



Zoning Staff Report

Date: August 8, 2023

Case Number: ZC-23-120

District (All)

Zoning Text Amendment

Case Manager: [Stephen Murray](#)

Owner / Applicant: City of Fort Worth

Request

Request: Text Amendment: To revise Section 2.100 “Zoning Commission,” Section 2.101 “Board of Adjustment,” Section 2.102 “Urban Design Commission,” Section 2.103 “Historic and Cultural Landmarks Commission,” and Section 2.104 “Downtown Design Review Board” to revise the respective boards and commissions quorum requirements, resident requirements and other miscellaneous

Recommendation

Staff Recommendation:

Approval

Zoning Commission Recommendation:

Approval by a vote of 6-0

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Project Description and Background

SECTION 1.

Chapter 9 "Definitions", Section 9.101 "Defined Terms" of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise the definitions for a "boarding house or lodging house," "roomer, board or lodger," "temporary guest" and add the definition for "boarding home facility" to read as follows:

Sec. 9. 101 DEFINED TERMS.

~~**BOARDINGHOUSE**~~ ~~OR~~ **LODGING HOUSE**. A dwelling with at least one common exterior entrance where separate sleeping rooms are available for rent for a period of ~~seven~~ thirty consecutive days or longer to persons for compensation, pursuant to previous arrangements, and excluding hotels or motels. The owner, agent or rental manager may or may not reside within the dwelling.

BOARDING HOME FACILITY. An establishment that:

- (A) Furnishes, in one (1) or more buildings, lodging to three (3) or more elderly and/or disabled persons who are unrelated to the owner of the establishment by blood or marriage; and
- (B) Provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication to persons/residents who are capable of feeding, dressing, moving, self-evacuating, bathing and attending to other personal needs or maintenance without assistance; and
- (C) Does not provide personal care services to persons/residents.

~~**ROOMER, BOARDER**~~ ~~OR~~ **LODGER**. A person occupying any room or group of rooms used or intended to be used for living, sleeping, but not for cooking or eating purposes and paying compensation for said rooms or group of rooms by prearrangement for a week or more at a time to an owner or operator who is not related by blood, adoption or marriage to such person. Any person occupying such room or group of rooms and paying such compensation without prearrangement or for less than a week at a time shall be classed for purposes of this ordinance not as a ~~**ROOMER, BOARDER**~~ ~~OR~~ **LODGER**, but as a guest of a commercial lodging establishment (bed and breakfast home or inn, hotel or motel).

TEMPORARY GUEST. A nonpaying guest of the occupants of the primary residence who does not utilize an accessory dwelling unit or primary residence as an address for any purposes and whose stay does not exceed more than 14 days in a consecutive 30-day period. A roomer, ~~boarder~~ or lodger shall not be considered a **TEMPORARY GUEST**.

SECTION 2.

Article 6, “Residential Use Table”, Section 4.603 “Residential District Use Table”, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add “Boarding Home Facility” to the list of uses in the category “Group Living” with a “P*” in the A-2.5A through MH zoning district cells to indicate that the use is allowed and to add a reference to Section 5.153 to the Supplemental Standards column and amend “boarding or lodging house” in the “Group Living category to remove “boarding or lodging house” and replace with “lodging house” as the named use.

SECTION 3.

Article 8, “Non-Residential Use Table”, Section 4.803 “Non-Residential District Use Table”, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add “Boarding Home Facility” to the list of uses in the category “Group Living” with a “P” in the ER through K zoning districts cells to indicate that the use is allowed and to add a reference to Section 5.153 to the Supplemental Standards column and amend “boarding or lodging house” in the “Group Living category to remove “boarding or lodging house” and replace with “lodging house” as the named use.

SECTION 4.

Section 4.1203, of Article 12, “Form Based Code District Use Table” of Chapter 4, “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add “Boarding Home Facility” to the list of uses in the category “Group Living” with a “P” in all of the zoning districts cells to indicate the use is allowed and to add a reference to Section 5.153 to the Supplemental Standards column. and amend “boarding or lodging house” in the “Group Living category to remove “boarding or lodging house” and replace with “lodging house” as the named use.

SECTION 5.

