



**ZONING AMENDMENT
STAFF REPORT**

City Council Meeting Date:
October 15, 2019

Council District 2 & 9

Zoning Commission Recommendation: Approval by a vote of 7-0 Opposition: None submitted Support: None submitted	Continued	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Case Manager	<u>Arty Wheaton-Rodriguez</u>
	Surplus	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Council Initiated	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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

Site Location: Panther Island

Proposed Change: 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 4, "District Regulations," Article 4, "Overlay Districts," by amending Section 4.403, "Trinity Uptown Peripheral Zone ("TUP") Overlay District" to change the name and zoning designation of the district to "Panther Island Peripheral Zone ("PIP");
- Change the name of the TUP Standards and Guidelines to "Panther Island Peripheral Zone Design Overlay Zoning Standards and Guidelines," and Revise the Standards and Guidelines; to remove references to Trinity River Vision Authority (TRVA, and;
- Amend Section 4.1304, Panther Island ("PI") District, to revise the "Panther Island Form Based Zoning District Standards and Guidelines" to remove references to the Trinity River Vision Authority (TRVA)

To review the proposed amendments: <http://fortworthtexas.gov/zoning/cases/>

Request: **TEXT AMENDMENT: Proposed Text Amendment to the Zoning Ordinance Relating the Panther Island Form Based District**

Background:

This text amendment removes the Trinity River Vision Authority from the formal development process for Panther Island. The purpose is to streamline development review and to recognize the City's lead role in the development of Panther Island.

This case to be heard by the City Council on October 15, 2019.

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 4, “DISTRICT REGULATIONS,” ARTICLE 4, “OVERLAY DISTRICTS,” BY AMENDING SECTION 4.403, “TRINITY UPTOWN PERIPHERAL ZONE (“TUP”) OVERLAY DISTRICT” TO CHANGE THE NAME AND ZONING DESIGNATION OF THE DISTRICT TO “PANTHER ISLAND PERIPHERAL ZONE (“PIP”), CHANGE THE NAME OF THE STANDARDS AND GUIDELINES TO “PANTHER ISLAND PERIPHERAL ZONE DESIGN OVERLAY ZONING STANDARDS AND GUIDELINES,” AND REVISE THE STANDARDS AND GUIDELINES TO REMOVE REFERENCES TO THE TRINITY RIVER VISION AUTHORITY (TRVA); AND BY AMENDING SECTION 4.1304, PANTHER ISLAND (“PI”) DISTRICT, TO REVISE THE “PANTHER ISLAND FORM BASED ZONING DISTRICT ZONING STANDARDS AND GUIDELINES” TO REMOVE REFERENCES TO THE TRINITY RIVER VISION AUTHORITY (TRVA); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2003 the Fort Worth City Council adopted the Trinity River Vision Master Plan as a general guide for the use of land along the Trinity River and its tributaries; and

WHEREAS, the Trinity Uptown Plan, released in 2004, proposes an urban lake and a publically accessible waterfront surrounded by vibrant, mixed-use neighborhoods; and

WHEREAS, the City Council adopted Ordinance No. 17273-08-2006 on September 7, 2006, established the Trinity Uptown District and adopted development standards and guidelines applicable to certain development projects in the Trinity Uptown area; and

WHEREAS, in 2010 the City Council adopted Ordinance No. 19269-08-2010 on August 10, 2010 to create the Trinity Uptown Peripheral (“TUP”) Zones District to promote development of an urban waterfront district as envisioned in the Trinity Uptown Plan and adopted the Trinity

Uptown Peripheral Zones Design Overlay Standards and Guidelines to provide development standards consistent with the Trinity Uptown District; and

WHEREAS, in May 2014 the project name was changed from Trinity Uptown to Panther Island to recognize the City of Fort Worth's past as "Panther City"; and

WHEREAS, in 2016 the name of the form based zoning district and all related references in the City Code was changed from "Trinity Uptown" to "Panther Island" to retain consistency with the project but a similar change was not made to the Trinity Uptown Peripheral Zones Design Overlay; and

WHEREAS, it is advisable to amend the Zoning Ordinance to change the name of the Trinity Uptown Peripheral Zones Design Overlay and its design standards and guidelines to remove "Trinity Uptown" and replace with "Panther Island" to be consistent with the Panther Island Form-Based Code; and

WHEREAS, it is also advisable to amend the design standards and guidelines for the Panther Island Form-Based Zoning District and the Panther Island Design Overlay zoning district to removed references to the Trinity River Vision Authority from the formal development process for Panther Island in order to streamline development review and to recognize the City's lead role in the development of Panther Island; and

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

SECTION 1.

