



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
April 7, 2015

Council District ALL

Zoning Commission Recommendation:
Approval by a vote of 7-0

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

Proposed Change: 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 Chapter 4 "District Regulations" to amend:

- Article 8 "Nonresidential District Use Table", of Chapter 4, "District Regulations", Section 4.803, the "Nonresidential District Use Table" to add data center as a permitted use in "I" Light, "J" Medium And "K" Heavy Industrial Zoning Districts; and
- Chapter 9, "Definitions" to add a definition for "Data Center"

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

Request: TEXT AMENDMENT: ADD DEFINITION FOR DATA CENTER AND AMEND LAND USE CHART TO ALLOW AS A PERMITTED USE

Background:

The definition of Data Center is being added upon request of a proposed development to clearly classify the proper zoning districts. The land use chart will also be amended to add the use as permitted in the I, J, and K Industrial Districts by right.

Parking ratios specific to data centers when parking is required will be added in a future amendment with other amendments to the parking regulations. The Data Center amendments will be processed separately from the other definitions.

Attachments: Proposed Ordinance
Minutes from the Zoning Commission

DATA CENTER DEFINITION

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 8 "NONRESIDENTIAL DISTRICT USE TABLE", OF CHAPTER 4, "DISTRICT REGULATIONS"; AMENDING SECTION 4.803, "THE NONRESIDENTIAL DISTRICT USE TABLE" TO ADD DATA CENTER AS A PERMITTED USE IN "I" LIGHT, "J" MEDIUM AND "K" HEAVY INDUSTRIAL; AND TO AMEND CHAPTER 9, "DEFINITIONS" TO ADD A DEFINITION FOR "DATA CENTER"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Zoning Ordinance should occasionally be updated to reflect current technologies and new market demands; and

WHEREAS, certain businesses, data centers, have begun to provide mass data storage for external customers; and

WHEREAS, the Zoning Ordinance did not clearly address how these data centers would be categorized and in which zoning districts they would be permitted and the Economic Development Department requested this use be added to the Zoning Ordinance;

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

SECTION 1.

Chapter 9, "Definitions" of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 9.101 "Defined Terms" is hereby amended to add a definition for data center to read as follows:

9.101 Defined Terms

DATA CENTER means real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.

SECTION 2.

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.803, "Non-Residential District Use Table" is hereby amended to revise section "Light Industrial Services", to add the use "Data Center" and add a "P" under "I" Light Industrial, "J" Medium Industrial and "K" Heavy Industrial District columns for the use.

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: _____

Motion: Following brief discussion, Mr. Flores recommended Approval of the request, seconded by Ms. Reed. The motion carried unanimously 7-0.

14. ZC-15-031 City of Fort Worth Planning & Development: Text Amendment (CD ALL) Add definition of data center as a permitted use in the land use chart: 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 8 “Nonresidential District Use Table”, of Chapter 4, “District Regulations”, Section 4.803, the “Nonresidential District Use Table” to add data center as a permitted use in “T” Light, “J” Medium and “K” Heavy Industrial Zoning Districts; and**
- **Amend Chapter 9, “Definitions” to add a definition for “Data Center”**

Jocelyn Murphy, Planning Manager explained the text amendment.

Motion: Following brief discussion, Mr. Northern recommended Approval of the request, seconded by Mr. Flores. The motion carried unanimously 7-0.

15. ZC-15-032 City of Fort Worth Planning & Development: Text Amendment (CD ALL) Amend standards for electronic changeable copy signs for Board of Adjustment consideration: 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” to amend Section 6.411, Electronic Changeable Copy Signs” to add additional regulations to the operation of electronic changeable copy signs and to provide compatibility considerations for the Board of Adjustment**

Jocelyn Murphy, Planning Manager explained the text amendment.

Motion: Following brief discussion, Mr. Edmonds recommended Approval of the request, seconded by Ms. Conlin. The motion carried unanimously 7-0.

16. SP-15-002 Stockyards, 2000 L. P. (CD 2) 2525 Rodeo Plaza (address, 1.37 Acres): from PD-1017"PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed-Use plus stockyards, stables, and brewery, blacksmithing or wagon shop, brewpub, brewery, distillery or winery, circus, feed store, no processing/milling, furniture sales, with outside storage/display (new/used), livestock auction, manufacture of basket material, bicycles, boots/ shoes, boxes, caskets, outdoor sales kiosk, stable, commercial riding, boarding or rodeo arena, stockyards or feeding pens (commercial or noncommercial), new vehicle sales or rental including automobiles , motorcycles, boats or trailers with a maximum of six vehicles for outdoor display, vendor transient, veterinary clinic with