



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
November 12, 2013

Council District ALL

Zoning Commission Recommendation:

Approval by a vote of 9-0

Opposition: none

Continued	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Case Manager	<u>Jocelyn Murphy</u>	
Surplus	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Council Initiated	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Owner / Applicant: City of Fort Worth Planning and Development Department

Site Location: Citywide Mapsco: N/A

Proposed Use: An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend:

- Section 4.405 "Airport/Airfield Overlay" ("AO") District Of Article 4 "Overlay Districts", Of Chapter 4, "District Regulations" to add a new section, Section 4.405D, "Spinks Municipal Airport"; providing regulations for Airport/Airfield Overlay Zones ("AO") and Runway Protection Zone ("AO-RPZ") Restrictions for incompatible uses within Runway Protection Zones for Spinks Municipal Airport; and
- To revise Chapter 9, "Definitions" to add definitions related to airports

To review the proposed amendments:

<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Request: TEXT AMENDMENT: AIRPORT OVERLAY AND RUNWAY PROTECTION ZONES: SPINKS MUNICIPAL AIRPORT

Background:

The Spinks Airport Overlay is the first one for the municipal airports. Future zoning cases will be presented for the remaining municipal airports: Meacham, Dallas/Fort Worth International, and Alliance. An Overlay for the Naval Air Station Fort Worth, Joint Reserve Base (NASFWJRB) will also be forthcoming. The City Council authorized proceeding with the overlays in Resolution 4244-09-2013 on September 17, 2013.

The purpose of the Overlays is to protect the operation and the public investment in the airports. The Overlay will help identify and reduce nuisances that can include any use, activity or structure that may be a hazard to the taking off, landing, and maneuvering of aircraft. It will allow for additional review of the proposed installation of towers or other communications equipment that could interfere with visual radar, radio, or other systems for tracking, monitoring or controlling aircraft. It is intended that the same set of regulations will apply to each municipal airport.

The proposed items to be controlled include communications and electrical interference, lighting, glare, emissions, wildlife attractants, and waste disposal facilities. These are all very typical items to be included and identified within airport overlays. More detailed regulations are provided for lighting and glare to ensure clear implementation of these items.

New regulations are intended to protect areas around each airport that generally follow the 65 DNL (noise level measurement). These boundaries have been identified using points on the ground including street right-of-way lines and intersections and property boundaries to ensure that the boundaries of the overlay are easily identified. Surveys have been completed for each overlay.

The Airport Overlays will not control land uses other than the specific uses identified as nuisances. The underlying zoning will continue to regulate the appropriate uses in an area. The Overlays are intended to provide additional regulations for properties that are in proximity to an airfield and therefore have the potential to influence the pilots' experiences either during take-off or landing.

Municipal airports have small areas at the end of each runway called Runway Protection Zones (RPZ). Similar to recent regulations created to protect the runways of the NASFWJRB known as Compatible Use Zones (CUZ), use regulations will be established in these smaller zones. In almost all cases, the RPZs include property fully within the boundaries of the airport and therefore owned and controlled by the city.

Attachments: Proposed Ordinance
Minutes from Zoning Commission Meeting

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING SECTION 4.405 "AIRPORT/AIRFIELD OVERLAY" ("AO") DISTRICT OF ARTICLE 4 "OVERLAY DISTRICTS", OF CHAPTER 4, "DISTRICT REGULATIONS" TO ADD A NEW SECTION, SECTION 4.405D, "SPINKS MUNICIPAL AIRPORT"; PROVIDING REGULATIONS FOR AIRPORT/AIRFIELD OVERLAY ZONES ("AO") AND RUNWAY PROTECTION ZONE ("AO-RPZ") RESTRICTIONS FOR INCOMPATIBLE USES WITHIN RUNWAY PROTECTION ZONES FOR SPINKS MUNICIPAL AIRPORT; AND TO REVISE CHAPTER 9, "DEFINITIONS" TO ADD DEFINITIONS RELATED TO AIRPORTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Spinks Airport, a municipal general aviation airport, is an economic generator and fulfills an essential community purpose; and

WHEREAS, the creation or establishment of land uses or airport hazards that are not compatible with the operations of an airfield is a public nuisance, injures the region served by the airports, and affects the welfare of users of the airports and of owners, occupants, and users of land in the vicinity of the airports;

WHEREAS, these nuisances can include any use, activity or structure that may be a hazard to the taking off, landing, and maneuvering of aircraft or that interfere with visual radar, radio, or other systems for tracking, acquiring data relating to, monitoring or controlling aircraft or that may be sensitive to the noise level and vibrations that are typical in the vicinity of an operative airfield, and which may result in community conflict, reduced quality of life, and possibly impair the utility of the airport and the public investment in the airports; and

WHEREAS, it is necessary in the interest of the health, safety, and welfare of the general public as well as the economic stability of the region that the creation or establishment of incompatible land uses and airport hazards be prevented; and

WHEREAS, it is necessary in the interest of predictable growth and development of land in the vicinity of the airports, the long term integrity of the airports' usage and operations, and

minimizing future conflicts between operation of the airports and development of land in the vicinity of the airports that the creation or establishment of incompatible land uses and hazards be prevented; and

WHEREAS, the creation of an airport hazard or incompatible use should be prevented to the extent legally possible, by the exercise of police power without compensation; and

WHEREAS, it is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, and the marking and lighting of obstructions are public purposes for which a political subdivisions may raise and expend public funds and acquire interests in land.

