

**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, BY AMENDING CHAPTER 2, “REVIEW BODIES” TO AMEND SECTION 2.102 “URBAN DESIGN COMMISSION” TO ADD TWO ALTERNATE MEMBERS AND AMEND SECTION 2.103 “HISTORIC AND CULTURAL LANDMARKS COMMISSION” TO ADD TWO ALTERNATE MEMBERS AND DESIGNATE THE HISTORIC AND CULTURAL LANDMARK COMMISSION AS THE EXCLUSIVE AUTHORITY TO RECOMMEND APPROVAL OF A HISTORIC DESIGNATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council established the Historic and Cultural Landmarks Commission and Urban Design Commission to enforce design standards and guidelines and form-based codes for designated zoning districts by hearing and deciding on applications for Certificates of Appropriateness; and

**WHEREAS**, each commission consists of nine members who have demonstrated their civic interest, general knowledge of the community and an understanding of historic preservation or urban design; and

**WHEREAS**, additionally whenever possible, each commissioner should be a practicing professional from the fields of architecture, landscape architecture, urban design or planning and real estate; and

**WHEREAS**, the efficiency of both commissions to hear and decide cases is impacted by the absence of members and requirement for recusal of other members due to conflicts of interest resulting in a delay in the City’s development processes; and

**WHEREAS**, it is recommended by staff to increase the membership of the Commission to nine regular members and four alternate members to service in the place of one or more members when there is an absence or recusal; and

**WHEREAS**, the Zoning Commission recommends that four alternate member positions be added to each commission to facilitate the timely conduct of official business; and

**WHEREAS**, in 2021 the Texas Legislature adopted Senate Bill 1585, which requires a municipality with more than one commission, zoning, planning or historical, to designate one of those commissions with the exclusive authority to review and recommend designations of properties as local historic landmarks and the inclusion of properties in a local historic district; and

**WHEREAS**, it is recommended that the City Council designate the Historic and Cultural Landmarks Commission as the commission with the exclusive authority to recommend designation of property as historic and inclusion in a historic district to the City Council.

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

**SECTION 1.**

Chapter 2 of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, "Review Bodies", Section 2.102 "Urban Design Commission" subsection (b) "Members" to increase the number of alternate members to the Urban Design Commission and to change "qualified elector" to "resident," to read as follows:

(b) *Members.* The Urban Design Commission shall consist of nine regular members and ~~two~~ four alternate members, to serve in the absence of one or more regular members, all of whom shall be ~~qualified electors~~ 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 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 regular member appointees must be a practicing or retired professional in the field of history, architectural history, archaeology, 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 Urban Design Commission members as a whole shall fairly represent the ethnic makeup of the City of Fort Worth.

## SECTION 2.

Chapter 2 of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, “Review Bodies”, Section 2.103 “Historic and Cultural Landmarks Commission” subsection (a) “Creation and appointment” and subsection (e) “Powers and duties” are amended to include language to add alternate members to the Historic and Cultural Landmarks Commission to serve in the absence of one or more regular members, to read as follows:

(a) *Creation and appointment.*

(1) There is hereby created the Historic and Cultural Landmarks Commission to be composed of nine regular members and ~~two~~ four alternate members, all of whom are ~~qualified electors~~ resident 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.

*(no changes to subsections b, c, or d)*

(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 exclusive authority to recommend to the City Council that certain structures and property be designated as "highly significant endangered," "historic and cultural landmark" or "demolition delay," or that an area containing two or more eligible structures be designated as a "historic and cultural landmark district," or that such structures or properties be included in a historic district or that such designations be amended or removed, in accordance with the Historic Preservation Ordinance;

(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 the Historic Preservation Ordinance;

(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.

*(no changes to subsections f or g)*

### **SECTION 3.**

That this ordinance shall be cumulative of all provisions and of the Code of the City of Fort Worth affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

### **SECTION 4.**

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 3011, 13896, 21653 or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 5.**

That 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 void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein

of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**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. 3011, Ordinance No. 13896, Ordinance No. 21653 or any other ordinances affecting zoning that 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.**

This ordinance shall take effect upon adoption by the City Council.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Ronald Gonzales,  
Acting City Secretary

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

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