

**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
September 10, 2013

**Council District** ALL

<p><b>Zoning Commission Recommendation:</b> Approval as Amended by a vote of 7-0</p> <p><b>Opposition:</b> three persons spoke</p>	Continued	Yes <u>X</u>	No <u>  </u>
	Case Manager	<u>Jocelyn Murphy</u>	
	Surplus	Yes <u>  </u>	No <u>X</u>
	Council Initiated	Yes <u>  </u>	No <u>X</u>

**Owner / Applicant:** City of Fort Worth Planning and Development Department

**Site Location:** Citywide Mapsco: N/A

**Proposed Use:** An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend:

- Article 4 "Overlay Districts", of Chapter 4, "District Regulations" to add a new section, Section 4.405 "Airport/Airfield Overlay ("AO") District";
- Providing for regulations for Airport Overlay Zones and Compatible Use Zones ("AO-CUZ") Restrictions for incompatible uses within Clear Zones and Accident Potential Zones for the Naval Air Station Fort Worth Joint Reserve Base; and
- To revise Chapter 9, "Definitions" to add definitions related to airports

**To review the proposed amendments:**  
<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

**Request:** **TEXT AMENDMENT: AIRPORT OVERLAY AND COMPATIBLE USE ZONES**

**Background:**  
The purpose of this rezoning is to create an Airport Overlay district and Compatible Use Zone subdistricts on the northern and southern ends of the runways of the Naval Air Station Fort Worth Joint Reserve Base (NASJRB) in order to prevent incompatible uses in the area.

The U.S. Department of Defense (DOD) defines the areas on the ends of runways as Accident Potential Zones, or APZs. These areas include the Clear Zone, APZ I, and APZ II. The dimensions of the APZs are standard for the U.S. Navy based on past events and do not vary among Naval airfields. The attached maps depict the APZs on the north and south ends of the NASJRB. The 2002 Air Installations Compatible Use Zone (AICUZ) study for the NASJRB lists uses that have been determined by the DOD to be compatible and incompatible in the APZs which are being made part of this ordinance.

In response to a request from Mayor Pro Tem Zimmerman and Councilmember Shingleton, staff has drafted proposed overlay zoning district language and following the APZ boundaries that would restrict land uses based on the AICUZ study. Staff anticipates proposing additional development restrictions within the broader noise zones of the NASJRB and municipal airports later this year.

Existing uses in the APZs that are listed as incompatible in the attached table would become legal nonconforming under the Zoning Ordinance and may continue indefinitely. Incompatible uses include all residential uses and various uses that encourage gatherings of people such as schools, churches, community and medical centers, various commercial uses and some industrial uses. The proposed zoning regulations would prevent new and expanded incompatible uses within the APZs.

The effect on existing residential uses has been the most concern of property owners within these areas. The proposed ordinance would allow all existing single family homes to expand in size and to rebuild, since these actions would not increase population density. Other considerations for existing residential uses include allowing construction of a new home on a lot within an existing platted subdivision.

Language has been added to the ordinance for existing nonresidential uses (commercial, industrial, etc.) similar to that for the existing residential uses. Existing legal nonconforming nonresidential uses would be permitted to rebuild to the same use and the same square footage. For example, a restaurant or bar could rebuild but not expand. Additionally, a nonpermitted use may be reconstructed to another nonpermitted use only if the new use allows for less density than the prior use. An example would be a church to a single family residential home. While the residential use is not desired, the end result is a lower potential number of people within the zone which is the intent of the overlay.

City Staff has met and spoke with attorneys representing Ridglea Mall and Dillards on numerous dates since the first continuance of the case. Primary concerns have included ensuring the current uses typical for a regional mall were continued to be allowed and that options for the expansion and possible redevelopment of the mall, either in its current form or as a rebuild, were considered. It was concluded that expansion of nonpermitted uses would not be acceptable within the APZ I area. However a redevelopment of the typical uses in the same square footage would be possible, with an additional 25,000 square feet permitted within 400 feet of the eastern APZ line which is the general area of the existing mall. On Table 1, the description of a "shopping center" was amended to list uses that are typically found within the existing mall and strip centers, including uses such as personal services, small offices, retail and restaurants. An additional note was added to clarify the regulations specific to a regional mall. The description also allows for up to 40% of a shopping center or regional mall to be a restaurant use, where a restaurant is not a permitted use within the APZ on Table 1.

General language for the Airport Overlay is also included as part of this amendment. This language will apply to all airports as the use of the overlay is expanded.

**Attachments:** Proposed Ordinance including Table 1 and Map Exhibit  
Minutes of the City Council meeting  
Minutes of the Zoning Commission meeting

**AIRPORT OVERLAY AND COMPATIBLE USE ZONES**

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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 4 "OVERLAY DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO ADD A NEW SECTION, SECTION 4.405 "AIRPORT/AIRFIELD OVERLAY ("AO") DISTRICT"; PROVIDING FOR REGULATIONS FOR AIRPORT OVERLAY ZONES AND COMPATIBLE USE ZONES ("AO-CUZ") RESTRICTIONS FOR INCOMPATIBLE USES WITHIN CLEAR ZONES AND ACCIDENT POTENTIAL ZONES FOR THE NAVAL AIR STATION FORT WORTH JOINT RESERVE BASE; AND TO REVISE CHAPTER 9, "DEFINITIONS" TO ADD DEFINITIONS RELATED TO AIRPORTS; 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**, the Dallas Fort Worth International Airport, the Alliance Airport, Meacham Airport, and Spinks Airport are major economic generators and fulfill an essential community purpose; and

**WHEREAS**, the Naval Air Station Fort Worth Joint Reserve Base (NAS FW JRB) serves a vital role in the economy of the City of Fort Worth and the region as well as in the defense of the Nation; and

**WHEREAS**, the creation or establishment of land uses or airport hazard that are not compatible with the operations of an airfield is a public nuisance, injures the region served by the airports, and affects the welfare of users of the airports and of owners, occupants, and users of land in the vicinity of the airports;

**WHEREAS**, these nuisances can include any use, activity or structure that may be a hazard to the taking off, landing, and maneuvering of aircraft or that interfere with visual radar, radio, or other systems for tracking, acquiring data relating to, monitoring or controlling aircraft be prevented; or that may be sensitive to the noise level and vibrations that are typical in the vicinity of an operative airfield, tending to destroy or impair the utility of the airport and the public investment in the airports; and

**WHEREAS**, it is necessary in the interest of the health, safety, and welfare of the general public as well as the economic stability of the region that the creation or establishment of incompatible land uses and airport hazards be prevented; and

**WHEREAS**, it is necessary in the interest of predictable growth and development of land in the vicinity of the airports, the long term integrity of the airports' usage and operations, and minimizing future conflicts between use and operation of the airports and development of land in the vicinity of the airports that the creation or establishment of incompatible land uses and hazards be prevented; and

**WHEREAS**, the creation of an airport hazard or incompatible use should be prevented to the extent legally possible, by the exercise of police power without compensation; and

**WHEREAS**, it is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivisions may raise and expend public funds and acquire interests in land.

**WHEREAS**, pursuant to Chapter 241 of the Texas Local Government code it is advisable to adopt regulations necessary to protect Runway Protection Zones (RPZ) for the municipal airports and Accident Potential Zones (APZ) for the NAS FW JRB at the ends of the runways from uses and hazards that could prove detrimental to the operation and safety of the airfield; and

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

**SECTION 1.**

Article 4, "Overlay Districts" of Chapter 4 "District Regulations" is amended to add a new section, Section 4.405, "Airport/Airfield "Overlay ("AO") District to provide development standards and guidelines to and administrative procedures to read as follows:

**4.405 Airport/Airfield ("AO") Overlay District**

**A. Purpose and Intent**

The purpose of the airport overlay district are the regulation of land uses in the vicinity of the City's airports and airfields and to ensure the protection of the airports where it has been determined that they are an essential economic element of the City and surrounding cities. It is also the purpose of this section to protect the health, safety, and general welfare of the public where it is recognized that aircraft accidents and excessive noise have the potential for endangering or harming the lives and or property of users or occupants of land in the vicinity of the airports that serve Fort Worth.

