Article 4. Overlay Districts

4.400 Conservation ("CD") Overlay District

A. Purpose and Intent

1. The City of Fort Worth has many unique and distinctive residential neighborhoods and commercial areas which contribute significantly to the overall character and identity of the City but may lack sufficient historical, architectural or cultural significance at the present time to be designated as a historic district. The City Council recognizes the need to preserve, protect, and enhance the value of these areas and wished to provide a means of conserving the distinctive atmosphere or character of areas by protecting or enhancing their significant architectural or cultural attributes through the establishment of Conservation Districts.
2. Section 211.003, Texas Local Government Code authorizes the City of Fort Worth to regulate and restrict the construction, alteration, reconstruction, or razing and of buildings and other structures in "designated places and areas of historic, cultural, or architectural importance and significance." The Conservation District provides for the establishment of regulations concerning the conservation of existing buildings and new construction and their settings in designated places of architectural or cultural importance and significance. It is recognized that there are areas in the city where the application of conservation district zoning could assist in the conservation of architectural and cultural attributes and thereby contribute to the stability or stabilization of these areas:
3. The provisions of this Article are intended:
   a. to protect and strengthen desirable and unique physical features, and design characteristics;
   b. to promote and provide for economic revitalization;
   c. to protect and enhance the livability of the City;
   d. to reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
   e. to stabilize or enhance property values;
   f. to provide residents and property owners with a planning tool for future development;
   g. to encourage and strengthen civic pride; and
   h. to ensure the harmonious, orderly and efficient growth and redevelopment of the City.

B. Zoning Classification and Authority

1. Designation is a means for property owners to initiate and implement programs for the conservation or revitalization of neighborhoods and commercial areas. The conservation overlay district and its regulations shall be applicable to each property within the district in addition to the regulations of the base underlying zoning classification where the property is located.
2. Separate ordinances are required to designate each Conservation District. Ordinances designating each district shall identify the designated boundaries, applicable designation criteria, and design standards for that district.
3. Any zoning district may be followed by the suffix "CD," indicating that such zoning district is subject to the use and development regulations of both the designated district and the Conservation District design standards. The zoning designation for property located within a Conservation District shall consist of the base zone symbol and the overlay district symbol "/CD" as a suffix.
4. Designation of an area by the City Council as a conservation district ("CD") is intended as a zoning overlay which supplements the primary underlying zoning district classification. The permitted uses of the property shall be determined and controlled by the use regulations set forth for the primary zoning district classification for the property. Property designated as a Conservation District may have additional overlay designations.

5. The height of structures and minimum dimensions of lots and yards shall be determined by the regulations set forth for the underlying, primary zoning district classification except where height and area regulations are specified in Conservation District design standards adopted by the City Council. No conservation district can restrict height to less than two stories over the entire footprint of the original structure.
6. If there are any conflicts between the adopted design standards of the Conservation District and any provision of the Zoning Ordinance, the provisions of the adopted design standards of the Conservation District shall apply.
7. If there are any conflicts between the provisions of this Article and any other provision of the Zoning Ordinance, the most restrictive regulation shall apply in the absence of a specific directive to the contrary.

C. Procedures for Establishing a Conservation District

1. Following a request for designation of a Conservation District, the Planning and Development Department shall develop a Conservation Plan for the proposed district that includes:
   a. statement of purpose and intent;
   b. maps indicating boundaries, age of structures and existing land use within the proposed district;
   c. maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics and goals of the proposed district;
   d. a list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed district; and
   e. design standards.
2. All property owners within the proposed district shall be afforded the opportunity to participate in drafting the Conservation Plan, which will be approved as part of the zoning ordinance creating a Conservation District.
3. Authority to initiate. A zoning application for designation as a Conservation District must be filed with the Planning and Development Department. An application shall be initiated either:
   a. By petition (form provided by the Planning and Development Department) signed by the owners who collectively own more than fifty (50) percent or more of the individual tracts, parcels, or platted lots, to be located within the boundaries of the proposed district, and the request of the owners who collectively own fifty (50) percent or more of the land area, excluding streets and alleys, to be located within the boundaries of the proposed district. Two or more platted lots developed together shall be counted as one lot. Each vacant platted lot of sufficient size to be developed under the current zoning designation for the property shall be counted as one lot.
   b. By the City Council

D. Designation Criteria

To be designated as a Conservation District, the area must meet the following criteria:

1. Contain a minimum one block length (both sides of the street); an exception for one block face (one side of the street) may be allowed when different land uses or development patterns exist on the opposite side of the street.
2. At least 50% of the land area in the proposed district is presently improved, unless created to preserve a special or natural streetscape characteristic; and
3. Possess two or more of the following distinctive features that create a cohesive identifiable setting, character or association:
   a. scale, size or type of construction;
   b. lot layouts, setbacks, street layouts, alleys or sidewalks;
   c. special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping; or
   d. abuts or links designated historic landmarks and/or districts.

E. Design Standards

1. The Conservation Plan approved as part of the zoning ordinance creating a conservation district shall include objective design standards for new construction of any building or structure, or the relocation or rehabilitation to the street facade of an existing building or structure. The design standards shall be applied administratively by City staff.
2. The Conservation Plan and requisite design standards shall not apply to those activities which constitute in-kind replacement or repair, ordinary repair and maintenance that is using the same or similar material and design.
3. The design standards for the Conservation District shall include, at a minimum, the following elements governing the physical characteristics and features of all property (public or private) within the proposed district:
   a. building height, number of stories (may not restrict to less than two stories over the entire footprint of the original structure);
   b. lot coverage;
   c. lot size;
   d. front and side yard setbacks;
   e. driveways, hardscape covering.
4. In addition, the Design Standards may include, but shall not be limited to, the following elements:
   a. building orientation;
   b. general site planning (primary, ancillary structures);
   c. garage entrance location;
   d. street trees;
   e. height of fences and walls;
   f. right-of-way (exceeding Public Works standards)
   g. principal elevation features;
   h. building form
5. The proposed standards shall be submitted with the application to the Zoning Commission and the City Council. No conservation district may be established in the city unless the City Council first approves the design standards for the district in accordance with this Article.
6. Copies of the approved standards shall be on file in the Planning and Development Department and in the deed records of the county in which the property is located.
7. Any modification of adopted design standards must be approved by the City Council following the same procedure used for promulgation of the original standards. Invalidation of any of the standards shall not affect the validity of any other portion.

F. Public Hearing

1. At least ten days prior to the Zoning Commission public hearing, notices of the time and place of the meeting shall be mailed to all addresses of property owners and residents shown on the application, to any additional addresses of properties in the proposed district as shown on the last approved city tax roll, and to any registered neighborhood associations located within the proposed district. Notice may be served by depositing the same, properly addressed and postage paid, in the United States Mail.
2. No area shall be designated as a conservation district without the recommendation of the Zoning Commission. The Zoning Commission shall conduct a public hearing on the proposed designation within forty-five (45) days after receipt of the application for designation and the proposed Conservation Plan by the Planning and Development Department, or as soon thereafter as is reasonably practicable. The hearing shall be in the same manner and according to the same procedures for amending the zoning map as set forth in Chapter 3, Article 5.
3. City Council hearing. The City Council shall give notice and conduct its hearing on the Zoning Commission's recommendation concerning the proposed Conservation Plan within forty-five (45) days of receipt of the recommendation of the Zoning Commission, or as soon thereafter as is reasonably practicable. The City Council shall review the Conservation Plan and shall approve the same, with or without modifications, at the public hearing on the proposed designation. The City Council shall give notice, follow the publication procedure, hold the hearing, and make its determination in the same manner

and according to the same procedures for amending the zoning map as set forth in Chapter 3, Article 5.

4. If the owners of at least twenty percent (20%) of an area nominated for designation or located within 200 feet of a proposed Conservation District protest such designation by submitting a written, signed protest, the affirmative vote of at least 3/4 of all members of the City Council is required in order for the designation to take effect.

G. Recording of Designations on Zoning Map

Upon designation of an area as a conservation district, the City Council shall direct that the designation to be recorded on the official zoning maps of the City.

H. Filing of Designation and guidelines in Property Records

Record of designation of an area as a conservation district and the corresponding district guidelines shall be recorded in the official property records of the county in which the property is located by the Planning and Development Department.

I. Administration/Enforcement

No building permit shall be issued for new construction or any alteration or addition to the street facade of an existing building or structure within a designated Conservation District without the submission and approval of design plans and the issuance of a Certificate of Appropriateness by the Director of Planning and Development or his/her designee. All work performed pursuant to a Certificate of Appropriateness shall conform to any requirements included herein. It shall be the duty of the Planning and Development and Code Compliance Department to assure compliance. If work is performed that is not in accordance with the Certificate of Appropriateness and verification by the building official, the building official shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on a project while a stop-work order is in effect. Properties located in a Conservation District that are designated “HC” Historic and Cultural Landmark or “HSE” Highly Significant Endangered shall comply with the most restrictive regulation.

J. Appeal; Penalties

1. Any owner dissatisfied with the decision of the Director Planning and Development or his/her designee to deny a certificate of appropriateness shall have the right to appeal the decision to the Board of Adjustment. The request for appeal must be made within ten (10) calendar days after receipt of notification of such action, by filing a written notice of appeal with the City Secretary and the Planning and Development Department. The Board of Adjustment may authorize a variance from the design standards of a Conservation District if it is determined that the variance will not be contrary to the public interest (refer to *‘Review Procedures, Chapter 3.400 Variances’*). The Board of Adjustment shall schedule a hearing on such appeal within thirty (30) days after receipt of the notice of appeal, or as soon thereafter as is reasonably practicable.
2. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this article shall be fined not more than $2,000.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
3. The provisions of this section shall apply in addition to other enforcement procedures or penalties, which are available at law or in equity. (Ord. No. 18900, Eff. 11/10/09)

4.401 Historic Preservation Overlay Districts (“HSE”, “HC”, “DD”)

A. Purpose and Intent

As a matter of public policy, the protection, enhancement and perpetuation of landmarks or districts of historical, cultural, architectural or archeological importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. It is recognized that the City of Fort Worth represents the unique confluence of time and place that has shaped the identity of generations of citizens, collectively and individually, and produced significant historical, cultural, architectural and archeological resources that constitute their heritage. The provisions of this Article are intended to:

1. Protect, enhance and perpetuate landmarks and districts of historical, cultural, architectural or archeological importance which represent or reflect distinctive and

important elements of Fort Worth's historical, cultural, architectural, archeological, social, economic, ethnic and political heritage;

2. To promote the preservation and conservation of the heritage, architecture, culture and development of Fort Worth;
3. Educate elected officials, appointed bodies, city departments, and the public at large about the heritage of Fort Worth and the benefits of utilizing historic preservation to achieve the goals and vision of the City;
4. Foster civic pride by recognizing accomplishments of the past;
5. Protect and enhance the attractiveness of the City to tourists and visitors and support and stimulate the economy;
6. Ensure the harmonious, orderly and efficient growth and development of the City;
7. Encourage appropriate land uses, which respect the historic character and development of significant sites, features, structures and neighborhoods;
8. Engage the public in discourse on the preservation of the City, its benefits, and participation in planning for historic preservation;
9. Promote the economic prosperity and welfare of the community;
10. Encourage the stabilization, restoration and improvement of property and property values; and
11. Maintain a generally harmonious outward appearance of both historic and modern structures, which are compatible and complementary in scale, form, color, proportion, texture and material.

B Appointment of Historic Preservation Officer

The Planning and Development Director shall appoint a qualified staff person to serve as Historic Preservation Officer. The Historic Preservation Officer shall administer this Article and advise the Historic and Cultural Landmarks Commission on matters submitted to such Commission. In addition to serving as representative of the Historic and Cultural Landmarks Commission, the Historic Preservation Officer is responsible for coordinating the City's historic preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations. The Historic Preservation Officer shall maintain the historic resources survey and shall update such survey from time to time.

C. Districts Established

1. Establishment of Categories

There shall be three categories of protection for historically, culturally, architecturally or archeologically significant properties in the City of Fort Worth, as follows:

1. Highly Significant Endangered ("HSE")
2. Historic and Cultural Landmark, if an individual structure or site, or Historic and Cultural Landmarks District, if more than one structure or site ("HC"); and
3. Demolition Delay ("DD")

   These historic preservation overlay districts may appear on the Official Zoning Map from time to time as required by Section 4.401H.

2. Previously Designated Overlay Districts

All places, objects, sites, structures or property heretofore designated by the City Council as "HC" Historic and Cultural Subdistricts or "HC" Historic and Cultural Landmark Overlay Districts under pre-existing provisions of the Zoning Ordinance shall be accorded the protection of property designated as Historic and Cultural Landmark under this Article and shall bear the appropriate mark in their zoning designation. Tax incentives granted for renovation, restoration or rehabilitation under pre-existing provisions of the Zoning Ordinance shall remain in force.

3. Relationship of Designations to Base Zoning Districts

a. Designation of a structure, site or area by the City Council as "HSE", "HC", or "DD" is intended as a zoning overlay which supplements the primary underlying zoning district classification. The permitted uses of the property shall be determined and controlled by the use regulations set forth for the primary zoning district classification for the property. However where the proposed use of a historically significant property may adversely impact the character or integrity of the property, the provisions of this article may be used to encourage an appropriate alternative.

b. A historic overlay district is subject to the regulations of the primary zoning district classification. However, where adopted design guidelines of a district recommend a more historically appropriate yard setback building height, lot dimension or site configuration than the base zoning district allows, the design guidelines shall prevail however in no instance shall this relieve the requirement for a variance from the Board of Adjustments in compliance with the provisions set out by this or any other adopted ordinance.
c. Design guidelines adopted for any district shall be considered supplementary to any provision of this article and the regulations of the City of Fort Worth. For all instances where this article shall be applied, the prevailing precedence shall be as follows:
   i. Chapter 4, Article 4 of the Comprehensive Zoning Ordinance of the City of Fort Worth for all matters of process, procedure and regulation;
   ii. The adopted guidelines of a district, the City of Fort Worth, or the Secretary of the Interior for all matters of rehabilitation, restoration or preservation; and
   iii. All other City of Fort Worth ordinances, regulations or policies as they may apply to any action described within this article.
d. In no instance shall the provisions of this article be construed to exempt any issue of life safety or to provide relief from the provisions of the adopted building code without the written consent of the Chief Building Official.
e. If there is any conflict between the provisions of this Article and any other provision of the Zoning Ordinance, the most restrictive regulation shall apply in the absence of a specific directive to the contrary.

4. General Criteria for Designation

The following criteria and supplemental examples shall be used to propose the significance of structures, sites and their features, or neighborhoods and to evaluate designation by the City of Fort Worth as Highly Significant Endangered, Historic and Cultural Landmark district and Demolition Delay:

a. Is distinctive in character, interest or value; strongly exemplifies the cultural, economic, social, ethnic or historical heritage of the City of Fort Worth, State of Texas or the United States, including, but not limited to:
   i. Site or structure associated with a particular ethnic, religious, social or cultural group's history or development;
   ii. Site or structure associated with the founding, development or expansion of an historical or established business in the City of Fort Worth, the State of Texas or the United States; or
   iii. Site or structure associated with a documented theme in the history of Fort Worth such as the Pioneer and "Fort Worth" era, the Cattle Drives and the Stockyards, Railroads, development patterns, or oil, aviation and other industries.
b. Is an important example of a particular architectural type or specimen in the City of Fort Worth, including, but not limited to:
   i. Example of a high style form of architecture such as Victorian, Art Deco or Beaux Arts;
   ii. Example of a revival style of architecture such as Classical Revival or Tudor Revival; or
   iii. Example of documented vernacular or regional architecture such as a shotgun or bungalow.
c. Has been identified as the work of an important architect or master builder whose individual work has contributed to the development of the City of Fort Worth, including, but not limited to:
   i. Work of an architect, landscape architect or builder known on a national scale such as Louis Kahn, Phillip Johnson, or Tadao Ando;
   ii. Work of an architect or builder known for specific contributions to Fort Worth such as Wyatt Hedrick, Preston Geren, or Wiley Clarkson; or
   iii. Work associated with an architecture, landscape architecture or building firm identified with significant projects in Fort Worth such as Sanquinet and Staats; Hare and hare, or Van Slyke & Woodruff.

d. Embodies elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation, including, but not limited to:
   i. Contains specific and identifiable architecture features;
   ii. Contains information about primitive or archaic construction methods or design; or
   iii. contains materials significant for their use or manner of use.
e. Bears an important and significant relationship to other distinctive structures, sites or areas, either as an important collection of properties of architectural style or craftsmanship with few intrusions, or by contributing to the overall character of the area according to a plan based on architectural, historic or cultural motif, including, but not limited to:
   i. Contributes to a neighborhood or area described by previous historical survey as eligible local or National Register District;
   ii. Associated with an established pattern of development applied similarly across a defined neighborhood or subdivision;
   iii. Associated with a style of architecture, type of construction, or detailed feature of significance to a class of building or geographic area.
f. Possesses significant archeological value, which has produced or is likely to produce data affecting theories of historic or prehistoric interest, including, but not limited to;
   i. Tests a hypothesis or process in important research in the social sciences, or humanities;
   ii. Corroborates or enhances current information on the past, its people, or processes; or;
   iii. Reconstructs a culture or site for the purpose of identifying and explaining connections to or between historic or prehistoric events, cultures, or peoples.
g. Is the site of a significant historic event, including, but not limited to:
   i. Location of a specific event important to the history of the city, state, or country such as a Civil War battlefield or the site of the original military fort at Fort Worth;
   ii. Specific location of a pattern of events significant to the history of the city, state, or country such as part of the Chisholm Trail or a depot on the railroad; or
   iii. General location establishing a pattern of events significant to the city, state, or country such as an industrial district representing the city's achievements in the meat packing industry or a neighborhood developed by oil barons.
h. Is identified with a person or persons who significantly contributed to the culture and development of the City of Fort Worth, State of Texas or the United States, including, but not limited to:
   i. Site associated with a specific person of significance to the city, state, or country such as the home of John Ryan, the office of Amon Carter, or the grave of Ripley Arnold;
   ii. Site associated with a business or personal interest to someone of significance such as a neighborhood developed by John Ryan or the site of a club with membership of noteworthy citizens; or
   iii. Site associated with a known organization or group of people with significance such as a fraternal organization or congregation.
i. Represents a resource, whether natural or man-made, which greatly contributes to the character or image of a defined neighborhood or community area, including, but not limited to:
   i. Explain a feature that caused a specific pattern of development such as the effect the Trinity River has on river front property or the effect the Interstate Highway has on the splitting of one historical neighborhood into many neighborhoods;
   ii. Defines a relationship between features, sites, or structures such as the orientation of structures around community park or the location of a school within a neighborhood; or
   iii. Expresses an aesthetic or historic sense of a period of time such as a carriage house or a hand drawn well.

j. Is designated as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

D. Procedures for Designation of Property

The procedures for designation of sites, features, and structures as highly significant endangered, historic and cultural landmark (individual or as a district), and demolition delay are as follows:

1. Initiation of Nomination

a. An application may be submitted by the owner of a property, their duly authorized agent, or by the City Manager.

b. In lieu of an application, the Historic and Cultural Landmarks Commission or the City Council may adopt a resolution calling for the Historic Preservation Officer to submit a nomination to the Historic and Cultural Landmarks Commission for consideration. Where the Historic and Cultural Landmarks Commission adopts a resolution, the nomination may not be considered until the next regularly scheduled meeting.

c. Nominations prepared and submitted by an authorized agent shall contain the signatures of the owner or owners unless created by resolution of the City Council or the Historical and Cultural Landmarks Commission.

2. Nomination

a. Application contents. All applications submitted for the designation of a property as Highly Significant Endangered, Historic and Cultural Landmark or Demolition Delay shall contain at a minimum, the following information:

i. Site address, legal description and base zoning for the property or properties in question. For the designation of a structure or feature on a partial lot or parcel, a metes and bounds survey stamped by a surveyor licensed by the State of Texas shall be required;

ii. Property owner or owners name, mailing address, and telephone number;

iii. Survey or site plan depicting the location of all buildings and site features contained within the property to be designated;

iv. Photographs of each elevation of all buildings and site features contained within the property to be designated;

v. Written description of all buildings and site features with materials, architectural features, height, fenestration and other significant details and a description of each building or feature's status as contributing or non-contributing to the significance of the site;

vi. Written nomination containing applicability of the criteria for designations; and

vii. Application form containing the signature of the owner or owners.

b. Where a nomination is for the designation of a Historic and Cultural Landmark district, the application shall contain the signatures of owners in support of the district as follows:

i. 50 percent or more of the individual tracts, parcels or platted lots to be located within the boundaries of the proposed district; and

ii. 50 percent or more of the land to be located within the boundaries of the proposed district.

iii. Two or more platted lots developed together shall be counted as one lot.

iv. Each vacant platted lot of sufficient size to be developed under the current zoning designation for the property shall be counted as one lot.

c. For purposes of this section, the Historic Preservation Officer is the administrative official with original jurisdiction to review an application for completeness. An application shall not be accepted by the Historic Preservation Officer until it contains all information prescribed herein. For nominations submitted by resolution of the City Council or the Historic and Cultural Landmarks Commission, an application shall be deemed complete upon a majority affirmative vote of the appropriate body.

3. Notice of Nomination

When the Historic Preservation Officer deems an applicant to be complete, a notice of the pending nomination shall be mailed to all property owners at least ten days before the scheduled Historic and Cultural Landmarks Commission hearing. The notice shall be

served by depositing the same, properly addressed and postage paid, in the United States Mail. In the case of nomination for a historic and cultural landmarks district, a notice of nomination shall be mailed to each individual owner of property within the district in accordance with this section. The most recently approved municipal tax roll showing the name and address of the owner shall be used for this purpose. The notice of nomination shall include the following information:

a. A description of the property proposed for nomination, including the contributing or non-contributing status of properties included within a district nomination;
b. The proposed category of protection and the criteria on which the nomination is based;
c. A description of the benefits, restrictions and other terms of the proposed designation, including but not limited to tax incentives and restrictions on demolition and rehabilitation;
d. The time, place and date of the public hearing by the Historic and Cultural Landmarks Commission to consider such designation;
e. A statement of the stay of actions after nomination provided for in Paragraph C below; and
f. A form on which the owner may explain the reasons why the nomination should be approved or denied.

