



**ZONING AMENDMENT
STAFF REPORT**

City Council Meeting Date:
August 6, 2019

Council District 3, 6, 9

Zoning Commission Recommendation: Approval by a vote of 8-0 Opposition: None submitted Support: Scenic Fort Worth	Continued	Yes ___ No <u>X</u>
	Case Manager	<u>Laura Evans</u>
	Surplus	Yes ___ No <u>X</u>
	Council Initiated	Yes ___ No <u>X</u>

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

Site Location: Chisholm Trail Scenic Corridor Mapsco: N/A

Proposed Change: An Ordinance amending the Comprehensive Zoning Ordinance of the City of Fort Worth, being Ordinance No. 21653, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (2015), by amending:

- Article 4 "Signs" of Chapter 6, "Development Standards" to provide for regulations for signage within the Chisholm Trail Parkway (SH 121) Freeway Scenic Corridor

To review the proposed amendments: <http://fortworthtexas.gov/zoning/cases/>

Request: TEXT AMENDMENT: CHISHOLM TRAIL PARKWAY (CTP) SIGNAGE RESTRICTIONS

Background:

Staff is proposing a Zoning Ordinance text amendment to revise the allowed detached sign types along Chisholm Trail Parkway (SH 121), which is designated as a scenic corridor.

In 1998 the City of Fort Worth entered in to a contract with the North Texas Tollway Authority which provided that the City and the Authority would develop a regulatory policy governing signage to minimize or eliminate signage that would be visible from the traveled portion of the Chisholm Trail Parkway.

Chisholm Trail Parkway (CTP) was designated in the Zoning Ordinance as a scenic corridor in 2014. The proposed text amendment would prohibit freeway signs along the CTP scenic corridor and would prohibit electronic changeable copy signs within the CTP scenic corridor.

Pylon signs up to 20 feet in height as part of a Unified Sign Agreement and monument signs up to 8 feet in height would continue to be allowed as provided in the Zoning Ordinance.

Attachments:

Proposed Ordinance Amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 21653, 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 PROVIDE FOR REGULATIONS FOR SIGNAGE WITHIN THE CHISHOLM TRAIL PARKWAY (SH 121) FREEWAY SCENIC CORRIDOR; 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, the SH 121 (Chisholm Trail Parkway) opened for vehicular travel in May 2014; and

WHEREAS, on June 3, 2014 the City Council adopted Ordinance No. 21721-06-2014 SH 121 (Chisholm Trail Parkway) designated the Chisholm Trail Parkway as a freeway scenic corridor; and

WHEREAS, on December 8, 1998 the City entered into City Secretary Contract No. 26411 with the North Texas Tollway Authority (Authority) which provided that the City and the Authority would develop a regulatory policy governing signage to minimize or eliminate signage that would be visible from the traveled portion of the Chisholm Trail Parkway; and

WHEREAS, the Zoning Commission recommends that the City Council adopts the following signage regulations to regulate detached signage along the Chisholm Trail Parkway;

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

SECTION 1.

Chapter 6 “Development Standards”, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 4, “Signs” to amend Sections 6.409, “Regulations Governing On-Premise Detached Signs in Commercial and Industrial Districts” and 6.411 Electronic Changeable Copy Signs to amend regulations for signage within the Chisholm Trail Parkway (SH 121) freeway scenic corridor, to read as follows:

Sec. 6.409 REGULATIONS GOVERNING ON-PREMISE DETACHED SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

Unless exempted under the provisions of § 6.403, the following regulations shall apply to all detached on-premise signs erected in districts “E” through “K,” except for signs for large retail stores subject to § 5.134(a)(8) and for signs in mixed-use districts which are additionally subject to §§ 4.902(d)(3), 4.903(d)(3), 4.1300(d)(3), 4.1301(d)(3), 4.1302(d)(3) and 4.1303(d)(3).

(a) Types of detached signs.

- (1) Monument signs are permitted by right.
- (2) Pylon signs are only permitted as part of a unified sign agreement, per § 6.410.
- (3) Freeway signs are only permitted on property immediately adjacent to a designated freeway. Provided however, freeway signs are prohibited along the Chisholm Trail Parkway (SH 121) freeway scenic corridor.

(b) Monument signs.

- (1) Maximum height. Eight feet.
- (2) Maximum width. Sixteen feet.
- (3) Maximum advertised message area. Ninety-six square feet.
- (4) Minimum ground contact. Seventy-five percent of structure’s width.

(c) Pylon signs.

- (1) Maximum height. Eight feet at the right-of-way line and one additional foot in height for each one foot of setback, up to 20 feet. Setback sign one foot for each foot in height from all adjacent property lines.

- (2) Maximum width. Twelve feet.
- (3) Maximum advertised message area. Two hundred square feet.
- (4) Minimum ground contact. Fifty percent of structure's width.

(d) Freeway signs.

(1) Maximum height. Twenty-five feet allowed at the right-of-way line and one additional foot in height for each one foot of setback, up to 35 feet. Setback sign one foot for each foot in height from all adjacent property lines. (Administrative approval allowed for up to 50 feet in height to allow sign to be 20 feet above adjacent main travel lanes of freeway.)

- (2) Maximum width. Twenty-four feet.
- (3) Maximum advertised message area. Three hundred and twenty square feet.
- (4) Minimum ground contact. Twenty-five of structure's width.

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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. Provided however, electronic changeable copy signs shall not be allowed within the Chisholm Trail Parkway (SH 121) freeway scenic corridor.

- (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 provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), 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 3.

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 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 (\$2,000.00) 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 Ordinances No. 3011, 13896, 21653 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 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.

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

SECTION 8.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____
Melinda Ramos
Sr. Assistant City Attorney

Mary J. Kayser
City Secretary

ADOPTED: _____

EFFECTIVE: _____