

AN ORDINANCE AMENDING CHAPTER 2, “ADMINISTRATION” OF THE CODE OF THE CITY OF FORT WORTH (1986), AS AMENDED, BY AMENDING ARTICLE XII “FEE SCHEDULES”, SECTION 2-321 “ZONING AND PLATTING APPLICATION FEES” TO ADD FEES RELATED TO URBAN FORESTRY; AND PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 6, 2009 the City Council approved amendments to the Urban Forestry ordinance; and

WHEREAS, the current per acre fee structure allows large acreage submittals to be charged disproportionately related to the amount of staff time required to review the application; and

WHEREAS, the current fee structure allows applicants to make an unlimited number of plan revisions under the original fee payment which does not reflect the amount of staff time needed for review the revisions; and

WHEREAS, the City Council deems it appropriate to amend the fee schedule as it relates to the newly amended Urban Forestry ordinance to allow the necessary fees to be charged;

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

SECTION 1.

Chapter 2, of the City Code of the City of Fort Worth, Article XII “Fee Schedules”, Section 2-321 "Zoning and platting application fees", is amended by adding fees related to Urban Forestry, to read as follows:

Sec. 2-321. Zoning and platting application fees.

(a) For services rendered, the following schedule of fees and charges is hereby adopted; provided, however, that such fees may be waived or refunded by action of the city council in accordance with policies adopted by the city council:

APPLICATION FEES

(16) Urban Forestry

(a) Application Fee for Staff Review

<u>Base Fee-First five acres (up to 5.00), including one revision..</u>	<u>\$ 250.00</u>
<u>Additional acreage – 5.01 acres and over.....</u>	<u>\$ 15.00 per acre above base fee</u>
<u>Additional revisions (each).....</u>	<u>\$ 100.00</u>

The acreage will be based on the preliminary plat or site plan, whichever is appropriate, at the time of submission of the Urban Forestry Plan.

(b) Application Fee for appeal hearing before Urban Design Commission.....\$295.00

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), 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 Five Hundred Dollars (\$500.00) 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 the Code of Fort Worth 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.

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 7.

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

APPROVED AS TO FORM AND LEGALITY

By: _____
Assistant City Attorney

ADOPTED: _____

EFFECTIVE: _____