4. Stay of Actions After Nomination

a. Interim Controls. The governing body finds that immediate, temporary controls prohibiting alteration, demolition or relocation of properties for which a notice of nomination as Highly Significant Endangered, Historic and Cultural Landmark or Historic and Cultural Landmarks District has been mailed, and prohibiting demolition or relocation of structures for which a notice of nomination as Demolition Delay has been mailed are required in order to further the purpose of this Article.
b. Highly Significant Endangered, Historic and Cultural Landmark and Historic and Cultural Landmarks District. After the Historic Preservation Officer has mailed a notice of nomination as Highly Significant Endangered, Historic and Cultural Landmark or Historic and Cultural Landmarks District to the owner or owners of such property by standard mail, all permits for construction, repairs, alterations, additions, stabilization, restoration, rehabilitation, demolition or relocation of any building, object or structure on the property shall be subject to the Certificate of Appropriateness requirements contained in Section 4.401E for a period of 135 days or until the proposed designation is denied. In the event that the proposed designation is approved, the property shall be subject to all Certificate of Appropriateness requirements applicable to such designation. Permits for which an application has been submitted to the appropriate City department before the notice of nomination is mailed shall not be subject to interim controls or the Certificate of Appropriateness requirements.
c. Demolition Delay. After the Historic Preservation Officer has mailed a notice of nomination for designation as Demolition Delay to the owner or owners of such property by standard mail, all permits for demolition or relocation of any building, object or structure on the property shall be subject to the Certificate of Appropriateness requirements contained in Section 4.401E for a period of 135 days or until the proposed designation is denied. In the event that the proposed designation is approved, the property shall be subject to all Certificate of Appropriateness requirements applicable to Demolition Delay properties. Permits for which an application has been submitted to the appropriate City department before the notice of nomination is mailed shall not be subject to interim controls or the Certificate of Appropriateness requirements.
d. Relief from interim Controls. An owner may seek relief from the interim controls by requesting a Certificate of Appropriateness in accordance with the procedures contained in Section 4.401E. In addition, an owner may seek expedited relief from the interim controls by presenting information to the Historic and Cultural Landmarks Commission to show unusual and compelling circumstances justifying such relief.

Such request shall be filed with the Historic Preservation Officer within ten days after receipt of the notice of nomination and shall be accompanied by a copy of a bona fide written agreement requiring relocation or demolition of the structure, which shall have been entered into prior to receipt of the notice of nomination, or other evidence that the interim controls will cause substantial imminent harm to the owner which justifies expedited consideration of the owner's request for relief. The owner shall also present evidence concerning plans for development of the property. The Historic and Cultural Landmarks Commission shall conduct a hearing on such matter within 15 days after the request for relief is filed. The Historic and Cultural Landmarks Commission may consider factors such as the existence of a written, bona fide sales contract for the property; plans for relocation or demolition of the property; plans for development of the property; the effect of the interim controls on such plans; and other unusual and compelling circumstances justifying relief from the interim controls. It is the governing body's intent to keep historic structures whenever possible, in recognition of the fact that historic structures have been needlessly demolished, resulting in vacant lots. In the event that the Historic and Cultural Landmarks Commission finds unusual and compelling circumstances justifying relief from the interim controls, the Historic and Cultural Landmarks Commission may expedite review of the nomination, shorten the term of the interim controls, release the owner from such controls or take such other action as the Historic and Cultural Landmarks Commission deems to be appropriate.

5. Consideration of Designation

Any property nominated for designation as HSE, HC (individual or district), or DD shall be considered for designation at public hearings by the Historic and Cultural Landmarks Commission, the Zoning Commission, and the City Council.

a. Historic and Cultural Landmarks Commission Hearing. There shall be a public hearing of the Historic and Cultural Landmarks Commission before a recommendation is voted upon the designation of a property or district.

   i. Upon the determination by the Historic Preservation Officer that a complete application has been received for designation, a public hearing of the Historic and Cultural Landmarks Commission shall be scheduled. At this hearing, the Historic Preservation Officer shall verify the required signatures of property owners have been received, present any proposed design guidelines for review, present the context for establishing contributing status of property within the district and a list of the properties considered to meet this criteria, and describe the economic incentives eligible and describe the economic incentives eligible under the designation. The Historic and Cultural Landmarks Commission may accept this testimony or may continue consideration of the designation and request amendments or modifications to the information presented.

   ii. The Commission may recommend the designation or adoption of the proposed guidelines, may recommend the designation and guidelines with specific modifications or may recommend denial of the designation.

   iii. Where the Commission finds it necessary to continue discussions on any part of the nomination, or cannot recommend approval of the proposed design guidelines, consideration of both the nomination and the guidelines may be continued to a date agreed upon by an affirmative vote of the Commission.

b. Zoning Commission Hearing. Upon submittal of the recommendation of the Historic and Cultural Landmarks Commission, the proposed designation and where applicable design guidelines shall be submitted to the Zoning Commission for its review and recommendations. The Zoning Commission shall give notice and conduct its public hearing on the proposed designation and where applicable design guidelines within 45 days of the receipt of such recommendation from the Historic and Cultural Landmarks Commission, or as soon thereafter as is reasonably practicable. The hearing shall be in the same manner and according to the same procedures for amending the zoning map as set forth in Chapter 3, Article 5.

c. City Council Hearing. The City Council shall give notice and conduct its hearing on the Historic and Cultural Landmarks Commission's recommendation concerning the proposed designation within 45 days of receipt of the recommendation of the Zoning Commission, or as soon thereafter as is reasonably practicable. The City Council shall give notice, follow the publication procedure, hold the hearing, and make its determination in the same manner and according to the same procedures for amending the zoning map as set forth in Chapter 3, Article 5.

d. Vote Required for Designation by the City Council. If an owner of a property nominated for designation as Highly Significant Endangered, Historic and Cultural Landmark or Demolition Delay or the owners of at least 20 percent of an area nominated for designation as an Historic and Cultural Landmarks District protest such designation by submitting a written, signed protest, the affirmative vote of at least ¾ of all members of the City Council is required in order for the designation to take effect, in accordance with Section 211.006 of the Texas Local Government Code.

6. Recording of Designations on Zoning Map.

Upon designation of a site, structure or area as Highly Significant Endangered, Historic and Cultural Landmark, Historic and Cultural Landmarks District or Demolition Delay, the City Council shall cause the designation to be recorded on the official zoning maps of the City. All zoning maps shall indicate designated Highly Significant Endangered properties with the suffix "HSE", Historic and Cultural Landmarks, whether designated individually or as a district, with the suffix "HC", and Demolition Delay properties as "DD", in addition to the marks indicating the primary underlying zoning district classification.

7. Filing of Designations in Property Records.

Record of designations of a site, structure or area as Highly Significant Endangered, Historic and Cultural Landmark, Historic and Cultural Landmarks District or Demolition Delay shall be recorded in the official property records of the county in which the property is located. Property owners who file an application for designation shall record such designation and provide proof of filing to the Historic Preservation Officer. In all other cases the Historic Preservation Officer shall file such designation. Proof of recordation shall be provided to the Historic Preservation Officer prior to the receipt of any subsequent economic incentives from the City of Fort Worth.

8. Amendments to an existing Historical and Cultural Landmark District.

Following the designation by the City Council of a Historic and Cultural Landmark District, amendments to change the district boundary, the adopted design guidelines or the list of contributing properties shall follow the procedures for an amendment to this ordinance and in accordance with the following provisions:

a. The boundary of an existing district may be amended or otherwise altered to include additional properties where each of the following conditions exist:
   i. The geographic area proposed for inclusion within the existing boundary is contiguous to the existing district;
   ii. The area proposed for inclusion is found to meet at least three of the ten criteria for designation as described in this article;
   iii. The area proposed for inclusion has a similar context and character that reasonably relates to the existing district, either by architectural, historical, or cultural motif; and
   iv. A petition in support of the amendment signed by the owners of more than 50% of the individual tracts, lots, and parcels and more than 50% of the total land area within the area proposed for inclusion.

b. The design guidelines for a district may be amended at the request of the property owners or the City Council, provided that:
   i. A request to amend design guidelines from property owners must be accompanied by a petition in support of the proposed amendments signed by the owners of more than 50% of the individual tracts, lot and parcels and more than 50% of the total land area within the district;

ii. A request to amend design guidelines from the City Council may be in the form of a resolution calling for the Historic Preservation Officer to submit revised design guidelines to the Historic and Cultural Landmarks Commission for consideration. The Historic Preservation Officer and the commissioner for the historic district shall meet with the property owners in the historic district to revise the guidelines as directed by the City Council.

iii. The existing design guidelines shall remain in effect, unless otherwise found to be void, until the date of approval by the City Council of any amendments or alterations to the design guidelines.

iv. Any amendments to design guidelines shall at a minimum meet the requirements of the Secretary of the Interior's Standards for Historic Preservation. (Ord. No. 19026, Eff. 02/09/10)

c. The list of contributing structures for a district may be amended periodically at the request of the district or the City Council where each of the following conditions exist:

i. A statement for each property as to why the change in status is sought, accompanied by any additional information that may be requested by the historic preservation officer to support the change in status.

ii. Any returned responses forms on which the owner may explain the reasons why the reclassification should be approved or denied. (Ord. No. 19026, Eff. 02/09/10)

9. Criteria to establish Structures as Contributing or Non-Contributing.

The following criteria shall be used to evaluate whether a property contributes to a historic district and shall be included in the ordinance establishing the historic district:

a. Contributing shall mean a structure in a historic district:

i. (1) That is considered to be historically, culturally, or architecturally significant according to the criteria established by local, state or the federal government, including those formally promulgated by the National Park Service, Department of the Interior; or (2) meets the criteria as set forth in Section 4.401.C.4; and

ii. That was designated as a contributing structure in the ordinance establishing the district or was reclassified as a contributing structure under section 4.401.D.8.c.

b. Noncontributing property shall mean a structure in a historic district that:

i. (1) Does not add to the historical or architectural qualities of the historic district, (2) Was not present during the period of significance, or (3) because of alterations or deterioration , it has lost its physical integrity as determined by the Historic Preservation Officer and the Historic and Cultural Landmarks Commission; and

ii. Was classified as noncontributing in the ordinance established the historic district and has not been reclassified as contributing under section 4.401.D.8.c. (Ord. No. 19026, Eff. 02/22/10)

E. Certificate of Appropriateness

To preserve significant structures and neighborhoods, changes shall be documented and reviewed to determine if the proposed change is appropriate to the character of the area designated or pending designation as HSE, HC, or DD and does not adversely impact its significance.

1. Certificate of appropriateness required.

All changes to the exterior of a structure designated or pending designation as HSE or HC and the land by which it is accessed shall require review for appropriateness with the provisions of this article, and adopted design guidelines. In addition, the demolition or relocation of any structure designated or pending designation as HSE, HC, or DD shall also require review for appropriateness in the same manner.

a. Work, which does not involve a change to material, configuration, dimension, or outward appearance, shall be considered in-kind repair and does not require a certificate of appropriateness.

b. Removal of non-original and non-historic materials, restoration of existing features, repairs, alterations and construction not visible from the public right of way, and alteration of a non-contributing structure shall be reviewed by the historic

preservation officer and if found to be appropriate and consistent with applicable standards and guidelines may be issued a certificate of appropriateness. At the discretion of the historic preservation officer, an application found to alter significantly the character of a structure or site may be referred to the Historic and Cultural Landmarks Commission for further review.

c. Alterations and construction visible from the public right of way, demolition, relocation of a structure, and any an application found to alter significantly the character of a structure or site shall be reviewed by the Historic and Cultural Landmarks Commission.

2. Application for a certificate of appropriateness.

The property owner of authorized agent shall file an application for a certificate of appropriateness with the historic preservation officer prior to the commencement of any work. The application shall contain a completed application form, as provided by the historic preservation officer, with the signature of the property owner or authorized agent and attachments as required by the historic preservation officer in order to evaluate the appropriateness of the application, including but not limited to:

a. Site plan of the property;
b. Photographs of all affected elevations of the structure and property;
c. Detailed description of the proposed work;
d. Scaled drawings or renderings of all proposed changes for each affected elevation, including dimensions, materials and profile drawings;
e. Structural reports and documents;
f. Samples of materials to be used;
g. For demolition and relocation applications, rationale why the structure is no longer significant, based on the criteria for designation, or if applicable, proof of economic hardship; and
h. Any other information requested by the Historic and Cultural Landmarks Commission or historic preservation officer necessary to evaluate the appropriateness of the proposed work. An application shall not be accepted until it is determined complete and correct by the historic preservation officer.

3. Criteria for evaluation of appropriateness.

The intent of the historic designation is to preserve the character, identity, and presence of historic structures and sites without constraining creative use and adaptation. Therefore, in determining the appropriateness of proposed changes to an area designated or pending designation the following standards adapted from the Secretary of the Interior's Standard for Rehabilitation shall be used in conjunction with approved design guidelines and applicable city code:

a. A structure or property shall be used for its historic purpose or be placed in a new use that is permitted under the zoning ordinance. The use shall require minimal change to the defining characteristics of the structure, property, site and environment.
b. The historic character of a structure or property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a structure or property shall be avoided.
c. Each structure or property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures or property, shall not be undertaken.
d. Most structures and property change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
e. Distinctive features, finishes and construction techniques or examples of craftsmanship which characterize a structure or property shall be preserved within the limits permitted by applicable codes and ordinances.
f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials, provided such materials meet other applicable codes and

ordinances. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

g. Chemical or physical treatments, such as sand-blasting, which cause damage to historic materials, shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials which characterize the structure or property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the structure or property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic structure or property and its environment will be unimpaired.

k. New construction, which takes place after demolition or removal of a structure or property in an historic and cultural landmarks district has been approved, must comply with the design guidelines for the district.

l. New construction, which takes place after demolition or removal of a structure that is an accessory use to a structure designated highly significant endangered or historic and cultural landmark, must comply with the design guidelines in order to maintain the historic character of the designated structure.

4. Procedure for review and issuance of a certificate of appropriateness.

Upon acceptance of a completed application, the historic preservation officer shall review the project for consistency with applicable city ordinances, the provisions of this article and adopted design guidelines.

a. Historic Preservation Officer.

The Historic Preservation officer is authorized to issue a Certificate of Appropriateness for the following types of alteration, repairs, construction and restoration of a building or structure in a historic district;

i. The removal of non-original and non-historic materials; or

ii. The restoration of existing features or of original detailing proven by documentation such as photographs, architectural evidence or building plans;

iii. All emergency repairs and other public, health and safety issues; or

iv. Noncontributing structures other than additions. (Ord. No. 19026, Eff. 02/09/10)

b. Historic and Cultural Landmarks Commission.

The Historic and Cultural Landmarks Commission shall conduct a public hearing to consider an application for a certificate of appropriateness within 45 days after it is accepted by the historic preservation officer or as soon thereafter as is reasonably practicable.

i. Notice to owners of adjacent property. Upon receipt of a complete application for a certificate of appropriateness, the historic preservation officer or a designee shall prepare a notice of public hearing, which shall be mailed to the owner or owners of property located within a distance of 200 feet of the property listed within the application, at least ten days prior to the Historic and Cultural Landmarks Commission hearing. The notice may be served by depositing the same, properly addressed and postage paid, in the United States Mail.

ii. For applications seeking to demolish or relocate a structure designated or pending designation as HSE, HC or DD, the city manager or designee shall cause the posting of at least one sign on the property used to access the structure no less than ten days before the date of the public hearing at which the application will be considered by the Historic and Cultural Landmarks Commission. Where possible, the sign shall be conspicuously located near the public right of way. The sign shall indicate the pending request for demolition or relocation and provide a contact source for additional information. The posting of

the sign or its maintenance shall not be deemed a condition precedent to the holding of any public hearing, to the approval or denial of the certificate of appropriateness or to any other official action concerning the application.

iii. The owner or authorized representative and all other persons who have executed a purchase contract or option contract for purchase of the property, or their representatives, shall appear at the hearing. The owner, potential buyers and all other interested parties, including local preservation groups, will be heard concerning the application. For requests to demolish or relocate a structure, the Historic and Cultural Landmarks Commission may request evidence concerning plans for the future development of the property.

c. Decision of the Historic and Cultural Landmarks Commission.

At the conclusion on the public hearing or as soon thereafter as is reasonably practicable, the Historic and Cultural Landmarks Commission shall take one or more of the following actions:

i. Approval of the Certificate of Appropriateness: If the Historic and Cultural Landmarks Commission finds that the application is consistent with applicable regulations and guidelines, a Certificate of Appropriateness may be approved, with or without any conditions that may be appropriate;

ii. Denial of the Certificate of Appropriateness: If the Historic and Cultural Landmarks Commission finds that the application is not consistent with applicable regulations and design guidelines, a Certificate of Appropriateness may be denied with or without prejudice;

iii. Waiver from Design Guidelines: If the Historic and Cultural Landmarks Commission fails to issue the Certificate of Appropriateness because the proposed work is not consistent with applicable regulations and design guidelines, the owner shall have the right to request a waiver from the design guidelines from the Historic and Cultural Landmarks Commission.

aa.. Burden of Proof: In order to receive a waiver from the guidelines, the owner must prove by a preponderance of the evidence that no reasonable opportunity exists to recover the cost of the proposed work if it is required in accordance with the design guidelines.

bb. Evidence of Economic Hardship: In determining whether to grant such a waiver, the Historic and Cultural Landmarks Commission may consider the following evidence:

1. The cost to perform the work in compliance with the criteria and design guidelines;
2. The value of the property;
3. The extent to which a waiver is necessary to allow the owner a reasonable opportunity to recover the cost of the work;
4. Whether granting the waiver will harm an existing or proposed historic and cultural landmarks district or property designated highly significant endangered or historic and cultural landmark;
5. Whether the proposed work is in harmony with the spirit and purpose of this Article.

cc. The Historic and Cultural Landmarks Commission and city staff, in consultation with local preservation groups and other interested parties, shall explore with the owner, or a representative, alternatives for performance of the proposed work that will preserve the structure or property to the greatest extent that is economically feasible.

dd. Decision of the Historic and Cultural Landmarks Commission

1. If the Historic and Cultural Landmarks Commission finds that the owner has satisfied the burden of proof, the waiver from the design guidelines may be approved and the work allowed, with or without conditions. The Certificate of Appropriateness shall state the terms and the condition of waiver. All waivers shall be in compliance with all other city codes and ordinances.

2. If the Historic and Cultural Landmarks Commission finds that the owner failed to satisfy the burden of proof, the Certificate of Appropriateness will be denied.

iv. Continuation of the request for Certificate of Appropriateness. If the Historic and Cultural Landmarks Commission finds that there is not enough information to reasonably determine the appropriateness of the proposed work or if all interested parties who may present testimony are not in attendance at the public hearing, the application may be continued until such time the necessary information or interested parties are available.

d. Certificate of Appropriateness, Demolition or Relocation:

i. Loss of significance: The Historic and Cultural Landmarks Commission may approve a Certificate of Appropriateness for demolition or relocation when it has determined that the structure is no longer significant. In making this determination, the Historic and Cultural Landmarks Commission must find that the owner has established by a preponderance of evidence that the structure has undergone significant and irreversible changes which have caused it to lose the significance, and/or quality or features which qualified the structure designation.

ii. Economic hardship: the owner of the property denied a Certificate of Appropriateness based on loss of significance shall have the right to introduce evidence to establish that the owner will suffer an unreasonable economic hardship if the Certificate of Appropriateness is not issued for the demolition or relocation of the structure.

aa. The owner shall have the burden of establishing by a preponderance of the evidence that an unreasonable economic hardship exists under the criteria set forth in section 4.401G.

bb. If the Historic and Cultural Landmarks Commission finds that the owner has failed to establish by a preponderance of the evidence that an unreasonable economic hardship exists, the Certificate of Appropriateness shall be denied.

cc. If the Historical and Cultural Landmarks Commission finds that the owner has satisfied by a preponderance of the evidence that an unreasonable economic hardship exists, the Certificate of Appropriateness may be issued with or without the following conditions. The Historic and Cultural Landmarks Commission may delay the issuance of the Certificate of Appropriateness up to 180 days after the date of the public hearing; may require the preparation of a salvage plan; documentation of the property; and/or the preservation of trees, shrubs and other landscaping of substantial significance. These conditions shall be in compliance with all other city codes and ordinances. (Ord. No. 19026, Eff. 02/09/10)

e. Certificate of appropriateness, demolition delay:

The Historic and Cultural Landmarks Commission may not deny an application for a certificate of appropriateness for demolition of property designated or pending designation as demolition delay, however, the owner or authorized agent shall be required to participate in a consultation meeting to discuss a process for alternatives to demolition prior to the issuance of a permit, in accordance with the following:

i. Within thirty (30) days, of submission of an application for demolition of a designated structure, the Historic Preservation Officer shall schedule a consultation meeting with the owner or authorized agent, city staff and interested parties to propose alternatives to the owner which would seek to alleviate the need for demolition. The application shall not be deemed complete by the Historic Preservation Officer until the owner or authorized agent provides a written response to any alternatives proposed in the consultation meeting.

ii. The historic preservation officer shall upon completion of the application schedule a public hearing in accordance with section 4.401.E.4. The owner of the property shall be in attendance at the public hearing.

iii. The Historic and Cultural Landmarks Commission shall conduct a public hearing during which the owner or authorized agent shall present testimony and evidence

stating why the structure should be demolished, including but not limited to proof of unreasonable economic hardship, barriers to development, structural deficiency or loss of significance.

iv. At the conclusion of the public hearing, the Historic and Cultural Landmarks Commission shall issue a certificate of appropriateness for demolition pending the submission by the owner of a response to each proposal in writing and submitted to the historic preservation officer for review and acceptance by the Historic and Cultural Landmarks Commission.

aa. As a condition to the certificate of appropriateness, the Historic and Cultural Landmarks Commission may require a delay of no more than 180 days from the date of the hearing.

bb. During the delay period the owner may request a hearing of the Historic and Cultural Landmarks Commission to present evidence why the delay should be waived or shortened.

cc. At the end of any delay period, if a suitable alternative plan acceptable to the owner has not been approved by the Historic and Cultural Landmarks Commission, the city shall issue a permit for demolition.

dd. If the owner of the property can provide a preponderance of evidence that there is no economically viable use of the property without demolition of the structure, the delay period may be waived or shortened to any time less than 180 days at the discretion of the Historic and Cultural Landmarks Commission.

ee. In determining the length of any delay, the Historic and Cultural Landmarks Commission shall consider whether delay of such certificate of appropriateness will cause unreasonable economic hardship to the owner.

ff. Should the Historic and Cultural Landmarks Commission fail to approve a specific delay period by an affirmative vote, the maximum delay of 180 days allowed by this article shall be required.

gg. In the event that the owner of property designated demolition delay allows a valid demolition permit to expire without demolishing the property, the owner and subsequent owners of the property shall not be subject to the 180 day demolition delay with regard to applications for a demolition permit submitted to the appropriate city official within three years following expiration of the permit.