**B. Generally**

1. Applicability. Airport zoning regulations shall apply to all of the incorporated areas of the City of Fort Worth which are located within an accident potential zone or clear zone as described herein. The use of all land and any buildings or structures located upon the land, and the height, construction, reconstruction, alteration, expansion or relocation of any building or structure upon the land shall conform to all regulations applicable to this section. No land, building, structure or premise shall be constructed and/or used for any purpose or in any manner other than is permitted in this section.

The airport zoning regulation shall be in accordance with prescribed regulations contained V.T.C.A., Local Government Code, § 241.001 et seq.

2. Notwithstanding any other provisions of this section, no use shall be made of land or water nor institution within an Airport Overlay District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the City of Fort Worth Airports or the Naval Air Station Fort Worth Joint Reserve Base (NAS FW JRB).
3. Maps identifying the boundaries of the Airport Overlay District for the applicable airports and further described by each applicable airport subsection are hereby incorporated into the City's Official Zoning Map.
4. Zoning Classification:
  - a. Overlay District. The Airport Overlay District is designed as an overlay to the base zoning district. Property located within this zoning overlay must also be designated as being within one of the base zoning districts. Permitted uses must be allowed in both the base zoning district and the overlay district and must comply with height, yard, area and parking requirements of the base zoning district.
  - b. Zoning Designation. The zoning designation of the property located within the airport overlay shall consist of the base zoning symbol and the overlay symbol as a suffix. For example, if a parcel is zoned "A-5" and is also located in the overlay, the zoning of the parcel would be "A-5/AO". The zoning designation of parcels located within a compatible use zone shall consist of the base zoning symbol and the following as a suffix: "AO-CUZ".
5. Height Considerations

- a. Code of Federal Regulations Title 14, Part 77, Subpart C establishes the following imaginary surfaces for airports: approach surface; conical surface; horizontal surface; primary surface; and transitional surface as defined in the applicable Airport Layout Plan.
    - i. Structures cannot penetrate Federal Aviation Regulation Part 77 Imaginary surfaces and elevation at the site of construction.
    - ii. Construction or Alteration Requiring Notice. Any person proposing construction or alteration whether permanent, temporary or of natural growth in the area surrounding any municipal or military airport shall notify the Manager, Air Traffic Division of the Federal Aviation Administration (FAA) Regional Office and the Manager of the Municipal Airport or Community Liaison or other appointee of the NAS FW JRB, as applicable, not less than 30 days before commencement of construction if such construction or alteration exceeds any of the following height standards.
      - 1. The height limits are defined in terms of imaginary surfaces in the airspace extending about two to three miles around airport runways and approximately 9.5 miles from the ends of the runways having a precision instrument approach.
      - 2. Notice must be provided for all structures measuring 200 feet above the ground level measured at the point of highest elevation of the foundation or where it has been determined that the proposed construction penetrates the Federal Aviation Regulation Part 77 imaginary surfaces.
      - 3. When requested by the FAA, any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard must submit for review.
  - b. Notice to FAA. Nothing in this section shall be construed as relieving any owner, sponsor or agent from the requirement for filing a notice of proposed construction or alteration with the appropriate Federal Aviation Administration.
  - c. A copy of a Determination of No Hazard or similar documentation will be required from the FAA, and the NAS FW JRB as applicable, before release of the building permit by the City of Fort Worth.
6. Marking of Nonconforming Structures
- a. The owner of any nonconforming structure or object of natural growth is required to install and maintain thereon markers and lighting deemed an operational hazard by the City of Fort Worth and/or Naval Air Station Joint Reserve Base to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the property owner, as required by the FAA.

C. Naval Air Station Fort Worth Joint Reserve Base

1. Purpose and Intent.

The City of Fort Worth has designated NAS FW JRB compatible use zone (AO-CUZ) in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of military airport environs and to prevent the impairment of military airfields and the public investment therein. The land areas below military airport take off and final approach paths are exposed to significant danger of aircraft accidents. It is, therefore, necessary to limit the density of development and intensity of uses in such areas. The NAS FW JRB compatible use zone is intended to: guide, control, and regulate future growth and development; promote orderly and appropriate use of land; protect the character and stability of existing land uses; enhance the quality of living in the areas affected; protect the general economic welfare by restricting incompatible land uses; prevent the establishment of any land use which would endanger aircraft operations and the continued use of NAS FW JRB.
2. Boundaries: The specific boundaries of the NAS FW JRB Compatible Use Zone are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.27. The Compatible Use Zones include the Clear Zones and Accident Potential Zones.
3. Use Restrictions in Accident Potential Zones and Clear Zone
  - a. Permitted uses shall be allowed in accordance with Table 1, attached and incorporated here to into the Zoning Ordinance.
  - b. Certain uses within Table 1 shall be prohibited within the APZs. Prohibited uses include but are not limited to, new residences, schools, places of public assembly and outdoor recreation uses. Other prohibited uses include the manufacture of flammable or combustible liquids or materials, the generation of any substance that would impair visibility or otherwise interfere with the operation of aircraft including steam/dust/smoke; and uses that may encourage the congregation of birds or waterfowl increasing the chance of a bird strike including landfills.
  - c. Above ground fuel storage facilities shall be permitted only in accordance with the Uniform Fire Code.
  - d. All nonresidential uses indicated on the table as “N” Not Compatible on Table 1 are considered prohibited.
4. Residential Uses
  - a. Existing residential one-family uses located within an existing platted residential subdivision will be permitted to reconstruct a single residential structure.
  - b. New construction shall be permitted only on vacant lots that are within an existing platted residential subdivision. This section does not apply to residential properties located within the Clear Zone. Lots may not be subdivided.
  - c. Unplatted lots. Lots zoned for residential use of one acre or greater may be platted and used for single family residential purposes.

## SECTION 2.

Chapter 9 “Definitions” of the Zoning Ordinance is hereby amended to read as follows:

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*AICUZ* means the Air Installation Compatible Use Zone report of the Department of Defense.

*Airport* shall mean the Fort Worth Alliance Airport, Dallas-Fort Worth International Airport, Fort Worth Meacham Airport, Naval Air Station Fort Worth, Joint Reserve Base and Fort Worth Spinks Airport located in Tarrant, Dallas, Denton, Johnson and Tarrant Counties.

*Airport elevation* shall mean the elevation as established in the most current approved Airport Layout Plan Set.

*Airport hazard* shall mean any structure, tree, installation, electronic and/or visual interference, or use of land or water which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

*Airport hazard area* shall mean any area of land or water under the imaginary surfaces as established in Code of Federal Regulations Title 14, Part 77 – “Objects Affecting Navigable Space – Imaginary Surfaces” upon which an airport hazard might be established if not prevented as provided in this section.

*Airport Height Control Area* shall mean the space between the earth's surface and the imaginary surfaces as established in 14 CFR Part 77 – Objects Affecting Navigable Space – Imaginary Surfaces.

*Airport Layout Plan* means a graphic representation of the current and future airport facilities as determined from the review of the aviation forecasts, facility requirements, and alternatives analysis.

*Accidental Potential Zone I (APZ I)* means the rectangular area beyond the Clear Zone which still has a measurable potential for aircraft accidents relative to the Clear Zone and is 3,000 feet in width by 5,000 feet in length.

