



**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 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

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

**Request:** TEXT AMENDMENT: AMEND STANDARDS FOR ELECTRONIC CHANGEABLE COPY SIGNS

**Background:**

Electronic changeable copy signs are allowed by special exception from the Board of Adjustment. The purpose of the amendments is to address concerns related to the glare of signs at night and frequency of message change, and to provide guidance to the Board of Adjustment on factors to consider in determining whether to grant a special exception for a sign.

During the past three years, the Board of Adjustment has approved 54 special exception cases for electronic changeable copy signs, and denied two. The cases were located across the city on all types of streets. The Board added stipulations for 19 of the approved cases. Common stipulations include limiting hours of sign operation and requiring a slower message change rate than the 20 seconds currently allowed. Approximately 15 percent of the approved cases had opposition to the proposed sign. Both denied cases received opposition from neighborhood or civic groups.

Staff is proposing the following amendments:

- Require automatic dimming at night;
- Limit sign operation to the hours of operation for the business;
- Lengthen the message change rate in consultation with common sign operators; and
- Add land use compatibility considerations including visibility from residential districts, street classification of adjacent roadways, and proximity to scenic corridors.

**Attachments:** Proposed Ordinance  
Minutes from the Zoning Commission meeting

**STANDARDS FOR ELECTRONIC CHANGEABLE**

**COPY SIGN**

**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” 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; 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**, in August 2009, the City Council adopted Ordinance No. 18745-08-2009 which provided regulations for the installation of electronic changeable copy signs; and

**WHEREAS**, since the adoption of the electronic changeable copy sign regulations there have been numerous requests for electronic changeable copy signs located throughout the City which have been approved by the Commercial Board of Adjustment with a common stipulation to have these signs non-operational between the hours of 11 p.m. and 6 a.m.; and

**WHEREAS**, technology has advanced to provide sound, as well as automatic dimming in response to ambient light conditions; and

**WHEREAS**, additional regulations are necessary to provide adequate compatibility between electronic changeable copy signs and adjacent land uses; and

**WHEREAS**, certain possible negative effects of an electronic changeable copy sign may be minimized through the use of supplemental development standards to place limitations on sign brightness and sound capability, and to add land use compatibility standards; and

**WHEREAS**, the Zoning Commission recommends amending Section 6.411 to add limitations and land use compatibility standards for electronic changeable copy signs;

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

**SECTION 1.**

Chapter 6, "Development Standards", Article 4, "Signs" of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, hereby amends Subsection 6.411 "Electronic Changeable Copy Signs" to add certain development standards and to add land use compatibility considerations to read as follows:

**Sec. 6.411 ELECTRONIC CHANGEABLE COPY SIGNS.**

(a) Electronic changeable copy signs may be permitted by special exception of the board of adjustment in commercial, industrial, mixed-use and community facility zoning districts, subject to the following conditions.

- (1) A maximum of 25% of the sign face may be devoted to changeable copy.
- (2) The message rate shall not change at a rate faster than one message every 20 seconds.
- (3) Electronic changeable copy signs shall not contain animation, rolling or running letters or message, flashing lights or displays as part of the display.

(4) On detached signs, electronic changeable copy shall be limited to monument signs, except where pylon and freeway signs are allowed under § 6.409.

(5) Electronic changeable copy signs shall have automatic dimming technology installed limiting the sign to no more than 0.3 footcandles above ambient light, measured at a distance equaling the square root of the product of the sign's square footage multiplied by 100. The distance shall be rounded to the closest whole number.

(6) All sound shall be prohibited.

(b) The board of adjustment shall not grant variances which are less restrictive than the conditions of the special exception.

(c) In granting the special exception, the board of adjustment shall consider the following:

- (1) the presence of other electronic changeable copy signs in the vicinity;
- (2) the visibility from residential districts;
- (3) the street classification of the adjacent roadways; and
- (4) the proximity to scenic areas or corridors.

**SECTION 2.**

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (1986), as amended, affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinance are in direct conflict with the provisions of this ordinance.

### **SECTION 3.**

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 3011, 13896, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 4.**

That 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 void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 5.**

That 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 is permitted to exist shall constitute a separate offense.

**SECTION 6.**

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish 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 after adoption and publication as required by law.

**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_

Melinda Ramos, Assistant City Attorney

\_\_\_\_\_

Mary 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**