5. Documentation of properties to be demolished or relocated.

Unless the Historic and Cultural Landmarks Commission determines otherwise, the property owner shall file the following documentation with the historic preservation officer, at the owner's expense, as a condition for the issuance of a certificate of appropriateness for the demolition or relocation of any structure or property designated or pending designation as highly significant endangered or historic and cultural landmark or located in an area designated or pending designation as an historic and cultural landmarks district, other than a non-essential element:

a. Photographs of the structure, property or features to be demolished;

b. Written documentation of the architecture of the structure or property;

c. Documentation that the site has been rezoned (e.g. “PD” Planned Development), replatted, variances granted or that other development requirements have been met; and

d. Additional documentation required for certain highly significant properties:

i. Significant historical background of past owners and events in the structure or on the property;

ii. Scaled drawings of the floor plan;

iii. Scaled drawings of the exterior elevation;

iv. Scaled plan indicating the dimensions of the site and exact location of each structure, property and landscape feature on the site; and

v. Any other information the Historic and Cultural Landmarks Commission may deem reasonably necessary to record the proposed demolition or relocation,

such as documentation in accordance with the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER)

6. **Re-filing of application for certificate of appropriateness.**
When an application for certificate of appropriateness is denied by the Historic and Cultural Landmarks Commission, or the Appeals Board on appeal, or when the owner has withdrawn an application after the application has been scheduled for hearing, no new application of like nature shall be accepted by the city or scheduled for a hearing by the Historic and Cultural Landmarks Commission for a period of 12 months following the date of denial or withdrawal, unless the application is denied without prejudice; provided, however, on receipt of written request by the owner describing substantially changed conditions since prior consideration of the application to justify an earlier consideration of the application, the Historic and Cultural Landmarks Commission may waive the mandatory delay period and authorize the acceptance of a new application.
7. **All decisions of the Historic and Cultural Landmarks Commission shall be in writing.**
The decisions shall state the findings of the Historic and Cultural Landmarks Commission relating to the approval, denial or approval with conditions of the certificate of appropriateness. The historic preservation officer shall provide copies of the decisions of the Historic and Cultural Landmarks Commission to the applicants, the building official and the superintendent of the code compliance division.
8. **Other permits required.**
The certificate of appropriateness required by this article shall be in addition to any other permit or approval required by state or federal law. A certificate of appropriateness, where required, must be obtained prior to the approval of any building, demolition, relocation or other permit that is required by any code or ordinance of the City of Fort Worth.
9. **Commencement of work.**
Work, as described by any certificate of appropriateness may not begin until the Historic and Cultural Landmarks Commission has issued a decision on the certificate of appropriateness, and then only after all other required permits and approvals have been granted.
10. **Limitation of term of Certificate of Appropriateness.**
    a. Residential: Where work approved under a Certificate of Appropriateness has not commenced within (1) year of the date of issuance, the Certificate of Appropriateness shall be considered void and a new application shall be required.
    b. Commercial: Where work approved under a Certificate of Appropriateness has not commenced within (2) years of the date of issuance, the Certificate of Appropriateness shall be considered void and a new application shall be required. (Ord. No. 19026, Eff. 02/09/10)
11. **No authority to grant variance.**
The board of adjustment shall not have jurisdiction to grant any variance from the criteria listed section 4.401.E.3 or from any adopted design guidelines.

F. Enforcement

1. All work performed pursuant to a certificate of appropriateness shall conform to any requirements included herein. It shall be the duty of the historic preservation officer periodically to inspect any such work to assure compliance. If work is found that is not performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Historic and Cultural Landmarks Commission and verification by the building official, the building official shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on a project while a stop-work order is in effect, except at the discretion of the building official where work is deemed to not require a certificate of appropriateness or other review as provided by this chapter.
2. Upon receipt of a stop work order by the building official, a property owner shall file an application for all necessary certificates of appropriateness within 10 business days for review at the next regular hearing of the Historic and Cultural Landmarks Commission.

3. Where an owner fails to submit an application for review within the required time period, a second citation shall be issued and all civil remedies available to the city shall be pursued, including the issuance of a separate citation each day the violation persists.

G. Unreasonable economic hardship

1. Declaration of unreasonable economic hardship.

The Historic and Cultural Landmarks Commission may declare that an unreasonable economic hardship exists as a basis for:

a. Recommending removal of the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation; or

b. Issuing a certificate of appropriateness approving the demolition or relocation of property designated or pending designation as highly significant endangered or historic and cultural landmark or located in an area designated or pending designation as an historic and cultural landmarks district.

2. Burden of proof.

When a claim of unreasonable economic hardship is made, the owner must prove by a preponderance of the evidence that:

a. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;

b. The structure or property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and

c. The owner has failed to find a purchaser or tenant for the property during the previous two years, despite having made substantial ongoing efforts during that period to do so. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.

3. Claim for historic and cultural landmarks districts.

Owners of individual structures or sites located in an historic and cultural landmarks district are entitled to a certificate of appropriateness for demolition or relocation upon proof of unreasonable economic hardship; however, an historic and cultural landmarks district designation shall be removed only from the entire district, upon proof that the designation results in an unreasonable economic hardship to the district as a whole. Individual structures or sites shall not be removed from an historic and cultural landmarks district.

4. Consultation and search for alternatives.

The owner, persons or entities who have executed a sales contract or option contract for purchase of the property, or their representatives, the Historic and Cultural Landmarks Commission, local preservation groups and interested parties shall consult in good faith, as outlined in Section 4.401.E.4 in a diligent effort to seek alternatives that will eliminate the unreasonable economic hardship and preserve the structure or property.

5. Proof of hardship.

As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the Historic and Cultural Landmarks Commission by affidavit:

a. For all structures and property:

i. The past and current use of the structures and property;

ii. The name and legal status (e.g., partnership, corporation) of the owners;

iii. The original purchase price of the structures and property;

iv. The assessed value of the structures and property according to the two most recent tax assessments;

v. The amount of real estate taxes on the structures and property for the previous two years;

vi. The date of purchase or other acquisition of the structures and property;
vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two years;
viii. All appraisals obtained by the owner or applicant within the previous two years in connection with the owner's purchase, financing or ownership of the structures and property;
ix. Any listing of the structures and property for sale or rent, price asked and offers received;
x. Any consideration given by the owner to profitable adaptive uses for the structures and property;
xi. Any replacement construction plans for proposed improvements on the site;
xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
xiii. The current fair market value of the structure and property as determined by a qualified appraiser.
xiv. Estimate of the cost of the proposed demolition or relocation (construction and alteration are not applicable to this section) and an estimate of any additional cost that would be incurred to comply with the design guidelines. (Ord. No. 19026, Eff. 02/09/10)
xv. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation. (Ord. No. 19026, Eff. 02/09/10)

b. For income producing structures and property:
i. Annual gross income from the structure and property for the previous two years;
ii. Itemized operating and maintenance expenses for the previous two years; and
iii. Annual cash flow, if any, for the previous two years.

c. In the event that the Historic and Cultural Landmarks Commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the Historic and Cultural Landmarks Commission shall notify the owner. Failure by the owner to submit such information to the Historic and Cultural Landmarks Commission within 15 days after receipt of such notice, which time may be extended by the Historic and Cultural Landmarks Commission, will be grounds for denial of the owner's claim of unreasonable economic hardship.

H. Designation as Highly Significant Endangered ("HSE")

1. A site or structure may be designated as highly significant endangered if it satisfies the following qualifications:

1. It meets five or more of the criteria set out in Section 4.401.C.4; and
2. It is determined by the city council to be threatened by deterioration, damage or irretrievable, irreplaceable loss due to neglect, disuse, disrepair, instability, lack of financial resources and/or impending demolition. The nomination for designation shall describe how the structure meets the pertinent criteria in Paragraph 4 of this section, the existing and proposed use of the structure, any planned stabilization and/or rehabilitation by the property owner, and the nature and degree of endangerment to the structure. A structure designated highly significant endangered shall be deemed to be a historically significant site in need of tax relief to encourage its preservation, in accordance with section 11.24 of the Texas Tax Code.

2. Eligibility for tax incentives.

a. In order for property designated highly significant endangered to be eligible for tax incentives, all work shall be performed in accordance with the provisions of this chapter and applicable city codes and ordinances. The Historic and Cultural Landmarks Commission and the city council shall review and approve applications for the tax incentive at the commencement of the project and upon satisfactory completion of the project.

b. Property designated as highly significant endangered shall be eligible for rehabilitation incentives once every 20 years.

3. Exemption for Stabilization of Highly Significant Endangered Structure.

a. Description of Incentives. A structure designated Highly Significant Endangered, which is stabilized in accordance with this Section, and the land necessary for access to and use of the structure, shall be entitled to the following tax benefits ("Stabilization Incentives") for a period of years as hereinafter set forth:

i. The owner of the structure shall be entitled to exemption from City ad valorem taxes of all of the assessed value of the structure, commencing in the tax year immediately following the year in which the work is completed. The exemption under this paragraph terminates when an owner qualifies for Rehabilitation Incentives under Paragraph 4. below, or after 10 years, whichever occurs later. In the event that the owner substantially rehabilitates the structure, but does not seek approval of the Rehabilitation Incentives under Paragraph 3., the exemption under this paragraph shall terminate on the same date that the Rehabilitation Incentives would have terminated if the owner had followed the procedures set out in Paragraph 4. below. Nothing in this Article relieves the owner from the responsibility to submit an application for the exemption each year to the appraisal district for the county in which the property is located pursuant to the terms of the Texas Tax Code. The Historic Preservation Officer shall assist the owner in filing for such exemption, at the request of the owner.

ii. The owner of the structure shall be entitled to recover a part or all of the cost of such work through a partial exemption from City ad valorem taxes of up to 50 percent of the value of the land necessary for access to and use of the structure for a period not to exceed five years. The exemption shall commence in the tax year immediately following the year in which the work is completed. In the event that the tax savings arising from the partial exemption for such one-year period is less than the cost of such work, the partial exemption may be carried over from year to year, for a total period not to exceed five years. The owner will not be eligible for a partial exemption for stabilization subsequent to rehabilitation of the property and receipt of the Rehabilitation Incentives under Paragraph 4. Nothing in this Article relieves the owner from the responsibility to submit an application for the exemption each year to the appraisal district for the county in which the property is located pursuant to the terms of the Texas Tax Code. The Historic Preservation Officer shall assist the owner in filing for such exemption, at the request of the owner.

b. Stabilization. "Stabilization" of a structure designated as Highly Significant Endangered shall consist of exterior and interior improvements required to prevent further deterioration of the structure, as determined by the Building Official, but at a minimum shall include the following:

i. The foundation shall be stable, have any defects that might affect the continued safety and life of the building corrected, and be made as level as reasonably possible;

ii. The roof shall be made water tight, replacing any defective material including wet or damaged insulation, shingles or wood elements;

ii. Correction of any defective enclosures, e.g. windows, doors and vents, that might allow for the entry of water, birds, rodents or vectors (bugs or animal capable of carrying a disease producing organism);

iii. Taking corrective action for the elimination of any infestation, e.g. termites, roaches, water bugs, mosquitoes, ticks, rodents, etc.; and

iv. Correcting any item that might be considered as a hazard to fire fighting efforts. For this item, the Building Official may consult with the Fire Chief or his designee.

c. Eligible Costs. Eligible projects shall consist of work performed for the stabilization of the structure and may include exterior improvements and interior improvements to the frame, walls, floor, ceiling, plumbing, electrical wiring and mechanical items, such as heating and air conditioning systems. Fixtures and decorative items shall not be

eligible for consideration. Materials and labor for repairing, replacing or adding any of the following shall be eligible:

i. Structural walls;
ii. Structural sub floors;
iii. Structural ceilings;
iv. Exterior doors;
v. Exterior paint;
vi. Mechanical equipment;
vii. Windows;
viii. Exterior brick veneers or treatments;
ix. Plumbing;
x. Electrical wiring;
xi. Roof and gutter where necessary for structural integrity;
xii. Facade items;
xiii. Elevators;
xiv. Foundations;
xv. Termite damage and treatment;
xvi. Security and/or fire protection systems;
xvii. Architectural and engineering services if directly related to the eligible costs described above; and
xviii. Demolition and cleanup if directly related to the eligible costs described above.

d. Ineligible Costs. Ineligible costs include, but are not limited to, the following:
   i. Plumbing and electrical fixtures; provided, however, documented replacement of historic fixtures may be considered eligible;
   ii. Overhead;
   iii. Taxes;
   iv. Supervisor payroll;
   v. Repairs of construction equipment;
   vi. Tools; and
   vii. Any other items not directly related to the exterior appearance or the structural integrity or viability of the building.

4. Tax incentives for rehabilitation of Highly Significant Endangered Structure.

a. Description of incentives. A structure designated highly significant endangered, which is substantially rehabilitated in accordance with this section, and the land necessary for access to and use of the structure, shall be entitled to the following tax benefits ("Rehabilitation Incentives") for a period of years as hereinafter set forth:
   i. Exemption from city ad valorem taxes of all of the assessed value of the structure;
   ii. Exemption from city ad valorem taxes of any increase in the assessed value of the land necessary for access to and use of the structure, in excess of the assessed value for the tax year immediately prior to commencement of the rehabilitation. The assessed value of the land necessary for access to and use of the structure for city ad valorem tax valuation purposes shall be equal to the assessed value of such land for the tax year immediately prior to commencement of the rehabilitation; provided, however, in the event that such land is subsequently assessed at a lower value than the assessed value for the tax year immediately prior to commencement of the rehabilitation, the lower value will apply.

b. Substantial rehabilitation. "Substantial rehabilitation" of a structure designated as highly significant endangered shall consist of rehabilitation at a cost which equals or exceeds the greater of 30 percent of the assessed value of the structure prior to rehabilitation, or three thousand dollars ($3,000.00).

c. Term of rehabilitation incentives. The term of the rehabilitation incentives shall be a minimum of ten years commencing on the first day of the tax year following verification by the city council of completion of the rehabilitation pursuant to this chapter. In order to encourage early rehabilitation, the term of the rehabilitation

incentives may be increased for up to an additional five years. If the rehabilitation is completed and the project passes all final inspections within two years after designation as highly significant endangered, the rehabilitation incentives shall be for a period of 15 years commencing on the first day of the tax year following verification by the city council of completion of the rehabilitation pursuant to chapter. The term of the rehabilitation incentives shall decrease by one year for every year that completion of rehabilitation is delayed, to a minimum term of ten years. Upon expiration of the term of the rehabilitation incentives, the structure and the land necessary for access to and use of the structure shall be taxed at the assessed value.

d. Application for incentives. An application for incentives shall be filed with the historic preservation officer in accordance with Section 4.401.I.5.

e. Execution of commitment to repay. Upon satisfactory completion of the rehabilitation project, the owner shall record with the deed a document provided by the historic preservation officer as a notice of the historic site tax exemption and commitment to repay taxes in the event of default. The purpose of this document shall be to provide information on the terms of the tax incentive and penalties for negligently or willfully destroying a property during the period of exemption. The commitment shall be filed in the official property records of the county where the property is located, shall run with the land and shall bind the owner and any heirs and assigns. Any unpaid amount shall constitute a lien against the property. Failure to record such a document may result in the delay of receipt of incentives.

f. Submittal of application to appraisal district. Nothing in this article relieves the owner from the responsibility to submit an application for the exemption each year to the appraisal district for the county in which the property is located pursuant to the terms of the Texas Tax Code. The historic preservation officer shall assist the owner in filing for such exemption, at the request of the owner.

5. Removal of Highly Significant Endangered Designation.

a. The highly significant endangered designation may be recommended for approval by the Historic and Cultural Landmarks Commission to the Zoning Commission and City Council for the following reasons:

i. The Historic Cultural Landmarks Commission has determined that the site or structure is no longer historically, culturally, architecturally or archaeologically significant under the criteria listed in section 4.401.C.4 or the Historic and Cultural Landmarks Commission has determined that the owner has established by a preponderance of the evidence that the structure has undergone significant and irreversible changes which have caused it to lose the significance, qualities or features which qualified the structure designation; or

ii. It is determined that the site or structure is no longer endangered; or

iii. It is determined that such designation creates an unreasonable economic hardship upon the owner or owners in accordance with the provisions of section 4.401.G.

b. An applicant seeking removal of the highly significant endangered designation on the basis that the site or structure is no longer endangered shall simultaneously nominate such structure for designation as historic and cultural landmark. The application for removal of the highly significant endangered designation and the request for designation of such property as historic and cultural landmark shall be considered and decided concurrently; provided, however, failure to designate such property as historic and cultural landmark by the city council shall not be grounds for denial of the application for removal of the highly significant endangered designation. An applicant's request for the removal of the designation as HSE shall be considered at public hearings by the Historic and Cultural Landmarks Commission, the Zoning Commission, and final determination by the City Council.

c. Within ten days after approval by the city council of removal of the designation, the historic preservation officer shall remove the highly significant endangered designation from the official zoning maps of the city and shall file a notice that the highly significant endangered designation has been removed in the official property

records of the county in which the property is located. In addition, if applicable, the Historic Preservation Officer shall record the historic and cultural landmark designation on the city's official zoning maps and record such designation in the property records of the county in which such property is located.

I. Designation as Historic and Cultural Landmark ("HC")

1. **An individual structure or site may be designated as an historic and cultural landmark if it meets three or more of the criteria set out in Section 4.401.C.4.** An area which includes two or more structures or sites which satisfy three or more of such criteria may be designated as an historic and cultural landmarks district.
2. **Eligibility for Tax Incentives.**
   a. Property designated as historic and cultural landmark or considered to contribute to a historic and cultural landmark district shall be eligible for tax incentives under the provisions of this section.
   b. In order for property designated historic and cultural landmark or considered to contribute to a historic and cultural landmark district to be eligible for tax incentives, all work shall be performed in accordance with the provisions of this chapter and applicable city codes and ordinances. The Historic and Cultural Landmarks Commission and the city council shall review and approve applications for the tax incentive at the commencement of the project and upon satisfactory completion of the project.
   c. Property designated as historic and cultural landmark or considered to contribute to a historic and cultural landmark district shall be eligible for rehabilitation incentives once every 20 years.
3. **Tax Incentive for rehabilitation of a Historic and Cultural Landmark.**
   Description of Incentive. Any structure which is designated historic and cultural landmark or which is considered to contribute to an historic and cultural landmarks district and which is substantially rehabilitated in accordance with this chapter, and the land necessary for access to and use of the structure, shall be eligible for the following tax benefits (“Rehabilitation Incentives”) for a period of years as hereinafter set forth:
   a. A structure and land as described above shall have an assessed value for city tax valuation purposes equal to the assessed value of such structure and land for the tax year immediately prior to commencement of the rehabilitation. The term of the incentives is ten years commencing on the first day of the tax year following verification by the city council of completion of the rehabilitation pursuant to this section. Any increase in the value of the structure and the land necessary for access to and use of the structure in excess of the assessed value for the tax year immediately prior to commencement of the rehabilitation shall be exempt from city ad valorem taxes for such ten-year period. In the event that the structure or the land is assessed during such ten-year period at a lower value than the assessed value for the tax year immediately prior to commencement of the rehabilitation, the lower value will apply.
   b. "Substantial rehabilitation" shall consist of rehabilitation at a cost which equals or exceeds the greatest of 30 percent of the assessed value of the structure prior to rehabilitation or three thousand dollars ($3,000.00).
   c. Execution of commitment to repay. Upon satisfactory completion of the rehabilitation project, the owner shall record with the deed a document provided by the historic preservation officer as a notice of the historic site tax exemption and commitment to repay taxes in the event of default. The purpose of this document shall be to provide information on the terms of the tax incentive and penalties for negligently or willfully destroying a property during the period of exemption. The commitment shall be filed in the official property records of the county where the property is located, shall run with the land and shall bind the owner and any heirs and assigns. Any unpaid amount shall constitute a lien against the property. Failure to record such a document may result in the delay of receipt of incentives.

d. Nothing in this article relieves the owner from the responsibility to submit an application for the exemption each year to the appraisal district for the county in which the property is located pursuant to the terms of the Texas Tax Code. The historic preservation officer shall assist the owner in filing for such exemption, at the request of the owner.