Chapter 5, “Supplemental Use Standards”, Article 1, “Standards for Selected Use”, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1 to amend section 5.107A to remove references to “boarding” and to add Section 5.153, “Boarding Home Facilities,” to read as follows:

Sec. 5.107A ~~BOARDING~~ LODGING HOUSES.

~~Boarding~~ Lodging houses may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, and 12, subject to the following conditions.

- (a) No more than one ~~boarding~~ lodging house per individual tract, parcel or platted lot is allowed.
- (b) ~~All sleeping rooms shall be a minimum size of 70 square feet for one occupant and 120 square feet for two occupants, plus 50 square feet for each additional occupant.~~

(be) Public ingress and egress to the boarding house shall be through one common exterior entrance. Ingress and egress for ~~boarders~~lodger shall be through common exterior entrance.

(cd) Entry access to all sleeping rooms shall be through the interior of the building. No exit doors from individual sleeping rooms shall lead directly to the exterior of the building.

(de) Residents must have access on-site to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on-site must be available to the residents, or daily meals must be provided on-site for the residents of the ~~boarding~~ lodging house.

(ef) No cooking is permitted in any sleeping room. No cooking facilities are permitted in any sleeping room.

(fg) Each floor must contain at least one fully-equipped bathroom for each five residents that is accessible from a common hallway.

(gh) Each resident must execute a lease before occupancy.

(hi) Parking spaces shall be provided as follows: one space per leased sleeping room; and one space per four employees.

(ij) Owner of the ~~boarding~~ lodging house must obtain a certificate of occupancy and register with the multi-family inspection program before operating a ~~boarding~~ lodging house.

SECTION 6.

Chapter 5, “Supplemental Use Standards”, Article 1, “Standards for Selected Use”, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1 to add section 5.153 to provide supplemental development standards for “boarding home facilities,” to read as follows:

Sec. 5.153 BOARDING HOME FACILITIES

Boarding Home Facilities are permitted in accordance with the use tables in Chapter 4, Articles 6, 8 and 12, subject to the following conditions:

(a) In one-family districts the maximum number of residents in a boarding home facility, by right, shall be six (6).

(b) A boarding home facility must meet all applicable permitting requirements of Chapter 20, Article XIV, Boarding Homes of the City Code and any applicable Tex. Human Resources Code requirements.

(c) A boarding home facility may not be established within one-half mile of a previously existing boarding home facility.

(d) Compatibility Standards in One-Family Zoning Districts:

(1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding one (1) square feet in area, may be permitted when attached to the front of the main structure provided the nameplate is not illuminated and attached flat to the dwelling unit or visible through a window.

(2) No exterior construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.

(3) Front yard impervious cover shall comply with maximum percentages indicated in Chapter 6.

(e) Any residential structure converted into a boarding home facility will be required to comply with all additional city code standards including but not limited to the building code, electric code or fire code, as applicable, based on the nature of the proposed use and occupancy classification.

(f) *Motor vehicles on premises.* Residents of a boarding home facility may not keep, on the premises of a home or on the public rights-of-way adjacent to the home, more than one motor vehicle per bedroom for the use of residents of the home.



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 (2015), TO AMEND CHAPTER 2, “REVIEW BODIES” SECTION 2.100 “ZONING COMMISSION,” SECTION 2.101 “BOARD OF ADJUSTMENT,” SECTION 2.102 “URBAN DESIGN COMMISSION,” AND SECTION 2.103 “HISTORIC AND CULTURAL LANDMARKS COMMISSION,” AND SECTION 2.104 “DOWNTOWN DESIGN REVIEW BOARD” TO REVISE THE RESPECTIVE BOARDS OR COMMISSIONS QUORUM REQUIREMENTS, RESIDENT REQUIREMENTS AND OTHER MISCELLANEOUS CLARIFICATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2016 the voters in Fort Worth approved an amendment to the City Charter to increase the number of City Council Districts from eight to ten, with such increase becoming effective with the canvassing of the May 2023 general election for Mayor and City Councilmembers; and

WHEREAS, the Fort Worth Code of Ordinances is being amended to increase the number of members of each board and commission that is constituted on a by-district basis from nine to eleven; and

WHEREAS, in the Fort Worth Zoning Ordinance, the Zoning Commission, Board of Adjustment, Urban Design Commission and Historic and Cultural Landmarks Commission in Fort Worth Zoning Ordinance are constituted on a by-district basis containing nine members each; and

WHEREAS, it is advisable to amend the Zoning Ordinance to increase the number of members of each board and commission that is constituted on a by-district basis from nine to eleven and to amend the quorum for each respective board or commission along with other miscellaneous clarifications further described below;

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

SECTION 1.