*Accident Potential Zone II (APZ II)* means the rectangular area beyond the APZ I which has a measurable potential for aircraft accidents relative to APZ I or the Clear Zone and is 3,000 feet in width by 7,000 feet in length.

*Clear Zone (CZ)* means the trapezoidal area lying immediately beyond the end of the runway and outward along the extended runway center line for a distance of 3,000 feet. Dimensions are 1,500 feet in width at the runway threshold and 2,284 feet in width at its outer edge. The Clear Zone represents the highest potential for aircraft accidents.

*Height.* For the purpose of determining the height limits in the Airport Overlay districts and shown on the Airport Height Control Map, the datum shall be measured in mean sea level elevation unless otherwise specified.

*NAS FW JRB* means the Naval Air Station Fort Worth, Joint Reserve Base

*Runway* shall mean the paved surface of an airport designated for the landing and taking off of aircraft.

*RPZ* means the Runway Protection Zone on the ends of the runways for the municipal airports.

*Structure* for the purposes of section 4.405 structures shall mean an object permanent, or temporarily constructed or installed by man, including, but without limitation, buildings as measured at its highest peak, towers, spires, architectural features, smokestacks and overhead transmission lines.

*Tree* shall mean any object of natural growth.

### **SECTION 3.**

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 4.**

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 5**

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 6.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 13896 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 7.**

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 8.**

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

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Assistant City Attorney

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

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

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

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**WHEREAS**, the Dallas Fort Worth International Airport, the Alliance Airport, Fort Worth Meacham International Airport, and Spinks Airport are major economic generators and fulfill an essential community purpose; and

**WHEREAS**, the Naval Air Station Fort Worth Joint Reserve Base (NAS FW JRB) serves a vital role in the economy of the City of Fort Worth and the region as well as in the defense of the Nation; and

**WHEREAS**, the creation or establishment of land uses or airport hazards that are not compatible with the operations of an airfield is a public nuisance, injures the region served by the airports, and affects the welfare of users of the airports and of owners, occupants, and users of land in the vicinity of the airports; and

**WHEREAS**, these nuisances may include any use, activity or structure that may be a hazard to the taking off, landing, and maneuvering of aircraft or that interferes with visual radar, radio, or other systems for tracking, acquiring data relating to, monitoring or controlling aircraft be prevented; or that may be sensitive to the noise level and vibrations that are typical in the vicinity of an operative airfield, tending to destroy or impair the utility of the airport and the public investment in the airports; and

**WHEREAS**, it is necessary in the interest of the health, safety, and welfare of the general public, as well as the economic stability of the region that the creation or establishment of incompatible land uses and airport hazards be prevented; and

**WHEREAS**, it is necessary in the interest of predictable growth and development of land in the vicinity of the airports, the long term integrity of the airports' usage and operations,

and minimizing future conflicts between use and operation of the airports and development of land in the vicinity of the airports that the creation or establishment of incompatible land uses and hazards be prevented; and

**WHEREAS**, the creation of an airport hazard or incompatible use should be prevented to the extent legally possible, by the exercise of police power without compensation; and

**WHEREAS**, it is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire interests in land; and

**WHEREAS**, pursuant to Chapter 241 of the Texas Local Government Code, it is advisable to adopt regulations necessary to protect Runway Protection Zones (RPZ) for the municipal airports and Accident Potential Zones (APZ) for the NAS FW JRB at the ends of runways from uses and hazards that could prove detrimental to the operation and safety of the airfield,

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

**SECTION 1.**

Article 4, "Overlay Districts," of Chapter 4, "District Regulations," is amended to add a new section, Section 4.405, "Airport/Airfield Overlay ("AO") District" to provide development standards and guidelines and administrative procedures related to airports/airfields to read as follows:

**4.405 Airport/Airfield ("AO") Overlay District**

A. Purpose and Intent

The purpose of the airport/airfield overlay district is the regulation of land uses in the vicinity of the City's airports and airfields and to ensure the protection of the airports where it has been determined that they are an essential economic element of the City and surrounding cities. It is also the purpose of this section to protect the health, safety, and general welfare of the public where it is recognized that aircraft accidents and excessive noise have the potential for endangering or harming the lives and or property of users or occupants of land in the vicinity of the airports that serve Fort Worth.

B. Generally

1. Applicability. Airport zoning regulations shall apply to all of the incorporated areas of the City of Fort Worth which are located within an accident potential zone or clear zone as described herein. The use of all land and any buildings or structures located upon the land, and the height, construction, reconstruction, alteration, expansion or relocation of any building or structure upon the land shall conform to all regulations applicable to this section. No land, building, structure or premise shall be constructed and/or used for any purpose or in any manner other than is permitted in this section.  
The airport zoning regulation shall also be in accordance with prescribed regulations contained in V.T.C.A., Local Government Code, § 241.001 et seq.
2. Notwithstanding any other provisions of this section, no use shall be made of land or water nor institution within an Airport/Airfield Overlay District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the City of Fort Worth Airports or the Naval Air Station Fort Worth Joint Reserve Base (NAS FW JRB).
3. Maps identifying the boundaries of the Airport/Airfield Overlay District for the applicable airports and further described by each applicable airport subsection are hereby incorporated into the City's Official Zoning Map.
4. Zoning Classification:
  - a. Airport/Airfield Overlay District. The Airport/Airfield Overlay District is designed as an overlay to the base zoning district. Property located within this zoning overlay must also be designated as being within one of the base zoning districts. Permitted uses must be allowed in both the base zoning district and the overlay district and must comply with height, yard, area and parking requirements of the base zoning district.
  - b. Zoning Designation. The zoning designation of the property located within the Airport/Airfield Overlay District shall consist of the base zoning symbol and the overlay symbol as a suffix. For example, if a parcel is zoned "A-5" and is also located in the Airport/Airfield Overlay District, the zoning of the parcel would be "A-5/AO." The zoning designation of parcels located within a compatible use zone shall consist of the base zoning symbol and the following as a suffix: "AO-CUZ."
5. Height Considerations
  - a. Code of Federal Regulations Title 14, Part 77, Subpart C establishes the following imaginary surfaces for airports: approach surface; conical surface; horizontal surface; primary surface; and transitional surface as defined in the applicable Airport Layout Plan.
    - i. Structures cannot penetrate Federal Aviation Regulation Part 77 imaginary surfaces and elevation at the site of construction.

- ii. Construction or Alteration Requiring Notice. Any person proposing construction or alteration whether permanent, temporary or of natural growth in the area surrounding any municipal or military airport shall notify the Manager, Air Traffic Division of the Federal Aviation Administration (FAA) Regional Office and the Manager of the Municipal Airport or Community Liaison or other appointee of the NAS FW JRB, as applicable, if such construction or alteration exceeds any of the following height standards.
    1. The height limits are defined in terms of imaginary surfaces in the airspace extending about two to three miles around airport runways and approximately 9.5 miles from the ends of the runways having a precision instrument approach.
    2. Notice must be provided for all structures measuring 200 feet above ground level measured at the point of highest elevation of the foundation or where it has been determined that the proposed construction penetrates the Federal Aviation Regulation Part 77 imaginary surfaces.
    3. When requested by the FAA, any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard, must be submitted for review.
  - b. Notice to FAA. Nothing in this section shall be construed as relieving any property owner, sponsor or agent from the requirement for filing a notice of proposed construction or alteration with the appropriate Federal Aviation Administration.
  - c. A copy of a Determination of No Hazard or similar documentation will be required from the FAA, and the NAS FW JRB, as applicable, before release of a building permit by the City of Fort Worth.
6. Marking of Nonconforming Structures
- a. The owner of any nonconforming structure or object of natural growth deemed an operational hazard by the City of Fort Worth and/or Naval Air Station Joint Reserve Base is required to install and maintain thereon markers and lighting to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the property owner, as required by the FAA.

