bottom rails, or other material with a projected life expectancy of 25 years or more ~~or cedar wood fence~~ along the entire length of each property. Masonry columns shall be provided not greater than ten feet on center. A horizontal relief of the same height shall be placed parallel to the arterial street at intervals not greater than 500 feet with a minimum off-set of three feet in depth by 50 feet in length. The off-set section

shall be wrought iron type fence design or other such material as approved by the director of planning and development, as referenced in subsection (c)(1) below. Required fences may also be located within an easement dedicated to a home owners association (HOA) or public improvement district (PID), or, a designated lot of not less than five feet wide along the rear or side property line of the residential lots adjacent to the arterial street right-of-way under the control of an HOA or PID. No building permit shall be issued for lots required to provide a masonry screen fence under this section until a building permit has been provided for the fence.

b. Replacement of a portion of a fence shall match the existing fence material and design.

## **SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 3.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 4.**

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a

violation exists shall constitute a separate offense.

**SECTION 5.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896, 21653 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.**

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

**SECTION 7.**

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

**SECTION 8.**

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

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Melinda Ramos  
Sr. Assistant City Attorney

\_\_\_\_\_  
Mary J. Kayser  
City Secretary

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_