Chapter 2, “Review Bodies” is hereby amended to revise Section 2.100 “Zoning Commission,” Section 2.101 “Board of Adjustment,” Section 2.102 “Urban Design Commission,” Section 2.103 “Historic and Cultural Landmarks Commission,” and Section 2.104 “Downtown

Design Review Board” to revise the respective boards and commissions quorum requirements, resident requirements and other miscellaneous requirements, to read as follows:

Sec. 2.100 ZONING COMMISSION.

(a) Creation and appointment. There is hereby created a zoning commission of the city, to be composed of ~~nine~~ eleven ~~qualified electors~~ residents of the city. It is the declared policy that the city council will consider for appointment to the zoning commission as members only those persons who have demonstrated their civic interest, general knowledge of the community, intelligent judgment, understanding of zoning and planning and availability to prepare for and attend meetings and who, by reason of diversity of their individual occupations, constitute a commission which is broadly representative of the community. As nearly as is reasonably possible, the Zoning Commission members as a whole shall fairly represent the ethnic makeup of the City of Fort Worth.

(b) Terms of office. The members of the zoning commission shall be identified by place numbers one through ~~nine~~ eleven. The odd-numbered places shall expire October 1 of each odd-numbered year and the even-numbered places shall expire October 1 of each even-numbered year. Zoning commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms but no member shall be appointed for a term in excess of two years. Members shall serve until their successors are appointed. Members shall serve at the will and pleasure of the City Council. A person is eligible to serve up to three consecutive two-year terms.

(c) Organization. The zoning commission shall hold an organizational meeting in November of each year and shall elect a chairperson and vice-chairperson from among its members before proceeding to any other matters of business. The development services director, or a designated representative, shall be the secretary of the zoning commission. The zoning commission shall meet regularly and shall designate the time and place of its meetings. The zoning commission shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the state statutes, this ordinance and the City Charter. Newly appointed members shall be installed at the first regular meeting after their appointment.

(d) Meetings and quorum. Six members of the zoning commission shall constitute a quorum for the conduct of business. The members of the zoning commission shall regularly attend meetings and public hearings of the zoning commission and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

(e) Decision by zoning commission. A motion to recommend approval of an amendment to the zoning ordinance shall require ~~five~~ six favorable votes of the members present. Failure to secure ~~five~~ six concurring votes to recommend approval shall constitute a recommendation of denial. A tie vote on a motion for denial will constitute a recommendation of denial.

(f) Staff responsibilities. The development services director and any designated representatives shall be the regular technical advisors to the zoning commission. When the zoning commission deems it necessary to obtain information from other city departments, it shall transmit such request through the development services director.

(g) Attendance reports. Each month a report shall be submitted to the city council showing the cumulative attendance of each member of the zoning commission, with notation of members who have been absent from three consecutive meetings.

(h) Powers and duties. The zoning commission is hereby charged with the duty and invested with the authority to:

(1) Advise the city council relating to the creation and amendment of these zoning regulations and districts as the zoning commission may deem beneficial and in the best interests of the city; ~~it shall consult with the plan commission as necessary to ensure proper coordination of zoning with the long range planning of the city;~~

(2) Procure information, hold public hearings and make recommendations to the city council relating to the creation, amendment and implementation of zoning regulations and districts as provided in Tex. Local Government Code Chapter 211, together with all amendments thereto, authorizing cities and incorporated villages to pass regulations and all powers granted under such act are specifically adopted and made a part hereof as contemplated by § 31A of Chapter XXVII of the Charter of the city.

Sec. 2.101 BOARD OF ADJUSTMENT.

(a) Creation and appointment. There is hereby created a board of adjustment, consisting of ~~18~~ twenty-two regular members, divided into two panels of ~~nine~~ eleven members each, all of whom shall be ~~qualified electors~~ residents of the City of Fort Worth. Members of each panel shall serve as alternates of the other panel as needed. It is the declared policy that the city council will consider for appointment to the board of adjustment only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, understanding of zoning and planning and availability to prepare for and attend meetings. Preference will be given, where feasible, to appointees who possess knowledge or background in one of the following fields:

- (1) Law;
- (2) Property development;
- (3) Building design;
- (4) Mortgaging and financing; or
- (5) Architecture with emphasis on historic preservation.

