



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
June 3, 2014

Council District ALL

Zoning Commission Recommendation:
Approval by a vote of 9-0

Opposition: None submitted
Support: None submitted

Continued Yes ___ No X
Case Manager Jocelyn Murphy
Surplus Yes ___ No X
Council Initiated Yes ___ No X

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:

- Article 4 "Signs" of Chapter 6, "Development Standards" Amending Section 6.402 "Scenic Preservation Areas and Corridors" to add the Chisholm Trail Parkway to Scenic Preservation Corridors Established; and
- Delete Reference to SH 121 from Future Scenic Corridors

To review the proposed amendments:
<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Request: **TEXT AMENDMENT: CHISHOLM TRAIL PARKWAY SCENIC CORRIDOR**

Background: On August 15, 1996 the Fort Worth City Council approved an ordinance which designated areas of the City of Fort Worth as scenic, cultural, architectural and historic areas wherein the location, erection and maintenance of off-premise signs is prohibited. The designation of certain areas prohibited the location, erection and maintenance of off-premise (billboard) signs serves to protect natural surroundings, preserve views of the downtown area and areas of cultural, architectural and historic significance, protect neighborhood character, reduce blight and visual distraction and promote traffic safety.

Part of the language of this ordinance identified future scenic corridors where off premise signs would also be prohibited. The alignment of SH 121 was one of those to be designated as a scenic preservation corridor upon determination of the final alignment of the highway.

SH 121 (Chisholm Trail Parkway) opened in May 2014 and it is staff's recommendation to designate the Chisholm Trail Parkway as a freeway scenic corridor.

Attachments: Proposed Ordinance
Minutes of the Zoning Commission

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, TO AMEND ARTICLE 4 "SIGNS" OF CHAPTER 6, "DEVELOPMENT STANDARDS" AMENDING SECTION 6.402 "SCENIC PRESERVATION AREAS AND CORRIDORS" TO ADD THE CHISHOLM TRAIL PARKWAY TO SCENIC PRESERVATION CORRIDORS ESTABLISHED; AND DELETE REFERENCE TO SH 121 FROM FUTURE SCENIC CORRIDORS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the designation of certain areas as scenic, cultural, architectural and historic areas in which the location, erection and maintenance of off-premise (billboard) signs are prohibited will serve to protect natural surroundings, preserve views of the downtown area and areas of cultural, architectural and historic significance, protect neighborhood character, reduce blight and visual distraction and promote traffic safety; and

WHEREAS, on August 15, 1996 the Fort Worth City Council approved Ordinance No. 12088 which designated areas of the City of Fort Worth as scenic, cultural or architectural areas wherein the location, erection and maintenance of off-premise signs is prohibited; and

WHEREAS, it was the intent of the City Council upon adoption of Ordinance No. 12088 that the future alignment of SH 121 be designated as a scenic preservation corridor upon determination of the final alignment of such highway, after notice and hearing in accordance with Appendix A, Chapter 3, Article 5 of the Code of the City of Fort Worth; and

WHEREAS, SH 121 (Chisholm Trail Parkway) opened in May 2014 and it is staff's recommendation to designate the Chisholm Trail Parkway as a freeway scenic corridor;

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

SECTION 1.

Section 6.402, "Scenic Preservation Areas and Corridors," of Chapter 6 "Development Standards," Article 4 "Signs" of the Zoning Ordinance is hereby amended to revise subsection 2, "Freeway scenic corridors" to add the Chisholm Trail Parkway and to revise subsection 3, "Future scenic corridors" to remove reference to SH 121 and renumber, to read as follows:

6.402. Scenic Preservation Areas and Corridors.

C. *Scenic preservation corridors established.* In addition to the areas established above, the following scenic preservation corridors are designated based on their scenic, cultural, architectural or historic character. (see Chapter 3, Article 5 and section 6.413.B):

2. *Freeway scenic corridors.* Freeway scenic preservation corridors shall be measured 660 feet from each side of the public right-of-way of the following roadways:

- a. I-35 W (North Freeway) from 28th Street exit south to the centerline of the Trinity River.
- b. I-30 (East Freeway) from downtown east to Loop 820 East.
- c. U.S. Hwy 287 (Martin Luther King Freeway) from downtown southeast to Village Creek Road.
- d. Loop 820 West (Jim Wright Freeway) from .25 miles north to .25 miles south of Lake Worth (100 year floodplain, 600 feet elevation above sea level).
- e. Loop 820 East from .25 miles north of the first bridge abutment north of Mosier Lake to the southerly boundary of the 100 year floodplain of the West Fork of the Trinity River (approximately 150 feet)
- f. S.H. 121 (Chisholm Trail Parkway) from I-30 downtown to the southerly boundary of the city limits.