### C. Naval Air Station Fort Worth Joint Reserve Base

#### 1. Purpose and Intent.

The City of Fort Worth has designated a NAS FW JRB Compatible Use Zone (AO-CUZ) in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of and near military airport environs and to prevent the impairment of military airfields and the public investment therein. The land areas below military airport take off and final approach paths are exposed to significant danger of aircraft accidents. It is, therefore, necessary to limit the density of development and intensity of

uses in such areas. The NAS FW JRB Compatible Use Zone is intended to: guide, control, and regulate future growth and development; promote orderly and appropriate use of land; protect the character and stability of existing land uses; enhance the quality of living in the areas affected; protect the general economic welfare by restricting incompatible land uses; prevent the establishment of any land use which would endanger aircraft operations and the continued use of the NAS FW JRB.

2. Boundaries: The specific boundaries of the NAS FW JRB Compatible Use Zone are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.27. The Compatible Use Zones include the Clear Zones and Accident Potential Zones (APZs).
3. Use Restrictions in Accident Potential Zones and Clear Zone
  - a. Permitted uses shall be allowed in accordance with Table 1, attached and incorporated here to into the Zoning Ordinance.
  - b. Certain uses, unless stated otherwise, within Table 1 shall be prohibited within the APZs. Prohibited uses include but are not limited to, new residences, schools, places of public assembly and outdoor recreation uses. Other prohibited uses include the manufacture of flammable or combustible liquids or materials, the generation of any substance that would impair visibility or otherwise interfere with the operation of aircraft including steam/dust/smoke; and uses that may encourage the congregation of birds or waterfowl increasing the chance of a bird strike including landfills.
  - c. Above ground fuel storage facilities shall be permitted only in accordance with the Uniform Fire Code.
  - d. All new nonresidential uses indicated on the table as “N” Not Compatible on Table 1 are considered prohibited.
4. Residential Uses

In lieu of the requirements of Chapter 7, Nonconformities regarding construction, the following shall be allowed within the AO-CUZ:

  - a. Existing residential one-family uses located within a platted residential subdivision will be permitted to reconstruct a single-family residential structure.
  - b. New residential construction shall be permitted only on vacant lots that are within an existing platted residential subdivision. This section does not apply to residential properties located within the Clear Zone.
  - c. Tracts or lots may not be subdivided.
5. Existing Nonresidential Uses and Structures

In lieu of the requirements of Chapter 7, Nonconformities regarding construction and continuation of use, the following shall be allowed within the AO-CUZ:

  - a. Existing nonresidential uses or structures may reconstruct a structure for the same nonconforming use with equal or less square footage that had previously existed on the property or for such other use that has a density equal to or less than the prior use. Density will be measured from the occupancy count as determined by the City’s Building Official.

- b. A nonresidential structure that is vacant for any period of time will be allowed to request a Certificate of Occupancy for a new tenant/property owner provided that the use requested is identical to the use identified on the last Certificate of Occupancy for the structure, or is for a use that has a density equal to or less than the previous use of the structure. Density will be measured from the occupancy count as determined by the City's Building Official.
- c. A Certificate of Occupancy may be issued for new tenants/property owners and changes of use for any use allowed in a shopping center with multiple tenant spaces or an existing regional mall site, as stated in Table 1, Note 7 and Note 8.
- d. In an existing structure, a use not allowed in Table 1 will be allowed provided that the proposed nonconforming use has a density equal to or less than the previous use of the structure. A use changed to a lower density than had previously existed may not thereafter be returned to a use of higher density, provided however the aforementioned shall not apply to a shopping center or an existing regional mall site.
- e. Any tenant or property owner of a building within an existing regional mall site shall be permitted to construct, re-construct, relocate and redevelop the square footage existing within the APZ 1 area as of the effective date of this ordinance plus an additional 25,000 square feet of building improvements at any location solely within 400 feet of the eastern APZ 1 boundary. The additional 25,000 square feet within 400 feet of the eastern APZ1 boundary shall be allocated to and located upon the applicable portion of the property described as Parcel 1 in the Special Warranty Deed filed of record under Instrument No.D205100827, Real Property Records, Tarrant County, Texas (the "Developer's Parcel") or such other tract within 400 feet of the eastern APZ 1 boundary designated by the owner of the Developer's Parcel.
- f. A nonconforming use if changed to a conforming use may not thereafter be changed to a nonconforming use, provided however the aforementioned shall not apply to a shopping center or an existing regional mall site.

## SECTION 2.

Chapter 9 "Definitions" of the Zoning Ordinance is hereby amended to read as follows:

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*AICUZ* means the Air Installation Compatible Use Zone report of the Department of Defense.

*Airport* shall mean the Fort Worth Alliance Airport, Dallas-Fort Worth International Airport, Fort Worth Meacham International Airport, Naval Air Station Fort Worth Joint Reserve Base and Fort Worth Spinks Airport located in Tarrant, Dallas, Denton, Johnson and Tarrant Counties.

*Airport elevation* shall mean the elevation as established in the most current approved Airport Layout Plan Set.

*Airport hazard* shall mean any structure, tree, installation, electronic and/or visual interference, or use of land or water which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

*Airport hazard area* shall mean any area of land or water under the imaginary surfaces as established in Code of Federal Regulations Title 14, Part 77 – “Objects Affecting Navigable Space – Imaginary Surfaces” upon which an airport hazard might be established if not prevented as provided in section 4.405.

*Airport Height Control Area* shall mean the space between the earth's surface and the imaginary surfaces as established in 14 CFR Part 77 – “Objects Affecting Navigable Space – Imaginary Surfaces.”

*Airport Layout Plan* means a graphic representation of the current and future airport facilities as determined from the review of the aviation forecasts, facility requirements, and alternatives analysis.

*Accidental Potential Zone I (APZ I)* means the rectangular area beyond the Clear Zone which still has a measurable potential for aircraft accidents relative to the Clear Zone and is 3,000 feet in width by 5,000 feet in length.

*Accident Potential Zone II (APZ II)* means the rectangular area beyond the APZ I which has a measurable potential for aircraft accidents relative to APZ I or the Clear Zone and is 3,000 feet in width by 7,000 feet in length.

*Clear Zone (CZ)* means the trapezoidal area lying immediately beyond the end of the runway and outward along the extended runway center line for a distance of 3,000 feet. Dimensions are 1,500 feet in width at the runway threshold and 2,284 feet in width at its outer edge. The Clear Zone represents the highest potential for aircraft accidents.

*Height.* For the purpose of determining the height limits in the Airport/Airfield Overlay Districts and shown on the Airport Height Control Map, the datum shall be measured in mean sea level elevation unless otherwise specified.

*NAS FW JRB* means the Naval Air Station Fort Worth Joint Reserve Base

*Runway* shall mean the paved surface of an airport designated for the landing and taking off of aircraft.

*RPZ* means the Runway Protection Zone at the ends of the runways for the municipal airports.

*Structure* for the purposes of section 4.405 structures shall mean an object permanently or temporarily constructed or installed by man, including, but without limitation, buildings as

measured at its highest peak, towers, spires, architectural features, smokestacks and overhead transmission lines.

*Tree* shall mean any object of natural growth.