As nearly as is reasonably possible, the board of adjustment members as a whole shall fairly represent the ethnic makeup of the City of Fort Worth.

(b) Terms of office. ~~The~~ Each panel of the members of the board of adjustment shall be identified by place numbers one through ~~18~~ eleven. The odd-numbered places shall expire on October 1 of each odd-numbered year and the even-numbered places shall expire on October 1 of each even-numbered year. Board of adjustment members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Members shall serve until their successors are appointed.

(c) Organization. The board of adjustment shall hold an organizational meeting in November of each year and shall elect a chairperson and vice-chairperson for each panel from among its members before proceeding to any other matters of business. The development services director, or a designated representative, shall be the secretary of the board of adjustment. The panels of the board of adjustment shall meet regularly and shall designate the time and place of its meetings. The board of adjustment shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the state statutes, this ordinance and the City Charter. Newly appointed members shall be installed at the first regular meeting after their appointment.

(d) Meetings and quorum. ~~Seven~~ Nine members of each panel of the board of adjustment shall constitute a quorum for the conduct of business. The members of each panel of the board of adjustment shall regularly attend meetings and public hearings of the board of adjustment and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

(e) Decision by board of adjustment. The affirmative vote of ~~seven~~ nine members of each panel of the board of adjustment shall be required to reverse or modify any order, decision or interpretation of this ordinance by the zoning administrator or to grant a variance or special exception.

(f) Review of zoning needs. The board of adjustment shall keep itself informed with respect to requests for variances based on practical difficulty and unnecessary hardship, and shall recommend to the ~~plan commission and~~ zoning commission when, in its opinion, requests for variances indicate a need for possible general zoning changes through the established legislative procedure.

(g) Staff responsibility. The development services director and any designated representatives shall be the regular technical advisors to the board of adjustment.

(h) Attendance reports. Each month a report shall be submitted to the city council showing the cumulative attendance of each member with a notation of members who have been absent from three consecutive meetings, and a notation of the non-availability of alternate members to attend meetings for which called.

(i) Powers and duties. The board of adjustment shall have the powers and exercise the duties of a board of adjustment in accordance with Texas Local Government Code §§ 211.008 through 211.011. Board of adjustment members are representatives of the city and shall have the right of inspection of premises where required in the discharge of their responsibilities under the laws of the State of Texas and the ordinances of the city. The board of adjustment's jurisdiction shall extend to and include the hearing and deciding of the types of appeals and applications listed below, and to that end shall have the necessary authority to ensure continuing compliance with its decisions. In addition, the board of adjustment shall have the authority to compel the attendance of witnesses necessary to its decision-making.

(1) Appeal of interpretation of the zoning administrator to board of adjustment. The board of adjustment shall decide an appeal of the interpretation by the zoning administrative official upon a properly submitted request made by the requestor, any person aggrieved by the interpretation, or any officer, department, board or bureau of the city affected by the interpretation (see Chapter 3, Article 2).

(2) Special exception. To decide upon applications for special exceptions when the use or development is specifically authorized under the zoning ordinance subject to the approval of the board of adjustment (see Chapter 3, Article 3). Special exceptions that may be permitted by the board of adjustment are specified in the use tables in Chapter 4, Articles 6, 8 and 128.

(3) Split-zoned lot. The board of adjustment may approve the extension of a use to the lot line or for a distance of not more than 100 feet where the boundary line of a district either divides a lot held in single ownership on October 1, 1940, or divides a lot held in single ownership as of the date of subsequent annexation of said lot.

(4) Variance. To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as will not be contrary to the public interest (see Chapter 3, Article 4).

(5) Appeals. To hear appeals for any action, other than actions relating to designation, from the historic and cultural landmarks commission, the downtown design review board and the urban design commission.

Sec. 2.102 URBAN DESIGN COMMISSION.

