

**DOWNTOWN URBAN DESIGN DISTRICT OVERLAY
ORDINANCE NO. _____**

- **AN ORDINANCE AMENDING THE 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 ARTICLE 4 “OVERLAY DISTRICTS”, OF CHAPTER 4, “DISTRICT REGULATIONS” TO AMEND SECTION 4.402 “URBAN DESIGN DISTRICT-DOWNTOWN” TO INCREASE THE BOUNDARIES OF THE URBAN DESIGN DISTRICT TO INCLUDE THE AREA FROM THE FOOT OF THE TRINITY RIVER BUFF AND TO THE RIGHT OF WAY LINE OF THE T&P RAILROAD TRACT TO THE WEST, TO NORTHSIDE DRIVE AND THE WEST SIDE OF THE TRINITY RIVER LEVEE TO THE NORTH, TO THE WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 35 ON THE EAST, AND TO AN ALIGNMENT WITH GOUNAH AND PHARR STREETS TO THE SOUTH; AND TO AMEND THE DOWNTOWN URBAN DESIGN STANDARDS AND GUIDELINES IN THEIR ENTIRETY; 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, in December 2001, the City Council created the Urban Design District-Downtown to encourage high quality, pedestrian-oriented development in Downtown; adopted sections 2 through 5 of the design standards promulgated by Downtown Fort Worth, Inc. as part of the City’s Zoning Ordinance; and established the Downtown Design Review Board to administer those design standards;

WHEREAS, in 2009, the City Council adopted Ordinance No. 18905-11-2009 to amend the design standards related to walkway corridors; building edge; street grid and parking; and signage to provide greater clarity and increase efficiency in administering the district; and

WHEREAS, the design standards were created to promote a pedestrian-oriented urban form; maximize connectivity and access; encourage creativity, architectural diversity and

exceptional design; support existing downtown businesses; and encourage adaptive reuse and support of the preservation of historically significant buildings and

WHEREAS, Downtown Fort Worth, Inc. in partnership with City staff recommends revising the design standards to provide greater clarity and increase efficiency in administering the district; and

WHEREAS, the Downtown Design Review Board recommends approval and adoption of the revised design standards and guidelines;

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

SECTION 1.

Chapter 4, “Overlay Districts” of Article 4, “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Section 4.402, “Urban Design District-Downtown” is amended to revise in its entirety the design standards for the Downtown Urban Design District and to delete references to various obsolete sections of the Downtown Urban Design Standards, to read as follows:

Sec.4.402 URBAN DESIGN DISTRICT-DOWNTOWN.

- (a) *Purpose and intent.* The purpose of the Urban Design District-Downtown is to establish design standards for new construction and certain renovations of property in the downtown area in order to protect and enhance the character of downtown, encourage economic development and protect property values.
- (b) *Boundaries of Urban Design District-Downtown.* The specific boundaries of the Urban Design District-Downtown are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B. 16. ~~includes all land located within the area bounded by the following: Beginning at the point of the north ROW line of Interstate 30 and the east ROW line of Forest Park Boulevard; Northward on the East ROW line of Forest Park Boulevard to the north ROW line of the Fort Worth & Western Railroad Track; Northwestward along the north ROW line of the Fort Worth & Western Railroad Track to the centerline of the Clear Fork of the Trinity River; Following the centerline of the Clear Fork of the Trinity River to the centerline of the West Fork of the Trinity River to the northwest corner of Block 2, Lot 20, Gouhenant Addition; Eastward along the northern boundary of Block 2, Lot 20, Gouhenant Addition to the centerline of Samuels Avenue;~~