4. Application submitted after the commencement of work for which a Certificate of Appropriateness is not required.

a. The provisions of this paragraph shall apply only to work that meets the following conditions:
   i. the work is completed on a structure that is designated as a historic and cultural landmark or that is considered to contribute to a historic and cultural landmark district, including the land necessary for access to and use of said structure;
   ii. The work does not require a certificate of appropriateness; and
   iii. An application for tax exemption is filed within five (5) years after the completion of the work.

b. Such work shall be eligible for tax exemption following verification by the city council of the work performed, provided that the structure has been substantially rehabilitated in accordance with this chapter. The terms and requirements for the incentive shall be as described in this section. The owner shall not be eligible for the tax incentive or be reimbursed for ad valorem taxes paid by the owner on the structure or land for any years prior to the submission of an application for a tax incentive and verification by the city council of the work performed.

c. Execution of commitment to repay. Upon satisfactory completion of the rehabilitation project, the owner shall record with the deed a document provided by the historic preservation officer as a notice of the historic site tax exemption and commitment to repay taxes in the event of default. The purpose of this document shall be to provide information on the terms of the tax incentive and penalties for negligently or willfully destroying a property during the period of exemption. The commitment shall be filed in the official property records of the county where the property is located, shall run with the land and shall bind the owner and any heirs and assigns. Any unpaid amount shall constitute a lien against the property. Failure to record such a document may result in the delay of receipt of incentives.

d. Nothing in this article relieves the owner from the responsibility to submit an application for the exemption each year to the appraisal district for the county in which the property is located pursuant to the terms of the Texas Tax Code. The historic preservation officer shall assist the owner in filing for such exemption, at the request of the owner.

5. Application for incentives.

Application for a city ad valorem tax exemption shall be filed with the historic preservation officer. The application may be processed concurrently with the application for any certificate of appropriateness which may be required under section 4.401E. The application shall be signed and sworn to by the owner of the property and shall:

a. State the legal description and the address of the property;
b. Provide proof of title in the application to the property proposed for certification;
c. Provide proof that taxes or other assessments are not delinquent on the property;
d. Include a complete set of plans and/or documentation for the stabilization or rehabilitation, and verify compliance with established guidelines and city codes;
e. Include a scope of work which includes a list of eligible costs;
f. For rehabilitation projects, include a statement of costs reflecting that the costs equal or exceed the greater of 30 percent of the assessed value of the structure or three thousand dollars ($3000.00);
g. Include a projection of the estimated construction time and predicted completion date;
h. Authorize members of the Historic and Cultural Landmarks Commission and officers of the city to visit and inspect the property;

i. Provide any additional information to the Historic and Cultural Landmarks Commission which is necessary in determining eligibility or which the owner deems relevant or useful;
j. Contain a written agreement to maintain the site or structure in accordance with the Secretary of the Interior's Standards for Rehabilitation, applicable codes of the City of Fort Worth and design guidelines for the duration of the exemption; and
k. Contain sufficient documentation supporting the information submitted therein.

6. Consideration of application for tax incentives.

a. Review by Historic and Cultural Landmarks Commission. Upon receipt of the application, the Historic and Cultural Landmarks Commission shall make an investigation of the property and shall certify facts relating to the project to the historic preservation officer during the next regular hearing, together with the Historic and Cultural Landmarks Commission's documentation and recommendation for approval or disapproval of the application for exemption.
b. Review by City Council. Upon receipt of the application for city ad valorem tax exemption and the recommendation of the Historic and Cultural Landmarks Commission, the historic preservation officer shall forward the application to the city council no less than once per fiscal quarter. The city council shall approve the application, subject to compliance with all certificates of appropriateness requirements and verification of satisfactory completion of the project, provided that the owner is eligible for such incentive and has submitted all required information. Notice of approval or disapproval shall be provided to the applicant in writing.

7. Expiration of application for tax incentives.

a. An application for tax incentives shall expire after a period of 24 months from the date of review by the city council with a finding by the historic preservation officer that:
   i. Work on the project has not commenced or has ceased substantial advancement;
   ii. The applicant has failed to obtain the necessary permits for work
   iii. Such permits for work have expired; or
   iv. The project has been subject to outstanding citations for violations of applicable city codes or regulations.
b. Where an applicant may provide evidence to contradict the findings for expiration, the historic preservation officer may recommend approval of the verification to the Historic and Cultural Landmarks Commission under the original application.
c. Where an applicant is unable to provided such evidence a new application may be filed for tax incentives under the provisions of chapter and may be considered, where all requirements of section 4.401.I.8. have been met, for verification.

8. Verification of completion of project.

a. Submission of statement by applicant. Upon completion of a stabilization or rehabilitation project the applicant shall submit the following documents to the historic preservation officer:
   i. Sworn statement of completion of the project;
   ii. Copies of all receipts for cost of project;
   iii. Documentation that all required inspections of the project have been performed by the development department;
   iv. In the case of stabilization projects, proof that costs are eligible;
   v. In the case of rehabilitation projects, proof that the cost of the rehabilitation equals or exceeds the greatest of 30 percent of the assessed value of the structure prior to rehabilitation or three thousand dollars ($3,000.00). Such costs may be determined according to the value of the permits issued by the development department and/or proof of actual expenditures; and
   vi. Proof that a certificate of occupancy has been issued, if applicable.
b. Verification by Historic and Cultural Landmarks Commission. The Historic and Cultural Landmarks Commission, upon receipt of the sworn statement of completion, shall make an investigation of the property and shall verify whether the stabilization or rehabilitation project has been completed at the next regular hearing. If verification

of completion is unfavorable, the applicant shall be required to complete the project in order to secure the city ad valorem tax exemption provided herein. If the verification of completion is favorable, the Historic and Cultural Landmarks Commission shall submit the application for tax incentive to the city council for approval. A project shall be considered completed when all of the following requirements have been met:

i. The applicant has submitted all information required under paragraph 1 above;
ii. Rehabilitation costs equal or exceed the required amount;
iii. The project has passed all required final inspections and has obtained a certificate of occupancy, if required; and
iv. All work has been performed in accordance with the certificate of appropriateness and the applicable guidelines and codes.

c. Verification by City Council and notification of taxing authorities. No less than once per fiscal quarter, the City Council shall review and verify completion of projects for tax incentives. After verification of satisfactory completion of the stabilization or rehabilitation project, the city council shall declare the property to be entitled to the city ad valorem tax relief provided herein. Approval by the City Council of a project for rehabilitation of a structure designated historic and cultural landmark or considered to contribute to an historic and cultural landmarks district shall constitute a finding that the structure is a historically significant site in need of tax relief in accordance with section 11.24 of the Texas Tax Code.

i. The historic preservation officer shall give written notice of approval of the tax incentive to the chief appraiser of the appraisal district for the county in which the property is located and the tax assessor-collector of the City of Fort Worth.
ii. Thereafter, the owner shall be entitled to the applicable tax incentive commencing on January 1 of the tax year immediately following approval by the city council.
iii. Nothing in this article relieves the owner from the responsibility to apply to the appraisal district for the county in which the property is located each year for the exemption pursuant to the terms of the Texas Tax Code. The historic preservation officer shall assist the owner in filing for such exemption, at the request of the owner.

d. Execution of commitment to repay. Upon satisfactory completion of the rehabilitation project, the owner shall record with the deed a document provided by the historic preservation officer as a notice of the historic site tax exemption and commitment to repay taxes in the event of default. The purpose of this document shall be to provide information on the terms of the tax incentive and penalties for negligently or willfully destroying a property during the period of exemption. The commitment shall be filed in the official property records of the county where the property is located, shall run with the land and shall bind the owner and any heirs and assigns. Any unpaid amount shall constitute a lien against the property. Failure to record such a document may result in the delay of receipt of incentives.

9. Alteration or destruction of structure or site.

a. Willful or negligent alteration or destruction. In order to maintain eligibility for a tax exemption in accordance with this article, the owner and any representative shall not alter or totally or partially destroy the historically significant structure or site by willful act or negligence during the period of the exemption. In the event that the historically significant structure or site is altered or totally or partially destroyed by the willful act or negligence of the owner or a representative, the owner shall notify the historic preservation officer and the chief appraiser of the appraisal district for the county in which the property is located that he is no longer entitled to the exemption. In addition, if the Historic and Cultural Landmarks Commission has reason to believe that a structure or site benefiting from a tax exemption has been altered or totally or partially destroyed by the willful act or negligence of its owner or a representative during the period of the exemption, the Historic and Cultural Landmarks Commission shall request that the city manager immediately cause the matter to be scheduled for

the earliest possible consideration by the City Council. If, after giving notice of a hearing to the owner, the city council determines that the structure or site has been totally or partially destroyed or altered by the willful act or negligence of the owner or a representative, the owner shall take corrective measures, if feasible, within the time specified by the City Council. If the owner fails to take such corrective measures or if corrective measures are not feasible, the owner shall immediately repay to the city all of the city tax revenues that were not paid because of the exemption plus interest calculated at an annual rate of ten percent, in accordance with the terms of the commitment to repay. The city's remedies pursuant to the commitment to repay shall be in addition to all rights and remedies pursuant to the Texas Tax Code.

b. Alteration or destruction other than by willful act or negligence. Where a structure or site benefiting from a tax exemption described herein is totally or partially destroyed or altered by other than the willful act or negligence of the owner or a representative, the owner shall, within 30 days, apply for a certificate of appropriateness to authorize reconstruction of the structure or site in accordance with applicable construction codes of the City of Fort Worth and design guidelines. In the event that repair is not feasible, the owner shall, within 30 days, apply for a certificate of appropriateness to authorize demolition or relocation. For good cause shown by the property owner, the Historic and Cultural Landmarks Commission may extend the time for filing the application. The determination of whether repair is feasible or demolition should be allowed shall be made by the Historic and Cultural Landmarks Commission in accordance with the certificate of appropriateness criteria and procedures set forth in section 4.401.E. In cases where a certificate of appropriateness is issued for demolition or relocation because repair is not feasible, repayment of the tax revenues and interest is not required.

c. Public safety hazard. The provisions shall not limit the authority of the building official or the superintendent of the code compliance division to take action concerning structures or property which constitutes a public safety hazard.

10. Monitoring system.

The status of structures or sites benefiting from the tax exemptions described herein shall be monitored by the historic preservation officer during the period of the exemption to ensure continued compliance with applicable design guidelines for such structure. The historic preservation officer shall notify the owner of violations in writing and shall specify a deadline for correction of such violations. If satisfactory corrective measures are not undertaken within the time specified by the historic preservation officer, the Historic and Cultural Landmarks Commission shall initiate procedures to terminate the city tax exemption and require payment of the city taxes, plus interest calculated at the rate of ten percent per year, pursuant to the terms of the commitment to repay.

11. Transferability of tax benefits.

The benefits of this city ad valorem tax incentive program relating to structures designated highly significant endangered and historic and cultural landmark and structures considered to contribute to an historic and cultural landmarks district are transferable and run with the property.

12. Removal of Historic and Cultural Landmark Designation.

a. An application for the removal of the historic and cultural landmark individual designation or district designation shall be submitted to the Historic Preservation Officer. An application may be made by the property owner or an authorized representative, the city manager, the historic and cultural landmarks commission, or the city council. An applicant’s request for the removal of the designation as HC (individual or district) shall be considered at public hearings by the Historic and Cultural Landmarks Commission, the Zoning Commission, and final determination by the City Council. All owners of an individual site or structure must sign the application for removal. Applications for removal of a historic and cultural landmarks district designation shall be signed by the owners:

i. 50 percent or more of the individual tracts, parcels or platted area located within the boundaries of the district; and ,

ii. 50 percent or more of the land area located within the boundaries of the district. Two or more platted lots developed together shall be counted as one lot. Each vacant lot of sufficient size to be developed under the current zoning designation for the property shall be counted as one lot.

b. The historic and cultural landmarks district designation, whether relating to individual properties or to a historic and cultural landmark district, may be recommended for removal by the Historic and Cultural Landmarks Commission to the Zoning Commission and City Council for the following reasons:

i. The Historic and Cultural Landmarks has determined that the site, structure or area, as applicable, is no longer historically, culturally, architecturally or archeologically significant under the criteria listed in section 4.401.C.4 or the Historic and Cultural Landmarks Commission has determined that the owner has established by a preponderance of the evidence that the structure has undergone significant and irreversible changes which have caused it to lose the significance, qualities or features which qualified the structure designation; or

ii. It is determined that such designation creates an unreasonable economic hardship upon the owner or owners in accordance with the provisions of section 4.401.G

c. The historic and cultural landmark district designation may be removed only from a district as a whole. The designation shall not be removed from individual sites or structures located within a district.

d. The Historic Preservation Officer shall remove the historic and cultural landmark designation from the official zoning maps of the city and shall file a notice that the designation has been removed in the official property records of the county in which such property is located within ten days after approval by the city council of removal of the designation.

J. Designation as Demolition Delay ("DD")

1. Designation.

A structure may be designated demolition delay if it satisfies one or more of the following qualifications:

a. Designated as a Recorded Texas Historic Landmark;
b. Designated as a Texas State Archeological Landmark;
c. Designated as an American Civil Engineering Landmark;
d. Listed on the National Register of Historic Places; or
e. It meets two or more of the criteria set out in Section 4.401.C.4.

2. Designation of Demolition Delay property as Highly Significant Endangered or Historic and Cultural Landmark.

a. Owners of structures designated demolition delay who have filed an application for a certificate of appropriateness for demolition are subject to a delay in issuance of the permit of up to 180 days after a public hearing by the Historic and Cultural Landmarks Commission. It is the governing body's intent that owners of such property who have sought a certificate of appropriateness for demolition shall not be frustrated in their efforts to demolish or sell such property by extension of the delay period through nomination of property designated demolition delay as highly significant endangered or historic and cultural landmark over the objection of the owner.

b. Accordingly, if an owner of a structure designated demolition delay has filed an application for a certificate of appropriateness for demolition or if a demolition permit has been issued to an owner of such structure within the preceding three-year period, such structure shall not be nominated for designation as historic and cultural landmark or highly significant endangered over the objection of the owner. However, an area which includes such structure may be designated as an historic and cultural landmarks district.

3. Removal of Demolition Delay designation.

a. The demolition delay designation may be recommended for removal by the Historic and Cultural Landmarks Commission to the Zoning Commission and City Council for the following reasons:
   i. The Historic and Cultural Landmarks Commission has determined that the site or structure no longer satisfies at least one of the criteria set out in section 4.401.C.4 or the Historic and Cultural Landmarks Commission has determined that the owner has established by a preponderance of the evidence that the structure has undergone significant and irreversible changes which have caused it to lose the significance, qualities or features which qualified the structure designation; or
   ii. It is determined that such designation creates an unreasonable economic hardship upon the owner or owners in accordance with the provisions of section 4.401.G; or
b. The site or structure is demolished in accordance with this section.
c. The Historic Preservation Officer shall remove the demolition delay designation from the official zoning maps of the city and shall file a notice that the designation has been removed in the official property records of the county in which such property is located within ten days after approval by the city council of removal of the designation.
d. An applicant's request for the removal of the designation as DD shall be considered at public hearings by the Historic and Cultural Landmarks Commission, the Zoning Commission, and final determination by the City Council.

K. Demolition by Neglect

1. Prevention of demolition by neglect of exterior.

No owner or person with an interest in real property which is designated by the City of Fort Worth as demolition delay, highly significant endangered or historic and cultural landmark or which is located in an historic and cultural landmarks district, whether occupied or not, shall permit the structure or property to fall into a serious state of disrepair or to remain in a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic and Cultural Landmarks Commission, produce a detrimental effect upon the character of the structure or property, or, if the structure or property is in an historic and cultural landmarks district, upon the district. Examples of such deterioration include:

a. Deterioration of exterior walls or other vertical supports;
b. Deterioration of roofs or other horizontal members;
c. Deterioration of exterior chimneys;
d. Deterioration or crumbling of exterior stucco or mortar;
e. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;
f. Deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety; or
g. Deterioration or removal of any unique exterior architectural feature which would detract from the original architectural style.

2. Prevention of demolition by neglect of interior.

No owner or person with an interest in property which is designated demolition delay, highly significant endangered or historic and cultural landmark, including a structure in an historic and cultural landmarks district, whether occupied or not, shall permit the interior portions of such structure or property to fall into a serious state of disrepair which, in the judgment of the Historic and Cultural Landmarks Commission, produces a detrimental effect upon the structural integrity of such structure or property which could make demolition necessary for the public safety.

L. Public Safety Hazards and Emergency Securing Measures

1. Emergency securing of property.

The code compliance division may perform emergency measures in accordance with city codes to secure any structure designated or pending designatio1n in accordance with this article which constitutes a public safety hazard. Such work shall be performed in

such manner as to minimize damage to the structure's historical and architectural elements. A certificate of appropriateness is not required. The superintendent of the code compliance division shall give notice of such emergency securing measures to the historic preservation officer.

2. **Notice of demolition by city.**
The City of Fort Worth shall not allow demolition, demolish or order to be demolished, in whole or in part, property designated or pending designation as highly significant endangered, historic and cultural landmark or demolition delay or located in an area designated or pending designation as an historic and cultural landmarks district as a public safety hazard, except in compliance with this paragraph. The building official or the superintendent of the code compliance division shall notify the historic preservation officer of the intent to demolish such structure. The Historic and Cultural Landmarks Commission and the historic preservation officer shall be given an opportunity to discuss with city officials and the owner the feasibility of taking emergency measures to secure or stabilize the structure or property and to delay the demolition so that other alternatives may be considered. After any emergency measures are taken, the historic preservation officer shall meet with city officials to review the condition of the structure or property and any plans for rehabilitation. If, after ten days from the date of the notification to the historic preservation officer, the Historic and Cultural Landmarks Commission finds that no feasible plan for further protection of the structure or property has been developed, a certificate of appropriateness shall be issued by the Historic and Cultural Landmarks Commission for demolition of the structure or property. When appropriate, the Historic and Cultural Landmarks Commission may make a recommendation to the city council or other entities or persons about the feasibility of rehabilitation based on a report from the historic preservation officer. Demolition shall be the alternative of last resort and shall occur only if there is no economically feasible way to rehabilitate the structure or property.

3. **Salvage plan.**
In connection with any certificate of appropriateness for demolition, relocation or other work on a structure or property designated or pending designation as highly significant endangered or historic and cultural landmark or located in an area designated or pending designation as an historic and cultural landmarks district, the Historic and Cultural Landmarks Commission may prepare and submit a salvage plan to the owner. Such plan may suggest salvage and preservation for reuse in restoration elsewhere, specified classes of building materials, architectural details, ornaments, fixtures and the like. The Historic and Cultural Landmarks Commission may require such owner to comply with the salvage plan as a condition for issuance of a certificate of appropriateness. Compliance with a salvage plan may not be imposed as a condition for issuance of a certificate of appropriateness for demolition of property designated demolition delay; however, the Historic and Cultural Landmarks Commission may reduce the maximum 180 day delay period in consideration of compliance by the owner with a salvage plan.

M. Appeal; penalties

1. **Appeals Board**
   a. Any owner or interested party dissatisfied with any action of the Historic and Cultural Landmarks Commission, other than actions relating to designation, which shall be heard by the Historic and Cultural Landmarks Commission, the Zoning Commission and the City Council in accordance with Section 4.401.D, shall have the right to appeal to the Appeals Board within ten days after receipt of notification of such action, by filing a written notice of such appeal with the City Secretary and the Historic Preservation Officer. The written notice of appeal shall specify grounds for the appeal.
   b. The Appeals Board shall schedule a hearing on such appeal within 30 days after receipt of the notice of appeal, or as soon thereafter as is reasonably practicable. In considering an appeal, the Appeals Board shall: (Ord. No. 21272, Eff. 07/01/14)

i. Receive an overview of the case from the Historic Preservation Officer or designee including previous recommendations from city staff and the decision of the Historic and Cultural Landmarks Commission;
ii. Hear arguments from the parties related to the record made before the Historic and Cultural Landmarks Commission;
iii. Apply the substantial evidence test to the decision of the historic and Cultural Landmarks Commission, considering the record made before the Historic and Cultural Landmarks Commission, provided however that the burden of proof before the Appeals Board shall be on the appealing party, who must establish that the record reflects the lack of substantial evidence in support of the Historic and Cultural Landmarks Commission;

3. The Appeals Board shall remand the matter back to the Historic and Cultural Landmarks Commission when testimony and evidence is presented that was not previously available at the time of the hearing before the Historic and Cultural Landmarks Commission.
4. The Appeals Board may not substitute its judgment for the judgment of the Historic and Cultural Landmarks Commission on the weight of the evidence on questions committed to the Commission's discretion but:
   a. may affirm the Historic and Cultural Landmarks Commission's decision in whole or in part; or
   b. shall reverse or remand the appeal for further proceedings if the decision is not reasonably supported by substantial evidence considering the record as a whole.

2. Fines.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this article shall be fined not more than $500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3. Restrictions on future development.

If a structure designated highly significant endangered, historic and cultural landmark or demolition delay or located within the boundaries of an historic and cultural landmarks district is demolished or relocated without a certificate of appropriateness, then the following restrictions shall be applicable to the site where the structure or property was formerly located:

1. No building or other permits will be issued for construction on the site, with the exception of a permit to restore such structure or property after obtaining a certificate of appropriateness, for a period of three years after the date of such demolition or removal.
2. No permits shall be issued by the city for any curb cuts on the site for a period of three years from and after the date of such demolition or removal.
3. No parking lot for vehicles shall be operated on the site for a period of three years from and after the date of such demolition or removal.
4. The owner of the site shall maintain the site in a clean and orderly state and shall properly maintain all existing trees and landscaping on the site. When these restrictions become applicable to a particular site, the historic preservation officer shall cause to be filed a verified notice thereof in the real property records of the county where the site is located and such restrictions shall then be binding on future owners of the property. The restrictions imposed by this paragraph shall be in addition to any fines imposed pursuant to paragraph B above.