(a) Creation and appointment. There is hereby created an Urban Design Commission (UDC) for the purpose of:

(1) Recommending the designation of scenic, cultural, architectural or historical areas of the city as a conservation district;

(2) Recommending the designation of urban design districts;

(3) Reviewing and recommending to the city council the approval or modification of proposed design guidelines for urban design districts and conservation districts, except those districts where a separate design review board is established by the city council;

(4) Reviewing and approving projects in urban design districts and conservation districts for compliance with design guidelines, except those districts where a separate design review board is established by the city council;

(5) Reviewing and approving design standards for other projects as directed by the city council; and

(6) Reviewing and approving appeals from the requirements of Sec. 6.302 Urban Forestry.

(b) Members. The UDC shall consist of ~~nine~~ eleven regular members and four alternate members, to serve in the absence of one or more regular members, all of whom shall be residents of the city. The city council will consider for appointment to the commission as regular members and alternate members only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, and availability to prepare for and attend meetings. At least six of the ~~nine~~ eleven regular member appointees must be practicing professionals from the fields of architecture, landscape architecture, urban design or planning, real estate, or law. At least one of the ~~nine~~ eleven regular member appointees must be a practicing or retired professional in the field of history, architectural history, or other discipline related to

historic preservation. Appointees should be knowledgeable about fundamental principles of urban design and at least one member should possess or have knowledge of urban forestry principles. Appointment of the alternate members shall rotate from the aforementioned criteria. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties. As nearly as is reasonably possible, the UDC members as a whole shall fairly represent the ethnic makeup of the City of Fort Worth.

(c) Terms of office. Place numbers one through ~~nine~~ eleven identify the ~~nine~~ regular members of the UDC. The odd-numbered places expire on October 1 of each odd-numbered year and the even-numbered places expire October 1 of each even-numbered year. The terms of the alternate members expire on October 1 of odd-numbered years. Members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms but no regular member or alternate shall be appointed for a term in excess of two years. Members and alternate members shall serve until their successors are appointed.

(d) Quorum. ~~Five~~ Six members of the UDC shall constitute a quorum. A motion to approve any matter before the UDC shall require the affirmative vote of ~~five~~ six members of the commission.

(e) Powers and duties.

(1) Nomination and designation of design districts.

a. The UDC may nominate design districts. Nomination by the UDC shall be in the form of a resolution requesting that the planning and development department submit the nomination to the zoning commission for consideration. The UDC shall not consider a nomination for a design district until standards and guidelines have been submitted for review.

b. Applications and the procedure for designation of a design district shall follow the procedures outlined in Chapter 3, Article 5, except that written notice shall be provided as outlined in subsection (f) below. No design district shall be approved by the city council as a design district without a recommendation from the UDC on the proposed guidelines for the district.

c. Upon designation of an area as a design district by the city council, the designation indicating the boundaries of the district shall be adopted as an exhibit to the zoning ordinance. Design districts are overlay zoning districts or base districts which the UDC or a district-specific body appointed by the city council, has design review authority, as described in subsection (e)(2) below.

(2) Design standards and guidelines and certificate of appropriateness. In order to enhance the character of the districts, encourage economic development and protect property values, the UDC or the district-specific body shall:

a. Review and recommend to the city council the approval or modification of proposed design standards and guidelines for designated design; and

b. Review and approve, modify or reject an application for a certificate of appropriateness for new construction and renovations for compliance with the adopted design standards and/or guidelines for designated design districts.

(3) Design standards and guidelines directed by city council. In order to protect and enhance the character of the design districts, encourage economic development and protect property values, the UDC shall review and approve, modify or reject design standards for other applications as directed by the city council.

~~(4), (5) [Reserved.]~~

~~(4) (6) Urban forestry plan review. The UDC shall have the authority to grant waivers to Sec. 6.302, Urban Forestry, have the powers and exercise the provisions of § 6.302 Urban Forestry of the zoning ordinance. The primary purpose of the urban design commission under § 6.302 is to hear appeals of decisions of the city forester.~~

(f) Notice for proposed design districts. Written notice of any application before the UDC for the nomination of any design district shall be given ~~at least ten days prior to any meeting~~ to the owner or owners of the property within the proposed design district, as such ownership appears on the last approved ad valorem tax roll at least ten days prior to any meeting. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States mail.