WHEREAS, pursuant to Chapter 241 of the Texas Local Government code it is advisable to adopt regulations necessary to protect Runway Protection Zones (RPZ) at the ends of the runways for the municipal airports from uses and hazards that could prove detrimental to the operation and safety of the airfield and its vicinity; and

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

SECTION 1.

Section 4.405 "Airport/Airfield Overlay" ("AO") District, of Article 4, "Overlay Districts" of Chapter 4 "District Regulations" is amended to add a new section, Section 4.405.D. "Spinks Airport", to provide development standards and guidelines for Spinks Municipal Airport to read as follows:

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:

**Recommended for Approval by
the Zoning Commission 10-9-2013**

- 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:
- 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

**Recommended for Approval by
the Zoning Commission 10-9-2013**

- 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.

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 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

**Recommended for Approval by
the Zoning Commission 10-9-2013**

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.

SECTION 2.

Chapter 9 “Definitions” of Ordinance No. 13896, of the Zoning Ordinance is hereby amended to read as follows:

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Footcandle – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

Full Cutoff – Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp’s intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture.

Fully Shielded – Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

Glare – Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

Illuminance – Quantity of light, measured in Footcandles.

Lumen – the light-output rating of a lamp (light bulb).

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are

in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in

court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 8.

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

SECTION 9.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

Mary J. Kayser, City Secretary

ADOPTED: _____

EFFECTIVE: _____

and they are still working on it. He also noted there is a curb cut there now and believes they would be able to get the approach. Mr. Schell mentioned if they seek to replat the property first then the development agreement goes away. Mr. Flores also asked about the comment made in reference to the Comprehensive Plan and the three detention ponds. Mr. Schell said the "C" district would allow for 18 units per acre. The size of the units would eliminate the maximum density.

Jeff Longspaugh, 6954 Boat Club Road, Fort Worth, Texas spoke in opposition. He mentioned that was the building for their plumbing business. He is concerned about the traffic that may be generated. Mr. Longspaugh said there needs to be better access for the multifamily.

Mr. West asked how he gets in and out of his property. Mr. Longspaugh said there is a signal light at his approach to get in and out.

Motion: Following brief discussion, Mr. Florez recommended a denial without prejudice of the request, seconded by Ms. Conlin. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-13-131	
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Jeff Longspaugh	6954 Boat Club Rd	In		Opposition	Spoke at hearing

4. ZC-13-136 City of Fort Worth Planning & Development Text Amendment: Create Airport Overlay for Spinks Airport (CD All) An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), by amending:

- **Section 4.405 "Airport/Airfield Overlay" ("AO") District of Article 4 "Overlay Districts", of Chapter 4, "District Regulations" to add a new section, Section 4.405.D, "Spinks Municipal Airport", providing regulations for Airport/Airfield Overlay Zones ("AO") and Runway protection Zone ("AO-RPZ") Restrictions for incompatible uses within Runway Protection Zones for Spinks Municipal Airport; and**
- **To revise Chapter 9, "Definitions" to add definitions related to airports**

Jocelyn Murphy, Planning Manager, City of Fort Worth explained to the Commissioners the change to the text amendment. She said the overlays will not control land use; they are intended to protect the airport and the pilots' views of the airport as they are coming in, and regulating lighting, glare, water and landfill uses that attract birds.

Aaron Barth, Airport Manager, City of Fort Worth representing Spinks Airport spoke in support.

Motion: Following brief discussion, Ms. Reed recommended approval of the request, seconded by Mr. Edmonds. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-13-136
Name	Address	In/Out	Position on case	Summary

		300 notification area	ft		
Aaron Barth/ Airport Manager	Spinks Airport	In		Support	Spoke at hearing
John Wandel/ Phoenix Industrial Park	1120 E Rendon Crowley Rd	In		Opposition	Sent letter in

5. ZC-13-138 City of Fort Worth Planning & Development (CD 6) – Map Amendment Airport Overlay District and Runway Protection Zones for Spinks Airport (See addresses in case file, 0.00 Acres): from “AG” Agricultural, “A-21” One-Family, “A-5” One-Family, “E” Neighborhood Commercial, “I” Light Industrial, and “K” Heavy Industrial to add Airport Overlay/Runway Protection Zone Overlay Districts

Jocelyn Murphy, Planning Manager, City of Fort Worth explained to the Commissioners the change to the map amendment.

Motion: Following brief discussion, Ms. Reed recommended approval of the request, seconded by Mr. Edmonds. The motion carried unanimously 9-0.

IV. New Cases

6. ZC-13-139 Varrichio Properties LLC (CD 6) – 12415 Oak Grove Road S. (Hiram Little Survey, Abstract 930, 64.16 Acres): from Unzoned to “A-5” One-Family

Bill Boomer, 6610 Bryant Irvin Road, Fort Worth, Texas representing Varrichio Properties LLC explained to the Commissioners they are proposing single-family development.

Motion: Following brief discussion, Mr. Hollis recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				<i>ZC-13-139</i>	
Name	Address	In/Out 300 notification area	ft	Position on case	Summary
Martin & Kay Rechnitzer	12424 Oak Grove Rd S	Out		Opposition	Sent letter in

7. ZC-13-140 Jose L. Portillo (CD 9) 4217-4221 Hemphill Street (Southside Addition, Blocks 5, Lots 16, 17, 18, 19, 0.42 Acres): from “FR” General Commercial Restricted to “E” Neighborhood Commercial

Jose Portillo, Jr., 4221 Hemphill Street, Fort Worth, Texas property owner explained to the Commissioners they are trying to obtain a beer license for his restaurant.

Mr. Genua asked if a restaurant is there currently. Mr. Portillo said yes there is but the zoning is FR.