Appendix A, "Zoning Ordinance" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to replace all references to "Trinity Uptown Peripheral Zone ("TUP") District" with "Panther Island Peripheral Zone ("PIP") District" and replace all references to the Ch. 4 Secs. 4.403 and 4.1304 Panther Island

“Trinity Uptown Peripheral Zones Design Overlay Zoning Standards and Guidelines” with “Panther Island Peripheral Zone Overlay Zoning Standards and Guidelines” as set out in Section 4.403 and other sections of the Zoning Ordinance as necessary.

SECTION 2.

The “Panther Island Form Based Zoning District Zoning Standards and Guidelines”, as adopted and incorporated into Ordinance No. 21653, the Zoning Ordinance in Chapter 4, “District Regulations”, Article 13 “Form Based Districts,” Section 4.1304, “Panther Island (“PI”) District”, Subsection 4.1304.D. “Other standards” is hereby amended to remove all references to Trinity River Vision Authority (TRVA) to streamline development review to read as follows:

DEVELOPMENT REVIEW PROCESS

Projects Subject to Review– All private construction projects, with the exception of interior construction or exterior in-kind replacement work, are subject to review by ~~the Trinity River Vision Authority Review Committee~~ and the Planning and Development Department and/or the Urban Design Commission (UDC) for compliance with the Panther Island Standards and Guidelines. All buildings, streets, and public spaces by public entities are also subject to review. In accordance with their civic role, public buildings should reflect exceptional design quality.

Administrative Review vs. UDC Review– Projects that are supported by the ~~Trinity River Vision Authority (TRVA)~~ and are clearly consistent with all applicable development principles and clearly conform to all standards may be approved administratively by the Planning and Development Director or his/her designee without UDC review. The UDC shall review all other projects that require interpretation or discretionary judgment with respect to the project’s compliance with standards and guidelines.

Urban Design Commission– The UDC is a nine-member body appointed by the City Council and charged with the administration of urban design districts. The Zoning Ordinance specifies that UDC appointees should be knowledgeable about fundamental principles of urban design. Furthermore, at least six of the nine appointees shall be practicing professionals from the fields of architecture, landscape architecture, urban design or planning, real estate, or law. The Planning and Development Director or his/her designee serves as staff advisor to the UDC.

Exceptional Design- The Planning and Development Department ~~and TRVA~~ may recommend for UDC approval public buildings of exceptional designs that do not comply with certain standards or guidelines provided that the buildings conform to the Intent and General Development Principles. Parks, plazas, sidewalks, waterfront paths, and all other publicly accessible spaces should also reflect

exceptional design quality and are subject to review for compliance with the Panther Island Development Standards and Guidelines.

Conceptual Phase Discussion- ~~One of TRVA's most important roles is to provide informal guidance to developers of significant projects during the conceptual design phase. These discussions take place during informal work sessions, and provide an opportunity for early TRVA and Planning and Development staff input that should facilitate timely design review and approval of the final design phase. All public and private developers of significant projects are encouraged to present their conceptual plans to Planning and Development staff TRVA for informal review to facilitate timely design review and approval of the final design.~~

Variances to Zoning Ordinance Property Development Standards- The UDC is authorized to approve appropriate exceptions to the vast majority of the Panther Island Standards and Guidelines. The UDC may allow additional flexibility for projects of exceptional civic or environmental design. Any waiver of basic property development standards related to building heights or setbacks, however, requires a variance approved by the Board of Adjustment (BOA).