(g) Appeal. Any aggrieved person or entity may appeal any decision of the UDC, other than ~~the nomination of an area as a conservation district or urban design district, (which is a recommendation to the zoning commission)~~ to the board of adjustment~~appeals board~~. A written notice of appeal must be filed with the city secretary within ten days after receipt of notification of the commission's decision. The board of adjustment shall schedule a hearing on such appeal within 30 days after receipt of the notice of appeal, or as soon thereafter as reasonably practicable. The board of adjustment may uphold, reverse or modify the commission's decision.

Sec. 2.103 HISTORIC AND CULTURAL LANDMARKS COMMISSION.

(a) Creation and appointment.

(1) There is hereby created the historic and cultural landmarks commission to be composed of ~~nine~~ eleven regular members and four alternate members, all of whom are residents of the City of Fort Worth. The alternates shall serve in the absence of one or more regular members.

(2) The city council must appoint as regular members and alternate members, persons who have demonstrated their civic interest, general knowledge of the community, independent judgment and availability to prepare for and attend meetings. Whenever feasible, six appointees should be practicing professionals from the fields of architecture, landscape architecture, history, architectural history, urban planning, archaeology, real estate, law or other disciplines related to historic preservation. Appointment of alternate members should rotate from the aforementioned criteria.

(3) All historic and cultural landmarks commission members, regardless of background, must have a known and demonstrated interest, competence, and knowledge in historic preservation and planning within the City of Fort Worth.

(4) As nearly as is reasonably possible, the historic and cultural landmarks commission members as a whole shall fairly represent the ethnic makeup of the City of Fort Worth.

(b) Terms of office. Historic and cultural landmarks commission members serve for a term of two years. Newly appointed members will be installed at the first regular meeting after their appointment. Regular members will serve in places numbered one through ~~nine~~ eleven. Regular members appointed in odd-numbered places will serve terms that expire October 1 of odd-numbered years. Regular members appointed to even-numbered places will serve terms that expire on October 1 of even-numbered years. The terms of the alternate members expire on October 1 of odd-numbered years. Vacancies will be filled for unexpired terms. Commission members may be appointed to succeed themselves and serve at the discretion of the city council until a new member is appointed in their place.

(c) Organization. The chairperson and vice chairperson of the historic and cultural landmarks commission will be elected by and from the members of the historic and cultural landmarks commission. The historic and cultural landmarks commission must meet at least monthly if business requires. Special meetings may be called at any time by the chairperson, the historic preservation officer, or on the written request of any two historic and cultural landmarks commission members.

(d) Meetings and quorum. ~~Five~~ Six members of the historic and cultural landmarks commission shall constitute a quorum for the conduct of business. ~~Five~~ Six affirmative votes shall be required to approve ~~any issue~~ any matter. before the historic and cultural landmarks commission. Failure to secure six affirmative votes shall result in a denial. The members of the historic and cultural landmarks commission must regularly attend the meetings and public hearings of the historic and cultural landmarks commission and serve without compensation.

(e) Powers and duties. The historic and cultural landmarks commission is empowered to perform the following duties:

(1) Prepare rules and procedures as necessary to carry out the business of the historic and cultural landmarks commission;

(2) Create committees from among its membership to advise the historic and cultural landmarks commission in carrying out the purposes of this zoning ordinance;

(3) Maintain written minutes which record all actions taken by the historic and cultural landmarks commission and the reasons for such actions;

(4) Increase public awareness of the value of historic, cultural, architectural, and archeological preservation by developing and participating in public education programs;

(5) Initiate and consider nominations, hold hearings, and recommend to the city council whether that certain buildings, structures and properties should be designated as landmarks through a "highly significant endangered overlay," "historic and cultural landmark overlay" or "demolition delay overlay," or that an area containing two or more eligible structures should be designated as through a "historic and cultural landmark district overlay," or that such structures or properties be included in a historic district or that such designations be amended or removed, in accordance with §4.401, the Historic Preservation Ordinance – Historic Overlays;

(6) Enforce and recommend to adopt or amend design standards and guidelines for structures designated "highly significant endangered" or "historic and cultural landmark" or located in a historic and cultural landmark district;

(7) ~~Hold hearings and make decisions concerning the issuance of certificates of appropriateness pursuant to §4.401 the Historic Preservation Ordinance;~~ Review and after public hearing make a determination on requests for Certificates of Appropriateness for buildings and structures designated with an individual historic overlay or located in a historic and cultural landmark zoning district overlay.