4. Cumulative remedies.

The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under section 315.006 of the Texas Local Government Code and section 442.016 of the Texas Government Code. (Ord. No. 19026, Eff. 02/09/10; 20159, 05/15/12; Ord. No. 20735, Eff. 05/21/13)

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 Urban Design District-Downtown 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, Gouhenant Addition; Eastward along the northern boundary of Block 1 N55' Lots 10 & 11, Block 1 Lot 13, Block 1 E1/2 Lot 12, and Block 1 Lots 2-8, Gouhenant 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 Designs Standards and Guidelines" as referenced in Exhibit "A". The Downtown Urban Design Standards and Guidelines are hereby approved by the City Council in accordance with the procedure set out in Article 5, Chapter 3.. (Ord. No. 18905, Eff. 11/10/09)

E. Certificate of Appropriateness Required

1. Within the Urban Design District-Downtown, issuance of a certificate of appropriateness reflecting compliance with Sections 2 through 5 of the Downtown Urban Design Standards 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 Sections 2 through 5 of the Downtown Urban Design Standards 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
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 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
   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.

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 Sections 2, 3, 4 and 5 of the Downtown Urban Design Standards shall be by the Downtown Design Review Board. Meetings of the Downtown Design Review Board shall be conducted in accordance with Section 2.104.
2. Approval of requirements concerning building edge and signs and banners contained in Section 4 and 5 of the Downtown Urban Design Standards shall be by the Downtown Design Review Board. Meetings of the Downtown Design Review Board shall be conducted in accordance with Section 2.104.

I. Appeal

1. 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 Section 2.104. The Downtown Design Review Board may uphold, reverse or modify the decision of the Planning and Development Director or a designee. (Ord. No. 18905, Eff. 11/10/09)
2. Appeals Board
   a. All decisions by the Downtown Design Review Board may be appealed to the Appeals Board by the applicant. A written notice of appeal must be filed with the City Secretary within 10 days after receipt of notification of the Downtown Design Review Board's decision. The written notice of appeal shall specify;
      i. that the decision of the board is unreasonable; either in whole or in part; and
      ii. the grounds for the appeal
   b. The Appeals Board 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 15th day before the hearing. The secretary of the Downtown Design Review Board shall forward to the Appeals Board 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 Appeals Board shall;
      i. Hear and consider testimony and evidence concerning the previous recommendations and actions of the City staff and the Downtown Design Review Board;
      ii. Hear new testimony and consider new evidence that was not available at the time of the hearing before the Downtown Design Review Board;
      iii. Apply the substantial evidence test to the decision of the Downtown design Review Board, considering the record made before the Downtown design Review Board;
      iv. Have the option to remand any case back to the Downtown design Review Board for further proceedings.
   c. The appeals Board 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 Appeals Board shall exhaust the administrative remedies of the property owner/appellant under this title. Any owner/appellant aggrieved by the decision of the Appeals Board may file in District Court.

   (Ord. No. 18905, Eff. 11/10/09; 20159, 05/15/12)

4.403 Trinity Uptown Peripheral Zone ("TUP") Overlay District

A. Purpose and Intent

It is the purpose of the Trinity Uptown Peripheral Zone Overlay district to provide design standards and guidelines and administrative procedures for new construction and certain renovations in the peripheral zone areas to promote and encourage pedestrian-oriented, urban development, high-quality, sustainable development and creative design.

B. Boundaries of Trinity Uptown Peripheral Zone:

Peripheral Overlay Zones are described as follows and as shown on Exhibit B.21:

Marine Creek Zone

A parcel of land out of Isaac Thomas Survey, Abstract Number 1526, Tarrant County, Texas, being all of Block 20, and a portion of Block 10, Map of the Property of the Fort Worth Stock Yards Company, according to plat thereof recorded at Volume 388-A, Page 111, of the Plat Records of Tarrant County, Texas, and a portion of Lots 1,2, 3, and 4, Block 167, and a portion of Lot 7, Block 168, M. G. Ellis Addition, according to plat thereof recorded at Volume 106, Page 64, of the Plat Records of Tarrant County, Texas, and a portion of the right-of-way of N. E. Twenty Third Street, and being more particularly described by metes and bounds as follows to wit:

BEGINNING at the northeast corner of said Block 20;

THENCE with the east line of said Block, South 7 degrees 24 minutes East, 321.8 feet to its southeast corner;

THENCE with the south line of said Block, the following courses and distances;

North 78 degrees 42 minutes West, 102 feet;
North 53 degrees 36 minutes West, 109.4 feet;
North 54 degrees 58 minutes West, 112.4 feet;
NORTH, 32.5 feet;
And North 60 degrees West, 23 feet, to its southwest corner;

THENCE with the west line of said Block, NORTH, 106 feet, to the south right-of-way of N. E. Twenty Third Street;

THENCE with said right-of-way, WEST, 360 feet, to the northwest corner of Block 172 of said M. G. Ellis Addition;

THENCE crossing said right-of-way, North 43 degrees 44 minutes 05 seconds West, 86.79 feet, to the north right-of-way of N. E. Twenty Third Street, and being the northwest corner of right-of-way Parcel 10, according to the Right of Way Map of N. E. 23 Street, on file at the City of Fort Worth, Transportation and Public Works Department, File Number K-755, and being in a curve having a radius of 555 feet;

THENCE northwesterly with said curve to the right, an arc distance of 154,87 feet, to the north corner of right-of-way Parcel 7, according said Right of Way Map, and being in the east line of said Lot 4;

THENCE with said east line, NORTH, 103.14 feet, to the north face of a 12" retaining wall on said Lot 3, according to the right-of-way and easement map of Marine Creek, on file at the City of Fort Worth, Transportation and Public Works Department, File
Number 8-M-66,

THENCE bisecting said Lot 4, North 76 degrees 41 minutes 05 seconds West, 51.46 feet, to the west line of said Lot;

THENCE with said west line, North 00 degrees 20 minutes 37 seconds East, at 88.82 feet, pass the northwest corner of said Lot, in all 96.02 feet, to the northeast corner of that certain parcel of land out of said Block 10, described by deed recorded in Volume 9340 Page 1244, of the Deed Records of Tarrant County, Texas, and being in the west line of Lot 3, of Block 10-A, Fort Worth Stockyards Addition, according to plat thereof recorded at County Clerk's Instrument Number D192196130;

THENCE with the said west line, to and along the west line of Lot 1, according to said plat, the following courses and distances;

North 63 degrees 11 minutes West, 173.3 feet;

North 24 degrees 58 minutes West, 220.17 feet;
North 19 degrees 03 minutes West, 97.8 feet, to the beginning of a curve having a radius of 1050.32 feet;
And Northerly with said curve to the right, an arc distance of 392.93 feet, to the most westerly northwest corner of said Lot 1;
THENCE with the most westerly north line of said Lot, North 89 degrees 54 minutes 55 seconds East, some 50+ feet, to its intersection with the east line of the Marine Creek Floodway & Beautification (Permanent Easement to the City of Fort Worth) as shown on said plat;
THENCE with said east line the following courses and distances;
South 00 degrees 18 minutes 17 seconds East, 50.92 feet;
South 89 degrees 47 minutes 54 seconds West, 5 feet;
South 00 degrees 12 minutes 06 seconds East, 359.52 feet;
And South 25 degrees 02 minutes 18 seconds East, some 50+ feet, to its intersection with the south line of said Lot 1;
THENCE with said south line, North 89 degrees 41 minutes 57 seconds East, to and along the south line of Lot 2, according to said plat, and to and along the south line of Lot 4, Block 10-A, Fort Worth Stockyards Addition, according to plat thereof recorded at County Clerk's Instrument Number D204114774, some 580 feet, to an ell corner of said Lot 4;
THENCE with the most south west line of said Lot, South 00 degrees 12 minutes 47 seconds East, 259.09 feet, to its southwest corner;
THENCE with the south line of said Lot, South 70 degrees 01 minutes 45 seconds East, 160.17 feet, to its southeast corner;
THENCE with the east line of said Lot, North 00 degrees 12 minutes 52 seconds West, 150 feet;
THENCE some South 68 East, bisecting the remainder of said Lot 3, of said Block 10-A, passing 10 feet South of the southwest corner of an existing building, some 400 feet, to the east line of said Lot 3;
THENCE with said east line, South 00 degrees 08 minutes 16 seconds East, some 225 feet, to the southeast corner of said Block 10, and being in the original north right-of-way of N. E. Twenty Third Street, according to said Map;
THENCE crossing said right-of-way, South 02 degrees 33 minutes 30 seconds East, 59.6 feet, to the ***Place of Beginning***.

West Fork to Marine Creek
A parcel of land out of Isaac Thomas Survey, Abstract Number 1526, Edmund Little Survey, Abstract Number 954, the J. Baugh Survey, Abstract Number 115, and the Felix G. Mulliken Survey, Abstract Number 1045, Tarrant County, Texas, and being more particularly described by bounds as follows to wit:
BEGINNING at the northeast corner of Block 20 according to the Map of the Property of the Fort Worth Stock Yards Company, according to plat thereof recorded at Volume 388-A, Page 111, of the Plat Records of Tarrant County, Texas,
THENCE with the east line of said Block and along a projection of said line, Southeasterly, to its intersection with the west line of Block 179, M. G. Ellis Addition, according to plat thereof recorded at Volume 106, Page 64, of the Plat Records of Tarrant County, Texas;
THENCE with the west line of said Block, South, to its southeast corner;
THENCE with the north right-of-way of N. E. Twenty First Street, East, to the west line of the Fort Worth Belt Railway, as shown on said Map;
THENCE with said west line Southeasterly, to its intersection with the south right-of-way of N. E. Twenty First Street;
THENCE with said right-of-way, and along its projection, East, to an ell corner of Block 18, according to said Map;
THENCE with the most south west line of said Block, and to and along its projection, South, to the northwesterly right-of-way of the St. Louis Southwestern Railroad;
THENCE Southwesterly, with said right-of-way, to and along the northwesterly right-of-way of the St. Louis San Francisco and Texas Railroad, some 0.7 miles, to its intersection with the north line of the proposed bypass channel of the West Fork of the Trinity River;

THENCE with said north line, Northeasterly, to its intersection with the present west bank of the West Fork of the Trinity River;
THENCE with said west bank, Northeasterly, to its intersection with the west right-of-way of Samuels Avenue;
THENCE North with said right-of-way, to its intersection with the south right-of-way of N. E. Twenty Third Street;
THENCE with said right-of-way, West, to the ***Place of Beginning***.

University/Jacksboro
A parcel of land out of the John Baugh Survey, Abstract Number 115, the Joseph N. Connor Survey, Abstract Number 355 the Richard Crawley Survey, Abstract Number 313, and the Robert O. Reeves Survey, Abstract Number 1293, Tarrant County, Texas, and being more particularly described by bounds as follows;
BEGINNING at the intersection of the east right-of-way of Rockwood Park Drive Ramp to University Drive with the north bank of the man made channel of the West Fork of the Trinity River;
THENCE northerly with said right-of-way, to and along the east right-of-way of University Drive, and northeasterly with said right-of-way, some 0.45 miles, to its intersection with the southwesterly right-of-way of Jacksboro Highway;
THENCE southeasterly with said right-of-way and its projection, to its intersection with said north bank, some 60 feet southwesterly of the centerline of the Jacksboro Highway and Henderson Street Bridge over said River;
THENCE upstream with said bank, southwesterly and west some 0.5 miles to the ***Place of Beginning***.

Parkview
A parcel of land out of the E.S. Harris Survey, Abstract Number 688, and the George Shields Survey, Abstract Number 1402, Tarrant County, Texas, and being more particularly described by bounds as follows;
BEGINNING at the intersection of the north right-of-way of Interstate Highway Number 30, with the southeasterly bank of the man made channel of the West Fork of the Trinity River;
THENCE downstream with said bank, northeasterly some 0.7 miles to its intersection with the west right-of-way of the St. Louis, San Francisco & Texas Rail Road;
THENCE with said right-of-way, southerly some 320 feet, to the northwesterly right-of-way of Forest Park Boulevard;
THENCE with said right-of-way, southwesterly some 0.2 miles to its intersection with said north right-of-way of said Interstate Highway Number 30;
THENCE with said right-of-way, westerly some 0.5 miles to the *Place of Beginning*.

Northside Drive
Parcel I
A parcel of land out of Edmund Little Survey, Abstract Number 954 and the Felix G. Mulliken Survey, Abstract Number 1045, Tarrant County, Texas, being all of Lot 1, Block 1, North Side Drive Industrial Park, according to plat thereof recorded at Volume 388-170, Page 42, of the Plat Records of Tarrant County, Texas, being all of Blocks 1R and 2R, Northpark, according to plat thereof recorded at Volume 388-41, Page 23, of the Plat Records of Tarrant County, Texas, being a portion of Northpark Business Center, according to plat recorded at Volume 388-109, Page 57, of the Plat Records of Tarrant County, Texas, and a portion of the right-of-way of Northside Drive, and Northpark Drive, and being more particularly described by metes and bounds as follows to wit:
BEGINNING at the intersection of the west right-of-way of the Samuels Avenue with the east bank of the West Fork of the Trinity River, as channelized;
THENCE southerly with said right-of-way, to and along the west right-of-way of the ramp from Samuels Avenue, to Northside Drive, crossing Northside Drive at the south end of said ramp, to the north end of the ramp from Northside Drive to Samuels Avenue, and with said ramp, to said west right-of-way of Samuels Avenue, and continuing southerly with said right-of-way, some 0.7

miles to the centerline of Northpark Drive, a private roadway and a 26 foot emergency access and utility easement according to said plat of Northpark Business Center;
THENCE with said centerline, South 77 degrees 56 minutes 25 seconds West, 779.34 feet to the beginning of a curve having a radius of 400.0 feet;
THENCE northwesterly with said curve to the right, an arc distance of 93.78 feet, to the east right-of-way of the Texas Electric Service Company, according to deed recorded in Volume 2691, Page 130, of the Deed Records of Tarrant county, Texas;
THENCE with said right-of-way, South 14 degrees 53 minutes 15 seconds East, 406.15 feet, to the southeast corner of said right-of-way;
THENCE with the south line of said right-of-way, North 59 degrees 36 minutes 50 seconds West, 106.85 feet, to the south corner of Lot 11, according to said Plat;
THENCE with the east line of said Lot, North 14 degrees 53 minutes 15 seconds West, 360,74, to its northeast corner and being on said centerline, and in said curve having a radius of 400.0 feet;
THENCE with the northeasterly line of said Lot, and northwesterly with said curve to the right, an arc distance of 121.29 feet, to its end;
THENCE continuing with the northeasterly line of said Lot, North 59 degrees 36 minutes 50 seconds West, 106.85 feet, to the beginning of a curve having a radius of 300.0 feet;
THENCE northwesterly with said curve to the right, an arc distance of 1.29 feet, to the north corner of Lot 11-B being a re-plat of a portion of said Lot 11, according to plat recorded at Volume 388-218, Page 37, of the Plat Records of Tarrant County, Texas;
THENCE with the northwesterly line of said Lot, South 30 degrees 26 minutes 35 seconds West, 235.09 feet to the west corner of said Lot 11-B, and being in the southwesterly line of said Lot 11;
THENCE with said line, North 59 degrees 36 minutes 50 seconds West, 303.66 feet, to an angle point;
THENCE continuing with said line, North 16 degrees 35 minutes 40 seconds West, to and along the southwesterly line of Lot 1, according to said plat, 801.09 feet, to an angle point;
THENCE with the west line of said Lot 1, North 07 degrees 46 minutes East, at 505.81 feet pass the northwest corner of said Lot, and crossing Northside Drive, in all some 620 feet, to the north right-of-way of Northside Drive, at the southeast corner of said Lot 1, of said North Side Drive Industrial Park;
THENCE westerly with said right-of-way, some 420 feet, to said east bank of the West Fork of the Trinity River, as channelized;
THENCE with said east bank, some 0.4 miles, to the ***Place of Beginning***.

Parcel II

A parcel of land being all of Lot 5, and a portion of Lot 6, Block A, Holloway's Addition, according to plat recorded at Volume 1530, Page 373, of the Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as
follows to wit;
BEGINNING at the southeast corner of said Lot 5, and being in the southwesterly right-of-way of Samuels Avenue;
THENCE with the south line of said Lot 5, South 83 degrees 40 minutes 30 seconds West, to and along the east line of Lot 9 of Northpark Business Center, according to plat recorded at Volume 388-109, Page 57, of the Plat Records of Tarrant County, Texas, 221.98 feet, to its southwest corner;
THENCE with the west line of said Lot 5, North 12 degrees 39 minutes West, and continuing with the east line of said Lot 9, to and along the east line of said Lot 6,
215.3 feet;
THENCE continuing with the east line of said Lot 9, North 73 degrees 52 minutes
30 seconds East, 114.24 feet, to said right-of-way;
THENCE with said right-of-way, South 36 degrees 01 minutes 15 seconds East, 269.48 feet, to the *Place of Beginning*.

Henderson Street

A parcel of land out of Bailey's Industrial Addition, being all of Lots 4A and 5, Block 13, according to plats recorded at Volume 388-71, Page 744, and Volume 388-C, Page 95, of the Plat Records of Tarrant County, Texas, respectively, being all of Lots 1 and 2, Block 20, and being all of Lot D, Block 21, according to plat recorded in Volume 388-50, Page 53 of the Plat Records of Tarrant County, Texas, and a portion of Henderson Street, Cullen Street, and Rupert Street adjacent to said Lots, and being more particularly described by metes and bounds as follows to wit;
BEGINNING at the intersection of the west right-of-way of the St. Louis, San Francisco & Texas Rail Road, with the east line of said Block 21 projected north;
THENCE with said right-of-way, to and along the east line of said Block, South 22 degrees 02 minutes West, 524.1 feet, to the south corner of said Lot D;
THENCE with the most south west line of said Lot, North 00 degrees 58 minutes East, 186.6 feet, to an ell corner;
THENCE with the south line of said Lot, South 80 degrees 05 minutes West, 113 feet, to its most west corner, and being on the centerline of a Spur Track;
THENCE with the west line of said Lot, and said centerline, the following chords:

North 76 degrees 11 minutes East 50 feet;
North 70 degrees 47 minutes East 50 feet;

And North 64degrees 18 minutes East 33.76 feet, to its intersection with the centerline of a Spur Track;
THENCE continuing with the west line of said Lot, and said centerline, the following chords:

North 11 degrees 03 minutes West 54.2 feet;
North 17 degrees 00 minutes West 50 feet;
North 23 degrees 00 minutes West 50feet;
North 28 degrees 36 minutes West 50feet;

And North 35 degrees 14 minutes East 49.8 feet, to the most north west corner of said Lot;
THENCE continuing with said centerline, some North 41 degrees West, 50 feet, to its intersection with the centerline of Cullen Street;
THENCE with said centerline, South 42 degrees 15 minutes West, 17 feet, to the beginning of a curve having a radius of 290 feet;
THENCE continuing with said centerline, and with said curve westerly and to the right, through a central angle of 46 degrees 45 minutes, an arc length of 241.7 feet, to its end;
THENCE continuing with said centerline, WEST, 124.2 feet, to its intersection with the centerline of Rupert Street;
THENCE with said centerline, NORTH, 368.5 feet, to an angle point;
THENCE continuing with said centerline, North 50 degrees 41 minutes West, 158.2 feet, to its intersection with the southeast line of said Lot 4-A, projected southwest;
THENCE North 39 degrees 19 minutes East, 55.3 feet, to the south corner of said Lot 4-A;
THENCE with southwest line of said Lot, North 50 degrees 41 minutes West, 774.47 feet, to the north corner of Lot 1-A, Block 13, according to plat recorded at Volume 388-71, Page 119, of the Plat Records of Tarrant County, Texas;
THENCE with west line of said Lot 4-A, NORTH, 2.98 feet, to its west corner;
THENCE with north line of said Lot, North 78 degrees 05 minutes East, 234.98 feet, to the southwest right-of-way of Henderson Street;
THENCE North 42 degrees 15 minutes East, 140 feet, to the centerline of Henderson Street;
THENCE with said centerline Southeasterly, some 1438 feet, to the ***Place of Beginning***.