### **SECTION 3.**

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 4.**

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 5**

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 6.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 13896 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 7.**

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 8.**

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

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Assistant City Attorney

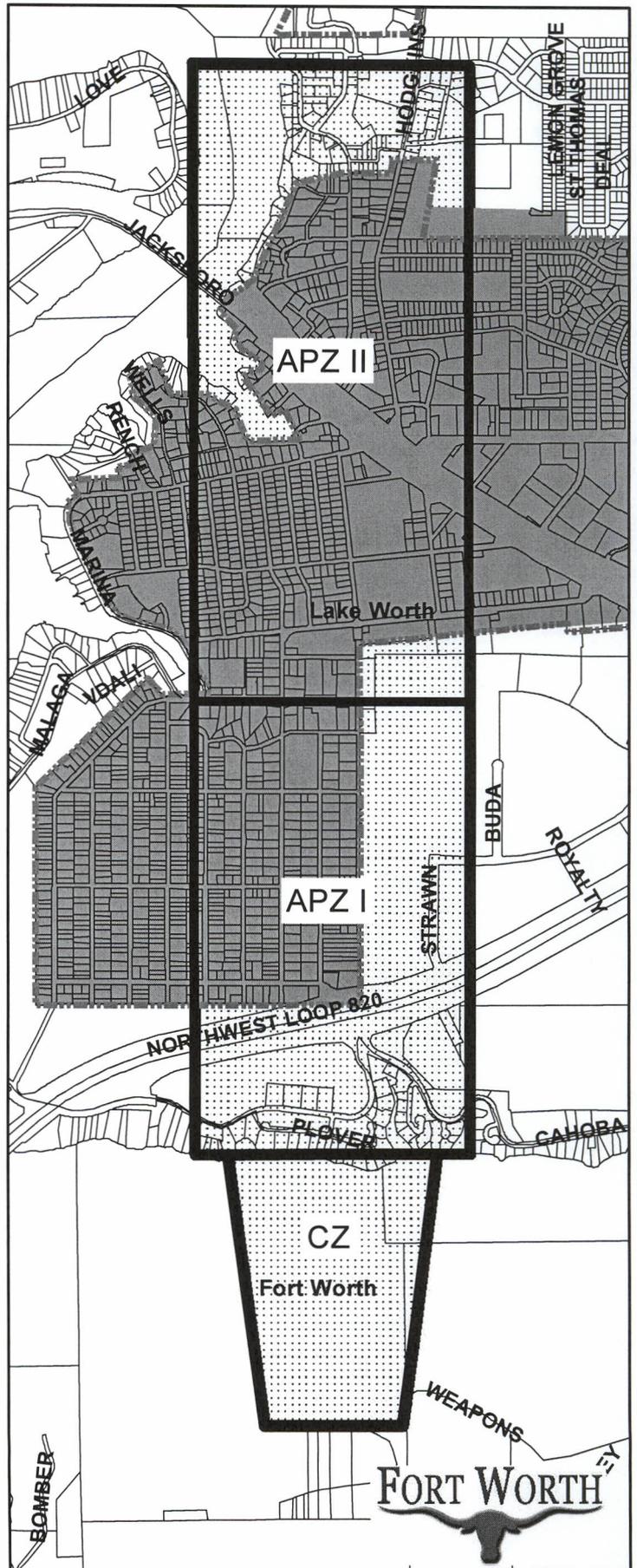
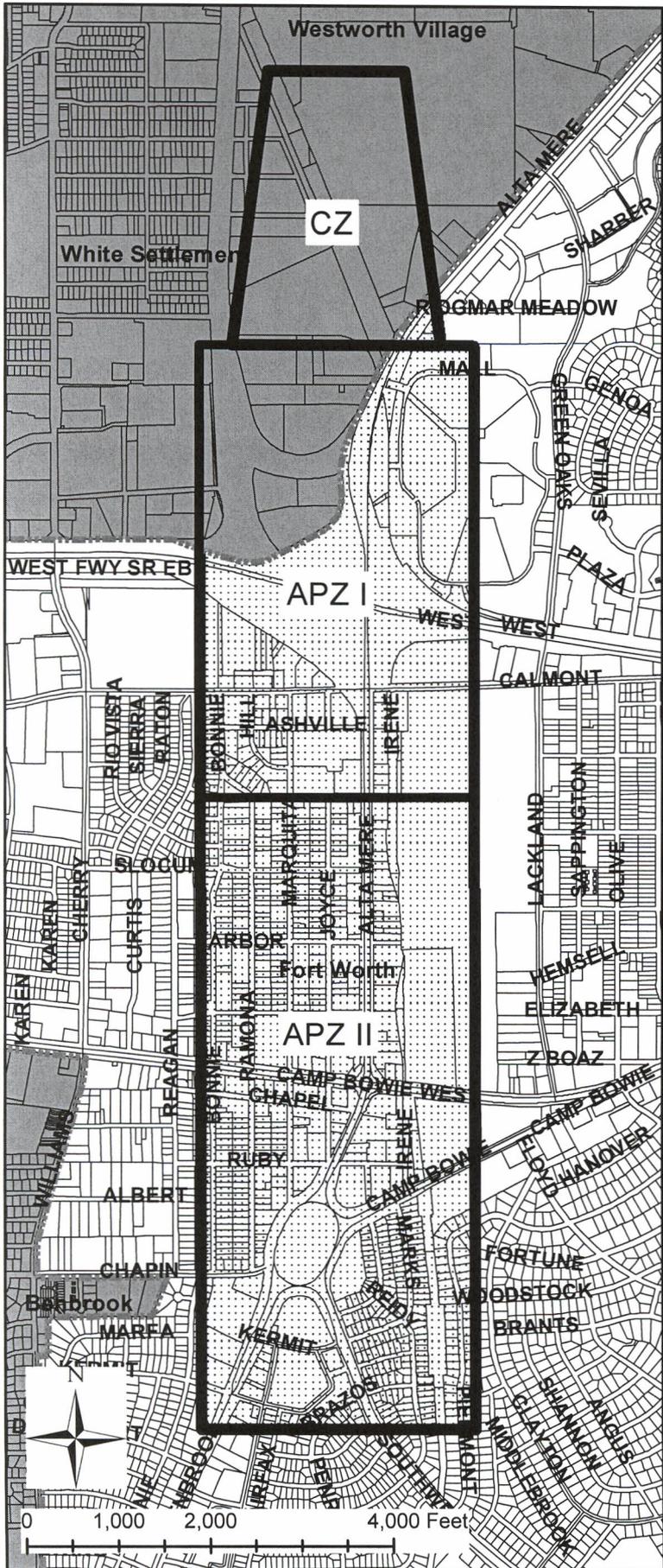
\_\_\_\_\_  
Mary J. Kayser  
City Secretary