(8) Review requests regarding participation in historic preservation economic incentive programs and forward recommendations concerning such requests to the city council;

(9) Recommend recognition of the owners of structures or property designated in accordance with the Historic Preservation Ordinance by means of certificates, plaques, or markers;

(10) Recommend to the city council that the city acquire a structure or property where its preservation is essential to the purposes of the Historic Preservation Ordinance and private preservation is not feasible;

(11) Recommend to the city council that the city accept the donation of preservation easements and development rights as well as gifts for the purpose of historic preservation; and

(12) Exercise such other and further powers as may be conferred on the historic and cultural landmarks commission by city codes or ordinances.

(f) Preservation plan.

(1) The historic and cultural landmarks commission must adopt, in cooperation with the plan commission, a preservation plan to be incorporated into the City of Fort Worth comprehensive plan. The preservation plan must include the following:

- a. The historic resources survey, as amended and revised;
- b. Criteria to be used in identifying and prioritizing sites;
- c. General description of forms and styles found in Fort Worth; and
- d. Use historic contexts to develop goals and priorities for the identification, evaluation, registration, and treatment of historic properties.

(2) The plan must also include criteria for selecting, preserving, and rehabilitating structures and property. The plan must also set forth priorities not only among various historic sites but also between conflicting land use goals and include specific recommendations on how to resolve conflicts between competing uses. The plan must recommend the coordination required with other departments and other public and private groups to implement historic preservation.

(3) The historic and cultural landmarks commission must review the preservation plan every five years. Revisions may be made to the plan at any time in accordance with the rules and policies of the city.

(g) ~~Propose amendments to § 4.401, Historic Preservation Ordinance-Historic Overlays to the zoning commission and city council from time to time. Changes require commission recommendation. No changes shall be made to the Historic Preservation Ordinance or the preservation plan without the recommendation of the historic and cultural landmarks commission first being entered at the required public hearings.~~

Sec. 2.104 DOWNTOWN DESIGN REVIEW BOARD.

(a) Creation and appointment. There is hereby created a downtown design review board, to be composed of seven members and one alternate member, all of whom shall be residents qualified electors of the City of Fort Worth. The board shall include a minimum of one regular member from each of the following categories: architect/design professional, downtown urban design district business owner/manager, downtown urban design district resident/homeowner and real estate professional. The alternate member shall serve when regular board members are unable to attend or participate. Appointment of the alternate shall rotate from each of the following categories: architect/design professional, downtown urban design district business owner/manager, downtown urban design district resident/homeowner and real estate professional. As nearly as is reasonably possible, the members as a whole shall fairly represent the ethnic makeup of the City of Fort Worth.

(b) Terms of office. The regular members of the downtown design review board ~~and alternate~~ shall be identified by place numbers one through seven. The odd-numbered places shall expire on October 1 of each odd-numbered year and the even-numbered places shall expire on October 1 of each even-numbered year. The term of the alternate member shall expire on October 1 in each odd-numbered year. Members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms but no members shall be appointed for a term in excess of two years.

(c) Meetings and quorum. Five members of the downtown design review board shall constitute a quorum for the conduct of business. The members of the downtown design review board shall regularly attend meetings and public hearings and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

(d) Attendance report. Each month a report shall be submitted to the city council showing the cumulative attendance of each member of the downtown design review board, with notation of members who have been absent from three consecutive meetings.

(e) Power and duties. The downtown design review board is hereby charged with the duty and invested with the authority to:

(1) Enforce the downtown urban design standards and guidelines for new construction and renovations by hearing and deciding applications for certificates of appropriateness in accordance with § 4.1200; and

(2) Propose amendments to the downtown urban design standards and guidelines to the zoning commission and city council from time to time.

(f) Decision by downtown design review board. Four affirmative votes by members of the downtown design review board shall be required to approve a certificate of appropriateness or to

propose amendments to the downtown urban design district or downtown urban design district standards and guidelines.

Sec. 2.105 RESERVED.

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.

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 5.

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

SECTION 6.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos,
Deputy City Attorney

Jannette S. Goodall,
City Secretary

ADOPTED: _____

EFFECTIVE: _____