South of Oakwood Cemetery

A parcel of land out of the John Baugh Survey, Abstract Number 115, and the Richard Crawley Survey, Abstract Number 313, Tarrant County, Texas, and being more particularly described by bounds as follows;
BEGINNING at the intersection of the northeasterly right-of-way of Jacksboro Highway with the most north east line of Lot 1, Bailey Gardens Addition, according to plat recorded in Volume 939, Page 569, of the Deed Record of Tarrant County, Texas;

THENCE with said east line, North 00 degrees 12 minutes East, 110.5 feet, to the southwest corner of Lot 1R, Block 1, Oakwood Cemetery, according to plat thereof recorded in Volume 388-198, Page 35 of the Plat Records of Tarrant County, Texas;
THENCE with the south line of said Lot 1R, the following courses and distances;
South 89 degrees 58 minutes East, 23 feet, to the beginning of a curve, having a radius of 2400 feet;
Easterly with said curve to the left, an arc distance of 176.28 feet, to its end;
North 68 degrees 49 minutes 36 seconds East, 218.56 feet;
South 89 degrees 19 minutes 49 seconds East, 299.99 feet,
And South 82 degrees 24 minutes 43 seconds East, 138.55 feet, to a line shown on said Plat labeled "EDGE OF CEMETERY MAINTENANCE" as surveyed by the City of Fort Worth, in 1989;
THENCE with said line labeled "EDGE OF CEMETERY MAINTENANCE" the following courses and distances;
South 54 degrees 50 minutes 48 seconds East, 113.26 feet;
South 71 degrees 25 minutes 54 seconds East, 89.39 feet;
North 71 degrees 54 minutes 41seconds East, 134.32 feet;
And North 86 degrees 30 minutes 58 seconds East, 58.51feet, to the south line of said Cemetery;
THENCE with the south line of said Lot 1R, the following courses and distances;
South 82 degrees 24 minutes 43 seconds East, 40.79 feet;
And South 89 degrees 16 minutes 10 seconds East, 295 feet, to an ell corner;
THENCE bisecting said Lot 1R, North 28 degrees 28 minutes 35 seconds East, 238.78 feet, to a corner in said south line;
THENCE with the south line of said Lot 1R, the following courses and distances;
North 60 degrees 26 minutes 48 seconds East, 86.45 feet;
And South 70 degrees 56 minutes 25 seconds East, 334.3 feet, to an east corner of said Lot, being at an angle point in the southwesterly line of Lot A, Block 1, Gifford-Hill & Co. Plant No. 41 Site, according to plat thereof recorded in Volume 388-133, Page 100, of the Plat Records of Tarrant County, Texas, and being in the northeasterly line of the right-of-way of the Tarrant County Water Control and Improvement District No. 1, according to deed recorded in Volume 2313, Page 509 of the Deed Records of Tarrant County, Texas;
THENCE with said southwesterly and northeasterly line South 56 degrees 44 minutes East, at 130 feet, pass the southeast corner of said Lot A, and to and along the southwest line of that certain tract of land conveyed to Oather M. Tow, by deed recorded in Volume 1720, Page 474, of the Deed Records of Tarrant County, Texas, in all some 500 feet, to the northwesterly right-of-way of the St. Louis, San Francisco and Texas Railroad;
THENCE Southwesterly with said northwesterly right-of-way, some 200 feet, to its intersection with the north bank of the man made channel of the West Fork of the
Trinity River;
THENCE upstream with said bank, westerly, to its intersection with the northeasterly right-of-way of Jacksboro Highway;
THENCE northwesterly with said right-of-way, some 700 feet, to the *Place of Beginning*.
"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights or interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

C. Relationship of Trinity Uptown Peripheral Zone to Base Zoning Districts

The Trinity Uptown Peripheral Zone 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 projects in the Trinity Uptown Peripheral Zone shall be subject to the Trinity Uptown Peripheral Zone Development Standards and Guidelines in accordance with this section. In the event of any conflict between the design standards and any provision of this ordinance, the development standards and guidelines shall control.

D. Trinity Uptown Peripheral Zone Design Overlay Zoning Standards and Guidelines Adopted
The Trinity Uptown Peripheral Zone Design Overlay Zoning 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 Trinity Uptown Peripheral Zone Design Overlay Zoning Standards and Guidelines must be considered by 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.

E. Development Review Process

1. *Certificate of appropriateness required.*
   Within the Trinity Uptown Peripheral Zone District Overlay, issuance of a certificate of appropriateness reflecting compliance the Trinity Uptown Peripheral Zone Design Overlay Zoning Standards and Guidelines is required as a condition for the following:
   a. Acceptance by the Planning and Development Department of an application for a building permit for construction of a new structure;
   b. Acceptance by the Planning and Development Department of an application for a building permit for expansion of an existing structure;
   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; and
   d. Construction of a surface parking lot.
   e. Acceptance by the Planning and Development Department of an application for a sign permit.
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 21 days before the meeting of the design review board at which the application for a certificate of appropriateness will be considered.
   a. Copies of site plan including:
      i. Footprints of all existing structures.
      ii. Proposed footprint of all new structures.
      iii. Existing structures adjacent to the property.
      iv. Building setbacks.
      v. 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 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.
   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 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;
   e. Material specification outline with samples, brochures and/or photographs of all exterior building and site materials, finishes and fixtures.
   f. For all detached signs, nine 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.

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 renovations when:
      i. The project conforms to all standards and guidelines of the Trinity Uptown Peripheral Zone Design Overlay Zoning Standards and Guidelines when both are applicable; or
      ii. A project is submitted wherein only the guidelines of the Trinity Uptown Peripheral Zone Design Overlay Zoning Standards and Guidelines are applicable.
   b. The Urban Design Commission is hereby charged with and invested with the authority to enforce the standards in the Trinity Uptown Peripheral Zone Design Overlay Zoning Standards and Guidelines for new construction and exterior renovations by hearing and deciding applications for certificates of appropriateness with this section that require interpretation or discretionary judgment with respect to the project's compliance with the standards. The Urban Design Commission is hereby charged with and invested with the authority to enforce the Trinity Uptown Peripheral Zone Development Standards and Guidelines for new construction and exterior renovations by hearing and deciding applications for certificates of appropriateness with this section that require interpretation or discretionary judgment with respect to the project's compliance with standards and guidelines.

F. Appeal.

1. All decisions by the Planning and Development director 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 UDC shall be *de novo.*
2. All decisions by the Urban Design Commission may be appealed to the Appeals Board by the applicant. A written notice of appeal must be filed with the City Secretary within ten days after receipt of notification of the Urban Design Commission's decision. The written notice of appeal shall specify:
   i. That the decision of the board is unreasonable, either in whole or in part; and
   ii. The grounds for the appeal.
   b. The Appeals Board shall schedule a hearing on such appeal within 30 days after receipt of the notice of appeal, or as soon thereafter as reasonably practicable. The secretary of the Urban Design Commission shall forward to the Appeals Board a complete record of the matter, including a transcript of the tape of the hearing before the Urban Design Commission. In consideration of an appeal, the Appeals Board shall:
      i. Hear and consider testimony and evidence concerning the previous recommendations and actions of the city staff and the Urban Design Commission;
      ii. Hear new testimony and consider new evidence that was not available at the time of the hearing before the Urban Design Commission;
      iii. Apply the substantial evidence test to the decision of the Urban Design Commission, considering the record made before the Urban Design Commission;
      iv. Have the option to remand any case back to the Urban Design Commission for further proceedings.
   c. The Appeals Board may uphold, reverse or modify the decision of the Urban Design Commission unless a continuance is agreed to by the owner/appellant.
   d. A hearing before the Appeals Board shall exhaust the administrative remedies of the property owner/appellant under this title. Any owner/appellant aggrieved by the decision of the Appeals Board may file in District Court.
   (Ord. No. 19269, Eff. 09/07/10)

4.404 I-35W Corridor ("I-35W") Design Overlay District

A. Purpose and Intent

It is the purpose of the I-35W Design Overlay to provide standards and guidelines and administrative procedures for new construction and certain renovations in the corridor zones to promote and encourage excellence in development though quality site layout, lighting landscaping and design while creating a unified and natural landscape along the corridor zones.

B. Boundaries of I-35W Design Overlay District

Corridor Zones are described as follows and as shown on Exhibit B.22:

South Zone: Meacham Boulevard to Basswood Boulevard

A parcel of land situated in the County of Tarrant, being one thousand feet (1000') each side of the following described centerline of Interstate Highway 35 West, from its intersection with the centerline of Meacham Boulevard, to its intersection with the centerline of Basswood Boulevard;
Beginning at the intersection of the centerlines of Interstate Highway 35 West, and Meacham Boulevard (formerly known as Odum Road), according to the right-of-way map of Interstate Highway 35W, Project No. I-35W-5(27)-429, from N. of St. Louis & S.W. R.R. North to Loop 217 (now known as Loop 820), and being at Engineer's Station 407+44;
THENCE northerly with said centerline, North 00 degrees 13 minutes 00 seconds East, to and along the centerline of Interstate Highway 35W, according to the right-of-way map of Interstate Loop 820, Project No. I-820-4(56)-454, from present U. S. 377 West to proposed location of Interstate 35W, 2544 feet, to an angle point at Engineer's Station 382+00;
THENCE continuing northerly with said centerline, North 00 degrees 04 minutes 00 seconds West, 2963.15 feet, to its intersection with the centerline of said Interstate Loop 820 at Engineer's Station 352+36.85, at Interstate Loop 820 Engineer's Station 662+58.39;
THENCE east with said centerline, North 90 degrees 00 minutes 00 seconds East, 30.00 feet, to its intersection with the centerline of said Interstate Highway 35W, at Interstate Loop 820 Engineer's Station 662+88.39, at Interstate Highway 35W Engineer's Station 619+06.89;
THENCE northerly with said centerline, North 00 degrees 04 minutes 00 seconds West, 2988.79 feet, to an angle point at Engineer's Station 589+18.10, according to the right-of-way map of Interstate Highway 35W, Project No. I-35W-5(41)-431, from Proposed U.S. 81 to Interstate Loop 820;
THENCE continuing northerly with said centerline, according to said right-of-way map, the following courses and distances;
North 00 degrees 02 minutes 05 seconds West, 810.05 feet, to the beginning of a curve having a radius of 11459.16 feet, at Engineer's Station 581+08.05;
Northerly with said curve to the left, through a central angle of 10 degrees 05 minutes 11 seconds, an arc distance of 2017.28 feet, to its end at Engineer's Station 560+90.77;
North 10 degrees 07 minutes 16 seconds West, 6014.19 feet, to the beginning of a curve having a radius of 11459.16 feet, at Engineer's Station 500+76.58;
Northerly with said curve to the right, through a central angle of 01 degrees 07 minutes 58 seconds, an arc distance of 226.58 feet, to its Terminus at the intersection of the centerlines of Interstate Highway 35 West, and Basswood Boulevard at Engineer's Station 498+50;

Basis of called bearings and distances, per recited right-of-way maps.

This description prepared by Hans Kevin Hansen, Registered Professional Land Surveyor, Number 4786, in April 2009, in an electronic format.

"This document was prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights or interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Revision I, September 21, 2009, width changed from "one thousand five hundred (1500')" to "one thousand feet (1000')".
Revision II, November 15, 2010, Title changed to reflect limits changed from Meacham Blvd. to SH 114, divided into three sections, Meacham Blvd to Basswood Blvd, Basswood Blvd to Keller Hicks Rd, and Keller Hicks to SH 114

Central Zone- Basswood Boulevard to Keller Hicks Road
A parcel of land situated in the County of Tarrant, being one thousand feet (1000') each side of the following described centerline of Interstate Highway 35 West, from its intersection with the centerline of Basswood Boulevard, to its intersection with the centerline of Keller Hicks Road (County Road Number 4033);
Beginning at the intersection of the centerlines of Interstate Highway 35 West, and Basswood Boulevard according to the right-of-way map of Interstate Highway 35W, Project No. I-35W-5(41)-431, from Proposed U.S. 81 to Interstate Loop 820, and being at Engineer's Station 498+50, and being in a curve having a radius of 11459.16 feet;
THENCE northerly with said centerline, according to said right-of-way map, the following courses and distances;
Northerly with said curve to the left, through a central angle of 08 degrees 59 minutes 06 seconds, an arc distance of 1796.98 feet, to its end at Engineer's Station 480+53.02;
North 00 degrees 00 minutes 12 seconds West, at 3638.40 feet pass the end of said project, at Engineer's Station 444+14.62, and continuing with said centerline, according to the right-of-way map of Interstate Highway 35W, Project No. I-35W-5(21)-435, from Denton County Line to Proposed U.S. 81, in all 17707.45 feet, to the beginning of a curve having a radius of 5729.58 feet, at Engineer's Station 303+45.57;
Northerly with said curve to the left, through a central angle of 14 degrees 57 minutes 07 seconds, an arc distance of 1495.19 feet, to its end at Engineer's Station 288+50.38;
North 14 degrees 56 minutes 55 seconds East, 4503.36 feet, to its Terminus at the intersection of the centerlines of Interstate Highway 35 West, and Keller Hicks Road at Engineer's Station 243+47.02;

Basis of called bearings and distances, per recited right-of-way maps.

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Revision I, September 21, 2009, width changed from "one thousand five hundred (1500')"to "one thousand feet (1000')".
Revision II, November 15, 2010, Title changed to reflect limits changed from Meacham Blvd. to SH 114, divided into three sections, Meacham Blvd to Basswood Blvd, Basswood Blvd to Keller Hicks Rd, and Keller Hicks to SH 114
Scribner's errors corrected December 2, 2010

North Zone- Keller Hicks Road to State Highway 114
A parcel of land situated in the Counties of Denton and Tarrant, being one thousand feet (1000') each side of the following described centerline of Interstate Highway 35 West, from its intersection with the centerline of Keller Hicks Road (County Road Number 4033), to its intersection with the centerline of State Highway 114;
Beginning at the intersection of the centerlines of Interstate Highway 35 West, and Keller Hicks Road according to the right-of-way map of Interstate Highway 35W, Project No. I-35W-5(21)-435, from Denton County Line to Proposed U.S. 81, and being at Engineer's Station 243+07.02;

THENCE northerly with said centerline, according to said right-of-way map, the following courses and distances;
North 14 degrees 56 minutes 55 seconds East, 1779.10 feet, to the beginning of a curve having a radius of 5729.58 feet, at Engineer's Station 225+67.92;
Northerly with said curve to the left, through a central angle of 14 degrees 40 minutes 59 seconds, an arc distance of 1468.31 feet, to its end at Engineer's Station 210+99.61;
North 00 degrees 15 minutes 56 seconds East, 4997.63 feet, to the beginning of a curve having a radius of 5729.58 feet, at Engineer's Station 161+01.98;
Northerly with said curve to the right, through a central angle of 10 degrees 26 minutes 03 seconds, an arc distance of 1043.42 feet, to its end at Engineer's Station 150+58.56;
North 10 degrees 41 minutes 59 seconds East, 3744.61 feet, to the beginning of a curve having a radius of 5729.58 feet, at Engineer's Station 113+13.98;
Northeasterly with said curve to the right, through a central angle of 19 degrees 14 minutes 39 seconds, an arc distance of 1924.42feet, to its end at Engineer's Station 93+89.56;
THENCE northeasterly with said centerline, North 29 degrees 56 minutes 38 seconds East, at 2848.83 feet, pass the called County Line at Engineers Station Equation 65+40.73=0+00, and at 2872.13 feet pass Engineers Station Equation 0+23.30=0+00, to and along the centerline of Interstate Highway 35W, according to the right-of-way map of Interstate Highway 35-W, Project No. I 35W-6(47)442, from Tarrant Co. Line to
F. M. 407, in all 4924.48 feet, to the beginning of a curve having a radius of 11459.16 feet, at Engineer's Station 20+52.35;
THENCE continuing northeasterly with said centerline, according to said right-of-way map, the following courses and distances;
Northeasterly with said curve to the right, through a central angle of 00 degrees 58 minutes 10 seconds, an arc distance of 193.89 feet, to its end at Engineer's
Station 22+46.24;
North 30 degrees 54 minutes 48 seconds East,11222.42 feet, to the beginning of a curve having a radius of 5729.58 feet, at Engineer's Station 134+68.66;
Northeasterly with said curve to the right, through a central angle of 06 degrees 48 minutes 35 seconds, an arc distance of 680.97 feet, to its end at Engineer's
Station 141+49.63;
North 37 degrees 43 minutes 23 seconds East, 1845.43 feet, to its Terminus at the intersection of the centerlines of Interstate Highway 35 West, and State Highway 114, at Engineer's Station 159+95.06;

Basis of called bearings and distances, per recited right-of-way maps.

This description prepared by Hans Kevin Hansen, Registered Professional Land Surveyor, Number 4786, in April 2009, in an electronic format.

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Scribner's errors corrected December 2, 2010

C. Relationship of I-35W Design Overlay District to Base Zoning Districts

The I-35W 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 I-35W Design District shall be subject to the *I-35W Development Standards and Guidelines* in accordance with this section. In the event of a conflict between the *I-35W 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 *I-35W Development Standards and Guidelines* and a mixed-use zoning district (or Planned Development based on mixed-use zoning: i.e. PD/MU-1 or PD/MU-2) located on along I-35W frontage roads, the mixed-use regulations will govern the setbacks.

D. I-35W Development Standards and Guidelines Adopted

The I-35W 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 I-35W Development Standards and Guidelines must be considered by 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.

E. Development Review Process

1. *Certificate of Appropriateness required.*
   Within the I-35W Overlay District, issuance of a Certificate of Appropriateness reflecting compliance with the I-35W 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 *I-35W Development Standards and Guidelines*.

b. The Urban Design Commission is hereby charged with and invested with the authority to enforce the *I-35W 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.

F. Appeal

1. All decisions by the Planning and Development Director 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 Appeals Board 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's decision. 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 Appeals Board shall schedule a hearing on such appeal as soon as reasonably practicable. The Executive Secretary of the Urban Design Commission shall forward to the Appeals Board 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 Appeal Board 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 Appeals Board 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 Appeals Board shall exhaust the administrative remedies of the appellant under this title. Any appellant aggrieved by the decision of the Appeals Board may file in District Court.
   (Ord. No. 19544, Eff. 03/01/11; 20159, 05/15/12)

4.405 Airport/Airfield ("AO") Overlay District

A. Purpose and Intent

The purpose of the airport/airfield overlay district is the regulation of land uses in the vicinity of the City's airports and airfields and to ensure the protection of the airports where it has been determined that they are an essential economic element of the City and surrounding cities. It is also the purpose of this section to protect the health, safety, and general welfare of the public where it is recognized that aircraft accidents and excessive noise have the potential for endangering or harming the lives and or property of users or occupants of land in the vicinity of the airports that serve Fort Worth.

B. Generally

1. Applicability. Airport zoning regulations shall apply to all of the incorporated areas of the City of Fort Worth which are located within an accident potential zone or clear zone as described herein. The use of all land and any buildings or structures located upon the land, and the height, construction, reconstruction, alteration, expansion or relocation of any building or structure upon the land shall conform to all regulations applicable to this section. No land, building, structure or premise shall be constructed and/or used for any purpose or in any manner other than is permitted in this section. The airport zoning regulation shall also be in accordance with prescribed regulations contained in V.T.C.A., Local Government Code, § 241.001 et seq.
2. Notwithstanding any other provisions of this section, no use shall be made of land or water nor institution within an Airport/Airfield Overlay District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the City of Fort Worth Airports or the Naval Air Station Fort Worth Joint Reserve Base (NAS FW JRB).
3. Maps identifying the boundaries of the Airport/Airfield Overlay District for the applicable airports and further described by each applicable airport subsection are hereby incorporated into the City's Official Zoning Map.
4. Zoning Classification:
   a. Airport/Airfield Overlay District. The Airport/Airfield Overlay District is designed as an overlay to the base zoning district. Property located within this zoning overlay must also be designated as being within one of the base zoning districts. Permitted uses must be allowed in both the base zoning district and the overlay district and must comply with height, yard, area and parking requirements of the base zoning district.
   b. Zoning Designation. The zoning designation of the property located within the Airport/Airfield Overlay District shall consist of the base zoning symbol and the overlay symbol as a suffix. For example, if a parcel is zoned "A-5" and is also located in the Airport/Airfield Overlay District, the zoning of the parcel would be "A-5/AO." The zoning designation of parcels located within a compatible use zone shall consist of the base zoning symbol and the following as a suffix: "AO-CUZ."
5. Height Considerations
   a. Code of Federal Regulations Title 14, Part 77, Subpart C establishes the following imaginary surfaces for airports: approach surface; conical surface; horizontal surface; primary surface; and transitional surface as defined in the applicable Airport Layout Plan.
      i. Structures cannot penetrate Federal Aviation Regulation Part 77 imaginary surfaces and elevation at the site of construction.
      ii. Construction or Alteration Requiring Notice. Any person proposing construction or alteration whether permanent, temporary or of natural growth in the area surrounding any municipal or military airport shall notify the Manager, Air Traffic Division of the Federal Aviation Administration (FAA) Regional Office and the Manager of the Municipal Airport or Community Liaison or other appointee of the

NAS FW JRB, as applicable, if such construction or alteration exceeds any of the following height standards.

1. The height limits are defined in terms of imaginary surfaces in the airspace extending about two to three miles around airport runways and approximately 9.5 miles from the ends of the runways having a precision instrument approach.
2. Notice must be provided for all structures measuring 200 feet above ground level measured at the point of highest elevation of the foundation or where it has been determined that the proposed construction penetrates the Federal Aviation Regulation Part 77 imaginary surfaces.
3. When requested by the FAA, any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard, must be submitted for review.

b. Notice to FAA. Nothing in this section shall be construed as relieving any property owner, sponsor or agent from the requirement for filing a notice of proposed construction or alteration with the appropriate Federal Aviation Administration.

c. A copy of a Determination of No Hazard or similar documentation will be required from the FAA, and the NAS FW JRB, as applicable, before release of a building permit by the City of Fort Worth.

6. Marking of Nonconforming Structures

a. The owner of any nonconforming structure or object of natural growth deemed an operational hazard by the City of Fort Worth and/or Naval Air Station Joint Reserve Base is required to install and maintain thereon markers and lighting to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the property owner, as required by the FAA.

C. Naval Air Station Fort Worth Joint Reserve Base

1. Purpose and Intent.

The City of Fort Worth has designated a NAS FW JRB Compatible Use Zone (AO-CUZ) in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of and near military airport environs and to prevent the impairment of military airfields and the public investment therein. The land areas below military airport take off and final approach paths are exposed to significant danger of aircraft accidents. It is, therefore, necessary to limit the density of development and intensity of uses in such areas. The NAS FW JRB Compatible Use Zone is intended to: guide, control, and regulate future growth and development; promote orderly and appropriate use of land; protect the character and stability of existing land uses; enhance the quality of living in the areas affected; protect the general economic welfare by restricting incompatible land uses; prevent the establishment of any land use which would endanger aircraft operations and the continued use of the NAS FW JRB.

2. Boundaries: The specific boundaries of the NAS FW JRB Compatible Use Zone are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.27. The Compatible Use Zones include the Clear Zones and Accident Potential Zones (APZs).

3. Use Restrictions in Accident Potential Zones and Clear Zone

a. Permitted uses shall be allowed in accordance with Table 1, attached and incorporated here to into the Zoning Ordinance.

b. Certain uses, unless stated otherwise, within Table 1 shall be prohibited within the APZs. Prohibited uses include but are not limited to, new residences, schools, places of public assembly and outdoor recreation uses. Other prohibited uses include the manufacture of flammable or combustible liquids or materials, the generation of any substance that would impair visibility or otherwise interfere with the operation of aircraft including steam/dust/smoke; and uses that may encourage the congregation of birds or waterfowl increasing the chance of a bird strike including landfills.

c. Above ground fuel storage facilities shall be permitted only in accordance with the Uniform Fire Code.

d. All new nonresidential uses indicated on the table as “N” Not Compatible on Table 1 are considered prohibited.