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

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

EXHIBIT B.27  
AIRPORT OVERLAY/COMPATIBLE USE ZONES

ZC-13-050



**TABLE 1 - COMPATIBLE USE ZONES**  
**LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES**

Revised 8/30/13

2012 NAICS NO.	LAND USE NAME	CLEAR ZONE	APZ-I	APZ-II	Density Guidelines
	<i>Residential</i>				
	Household Units				
236115	Single units: detached (new)	N	N	N	2
	Single units: detached (existing)	*	*	*	*Existing homes may be rebuilt; refer to Sect. 4.405C(4) for regulations in existing res. subd.
2361	Single units: semidetached	N	N	N	
2361	Single units: attached row	N	N	N	
2361	Two units: side-by-side	N	N	N	
2361	Two units: one above the other	N	N	N	
236116	Apartments: walk-up	N	N	N	
236116	Apartment: elevator	N	N	N	
7213	Group quarters	N	N	N	
7211	Residential Hotels	N	N	N	
	Mobile home parks or courts	N	N	N	
7211	Transient lodgings	N	N	N	
	Other residential	N	N	N	
	<i>Existing NonResidential Uses</i>	*	*	*	*Existing structures may be rebuilt to the same use and s.f.; refer to Sect. 4.405C(5) for regulations
	<i>Manufacturing</i>				
311	Food & kindred products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
313, 314	Textile mill products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
315, 316	Apparel and other finished products: products made from fabrics, leather and similar materials; manufacturing	N	N	N	
321	Lumber and wood products (except furniture); manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
337	Furniture and fixtures; manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
322, 323	Paper and allied products; manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
511	Printing, publishing, and allied industries	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
325	Chemicals and allied products; manufacturing	N	N	N	
32411	Petroleum refining and related industries	N	N	N	
3252	Rubber and misc. plastic products; manufacturing	N	N	N	
327991, 3271, 3272	Stone, clay and glass products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
331	Primary metal products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
332	Fabricated metal products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
3333	Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	N	N	N	
339	Miscellaneous manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
	<i>Transportation, communication and utilities</i>				
482, 485	Railroad, rapid rail transit, and street railway transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
485	Motor vehicle transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
481	Aircraft transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
483	Marine craft transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
485	Highway and street right-of-way	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
81293	Automobile parking	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
517	Communication	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
22	Utilities	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
562	Solid waste disposal (landfills, incineration, etc.)	N	N	N	
	Other transportation, communication and utilities	N	Y 5	Y	See Note 5 below
	<i>Trade</i>				
42	Wholesale trade	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II.
444	Retail trade - building materials, hardware and farm equipment	N	Y	Y	See Note 6 below
452	Retail trade (7)- shopping centers, home improvement store, discount club, electronics superstore	N	N	Y	See Note 7 below
452	Retail trade - regional mall (existing)	N	*	*	See Note 8 below. *Refer to Sect. 4.405C(5) for regulations.
445	Retail trade - food	N	N	Y	Max FAR of 0.24 in APZ II
441	Retail trade - automotive, marine craft, aircraft and accessories	N	Y	Y	Max FAR of 0.14 in APZ I & 0.28 in APZ II
448	Retail trade - apparel and accessories	N	N	Y	Max FAR 0.28 in APZ II
442	Retail trade - furniture, home, furnishings and equipment	N	N	Y	Max FAR 0.28 in APZ II
722	Retail trade - eating and drinking establishments	N	N	N	
45399	Other retail trade	N	N	Y	Max FAR of 0.16 in APZ II
	<i>Services</i>				
52	Finance, insurance and real estate services	N	N	Y	Max FAR of 0.22 for General Office/Office park in APZ II. See Note 9 below.
812	Personal services	N	N	Y	Office uses only. Max FAR of 0.22 in APZ II.
81222	Cemeteries	N	Y 10	Y 10	

5614	Business services (credit reporting, mail, stenographic, reproduction, advertising)	N	N	Y	Max FAR of 0.22 in APZ II
493	Warehousing and storage services	N	Y	Y	Max FAR 1.0 APZ I; 2.0 in APZ II
811	Repair services	N	Y	Y	Max FAR of 0.11 APZ I; 0.22 in APZ II
54, 62	Professional services/offices	N	N	Y	
622, 623	Hospitals, nursing homes/assisted living	N	N	N	
621999	Other medical facilities	N	N	N	See Note 11 below
23	Contract construction services	N	Y	Y	Max FAR of 0.11 APZ I; 0.22 in APZ II
92	Government services	N	N	Y	Max FAR of 0.24 in APZ II
61	Educational services	N	N	N	
	Miscellaneous	N	N	Y	Max FAR of 0.22 in APZ II
	<i>Cultural, entertainment and recreational</i>				
813	Cultural activities (and Religious Institutions)	N	N	N	
71219	Nature exhibits	N	Y 12	Y 12	
813	Public assembly	N	N	N	
71	Auditoriums, concert halls	N	N	N	
71	Outdoor music shells, amphitheaters	N	N	N	
7112	Outdoor sports arenas, spectator sports	N	N	N	
713	Amusements - fairgrounds, miniature golf, driving ranges, amusement parks, etc.	N	N	Y	
713	Recreational activities (include golf courses, riding stables, water recreation )	N	Y 12	Y 12	Max FAR of 0.11 APZ I; 0.22 in APZ II
7212	Resorts and group camps	N	N	N	
	Parks	N	Y 12	Y 12	Max FAR of 0.11 APZ I; 0.22 in APZ II
7139	Other cultural, entertainment and recreation	N	Y 9	Y 9	Max FAR of 0.11 APZ I; 0.22 in APZ II
	<i>Resource Production and Extraction</i>				
111	Agriculture (except livestock)	Y 4	Y 13	Y 13	
112	Livestock farming and breeding	N	Y 13,14	Y 13,14	
	Agriculture related activities	N	Y 13	Y 13	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
113	Forestry Activities 15	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
114	Fishing Activities 16	N 16	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
21	Mining Activities	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
212399	Other resource production or extraction	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
	<i>Other</i>				
	Undeveloped Land	Y	Y	Y	
	Water Areas	N 17	N 17	N 17	

KEYS TO TABLE 1

Based on Operational Navy Instruction "Air Installation Compatible Use Zone (AICUZ) Program" OPNAVINST 11010.36C Dated 9-Oct-2008

NAICS North American Industry Classification System, US Dept. of Commerce, 2012  
 Y (Yes) Land use and related structures are normally compatible without restriction.  
 N (No) Land use and related structures are not normally compatible and should be prohibited

Y# (Yes with Restrictions) The land use and related structures are generally compatible. However, see notes indicated by the number.  
 N# - (No with exceptions) The land use and related structures are generally incompatible. However, see notes indicated by the number.  
 FAR - Floor Area Ratio A floor area ratio is the ratio between the square feet of floor area of the building and the site area.  
 Du/Ac Dwelling Units Per Acre This metric is customarily used to measure residential densities.

NOTES FOR TABLE 1

1. A "Yes" or a "No" designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures. In order to assist installations and local governments, general suggestions as to floor/area ratios are provided as a guide to density, in some categories. In general, except with respect to an Existing Regional Mall, land use restrictions which limit commercial, services, or industrial buildings or structure occupants to 25 per acre in APZ I, and 50 per acre in APZ II are the range of occupancy levels considered to be low density. Outside events should normally be limited to assemblies of not more than 25 people per acre in APZ I, and maximum assemblies of 50 people per acre in APZ II.
2. The suggested maximum density for detached single-family housing is one to two du/ac. In a Planned Development (PD) of single family detached units where clustered housing development results in large open areas, this density could possibly be increased provided the amount of surface area covered by structures does not exceed 20 percent of the PD total area. PD encourages clustered development that leaves large open areas.
3. Other factors to be considered: labor intensity, structural coverage, explosive characteristics, air pollution, electronic interference with aircraft, height of structures, and potential glare to pilots.
4. No structures (except airfield lighting), buildings or aboveground utility/communications lines should normally be located in Clear Zone areas on or off the installation. The Clear Zone is subject to severe restrictions.
5. No passenger terminals and no major above ground transmission lines in APZ I.
6. Maximum FARs for lumber yards are 0.20 in APZ I and 0.40 in APZ II. For hardware/paint and farm equipment stores, the maximum FARs are 0.12 in APZ I and 0.24 in APZ II.

7. A "shopping center" is an integrated group of commercial establishments that is planned, developed, owned, or managed as a unit. Shopping center types include strip, neighborhood, community, regional, and super regional facilities anchored by a supermarket, or drug store, discount retailer, department store, or several department stores. Shopping centers include ~~small~~ retail businesses, personal services, storefront offices and storefront financial services. The following uses are prohibited: any type of residential including hotels, hospitals/nursing homes/assisted living, other medical facilities, educational services, call centers, concert halls, sports arenas, and religious institutions. Eating and drinking establishments are limited to 40% of the total gross floor square foot area of the shopping center. Included in this category are such uses as big box discount clubs, home improvement superstores, office supply superstores, and electronics superstores. The maximum recommended FAR should be applied to the gross leasable area of the shopping center rather than attempting to use the other recommended FARs listed in this table under retail or trade. FARs do not apply to existing shopping centers.