~~Southward along the centerline of Samuels Avenue to the northwest corner of Block 1 N55; Lots 10 & 11, Gouenant Addition; Eastward along the northern boundary of Block 1 N 55 Lots 10 & 11, Block 1 Lot 13, Block 1 E 1/2 Lot 12, and Block 1 Lots 2 through 8, Gouenant Addition to the east ROW line of the T & P Railroad Track; Southward along the east ROW line of the T & P Railroad Track to the northwest corner of Block 124, Lot 19R, Fort Worth Original Town Addition; Northeastward along the northern boundary of parcels fronting Belknap Street to the west ROWQ line of Interstate 35; South along the west ROW line of Interstate 35 to Lot 6, 6 Less Row, Penderys Addition; Southwestward along the southern boundary of parcels fronting Weatherford Street to the centerline of Nichols Street; Southeastward along the centerline of Nichols Street to the centerline of 2nd Street; Northeastward along the centerline of 2nd Street to the centerline of Hampton Street; Southeastward along the centerline of Hampton Street to the western ROW line of the BNSF Railroad Track; Southward along the western ROW line of the BNSF Railroad Track to the northern ROW line of State Highway 280; Southwestward along the northern ROW line of SH 280 to the western ROW line of the T & P Railroad Track; Southward along the western ROW line of the T & P Railroad Track to the north ROW line of Interstate 30; then Westward along the northern ROW line of Interstate 30 to the point of beginning. The area is as shown in Exhibit B.16~~

- (c) *Relationship of urban design district-downtown to base zoning districts.* The Urban Design District-Downtown is a zoning overlay that supplements the primary underlying zoning district classification. The permitted uses of the property shall be determined by the use regulations set forth for the primary zoning district classification for the property. Development of projects in the Urban Design District-Downtown shall be subject to the downtown urban design standards in accordance with this section. In the event of any conflict between the design standards and any provision of this ordinance, the design standards shall control.
- (d) *Downtown urban design standards adopted.* Development in the Downtown Urban Design District (“DUDD”) is subject to the development standards and guidelines contained in the *Downtown Urban Design Standards and Guidelines* as referenced in Exhibit “A.” The *Downtown Urban Design Standards and Guidelines* are hereby approved by the city council and are included in the zoning ordinance by reference. All future amendments to the Downtown Urban Design Standards and Guidelines must be considered by the zoning commission and approved by the city council in accordance with the procedure set out in Article 5, Chapter 3.
- (e) *Certificate of appropriateness required.*
1. Within the Urban Design District-Downtown, issuance of a certificate of appropriateness reflecting compliance with ~~§§ 2 through 5 of the *Downtown Urban Design Standards and Guidelines*~~ is required as a condition for the following:
 - a. Issuance by the planning and development department of a building permit for construction of a new structure;
 - b. Issuance by the Planning and Development Department of a building permit for expansion of an existing structure;
 - c. Issuance by the Planning and Development Department of a building permit for renovation, remodeling or other alterations of the exterior of an existing structure; and
 - d. Construction of a surface parking lot.

2. Applications for a building permit may be submitted in conjunction with an application for a certificate of appropriateness, however, no building permit shall be issued for construction, expansion, renovation, remodeling or other alterations on any building within the urban design district-downtown until a certificate of appropriateness reflecting compliance with ~~§§ 2 through 5~~ of the *Downtown Urban Design Standards and Guidelines* is approved by the Downtown Design Review Board and issued by the Planning and Development Department.
- (f) *Pre-design conference.* A pre-design conference with the Planning and Development Director or a designee is required before an applicant makes application for a certificate of appropriateness. Two copies of a site plan containing the following information shall be submitted to the planning and development director for discussion at the pre-design conference:
1. Footprints of all existing structures;
 2. Proposed footprints of all new structures;
 3. Existing structures adjacent to the property;
 4. Existing and proposed floor plans of first and second floors (schematic drawings);
 5. Building setbacks;
 6. Location of parking areas;
 7. Location of landscape areas;
 8. Two copies of building elevations for all sides of the building; and
 9. Photographs of the site and adjoining properties.
- (g) *Application for certificate of appropriateness.* The following materials shall be submitted to the Planning and Development Department in connection with an application for a certificate of appropriateness. The materials must be submitted at least ten days before the meeting of the Downtown Design Review Board at which the application for a certificate of appropriateness will be considered. At the time application materials are submitted, the applicant shall receive a sign provided by the planning and development department that shall be posted on the project site at street level in a location readily visible to the public no less than ten days prior to the meeting of the downtown design review board:
- (1) Five copies of site plan including:
 - a. Footprints of all existing structures;
 - b. Proposed footprint of all new structures;
 - c. Existing structures adjacent to the property;
 - d. Building setbacks; and
 - e. Location of parking areas, parking lot islands, driveways, sidewalks, walkways, loading areas, walls or fences, utilities, lighting, signage, at grade mechanical units, dumpsters and all other site improvements.
 - (2) Five copies of landscape plan including location and dimension of areas to be landscaped (including private property, adjoining right-of-way and parking lot islands), total amount of landscaped area, location, number and planting size of all trees, shrubs and groundcover, location and coverage of irrigation system, and location and description of street furniture;
 - (3) Five copies of schematic floor plans depicting the arrangement of interior spaces, location of windows and doors, mechanical equipment, electrical meter and utility locations. First floor site plans should show the relationship between the first floor and the site;

