

**STOCKYARDS DESIGN OVERLAY DISTRICT (“SYD”)  
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 4.407 “STOCKYARDS DESIGN (“SYD”) OVERLAY DISTRICT”; PROVIDING FOR DESIGN STANDARDS AND GUIDELINES FOR NEW CONSTRUCTION AND CERTAIN RENOVATIONS IN THE STOCKYARDS DESIGN OVERLAY DISTRICT; REQUIRING A CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION AND CERTAIN RENOVATIONS IN THE STOCKYARDS DESIGN OVERLAY DISTRICT; PROVIDING FOR ADMINISTRATIVE APPROVAL OF CERTIFICATE OF APPROPRIATENESS UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING AN APPEAL PROCESS; 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 Historic Stockyards showcases Fort Worth's western heritage and is one of the most unique and important destinations in the State of Texas; and

**WHEREAS,** the Fort Worth Stockyards Historic District is listed on the National Register of Historic Places; and

**WHEREAS,** the Comprehensive Plan designates the Historic Stockyards as a regional mixed-use growth center; and

**WHEREAS,** on July 15, 2014, the City Council approved a zoning change to mixed-use zoning and directed staff to create a design district that would help ensure that future development is consistent with the historic western character of the Stockyards; and

**WHEREAS,** the City Council appointed a task force of community leaders, business leaders, property owners and developer representatives to advise

them on the creation of an Historic Stockyards design district, in accordance with Section 2.238 of the City's Code of Ethics on October 14, 2014; and

**WHEREAS**, the Historic Stockyards Task Force “Task Force” convened in December 2014; held public meetings in April, May, July and August 2015 and concluded their work on September 23, 2015; and

**WHEREAS**, the proposed district also overlaps with the Marine Creek Zone and the West Fork to Marine Creek Zone within the Trinity Uptown Peripheral Zone Design Overlay District, located east of North Main Street and staff recommends removing the Marine Creek Zone and the West Fork to Marine Creek Zone from the Trinity Uptown Peripheral Zone Design Overlay District due to duplicate and conflicting design standards and guidelines; and

**WHEREAS**, the Task Force recommended the approval of the Stockyards Development Standards and Guidelines to the Urban Design Commission, Zoning Commission and the City Council as it was voted on at their September 23, 2015 public meeting; and

**WHEREAS**, the Urban Design Commission considered the recommendation of the Task Force at public meetings held in November and December of 2015 and recommends approval of the Stockyards Development Standards and Guidelines with certain revisions to the document as presented in Attachment A; 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 4.407, “Stockyards Design Overlay District” to provide development standards and guidelines and administrative procedures for properties within the boundary of the Stockyards Overlay District, to read as follows:

#### **4.407 Stockyards Design Overlay District (“SYD”)**

##### **A. Purpose and Intent**

It is the purpose of the Stockyards Design Overlay to provide standards and guidelines and administrative procedures for new construction and certain renovations in the corridor and area zones to promote and encourage excellence in development through quality site layout, lighting, landscaping and design while creating a unified and natural landscape along the corridor and area

zones; enabling continued revitalization of existing original Stockyards facilities; promote development of new structures and maintaining the Stockyards' distinct sense of authentic western culture.

**B. Boundaries of Stockyards Design Overlay District**

The specific boundaries of the Stockyards Overlay District are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.33.

**C. Relationship of Stockyards Design Overlay District to Base Zoning Districts**

The Stockyards Design Overlay District 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 in the primary zoning district classification for the property. Development of projects in the Stockyards Design District shall be subject to the *Stockyards Development Standards and Guidelines* in accordance with this section. In the event of a conflict between the *Stockyards Development Standards and Guidelines* and other sections of the City of Fort Worth Zoning Ordinance or other applicable regulations, the more restrictive requirement shall prevail. If there is a conflict between the *Stockyards Development Standards and Guidelines* and a mixed-use zoning district located within the boundary of the overlay district, the mixed-use regulations will govern. Provided however, for PD/MU-2 High Intensity Mixed-Use Zoning District (PD 1017) located east of North Main Street the PD site plan requirement associated with the PD/MU-2 district is retained. In addition, for properties within PD 1017, it shall be required that the Urban Design Commission provide a recommendation to the Zoning Commission and the City Council for projects requiring commission action and for projects requiring a PD site plan due to demolition, building addition, or new construction.