4. Residential Uses
In lieu of the requirements of Chapter 7, Nonconformities regarding construction, the following shall be allowed within the AO-CUZ:
   a. Existing residential one-family uses located within a platted residential subdivision will be permitted to reconstruct a single-family residential structure.
   b. New residential construction shall be permitted only on vacant lots that are within an existing platted residential subdivision. This section does not apply to residential properties located within the Clear Zone.
   c. Tracts or lots may not be subdivided.

5. Existing Nonresidential Uses and Structures
In lieu of the requirements of Chapter 7, Nonconformities regarding construction and continuation of use, the following shall be allowed within the AO-CUZ:
   a. Existing nonresidential uses or structures may reconstruct a structure for the same nonconforming use with equal or less square footage that had previously existed on the property or for such other use that has a density equal to or less than the prior use. Density will be measured from the occupancy count as determined by the City’s Building Official.
   b. A nonresidential structure that is vacant for any period of time will be allowed to request a Certificate of Occupancy for a new tenant or property owner provided that the use requested is identical to the use identified on the last Certificate of Occupancy for the structure, or is for a use that has a density equal to or less than the previous use of the structure. Density will be measured from the occupancy count as determined by the City’s Building Official.
   c. A Certificate of Occupancy may be issued for new tenants or property owners and changes of use for any use allowed in a shopping center with multiple tenant spaces or an existing regional mall site, as stated in Table 1, Note 7 and Note 8.
   d. In an existing structure, a use not allowed in Table 1 will be allowed provided that the proposed nonconforming use has a density equal to or less than the previous use of the structure. A use changed to a lower density than had previously existed may not thereafter be returned to a use of higher density, provided however the aforementioned shall not apply to a shopping center or an existing regional mall site.
   e. Any tenant or property owner of a building within an existing regional mall site shall be permitted to construct, re-construct, relocate and redevelop the square footage existing within the APZ 1 area as of the effective date of this ordinance plus an additional 25,000 square feet of building improvements at any location solely within 400 feet of the eastern APZ 1 boundary. The additional 25,000 square feet within 400 feet of the eastern APZ1 boundary shall be allocated to and located upon the applicable portion of the property described as Parcel 1 in the Special Warranty Deed filed of record under Instrument No.D205100827, Real Property Records, Tarrant County, Texas (the "Developer's Parcel") or such other tract within 400 feet of the eastern APZ 1 boundary designated by the owner of the Developer's Parcel.
   f. A nonconforming use if changed to a conforming use may not thereafter be changed to a nonconforming use, provided however the aforementioned shall not apply to a shopping center or an existing regional mall site. (Ord. No. 20898, Eff. 09/25/13)

6. Boundaries: The specific boundary of the Naval Air Station Fort Worth Joint Reserve Base Airport Overlay is shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.27A.

7. Communications Facilities and Electrical Interference
No use shall cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Proposals for the location of new or expanded radio, radio-telephone, television transmission facilities, electrical transmission lines and wind turbines shall be coordinated through the Department of the Navy Representative, FAA Central Service Area prior to approval.

8. Outdoor Lighting

No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except when necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from the airport approach and landing paths. Control of outdoor lighting shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Lighting shall meet the following criteria:

a. Criteria

i. Lighting Arrangement – lighting arrangements that mimic runway lighting (i.e., long linear parallel rows of lighting) that could be confused with runway or taxiway lighting are not permitted.

ii. Illumination Levels – Lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City of Fort Worth.

iii. Lighting Fixture Design

1. Fixtures shall be of a type and design appropriate to the lighting application.
2. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA Full-Cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative steel lighting, the City of Fort Worth may approve the use of luminaires that are Fully Shielded or comply with IESNA cutoff criteria.
3. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be Fully Shielded and shall be installed and aimed so as to not project their output past the object being illuminated or skyward. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.
4. “Barn Lights,” aka “dusk to dawn light,” shall be shielded.

iv. Billboards and Signs

1. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. The face of the sign or billboard and the illumination shall not exceed 30-vertical Footcandles during the hours of darkness.
2. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
3. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
4. The use of highly reflective signage that creates a nuisance glare or a safety hazard is not permitted.

9. Glare

No use shall cause glare by highly reflective materials, including but not limited to unpainted metal or reflective glass, on the exterior of structures located within airport approach and landing paths or on nearby lands where glare could impede a pilot's vision. Proposed solar arrays shall be coordinated through the Department of the Navy Representative, FAA Central Service Area prior to approval. The control of glare shall meet the following criteria:

a. Criteria

1. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Glare surface suppressants that effectively reduce glare may also be utilized.
2. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to pilots or the safe operation of aircraft.
3. Directional fixtures such as floodlights and spotlights shall be shielded, installed and aimed that they do not project their output past the object being illuminated or skyward.
4. Except as permitted for certain recreational lighting, fixtures not meeting IESNA Full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade. Fixtures meeting IESNA Full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.
5. Flag lighting sources shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.

10. Emissions

No use shall, as part of its regular operations, cause emissions of smoke, ash, vapor, gas, dust, steam or other emissions that could obscure visibility of pilots or conflict with airport operations.

11. Wildlife Attractants

No use shall foster an increase in wildlife population and thereby increase the likelihood of a bird impact problem.

12. Waste Disposal Facilities

No new waste disposal facilities shall be permitted within 10,000 feet of any airport unless approval is obtained from the FAA.

Expansions of existing land disposal facilities within these distances shall be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the City of Fort Worth, Texas DOT and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result. (Ord. No. 21430, Eff. 10/07/14)

TABLE 1

TABLE 1 - COMPATIBLE USE ZONES
LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES

Revised 8/30/13

2012 NAICS NO.	LAND USE NAME	CLEAR ZONE	APZ-I	APZ-II	Density Guidelines
	Residential				
	Household Units				
236115	Single units: detached (new)	N	N	N	2
	Single units: detached (existing)	*	*	*	*Existing homes may be rebuilt; refer to Sect. 4.405C(4) for regulations in existing res. subd.
2361	Single units: semidetached	N	N	N	
2361	Single units: attached row	N	N	N	
2361	Two units: side-by-side	N	N	N	
2361	Two units: one above the other	N	N	N	
236116	Apartments: walk-up	N	N	N	
236116	Apartment: elevator	N	N	N	
7213	Group quarters	N	N	N	
7211	Residential Hotels	N	N	N	
	Mobile home parks or courts	N	N	N	
7211	Transient lodgings	N	N	N	
	Other residential	N	N	N	
	Existing NonResidential Uses	*	*	*	*Existing structures may be rebuilt to the same use and s.f.; refer to Sect. 4.405C(5) for regulations
	Manufacturing				
311	Food & kindred products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
313, 314	Textile mill products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
315, 316	Apparel and other finished products: products made from fabrics, leather and similar materials; manufacturing	N	N	N	
321	Lumber and wood products (except furniture); manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
337	Furniture and fixtures; manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
322, 323	Paper and allied products; manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
511	Printing, publishing, and allied industries	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
325	Chemicals and allied products; manufacturing	N	N	N	
32411	Petroleum refining and related industries	N	N	N	
3252	Rubber and misc. plastic products; manufacturing	N	N	N	
327991, 3271, 3272	Stone, clay and glass products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
331	Primary metal products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
332	Fabricated metal products; manufacturing	N	N	Y	Max FAR 0.56 in APZ II
3333	Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	N	N	N	
339	Miscellaneous manufacturing	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II
	Transportation, communication and utilities				
482, 485	Railroad, rapid rail transit, and street railway transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
485	Motor vehicle transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
481	Aircraft transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
483	Marine craft transportation	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
485	Highway and street right-of-way	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
81293	Automobile parking	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
517	Communication	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
22	Utilities	N	Y 5	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II; See Note 3 below
562	Solid waste disposal (landfills, incineration, etc.)	N	N	N	
	Other transportation, communication and utilities	N	Y 5	Y	See Note 5 below
	Trade				
42	Wholesale trade	N	Y	Y	Max FAR of 0.28 in APZ I & 0.56 in APZ II.
444	Retail trade - building materials, hardware and farm equipment	N	Y	Y	See Note 6 below
452	Retail trade (7)- shopping centers, home improvement store, discount club, electronics superstore	N	N	Y	See Note 7 below
452	Retail trade - regional mall (existing)	N	*	*	See Note 8 below. *Refer to Sect. 4.405C(5) for regulations.
445	Retail trade - food	N	N	Y	Max FAR of 0.24 in APZ II
441	Retail trade - automotive, marine craft, aircraft and accessories	N	Y	Y	Max FAR of 0.14 in APZ I & 0.28 in APZ II
448	Retail trade - apparel and accessories	N	N	Y	Max FAR 0.28 in APZ II
442	Retail trade - furniture, home, furnishings and equipment	N	N	Y	Max FAR 0.28 in APZ II
722	Retail trade - eating and drinking establishments	N	N	N	
45399	Other retail trade	N	N	Y	Max FAR of 0.16 in APZ II
	Services				
52	Finance, insurance and real estate services	N	N	Y	Max FAR of 0.22 for General Office/Office park in APZ II. See Note 9 below.
812	Personal services	N	N	Y	Office uses only. Max FAR of 0.22 in APZ II.
81222	Cemeteries	N	Y 10	Y 10	

5614	Business services (credit reporting, mail, stenographic, reproduction, advertising)	N	N	Y	Max FAR of 0.22 in APZ II
493	Warehousing and storage services	N	Y	Y	Max FAR 1.0 APZ I; 2.0 in APZ II
811	Repair services	N	Y	Y	Max FAR of 0.11 APZ I; 0.22 in APZ II
54, 62	Professional services/offices	N	N	Y	
622, 623	Hospitals, nursing homes/assisted living	N	N	N	
621999	Other medical facilities	N	N	N	See Note 11 below
23	Contract construction services	N	Y	Y	Max FAR of 0.11 APZ I; 0.22 in APZ II
92	Government services	N	N	Y	Max FAR of 0.24 in APZ II
61	Educational services	N	N	N	
	Miscellaneous	N	N	Y	Max FAR of 0.22 in APZ II
	Cultural, entertainment and recreational				
813	Cultural activities (and Religious Institutions)	N	N	N	
71219	Nature exhibits	N	Y 12	Y 12	
813	Public assembly	N	N	N	
71	Audiorium s, concert halls	N	N	N	
71	Outdoor music shells, amphitheaters	N	N	N	
7112	Outdoor sports arenas, spectator sports	N	N	N	
713	Amusements - fairgrounds, miniature golf, driving ranges, amusement parks, etc.	N	N	Y	
713	Recreational activities (include golf courses, riding stables, water recreation)	N	Y 12	Y 12	Max FAR of 0.11 APZ I; 0.22 in APZ II
7212	Resorts and group camps	N	N	N	
	Parks	N	Y 12	Y 12	Max FAR of 0.11 APZ I; 0.22 in APZ II
7139	Other cultural, entertainment and recreation	N	Y 9	Y 9	Max FAR of 0.11 APZ I; 0.22 in APZ II
	Resource Production and Extraction				
111	Agriculture (except livestock)	Y 4	Y 13	Y 13	
112	Livestock farming and breeding	N	Y 13,14	Y 13,14	
	Agriculture related activities	N	Y 13	Y 13	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
113	Forestry Activities 15	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
114	Fishing Activities 16	N 16	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
21	Mining Activities	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
212399	Other resource production or extraction	N	Y	Y	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
	Other				
	Undeveloped Land	Y	Y	Y	
	Water Areas	N 17	N 17	N 17	

KEYS TO TABLE 1

Based on Operational Navy Instruction "Air Installation Compatible Use Zone (AICUZ) Program" OPNAVINST 11010.36C Dated 9-Oct-2008

NAICS	North American Industry Classification System, US Dept. of Commerce, 2012
Y (Yes)	Land use and related structures are normally compatible without restriction.
N (No)	Land use and related structures are not normally compatible and should be prohibited
Y# (Yes with Restrictions)	The land use and related structures are generally compatible. However, see notes indicated by the number.
N# - (No with exceptions)	The land use and related structures are generally incompatible. However, see notes indicated by the number.
FAR - Floor Area Ratio	A floor area ratio is the ratio between the square feet of floor area of the building and the site area.
Du/Ac Dwelling Units Per Acre	This metric is customarily used to measure residential densities.

NOTES FOR TABLE 1

1. A "Yes or a "No" designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures. In order to assist installations and local governments, general suggestions as to floor/area ratios are provided as a guide to density, in some categories. In general, except with respect to an Existing Regional Mall site, land use restrictions which limit commercial, services, or industrial buildings or structure occupants to 25 per acre in APZ I, and 50 per acre in APZ II are the range of occupancy levels considered to be low density. Outside events should normally be limited to assemblies of not more than 25 people per acre in APZ I, and maximum assemblies of 50 people per acre in APZ II.

2. The suggested maximum density for detached single-family housing is one to two du/ac. In a Planned Development (PD) of single family detached units where clustered housing development results in large open areas, this density could possibly be increased provided the amount of surface area covered by structures does not exceed 20 percent of the PD total area. PD encourages clustered development that leaves large open areas.

3. Other factors to be considered: labor intensity, structural coverage, explosive characteristics, air pollution, electronic interference with aircraft, height of structures, and potential glare to pilots.

4. No structures (except airfield lighting), buildings or aboveground utility/communications lines should normally be located in Clear Zone areas on or off the installation. The Clear Zone is subject to severe restrictions.

5. No passenger terminals and no major above ground transmission lines in APZ I.

6. Maximum FARs for lumber yards are 0.20 in APZ I and 0.40 in APZ II. For hardware/paint and farm equipment stores, the maximum FARs are 0.12 in APZ I and 0.24 in APZ II.

7. A "shopping center" is an integrated group ofcommercial establishments that is planned, developed, owned, or managed as a unit. Shopping center types include strip, neighborhood, community, regional, and super regional facilities anchored by a supermarket, or drug store, discount retailer, department store, or several department stores. Shopping centers include retail businesses, personal services, storefront offices and storefront financial services. The following uses are prohibited: any type of residential including hotels, hospitals/nursing homes/assisted living, other medical facilities, educational services, call centers, concert halls, sports arenas, and religious institutions. Eating and drinking establishments are limited to 40% of the total gross floor square foot area of the shopping center. Included in this category are such uses as big box discount clubs, home improvement superstores, office supply superstores, and electronics superstores. The maximum recommended FAR should be applied to the gross leasable area of the shopping center rather than attempting to use the other recommended FARs listed in this table under retail or trade. FARs do not apply to existing shopping centers.

8. An "existing regional mall" site, inclusive of anchor stores, and including commercial redevelopment of the site, is a type of shopping center. An existing regional mall site may have the uses allowed in the Trade and Services sections, with Eating and Drinking establishments limited to 40% of the total existing square footage. Movie theaters are allowed up to 7% of the total existing square footage. Other medical facilities, excluding blood banks and surgery centers, are permitted up to a maximum of 25,000 s.f. within 400 feet of the eastern APZ boundary. The following uses are prohibited: any type of residential including hotels, hospitals/nursing homes/assisted living, day care (child or adult), kindergarten, elementary or secondary school, college or university, call centers, concert halls, sports arenas, and religious institutions. FARs do not apply to an existing regional mall site.

9. Low intensity office uses only. Accessory uses such as meeting places, auditoriums, etc. are not recommended.

10. No chapels are allowed within APZ I and APZ II.

11. "Other medical facilities" includes medical and dental clinics, blood banks, outpatient/ambulatory surgery centers, dialysis centers, and similar higher density and sensitive uses.

12. Facilities much be low intensity and provide no tot lots, etc. Facilities such as clubhouses, meeting places, auditoriums, large classes, etc. are not recommended.

13. Includes livestock grazing, but excludes feedlots and intensive animal husbandry. Activities that attract concentrations of birds creating a hazard to aircraft operation should be excluded.

14. Includes feedlots and intensive animal husbandry.

15. Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zones will be disposed of in accordance with appropriate DOD Natural Resources Instructions.

16. Controlled hunting and fishing may be permitted for the purpose of wildlife management.

17. Naturally occurring water features (e.g. rivers, lakes, streams, wetlands) are compatible.

D. Spinks Airport

1. Purpose and Intent.
   The City of Fort Worth has designated the Spinks Airport Overlay and Runway Protection Zone (AO and RPZ) in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of and near municipal airport environs and to prevent the impairment of municipal airports and the public investment therein.
2. Boundaries: The specific boundaries of the Spinks Airport Overlay and Runway Protection Zones are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.28. The Runway Protection Zones (RPZs) are as defined in the Airport Layout Plan for the airport.
3. Use Restrictions in Runway Protection Zones:
   b. Permitted uses shall be allowed in accordance with Table 2, attached and incorporated here into the Zoning Ordinance.
   c. Certain uses within Table 2 shall be prohibited within the RPZs. Prohibited uses include but are not limited to, new residences, schools, places of public assembly and outdoor recreation uses. Other prohibited uses include the manufacture of flammable or combustible liquids or materials, the generation of any substance that would impair visibility or otherwise interfere with the operation of aircraft including steam/dust/smoke; and uses that may encourage the congregation of birds or waterfowl increasing the chance of a bird strike including landfills.
   d. Above ground fuel storage facilities shall be permitted only in accordance with the Uniform Fire Code.
   e. All new nonresidential uses indicated on the table as “N” Not Compatible on Table 2 are considered prohibited.
4. Communications Facilities and Electrical Interference
   No use shall cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Proposals for the location of new or expanded radio, radio-telephone, television transmission facilities, electrical transmission lines and wind turbines shall be coordinated with the Federal Aviation Administration’s (FAA) Texas Airports Development Office prior to approval.
5. Outdoor Lighting
   No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. Control of outdoor lighting shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Lighting shall meet the following criteria:
   A. Criteria
      1. Lighting Arrangement – lighting arrangements that mimic runway lighting (i.e., long linear parallel rows of lighting) that could be confused with runway or taxiway lighting are not permitted.
      2. Illumination Levels – Lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City of Fort Worth.
      3. Lighting Fixture Design
         a. Fixtures shall be of a type and design appropriate to the lighting application.
         b. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall

meet IESNA Full-Cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the City of Fort Worth may approve the use of luminaires that are Fully Shielded or comply with IESNA cutoff criteria.

c. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be Fully Shielded and shall be installed and aimed so as to not project their output past the object being illuminated or skyward. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.

d. “Barn lights,” aka “dusk-to-dawn lights,” shall be shielded.

4. Billboards and Signs

a. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. The face of the sign or billboard and the illumination shall not exceed 30-vertical Footcandles during the hours of darkness.

b. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.

c. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

d. The use of highly reflective signage that creates nuisance glare or a safety hazard is not permitted.

5. Glare

No use shall cause glare by highly reflective materials, including but not limited to unpainted metal or reflective glass, on the exterior of structures located within airport approach and landing paths or on nearby lands where glare could impede a pilot's vision. Proposed solar arrays shall be coordinated with the FAA’s Texas Airports Development Office prior to approval. The control of glare shall meet the following criteria:

A. Criteria

1. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Glare surface suppressants that effectively reduce glare may also be utilized.

2. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to pilots or the safe operation of aircraft.

3. Directional fixtures such as floodlights and spotlights shall be shielded, installed and aimed that they do not project their output past the object being illuminated or skyward.

4. Except as permitted for certain recreational lighting, fixtures not meeting IESNA Full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade. Fixtures meeting IESNA Full-Cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.

5. Flag lighting sources shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.

7. Emissions

No use shall, as part of its regular operations, cause emissions of smoke, ash, vapor, gas, dust, steam or other emissions that could obscure visibility of pilots or conflict with airport operations.

8. Wildlife Attractants
   No use shall foster an increase in bird population and thereby increase the likelihood of a bird impact problem.
9. Waste Disposal Facilities
   No new waste disposal facilities shall be permitted with 10,000 feet of any airport unless approval is obtained from the FAA.

   Expansions of existing land disposal facilities within these distances shall be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the City of Fort Worth, Texas DOT and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result. (Ord. No. 21032, Eff. 11/30/13)

E. Meacham International Airport

1. Purpose and Intent.
   The City of Fort Worth has designated the Meacham International Airport Overlay and Runway Protection Zone (AO and RPZ) in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of and near municipal airport environs and to prevent the impairment of municipal airports and the public investment therein.
2. Boundaries: The specific boundaries of the Meacham Airport Overlay and Runway Protection Zones are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.29. The Runway Protection Zones (RPZs) are as defined in the Airport Layout Plan for the airport.
3. Use Restrictions in Runway Protection Zones:
   a. Permitted uses shall be allowed in accordance with Table 2, attached and incorporated here into the Zoning Ordinance.
   b. Certain uses within Table 2 shall be prohibited within the RPZs. Prohibited uses include but are not limited to, new residences, schools, places of public assembly and outdoor recreation uses. Other prohibited uses include the manufacture of flammable or combustible liquids or materials, the generation of any substance that would impair visibility or otherwise interfere with the operation of aircraft including steam/dust/smoke; and uses that may encourage the congregation of birds or waterfowl increasing the chance of a bird strike including landfills.
   c. Above ground fuel storage facilities shall be permitted only in accordance with the Uniform Fire Code.
   d. All new nonresidential uses indicated on the table as “N” Not Compatible on Table 2 are considered prohibited.
4. Communications Facilities and Electrical Interference
   No use shall cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Proposals for the location of new or expanded radio, radio-telephone, television transmission facilities, electrical transmission lines and wind turbines shall be coordinated with the Federal Aviation Administration’s (FAA) Texas Airports Development Office prior to approval.
5. Outdoor Lighting
   No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. Control of outdoor lighting shall be achieved primarily through the use of such means as cutoff fixtures, shields and

baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Lighting shall meet the following criteria:

1. Criteria
    1. Lighting Arrangement – lighting arrangements that mimic runway lighting (i.e.), long linear parallel rows of lighting) that could be confused with runway or taxiway lighting are not permitted.
    2. Illumination Levels – Lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City of Fort Worth.
    3. Lighting Fixture Design
        a. Fixtures shall be of a type and design appropriate to the lighting application.
        b. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA Full-Cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the City of Fort Worth may approve the use of luminaires that are Fully Shielded or comply with IESNA cutoff criteria.
        c. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be Fully Shielded and shall be installed and aimed so as to not project their output past the object being illuminated or skyward. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.
        d. “Barn lights,” aka “dusk-to-dawn lights,” shall be shielded.
    4. Billboards and Signs
        a. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. The face of the sign or billboard and the illumination shall not exceed 30-vertical Footcandles during the hours of darkness.
        b. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
        c. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
        d. The use of highly reflective signage that creates nuisance glare or a safety hazard is not permitted.
    6. Glare

        No use shall cause glare by highly reflective materials, including but not limited to unpainted metal or reflective glass, on the exterior of structures located within airport approach and landing paths or on nearby lands where glare could impede a pilot's vision. Proposed solar arrays shall be coordinated with the FAA’s Texas Airports Development Office prior to approval. The control of glare shall meet the following criteria:

A. Criteria
    1. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the

use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Glare surface suppressants that effectively reduce glare may also be utilized.

2. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to pilots or the safe operation of aircraft.
3. Directional fixtures such as floodlights and spotlights shall be shielded, installed and aimed that they do not project their output past the object being illuminated or skyward.
4. Except as permitted for certain recreational lighting, fixtures not meeting IESNA Full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade. Fixtures meeting IESNA Full-Cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.
5. Flag lighting sources shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.
6. Emissions
   No use shall, as part of its regular operations, cause emissions of smoke, ash, vapor, gas, dust, steam or other emissions that could obscure visibility of pilots or conflict with airport operations.
7. Wildlife Attractants
   No use shall foster an increase in bird population and thereby increase the likelihood of a bird impact problem.
8. Waste Disposal Facilities
   No new waste disposal facilities shall be permitted with 10,000 feet of any airport unless approval is obtained from the FAA.
   Expansions of existing land disposal facilities within these distances shall be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the City of Fort Worth, Texas DOT and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result. (Ord. No. 21046, Eff. 12/31/13)

F. Dallas/Fort Worth International Airport

1. Purpose and Intent.
   The City of Fort Worth has designated the Dallas/Fort Worth International Airport Overlay (AO) in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of and near municipal airport environs and to prevent the impairment of municipal airports and the public investment therein.
2. Boundaries: The specific boundary of the Dallas/Fort Worth International Airport
   Overlay is shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.30.
3. Communications Facilities and Electrical Interference
   No use shall cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Proposals for the location of new or expanded radio, radio-telephone, television transmission facilities, electrical transmission lines and wind turbines shall be coordinated with the Federal Aviation Administration's (FAA) Texas Airports Development Office prior to approval.
4. Outdoor Lighting
   No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. Control of outdoor lighting shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Lighting shall meet the following criteria:

A. Criteria
   6. Lighting Arrangement – lighting arrangements that mimic runway lighting (i.e., long linear parallel rows of lighting) that could be confused with runway or taxiway lighting are not permitted.
   7. Illumination Levels – Lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City of Fort Worth.
   8. Lighting Fixture Design
      a. Fixtures shall be of a type and design appropriate to the lighting application.
      b. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA Full-Cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the City of Fort Worth may approve the use of luminaires that are Fully Shielded or comply with IESNA cutoff criteria.
      c. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be Fully Shielded and shall be installed and aimed so as to not project their output past the object being illuminated or skyward. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.
      d. “Barn lights,” aka “dusk-to-dawn lights,” shall be shielded.
   4. Billboards and Signs
      a. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. The face of the sign or billboard and the illumination shall not exceed 30-vertical Footcandles during the hours of darkness.
      b. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
      c. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
      d. The use of highly reflective signage that creates nuisance glare or a safety hazard is not permitted.
   5. Glare
      No use shall cause glare by highly reflective materials, including but not limited to unpainted metal or reflective glass, on the exterior of structures located within airport approach and landing paths or on nearby lands where glare could impede a pilot's vision. Proposed solar arrays shall be coordinated with the FAA’s Texas Airports Development Office prior to approval. The control of glare shall meet the following criteria:

A. Criteria
   1. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture

placement. Glare surface suppressants that effectively reduce glare may also be utilized.

2. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to pilots or the safe operation of aircraft.
3. Directional fixtures such as floodlights and spotlights shall be shielded, installed and aimed that they do not project their output past the object being illuminated or skyward.
4. Except as permitted for certain recreational lighting, fixtures not meeting IESNA Full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade. Fixtures meeting IESNA Full-Cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.
5. Flag lighting sources shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.
6. Emissions
   No use shall, as part of its regular operations, cause emissions of smoke, ash, vapor, gas, dust, steam or other emissions that could obscure visibility of pilots or conflict with airport operations.
7. Wildlife Attractants
   No use shall foster an increase in bird population and thereby increase the likelihood of a bird impact problem.
8. Waste Disposal Facilities
   No new waste disposal facilities shall be permitted with 10,000 feet of any airport unless approval is obtained from the FAA.
   Expansions of existing land disposal facilities within these distances shall be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the City of Fort Worth, Texas DOT and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result. (Ord. No. 21147, Eff. 03/29/14)

TABLE 2

TABLE 2 - LAND USE COMPATIBILITY IN RUNWAY PROTECTION ZONES

Revised 10/29/13

2012 NAICS NO.	LAND USE NAME	PERMITTED USE	Density Guidelines
	Residential		
	Household Units		
236115	Single units: detached (new)	N	
2361	Single units: semidetached	N	
2361	Single units: attached row	N	
2361	Two units: side-by-side	N	
2361	Two units: one above the other	N	
236116	Apartments: walk-up	N	
236116	Apartment: elevator	N	
7213	Group quarters	N	
7211	Residential Hotels	N	
	Mobile home parks or courts	N	
7211	Transient lodgings	N	
	Other residential	N	
	Manufacturing		
311	Food & kindred products; manufacturing	Y	Max FAR 0.56
313, 314	Textile mill products; manufacturing	Y	Max FAR 0.56
315, 316	Apparel and other finished products: products made from fabrics, leather and similar materials; manufacturing	N	
321	Lumber and wood products (except furniture); manufacturing	Y	Max FAR of 0.28
337	Furniture and fixtures; manufacturing	Y	Max FAR of 0.28
322, 323	Paper and allied products; manufacturing	Y	Max FAR of 0.28
511	Printing, publishing, and allied industries	Y	Max FAR of 0.28
325	Chemicals and allied products; manufacturing	N	
32411	Petroleum refining and related industries	N	
3252	Rubber and misc. plastic products; manufacturing	N	
327991, 3271, 3272	Stone, clay and glass products; manufacturing	Y	Max FAR 0.56
331	Primary metal products; manufacturing	Y	Max FAR 0.56
332	Fabricated metal products; manufacturing	Y	Max FAR 0.56
3333	Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	N	
339	Miscellaneous manufacturing	Y	Max FAR of 0.28
	Transportation, communication and utilities		
482, 485	Railroad, rapid rail transit, and street railway transportation	Y	Max FAR of 0.28; See Note 3 below
485	Motor vehicle transportation	Y	Max FAR of 0.28; See Note 3 below
481	Aircraft transportation	Y	Max FAR of 0.28; See Note 3 below
483	Marine craft transportation	Y	Max FAR of 0.28; See Note 3 below
485	Highway and street right-of-way	Y	Max FAR of 0.28; See Note 3 below
81293	Automobile parking	Y	Max FAR of 0.28; See Note 3 below
517	Communication	Y	Max FAR of 0.28; See Note 3 below
22	Utilities	Y	Max FAR of 0.28; See Note 3 below
562	Solid waste disposal (landfills, incineration, etc.)	N	
	Other transportation, communication and utilities	Y	See Note 5 below
	Trade		
42	Wholesale trade	Y	Max FAR of 0.28
444	Retail trade - building materials, hardware and farm equipment	Y	See Note 6 below
452	Retail trade (7)- shopping centers, home improvement store, discount club, electronics superstore	Y	See Note 7 below
445	Retail trade - food	Y	Max FAR of 0.24
441	Retail trade - automotive, marine craft, aircraft and accessories	Y	Max FAR of 0.14
448	Retail trade - apparel and accessories	Y	Max FAR 0.28

442	Retail trade - furniture, home, furnishings and equipment	Y	Max FAR 0.28
722	Retail trade - eating and drinking establishments	N	
45399	Other retail trade	Y	Max FAR of 0.16
	Services		
52	Finance, insurance and real estate services	Y	Max FAR of 0.22 for General Office/Office park See Note 8 below.
812	Personal services	Y	Office uses only. Max FAR of 0.22
81222	Cemeteries	Y 9	
5614	Business services (credit reporting, mail, stenographic, reproduction, advertising)	Y	Max FAR of 0.22
493	Warehousing and storage services	Y	Max FAR 1.0
811	Repair Services	Y	Max FAR of 0.11
54, 62	Professional services/offices	Y	
622, 623	Hospitals, nursing homes/assisted living	N	
621999	Other medical facilities	N	
23	Contract construction services	Y	Max FAR of 0.11
92	Government services	Y	Max FAR of 0.24
61	Educational services	N	
	Miscellaneous	Y	Max FAR of 0.22
	Cultural, entertainment and recreational		
813	Cultural activities (and Religious Institutions)	N	
71219	Nature exhibits	Y 10	
813	Public assembly	N	
71	Audioriums, concert halls	N	
71	Outdoor music shells, amphitheaters	N	
7112	Outdoor sports arenas, spectator sports	N	
713	Amusements - fairgrounds, miniature golf, driving ranges, amusement parks, etc.	Y	
713	Recreational activities (include golf courses, riding stables, water recreation)	Y 10	Max FAR of 0.11
7212	Resorts and group camps	N	
	Parks	Y 10	Max FAR of 0.11
7139	Other cultural, entertainment and recreation	Y 8	Max FAR of 0.11
	Resource Production and Extraction		
111	Agriculture (except livestock)	Y 11	
112	Livestock farming and breeding	Y 11,12	
	Agriculture related activities	Y 11	Max FAR of 0.28; no activity which produces smoke, glare, or involves explosives
113	Forestry Activities 13	Y	Max FAR of 0.28; no activity which produces smoke, glare, or involves explosives
114	Fishing Activities 14	Y	Max FAR of 0.28; no activity which produces smoke, glare, or involves explosives
21	Mining Activities	Y	Max FAR of 0.28; no activity which produces smoke, glare, or involves explosives
212399	Other resource production or extraction	Y	Max FAR of 0.28; no activity which produces smoke, glare, or involves explosives
	Other		
	Undeveloped Land	Y	
	Water Areas	N 15	

Based on Operational Navy Instruction "Air Installation Compatible Use Zone (AICUZ) Program" OPNAVINST 11010.36C Dated 9-Oct-2008

KEYS TO TABLE 2

NAICS North American Industry Classification System, US Dept. of Commerce, 2012
Y (Yes) Land use and related structures are normally compatible without restriction
N (No) Land use and related structures are not normally compatible and should be prohibited

Y# (Yes with Restrictions)
N# - (No with exceptions)
FAR - Floor Area Ratio
Du/Ac Dwelling Units Per Acre

NOTES FOR TABLE 2

1. A "Yes or a "No" designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures. In order to assist installations and local governments, general suggestions as to floor/area ratios are provided as a guide to density, in some categories. In general, land use restrictions which limit commercial, services, or industrial buildings or structure occupants to 25 per acre is the range of occupancy levels considered to be low density. Outside events should normally be limited to assemblies of not more than 25 people per acre.

2. The suggested maximum density for detached single-family housing is one to two du/ac. In a Planned Development (PD) of single family detached units where clustered housing development results in large open areas, this density could possibly be increased provided the amount of surface area covered by structures does not exceed 20 percent of the PD total area. PD encourages clustered development that leaves large open areas

3. Other factors to be considered: labor intensity, structural coverage, explosive characteristics, air pollution, electronic interference with aircraft, height of structures, and potential glare to pilots

4. No structures (except airfield lighting), buildings or aboveground utility/communications lines should normally be located in Clear Zone areas on or off the installation. The Clear Zone is subject to severe restrictions.

5. No passenger terminals and no major above ground transmission lines

6. Maximum FARs for lumber yards are 0.20. For hardware/paint and farm equipment stores, the maximum FARs are 0.12

7. A shopping center is an integrated group of commercial establishments that is planned, developed, owned, or managed as a unit. Shopping center types include strip, neighborhood, community, regional, and super regional facilities anchored by a supermarket, or drug store, discount retailer, department store, or several department stores. The following uses are prohibited: any type of residential including hotels, hospitals/nursing homes/assisted living, other medical facilities, educational services, call centers, concert halls, sports arenas, and religious institutions. Included in this category are such uses as big box discount clubs, home improvement superstores, office supply superstores, and electronics superstores. The maximum recommended FAR should be applied to the gross leasable area of the shopping center rather than attempting to use the other recommended FARs listed in this table under retail or trade.

8. Low intensity office uses only. Accessory uses such as meeting places, auditoriums, etc. are not recommended

9. No chapels are allowed.

10. Facilities much be low intensity and provide no tot lots, etc. Facilities such as clubhouses, meeting places, auditoriums, large classes, etc. are not recommended.

11. Includes livestock grazing, but excludes feedlots and intensive animal husbandry. Activities that attract concentrations of birds creating a hazard to aircraft operation should be excluded.

12. Includes feedlots and intensive animal husbandry.

13. Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zones will be disposed of in accordance with appropriate DOD Natural Resources Instructions.

14. Controlled hunting and fishing may be permitted for the purpose of wildlife management.

15. Naturally occurring water features (e.g. rivers, lakes, streams, wetlands) are compatible

G. Fort Worth Alliance Airport

1. Purpose and Intent.
   The City of Fort Worth has designated the Fort Worth Alliance Airport Overlay (AO) in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of and near municipal airport environs and to prevent the impairment of municipal airports and the public investment therein.
2. Boundaries: The specific boundary of the Fort Worth Alliance Airport Overlay is shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.31 and located in Appendix B of the Zoning Ordinance.
3. Communications Facilities and Electrical Interference
   No use shall cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft. Proposals for the location of new or expanded radio, radio-telephone, television transmission facilities, electrical transmission lines and wind turbines shall be coordinated with the Federal Aviation Administration's (FAA) Texas Airports Development Office prior to approval.
4. Outdoor Lighting
   No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. Control of outdoor lighting shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Lighting shall meet the following criteria:
   A. Criteria
      i. Lighting Arrangement – lighting arrangements that mimic runway lighting (i.e., long linear parallel rows of lighting) that could be confused with runway or taxiway lighting are not permitted.
      ii. Illumination Levels – Lighting shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the City of Fort Worth.
      iii. Lighting Fixture Design
         1. Fixtures shall be of a type and design appropriate to the lighting application.
         2. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA Full-Cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the City of Fort Worth may approve the use of luminaires that are Fully Shielded or comply with IESNA cutoff criteria.
         3. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be Fully Shielded and shall be installed and aimed so as to not project their output past the object being illuminated or skyward. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-

watt incandescent lamp, are exempt from the requirements of this paragraph.

4. "Barn lights," aka "dusk-to-dawn lights," shall be shielded.

iv. Billboards and Signs

1. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. The face of the sign or billboard and the illumination shall not exceed 30-vertical Footcandles during the hours of darkness.
2. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
3. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
4. The use of highly reflective signage that creates nuisance glare or a safety hazard is not permitted.

5. Glare

No use shall cause glare by highly reflective materials, including but not limited to unpainted metal or reflective glass, on the exterior of structures located within airport approach and landing paths or on nearby lands where glare could impede a pilot's vision. Proposed solar arrays shall be coordinated with the FAA's Texas Airports Development Office prior to approval. The control of glare shall meet the following criteria:

A. Criteria

i. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Glare surface suppressants that effectively reduce glare may also be utilized.

ii. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to pilots or the safe operation of aircraft.

iii. Directional fixtures such as floodlights and spotlights shall be shielded, installed and aimed that they do not project their output past the object being illuminated or skyward.

iv. Except as permitted for certain recreational lighting, fixtures not meeting IESNA Full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade. Fixtures meeting IESNA Full-Cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.

v. Flag lighting sources shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.

6. Emissions

No use shall, as part of its regular operations, cause emissions of smoke, ash, vapor, gas, dust, steam or other emissions that could obscure visibility of pilots or conflict with airport operations.

7. Wildlife Attractants

No use shall foster an increase in bird population and thereby increase the likelihood of a bird impact problem.

8. Waste Disposal Facilities

No new waste disposal facilities shall be permitted with 10,000 feet of any airport unless approval is obtained from the FAA.

Expansions of existing land disposal facilities within these distances shall be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the City of Fort Worth, Texas DOT and

the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

9. Compatible Land Use Regulations

a. All uses from time to time permitted by any underlying zoning classifications shall be permitted except the following uses which are prohibited.

i. All residential uses; provided, however, residential uses that are incidental to or ancillary to the operation of the airport or to the conduct of the aviation-related activities, including for example and without limitation, crew rest quarters and temporary housing for aviation trainees permitted by this division, shall be permitted.

ii. New Kindergarten through 12th grade educational uses and child care facilities. *This limitation shall not include existing public or private school campuses and shall not limit the ability of such campuses to add or expand building onto existing school campus property as of the date of this ordinance.* All other educational uses, including without limitation, colleges and universities, including courses offered by colleges and universities which serve as credit for both college degree programs and high school graduation, facilities for employee and client training, schools for flight instruction and vocational schools shall be permitted.

iii. Hospitals; nursing homes, institutions or any other facilities providing convalescent or rehabilitative care; establishments for the care, treatment or rehabilitation of alcoholic, narcotic or psychiatric patients; residence homes for the aged including assisted living and nursing homes; and institutions, homes or rehabilitation centers for persons convicted of crimes. Provided, however, medical, dental or optical clinics for the examination, consultation or treatment of patients, medical laboratories, establishments for the sale or rental of or industrial facilities for the manufacture of medical or optical supplies and equipment, pharmacies, veterinarian clinics and related facilities, emergency medical facilities operated by or in conjunction with the airport shall be permitted.

b. Heliports, helistops and any other facilities for the landing and taking off of helicopters shall be permitted as a matter of right in the overlay; provided, however, no heliport, helistop or other facility for the landing and taking off of helicopters shall be located within one thousand (1,000) feet of any church, library or public park. The City Council may, however, approve the location of a heliport, helistop or other facility for the landing and taking off of helicopters that is less than one thousand (1,000) feet from any church, library or public park. (Ord. No. 21207, Eff. 05/26/14)

4.406. TCU Residential ("TCU") Overlay District

A. Purpose and Intent

The purpose of the TCU Residential Overlay District is to facilitate preservation of existing single-family residential neighborhoods by establishing limitations and special requirements on property uses within the area that are inconsistent with the underlying zoning and original construction thereof by providing a mechanism for making such inconsistent uses compatible.

B. Applicability

The requirements set forth in this section shall only apply to one-family zoned property located within the boundaries of the TCU Residential Overlay District**.** These requirements should be applicable in addition to any other requirement set forth in the Zoning Ordinance or any other section of the Fort Worth City Code. Should a requirement set forth in this section conflict with another requirement set forth in the zoning ordinance, the requirement set forth in this section shall, unless otherwise provided, supersede the zoning requirement to the extent of such inconsistency.

C. Boundaries

The specific boundaries of the TCU Residential Overlay District are shown on the official zoning map maintained by the City and depicted and attached as Exhibit B.32**.**

D. Zoning classification

1. TCU Residential Overlay District. The TCU Residential Overlay District is designed as an overlay to the base zoning district. Property located within the zoning overlay must also be designated as being within one of the base zoning districts. Permitted uses must be allowed in both the base zoning district and the overlay district and must comply with height, yard, area and parking requirements of the base zoning district.

2. Zoning designation. The zoning designation of the property located within the TCU Residential Overlay District shall consist of the base zoning symbol and the overlay symbol as a suffix. For example, if a parcel is zoned "A-5" and is also located in the TCU Residential Overlay District, the zoning of the parcel would be "A-5/TCU."

E. Use Restrictions

No more than three unrelated persons may occupy a single dwelling unit in the TCU Residential Overlay District unless the owner has registered as a nonconforming use by March 31, 2015. When counting the number of unrelated persons in a single dwelling unit, persons related by blood, marriage or adoption shall count as one unrelated person, provided all other persons shall each count as one unrelated person.

F. Discontinuance of Nonconforming Use

A residential nonconforming use in the TCU Residential Overlay District, when discontinued or abandoned, shall not be resumed. Discontinuance or abandonment shall be defined as when a building ceases to be occupied in a bona fide manner as a nonconforming use for a period of twenty-four (24) consecutive calendar months; provided, however, use of a building by persons related by blood, marriage or adoption for up to a twenty-four month period of time shall not affect the nonconforming status of the building. All other sections of Chapter 7, "Nonconformities" shall apply.

G. Procedure for Registering as Nonconforming

Owners of a building located within TCU Residential Overlay District being occupied by four or five unrelated persons, or issued a building permit as of the effective day of this ordinance, may continue such use by registering as a nonconforming use on or before March 31, 2015. Application for registering as a nonconforming use shall be made by submitting to the Planning and Development Department a completed application on a form approved for such purpose by the Planning and Development Director. Registration as a nonconforming use shall limit occupancy to the demonstrated preexisting density not to exceed five unrelated persons. Failure to register as a nonconforming use with the Planning and Development Department shall result in failure to obtain nonconforming use status. (Ord. No. 21547, Eff. 12/02/14)