- (4) Five copies of schematic building elevations for all sides of the buildings(s) showing design of all elevations, existing grade, proposed grade, finish floor elevations, roof slopes, mechanical vents and equipment, location and type of outdoor light fixtures, design and location of all wall sign(s) and notations regarding exterior colors and material;
 - (5) Material specification outline with samples, brochures and/or photographs of all exterior building and site materials, finishes and fixtures; and
 - (6) For all detached signs, five site plans drawn to scale indicating sign location and drawings of proposed sign, lettering and graphics, drawn to scale of at least one-quarter inch to the foot including any support structures. Colors of the proposed sign shall be indicated on the drawing and actual color samples shall also be furnished. Any proposed illumination shall be indicated on the drawing.
- (h) *Authority to approve certificate of appropriateness.*
- (1) Approval of requirements concerning walkway areas, landscape, building edge and signs and banners, contained in §§ ~~2, 3, 4 and 5~~ of the *Downtown Urban Design Standards and Guidelines* shall be by the downtown design review board. Meetings of the downtown design review board shall be conducted in accordance with § 2.104.
 - (2) Approval of requirements concerning building edge and signs and banners contained in §§ ~~4 and 5~~ of the *Downtown Urban Design Standards and Guidelines* shall be by the Downtown Design Review Board. Meetings of the Downtown Design Review Board shall be conducted in accordance with § 2.104.
- (i) *Appeal.*
- (1) *Generally.* All decisions of the Planning and Development Director or a designee concerning walkway areas and landscape may be appealed by the applicant to the downtown design review board by submitting a written appeal to the City Secretary within ten days after receipt of notification of the Planning and Development Director's or a designee's decision. Hearings by the Downtown Design Review Board shall be held in accordance with § 2.104. The Downtown Design Review Board may uphold, reverse or modify the decision of the Planning and Development Director or a designee.
 - (2) *Appeals board.*
 - a. All decisions by the Downtown Design Review Board may be appealed to the Board of Adjustment by the applicant. A written notice of appeal must be filed with the City Secretary within ten days after receipt of notification of the Downtown Design Review Board's decision. The written notice of appeal shall specify;
 1. That the decision of the board is unreasonable, either in whole or in part; and
 2. The grounds for the appeal.
 - b. The Board of Adjustment shall schedule a hearing on such appeal within 30 days after receipt of the notice of appeal, or as soon as thereafter as reasonably practicable. Notice of such hearing shall be published with the City Secretary in the City's official newspaper not less than the fifteenth day before the hearing. The secretary of the Downtown Design Review Board shall forward to the Board of Adjustment a complete record of the matter, including a transcript of the tape of the hearing before the Downtown Design Review Board. In consideration of an appeal, the Board of Adjustment shall:

1. Hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the Downtown Design Review Board;
 2. Hear new testimony and consider new evidence that was not available at the time of the hearing before the Downtown Design Review Board;
 3. Apply the substantial evidence test to the decision of the Downtown Design Review Board, considering the record made before the Downtown Design Review Board; and
 4. Have the option to remand any case back to the Downtown Design Review Board for further proceedings.
- c. The Board of Adjustment may uphold, reverse or modify the decision of the Downtown Design Review Board unless a continuance is agreed to by the owner/appellant.
- d. A hearing before the Board of Adjustment shall exhaust the administrative remedies of the property owner/appellant under this title. Any owner/appellant aggrieved by the decision of the Board of Adjustment may file in district court.

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.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to

Sec. 4.402 Urban Design District- Downtown S&G 2016 amendments Ordinance No. _____

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 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 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 6.

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 7.

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

SECTION 8.

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: _____

DRAFT