**D. Relationship of Stockyards Design Overlay District to Other Overlay Zoning Districts**

Alterations, additions, and new construction on properties with a local historic designation, with the exception of the demolition delay (“DD”) designation, located within or partially within the boundary of the design overlay district properties shall be under the sole jurisdiction of the Historic and Cultural Landmarks Commission. Provided however, any property designated demolition delay (“DD”) is subject to review by the Historic and Cultural Landmarks Commission.

**E. Stockyards Development Standards and Guidelines Adopted**

The Stockyards Development Standards and Guidelines, attached as Exhibit A, are hereby approved by the City Council and are included in the Zoning Ordinance by reference. All future amendments to the Stockyards Development Standards and Guidelines must be considered by the Urban Design Commission, the Zoning Commission and approved by the City Council in accordance with the procedure set forth in Article 5, Chapter 3 of the Zoning Ordinance.

**F. Development Review Process**

1. *Certificate of Appropriateness required.*

Within the Stockyards Overlay District, issuance of a Certificate of Appropriateness reflecting compliance with the Stockyards Development Standards and Guidelines is required for the following:

- a. Acceptance by the Planning and Development Department of an application for a building permit for construction of a new structure; or
- b. Acceptance by the Planning and Development Department of an application for a building permit for expansion of an existing structure; or
- c. Acceptance by the Planning and Development Department of an application for a building permit for renovation, remodeling or other alteration of an existing structure.

2. *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 twenty one (21) days before the meeting of the design review board at which the application of the Certificate of Appropriateness will be considered.

- a. Copies of the site plan including:
  - i. Foot prints of all existing structures;
  - ii. Proposed footprint of all new structures;
  - iii. Existing structures adjacent to the property;
  - iv. 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.
- b. Copies of landscaping 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 systems, and location and description of street furniture.
- c. 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.
- d. Copies of schematic building elevations for all sides of the building(s) showing the 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 signs(s) and notations regarding exterior colors and materials;

- e. Material specification outline with samples, brochures and/or photographs of all exterior building site materials, finishes and fixtures.

3. *Authority to approve Certificate of Appropriateness*

- a. The Planning and Development Director or designee is hereby charged with the duty and invested with the authority to approve a Certificate of Appropriateness for new construction and exterior renovations when the project conforms to all standards and guidelines of the *Stockyards Development Standards and Guidelines*.
- b. The Urban Design Commission is hereby charged with and invested with the authority to enforce the *Stockyards Development Standards and Guidelines* for new construction and exterior renovations that do not conform to all of the standards and guidelines by hearing and deciding application for Certificates of Appropriateness in accordance with this section.

**G. Appeal**

1. All decisions by the Planning and Development Director or designee may be appealed to the Urban Design Commission. A written notice of the appeal must be filed with the Executive Secretary of the Urban Design Commission within ten (10) days of notice of the decision of the Planning and Development Director or designee. The standard of review before the Urban Design Commission shall be *de novo*.
2. All decisions by the Urban Design Commission may be appealed to the Board of Adjustment by the applicant. A written notice of appeal must be filed with the City Secretary's Office within ten (10) days after receipt of notification of the decision of the Urban Design Commission. The written notice of appeal shall specify:
  - a. That the decision of the Urban Design Commission is unreasonable, either in whole or in part; and
  - b. The grounds for the appeal.
3. The Board of Adjustment shall schedule a hearing on such appeal as soon as reasonably practicable. The Executive Secretary of the Urban Design Commission shall forward to the Board of Adjustment a complete record of the matter including but not limited to, a transcript of the hearing before the Urban Design Commission.
4. In consideration of an appeal, the Board of Adjustment shall:
  - a. Hear and consider testimony and evidence concerning the previous recommendations and actions of city staff and the Urban Design Commission.

- b. Hear new evidence that was not available at the time of the hearing before the Urban Design Commission. New evidence does not include information that was created after the date of the hearing before the Urban Design Commission;
  - c. Apply the substantial evidence test to the decision of the Urban Design Commission, considering the record made before the Urban Design Commission;
  - d. Have the option to remand any case back to the Urban Design Commission for further proceedings.
5. The Board of Adjustment may uphold, reverse or modify the decision of the Urban Design Commission unless a continuance is agreed to by the appellant.
  6. A hearing before the Board of Adjustment shall exhaust the administrative remedies of the appellant under this title. Any appellant aggrieved by the decision of the Board of Adjustment may file in District Court.

## **SECTION 2.**

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (1986), as amended, affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinance are in direct conflict with the provisions of this ordinance.

## **SECTION 3.**

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, 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 4.**

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 5.**

That 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 (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.**

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish 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.**

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

**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mary Kayser, City Secretary

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

DRAFT