8. An "existing regional mall" site, inclusive of anchor stores, and including commercial redevelopment of the site, is a type of shopping center. An existing regional mall site may have the uses allowed in the Trade and Services sections, with Eating and Drinking establishments limited to 40% of the total existing square footage. Movie theaters are allowed up to 7% of the total existing square footage. Other medical facilities, excluding blood banks and surgery centers, are permitted up to a maximum of 25,000 s.f. within 400 feet of the eastern APZ boundary. The following uses are prohibited: any type of residential including hotels, hospitals/nursing homes/assisted living, day care (child or adult), kindergarten, elementary or secondary school, college or university, call centers, concert halls, sports arenas, and religious institutions. FARs do not apply to an existing regional mall site.

9. Low intensity office uses only. Accessory uses such as meeting places, auditoriums, etc. are not recommended.

10. No chapels are allowed within APZ I and APZ II.

11. "Other medical facilities" includes medical and dental clinics, blood banks, outpatient/ambulatory surgery centers, dialysis centers, and similar higher density and sensitive uses.

12. Facilities must be low intensity and provide no tot lots, etc. Facilities such as clubhouses, meeting places, auditoriums, large classes, etc. are not recommended.

13. Includes livestock grazing, but excludes feedlots and intensive animal husbandry. Activities that attract concentrations of birds creating a hazard to aircraft operation should be excluded.

14. Includes feedlots and intensive animal husbandry.

15. Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zones will be disposed of in accordance with appropriate DOD Natural Resources Instructions.

16. Controlled hunting and fishing may be permitted for the purpose of wildlife management.

17. Naturally occurring water features (e.g. rivers, lakes, streams, wetlands) are compatible.

2. ZC-13-049 - (CD-ALL) - City of Fort Worth Planning & Development; Text Amendment: Airport Overlay and Compatible Use Zones; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend: Article 4 "Overlay Districts", of Chapter 4, "District Regulations" to add a new section, Section 4.405 "Airport/Airfield Overlay ("AO") District"; Providing for regulations for Airport Overlay Zones and Compatible Use Zones ("AO-CUZ") Restrictions for incompatible uses within Clear Zones and Accident Potential Zones for the Naval Air Station Fort Worth Joint Reserve Base; and To revise Chapter 9, "Definitions" to add definitions related to airports To review the proposed amendments: <http://www.fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx> (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)

The City Council at its regular meeting of June 4, 2013, continued ZC-13-049.

Captain Robert Bennett, 1510 Chennault Avenue, completed a speaker card in support of Zoning Docket ZC-13-049 and was recognized by Mayor Price but was not present in the Council Chamber.

Mr. David Patterson, 1500 Aden Road, completed a comment card in support of Zoning Docket ZC-13-049.

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket ZC-13-049 be continued to the August 6, 2013, Council meeting. The motion carried unanimously 8 ayes to 0 nays, with Council Member Espino absent.

3. ZC-13-050 - (CD 3, CD 7) - City of Fort Worth Planning and Development, North and South of NAS FW JRB Runways; from: various zoning districts to: add Airport Overlay/Compatible Use Zone Overlay Districts (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)

The City Council at its regular meeting of June 4, 2013, continued ZC-13-050.

Mr. David Patterson, 1500 Aden Road, completed a comment card in support of Zoning Docket ZC-13-050.

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket ZC-13-050 be continued to the August 6, 2013, Council meeting. be approved. The motion carried unanimously 8 ayes to 0 nays, with Council Member Espino absent.

- 14. ZC-13-043 - (CD 6) - SLV IV/Legacy Capital LP, Bounded by Willow Branch Way, Stewart Feltz, Granbury & Hornbeam; from: "AR" One-Family Restricted, "CR" Low Density Multifamily, "C" Medium Density Multifamily, "E" Neighborhood Commercial, and "G" Intensive Commercial to: "A-5" One-Family, "C" Medium Density Multifamily, "E" Neighborhood Commercial, "G" Intensive Commercial and "PD/D" Planned Development for all uses in "D" High Density Multifamily, site plan required. (Recommended for Approval by the Zoning Commission)**

Mr. Steve Saxon, 5910 North Central Expressway, Suite 1250, Dallas, Texas, 75206, completed a speaker card in support of Zoning Docket No. ZC-13-043, but did not wish to address the Council.

Mr. Peter Aberg, 5910 North Central Expressway, Suite 1250, Dallas, Texas, 75206, appeared before Council in support of Zoning Docket No. ZC-13-043.

Motion: Council Member Jordan made a motion, seconded by Council Member Shingleton, that Zoning Docket No. ZC-13-043 be approved. The motion carried unanimously 9 ayes to 0 nays.

- 15. ZC-13-046 - (CD 2) - City of Fort Worth Planning & Development, 3106 Hardy Street; from: "I" Light Industrial to: "A-5" One-Family (Recommended for Approval by the Zoning Commission)**

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-13-046 be approved. The motion carried unanimously 9 ayes to 0 nays.

- 16. ZC-13-048 - (CD 7) - Armstrong Services & Co. Ray Armstrong, 4661 and 4717 White Settlement Road; from: "E" Neighborhood Commercial and "I" Light Industrial to: "PD/SU" Planned Development/Specific Use for a retail structure with caretaker residence with "E" Neighborhood Commercial development standards and a maximum of three single-family residences; site plan included. (Recommended for Approval by the Zoning Commission)**

Motion: Council Member Shingleton made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-13-048 be approved. The motion carried unanimously 9 ayes to 0 nays.

- 17. ZC-13-049 - (CD-ALL) - City of Fort Worth Planning & Development; Text Amendment: Airport Overlay and Compatible Use Zones; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No.**

13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend: Article 4 "Overlay Districts", of Chapter 4, "District Regulations" to add a new section, Section 4.405 "Airport/Airfield Overlay ("AO") District"; Providing for regulations for Airport Overlay Zones and Compatible Use Zones ("AO-CUZ") Restrictions for incompatible uses within Clear Zones and Accident Potential Zones for the Naval Air Station Fort Worth Joint Reserve Base; and To revise Chapter 9, "Definitions" to add definitions related to airports To review the proposed amendments: <http://www.fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx> (Recommended for Approval by the Zoning Commission)

Ms. Rachel Wiggins, 1510 Chennault Avenue, completed a speaker card in support of Zoning Docket No. ZC-13-049, but did not wish to address the Council.

Mr. Jim Schell, 500 West 7th Street, 6th Floor, completed a speaker card in opposition of Zoning Docket No. ZC-13-049, but did not wish to address the Council.

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket No. ZC-13-049 be continued until the May 7, 2013, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

18. ~~ZC-13-050 - (CD 3, CD 7) - City of Fort Worth Planning and Development, North and South of NAS FW JRB Runways; from: various zoning districts to: add Airport Overlay/Compatible Use Zone Overlay Districts (Recommended for Approval by the Zoning Commission)~~

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Shingleton, that Zoning Docket No. ZC-13-050 be continued until the May 7, 2013, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

There being no one else present desiring to be heard in connection with the recommended changes and amendments pertaining to Zoning Ordinance No. 13896 for the above listed cases, Council Member Zimmerman made a motion, seconded by Council Member Shingleton, that the hearing be closed and that Ordinance No. 20689-04-2013 be adopted. The motion carried 9 ayes to 0 nays.

#### **XIV. REPORT OF THE CITY MANAGER**

##### **B. General**

1. M&C G-17848 - Ratify Expenditures in the Amount of \$1,752,038.08 and Authorize Increase of Additional Funds in the Amount of \$1,201,272.00 for the

Steve Chojnoonski, 5663 Woodway Drive, Fort Worth, Texas explained to the Commissioners they are being relocated due to the Trinity River Vision Project. They are going to relocate their flower shop and add three single-family residences.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Ms. Reed. The motion carried unanimously 7-0.