Design Plan and Land Use Administrative Rights -The City of Fort Worth reserves the right to administratively modify the urban design plan and land use if the modifications are clearly consistent with applicable development principles ~~and supported by the Trinity River Vision Authority (TRVA).~~

A copy of the Panther Island Form Based Zoning District Zoning Standards and Guidelines is on file in the City Secretary's Office and the Planning and Development Department.

SECTION 3.

The "Panther Island Design Overlay District Zoning Standards and Guidelines", as adopted and incorporated into Ordinance No. 21653, the Zoning Ordinance in Chapter 4, "District Regulations", Article 4, "Overlay Districts," Section 4.403, "Panther Island Peripheral Zone ("PIP") Overlay District", Subsection 4.403.D. "Panther Island Peripheral Zone Design Overlay Zoning Standards and Guidelines adopted" is hereby amended to remove all references to Trinity River Vision Authority (TRVA) to streamline development review to read as follows:

DEVELOPMENT REVIEW PROCESS

Projects Subject to Review– In accordance with Section 4.403 “Panther Island Peripheral Zone (“PIP”) Overlay District” of the Zoning Ordinance, all private construction projects, with the exception of interior construction or exterior in-kind replacement work, are subject to review for compliance with the Panther Island Peripheral Zone Standards and Guidelines. All buildings, streets, and public spaces by public entities are also subject to review. In accordance with their civic role, public buildings should reflect exceptional design quality.

Administrative Review vs. UDC Review – Projects wherein only guidelines apply will be administratively reviewed and approved by the Planning and Development Department prior to the issuance of a Certificate of Appropriateness. Projects which clearly conform to the applicable standards ~~and are supported by the Trinity River Vision Authority (TRVA)~~ may be approved administratively by the Planning and Development Director or his/her designee without UDC review. The UDC shall review all projects that require interpretation or discretionary judgment with respect to the project’s compliance with standards and guidelines.

Urban Design Commission– The UDC is a nine-member body appointed by the City Council and charged with the administration of urban design districts. The Zoning Ordinance specifies that UDC appointees should be knowledgeable about fundamental principles of urban design. Furthermore, at least six of the nine appointees shall be practicing professionals from the fields of architecture, landscape architecture, urban design or planning, real estate, or law. The Planning and Development Director or his/her designee serves as staff advisor to the UDC.

Exceptional Design- The Planning and Development Department ~~and TRVA~~ may recommend for UDC approval public buildings of exceptional designs that do not comply with certain standards or guidelines provided that the buildings conform to the Intent and General Development Principles. Parks, plazas, sidewalks, waterfront paths, and all other publicly accessible spaces should also reflect exceptional design quality and are subject to review for compliance with the Panther Island Development Standards and Guidelines.

Conceptual Phase Discussion– ~~One of TRVA’s most important roles is to provide informal guidance to developers of significant projects during the conceptual design phase. These discussions take place during informal work sessions, and provide an opportunity for early TRVA and Planning and Development staff input that should facilitate timely design review and approval of the final design phase.~~ All public and private developers of significant projects are encouraged to present their conceptual plans to TRVA Planning and Development staff for informal review to facilitate timely design review and approval of the final design.

Variances to Zoning Ordinance Property Development Standards- The UDC is authorized to approve appropriate exceptions to the vast majority of the Panther Island Peripheral Zone Standards and Guidelines. The UDC may allow additional flexibility for projects of exceptional civic or environmental design. Any waiver of basic property development standards related to building heights or setbacks, however, requires a variance approved by the Board of Adjustment (BOA).

Design Plan and Land Use Administrative Rights -The City of Fort Worth reserves the right to administratively modify the urban design plan and land use if the modifications are clearly consistent with applicable development principles and supported by the Trinity River Vision Authority (TRVA).

A copy of the Panther Island Design Overlay District Zoning Standards and Guidelines is on file in the City Secretary's Office and the Planning and Development Department.

SECTION 4.

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 5.

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 6.

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 7.

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 8.

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 9.

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

SECTION 10.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos,
Sr. Assistant City Attorney

Mary J. Kayser,
City Secretary

ADOPTED: _____

EFFECTIVE: _____