3. *Future scenic corridors.*

- a. ~~It is the intent of this section that the future alignment of SH 121 will be designated as a scenic preservation corridor upon determination of the final alignment of such highway, after notice and hearing in accordance with Section 2.102. Such scenic corridor shall be 660 feet wide from each side of the public right-of-way.~~

- a. It is the intent of this section that in the event Jacksboro Highway (U.S. Hwy. 199) is widened, the width of the scenic corridor along Jacksboro Highway shall be increased to 660 feet wide from each side of the final alignment of the public right-of-way, after notice and hearing in accordance with Section 2.102.

SECTION 2.

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 provision of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the city Council that 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 of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 13896 which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

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

SECTION 7.

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

APPROVED AS TO FORM AND LEGALITY:

Assistant City Attorney

ADOPTED: _____

EFFECTIVE: _____

Diane Fraser	1309 Belle Place	Out	Opposition		Sent letter in
KL Sherwood	1321 Belle Place	Out	Opposition		Sent letter in

17. ZC-14-059 City of Fort Worth Planning & Development (CD 9) – 2500 blocks Lubbock and Sandage (See addresses in case file, 5.48 Acres): from “B” Two-Family and “B/DD” Two-Family/Demolition Delay to “A-5” One-Family and “ER/DD” Neighborhood Commercial/Demolition Delay

Bill Conley, 2505 Lubbock Ave, Fort Worth, Texas explained to the commissioner his request to initiate the request to take his neighborhood to a single family zoned district. He also stated that his neighborhood did not want a multifamily neighborhood. He also mentioned incorporating the commercial use that already existed to rezone properly.

Mr. Edmonds asked about the property size of the lots. Mr. Conley stated that they were all roughly 5,000 square foot lots.

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

<i>Document received for written correspondence</i>					ZC-14-059
Name	Address	In/Out 300 notification area	Position on case		Summary
Kyle Dedrick	2560 Waits	In		Support	Sent letter in
Jody Sanders	2533 Lubbock	In		Support	Sent letter in
Nick Ibarra	2501 Waits	In		Support	Sent letter in
William Conley	2505 Lubbock	In		Support	Sent letter in
Bradley Hickman Jr	2509 Lubbock	In		Support	Sent letter in
Aaron & Stacey Rumfelt	2512 Sandage	In		Support	Sent letter in
Andrew & Bette Felder	2537 Lubbock	In		Support	Sent letter in

18. ZC-14-060 City of Fort Worth Planning & Development (CD All) –Text Amendment: Scenic Preservation Areas and Corridors; 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:

- Article 4 “Signs” of Chapter 6, “Development Standards”, amending Section 6.402 “Scenic Preservation Areas and Corridors” to add Chisholm Trail Parkway to Scenic Preservation Corridors established; and delete references to SH 121 from future Scenic Corridors

Jocelyn Murphy, Planning Manager, City of Fort Worth explained the text amendment.

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

19. ZC-14-061 City of Fort Worth Planning & Development (CD All) –Text Amendment: Board of Adjustment Duties; 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:

- **Chapter 2 “Review Bodies” to amend Section 2.101 “Board of Adjustment” to provide that the Board of Adjustment may hear appeals from the Historic & Cultural Landmarks Commission, the Downtown Design Review Board and Urban Design Commission;**
- **Section 4.101 “Historic Preservation Overlay Districts” to revise notice requirement for appeals and to amend;**
- **Section 5.137 “Telecommunication Towers and Stealth Telecommunication Tower” to revise review process for Stealth Telecommunication Towers**

Jocelyn Murphy, Planning Manager, City of Fort Worth explained the text amendment.

Motion: Following brief discussion, Mr. Flores recommended Approval of the request, seconded by Mr. West. The motion carried unanimously 9-0.

**Meeting adjourned: 04:10 p.m.
05/14/14**

Dana Burghdoff, Executive Secretary and Deputy Director, Planning and Development Department

Nick Genua, Chair