**20. ZC-13-049 City of Fort Worth Planning & Development Text Amendment Airport Overlay/Compatible use Zones (CD All) – An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix “A” of the Code of The City of Fort Worth (1986), to amend:**

- **Article 4 “Overlay Districts”, of Chapter 4, “District Regulations” to add a new section, Section 4.405 “Airport/Airfield Overlay (“AO”) District”;**
- **Providing for regulations for Airport Overlay Zones and Compatible Use Zones (“AO-CUZ”) Restrictions for incompatible uses within Clear Zones and Accident Potential Zones for the Naval Air Station Fort Worth Joint Reserve Base; and**
- **To revise Chapter 9, “Definitions” to add definitions related to airports**

***To review the proposed amendments:***

***<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>***

Jocelyn Murphy, Planning Manager, City of Fort Worth explained to the Commissioners the text amendment. Ms. Murphy noted in response to a request from Mayor Pro Tem Zimmerman and Councilmember Shingleton, staff has drafted proposed overlay zoning district language and following the APZ boundaries that would restrict land uses based on the AICUZ study. Staff anticipates proposing additional development restrictions within the broader noise zones of the NASJRB and municipal airports later this year. Existing uses in the APZs that are listed as incompatible in the attached table would become legal nonconforming under the Zoning Ordinance and may continue indefinitely. Incompatible uses include all residential uses and various uses that encourage gatherings of people such as schools, churches, community and medical centers, various commercial uses and some industrial uses. The proposed zoning regulations would prevent new and expanded incompatible uses within the APZs. Ms. Murphy also mentioned all existing single-family uses are compatible and legal and can fully replace on a one to one basis.

Rachel Wiggins, 1510 Chenault Avenue, NAS FW JRB, Texas spoke in support. She mentioned this is a standard process that takes place at all DOD Airfield facilities. This sends a message to the Department of Defense about the land use compatibility and long term plan in Fort Worth.

Evelyn Melder, 6909 Windswift Circle, Fort Worth, Texas representing the East Lake Worth NA spoke in support of the request. She mentioned there are four houses located in the clear zone and have worked closely with staff on the verbiage put into the ordinance that is fair to all.

Jim Schell, 500 W. 7<sup>th</sup> Street, Suite 600, Fort Worth, Texas spoke in opposition. Mr. Schell wanted to know why the residential protection is good idea why isn't it the same for commercial businesses up and down Alta Mere. He mentioned he doesn't have an issue with the clear zone. If it is a residence in APZ 1 & APZ II they can rebuild but if you're a mom and pop restaurant you can't.

Mr. West asked what he is proposing. Mr. Schell said the commercial business should be allowed to rebuild. Mr. West asked about the density level and the difference between a single-family home and a restaurant and the policy issue. Mr. Schell said the likelihood of the airplane coming in during the day vs at night and the danger of it crashing is irrelevant.

Wes Berkovsky, 11616 Pine Creek Ct, Fort Worth, Texas property owner of the old west side stories building spoke in opposition. He is concerned about being able to rebuild and what possible uses he could rent the building out for such as Gymnastics and or Cheerleading.

Mr. West mentioned there is a difference between a warehouse use and a gymnastics school in the building. Mr. Berkovsky said yes there is but the building was always intended to be some type of retail use, it is currently being used for office and warehouse use.

Ray Tupper, 801 Meadow Hill Road, Fort Worth, Texas also spoke in opposition. Mr. Tupper owns the property located at 3228 Alta Mere and is concerned they are going to create ghost areas along Alta Mere. He understands the importance of the Base but more thought should go into this so businesses can rebuild.

Motion: Following brief discussion, Mr. West recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 7-0.

<b>Document received for written correspondence</b>					<b>ZC-13-049/50</b>
<b>Name</b>	<b>Address</b>	<b>In/Out 200 notification area</b>	<b>Position on case</b>		<b>Summary</b>
Rachel Wiggins	NAS FW		Support		Spoke at hearing
Jim Schell	500 W 7th			Opposition	Spoke at hearing
Wes Berkovsky	West Side Stories	In		Opposition	Spoke at hearing
Ray Tupper	3228 Alta Mere	In		Opposition	Spoke at hearing
Rayford Shelton	7117 Plover	In		Opposition	Sent letter in
Alan Schaubhut	3900 Desert Ridge	In		Opposition	Sent letter in
David Johnston	7101 plover	In		Opposition	Sent letter in
Richard Matus	7104 Plover	In		Opposition	Sent letter in
David Brittain	4834 William Springs	In		Opposition	Sent letter in
Wanda Redwine	3529 Bonnie	In		Opposition	Sent letter in

Alan Wisdom	4891 William Springs	In		Opposition	Sent letter in
Catherine Gredicek	7205 Kermit	In		Opposition	Sent letter in
Tarantula Investments	3900 Hwy 377	In		Opposition	Sent letter in
Fountainhead Mgmt	4000 Old Benbrook	In		Opposition	Sent letter in
Ted Owen	7105 Plover	In		Opposition	Sent letter in

**22. ZC-13-050 City of Fort Worth Planning & Development Department Map Amendment (CD All) – Airport Overlay/Compatible Use Zones from various districts to add Airport Overlay/Compatible Use Zone Overlay**

Jocelyn Murphy, Planning Manager, City of Fort Worth explained to the Commissioners the map amendment runs with the text amendment.

Motion: Following brief discussion, Mr. Genua recommended approval of the request, seconded by Mr. Ferrell. The motion carried unanimously 7-0.

**Meeting adjourned: 4:13 p.m.  
3/13/13**

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Dana Burghdoff, Executive Secretary and Deputy Director, Planning and Development Department

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Charles Edmonds, Acting Chair

Ms. Judy Raab, 801 Cherry Street, Suite 3700, completed a comment card in opposition of Zoning Docket ZC-13-034.

Motion: Council Member Scarth made a motion, seconded by Council Member Burns, that Zoning Docket ZC-13-034 be denied without prejudice. The motion carried 8 ayes to 1 nay with Council Member Bivens casting the dissenting vote.

The City Council at its regular meeting of July 9, 2013, continued ZC-13-049.

- 3. ZC-13-049 - (CD-ALL) - City of Fort Worth Planning & Development; Text Amendment: Airport Overlay and Compatible Use Zones; An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend: Article 4 "Overlay Districts", of Chapter 4, "District Regulations" to add a new section, Section 4.405 "Airport/Airfield Overlay ("AO") District"; Providing for regulations for Airport Overlay Zones and Compatible Use Zones ("AO-CUZ") Restrictions for incompatible uses within Clear Zones and Accident Potential Zones for the Naval Air Station Fort Worth Joint Reserve Base; and to revise Chapter 9, "Definitions" to add definitions related to airports (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

Mr. Jo LaMarca, PO Box 748, MZ 1224, completed a speaker card in support of Zoning Docket ZC-13-049 and was recognized by Mayor Price but was not present in the Council chamber.

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Zimmerman, that Zoning Docket ZC-13-049 be continued to the August 20, 2013, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The City Council at its regular meeting of July 9, 2013, continued ZC-13-050.

- 4. ZC-13-050 - (CD 3, CD 7) - City of Fort Worth Planning and Development, North and South of NAS FW JRB Runways; from: various zoning districts to: add Airport Overlay/Compatible Use Zone Overlay Districts (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

Mr. Kyle Jensen, 1105 Mistletoe Drive, completed an undecided comment card pertaining to Zoning Docket ZC-13-050.

Motion: Council Member Shingleton made a motion, seconded by Council Member Bivens, that Zoning Docket ZC-13-050 be continued to the August 20, 2013, Council meeting. The motion carried unanimously 9 ayes to 0 nays.