

AN ORDINANCE AMENDING THE COMPREHENSIVE 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 SECTION 2.103A "CREATION AND APPOINTMENT" AND SECTION 2.103B "TERMS OF OFFICE" OF CHAPTER 2 "REVIEW BODIES", ARTICLE 1 "GENERAL", TO ADD PROFESSIONAL FIELDS AND CLARIFY THE TERMS OF APPOINTMENTS FOR COMMISSIONERS; 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 City Council adopted the Citywide Historic Preservation Plan in July 2003;

WHEREAS, the Preservation Plan contained twenty-one recommended amendments to Chapter 4, "District Regulations", Article 5 "Historic Preservation Overlay Districts" of the Zoning Ordinance, also known as the Preservation Ordinance to make the ordinance more easily understood; and

WHEREAS, one of the recommended amendments is to include additional professions from which the City Council can appoint membership to the Historic and Cultural Landmarks Commission; and

WHEREAS, a second recommended amendment is to clarify that Historic and Landmark Commission members are eligible to succeed themselves and provides for the continuation of a commissioner's term if a successor is not appointed; and

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

#### **SECTION 1.**

Chapter 2, Section 2.103A, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, "Historic and Cultural Landmarks Commission", is amended to add

additional professional fields from which the City Council can appoint commission members, to read as follows:

**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 members who are qualified electors of the City of Fort Worth.
2. The city council shall appoint representatives who have demonstrated their civic interest, general knowledge of the community, independent judgment and availability to prepare for and attend meetings. Whenever feasible, five appointees should be practicing professionals from the fields of architecture, landscape architecture, history, architectural history, urban planning, archaeology, real estate, or law, or other disciplines related to historic preservation. The ~~development director, the planning and development~~ director and the building official shall be ex officio, nonvoting members of the Historic and Cultural Landmarks Commission.
3. All Historic and Cultural Landmarks Commission members, regardless of background, shall have a known and demonstrated interest, competence or 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.

**SECTION 2.**

Chapter 2, Section 2.103B, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, “Historic and Cultural Landmarks Commission”, is amended to clarify that Historic and Cultural Landmark Commission members may be appointed to succeed themselves and continue to serve until a new member is appointed, to read as follows

*B. Terms of office.* Historic and Cultural Landmarks Commission members shall serve for a term of two years. Newly appointed members shall be installed at the first regular meeting after their appointment. The members shall serve in places numbered 1 through 9. Members appointed in odd numbered places shall serve terms which expire October 1 of odd-numbered years. Members appointed to even-numbered places shall serve terms which expire on October 1 of even-numbered years. Vacancies shall be filled for unexpired terms and Commission members may be appointed to succeed themselves.

Commissioners shall serve at the discretion of the City Council until a new member shall be appointed in their place.

### **SECTION 3.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), 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 4.**

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 5.**

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 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 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 7.**

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 8.**

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

**SECTION 9.**

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

APPROVED AS TO FORM AND LEGALITY:

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

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

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