

**ORDINANCE NO. 23110-02-2018**

**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), TO AMEND ARTICLES 6, 8 AND 12 RESPECTIVELY OF CHAPTER 4, "DISTRICT REGULATIONS," SPECIFICALLY SECTION 4.603, "RESIDENTIAL DISTRICT USE TABLE," SECTION 4.803, "NONRESIDENTIAL DISTRICT USE TABLE" AND SECTION 4.1203, "FORM-BASED DISTRICT USE TABLE" TO PROVIDE FOR ZONING DISTRICTS WHERE "EVENT CENTER OR RENTAL HALL," "INDOOR AMUSEMENT" AND "SHORT TERM HOME RENTAL" ARE ALLOWED AND TO AMEND CHAPTER 9, "DEFINITIONS" TO ADD DEFINITIONS FOR "EVENT CENTER OR RENTAL HALL," "INDOOR AMUSEMENT" AND "SHORT TERM RENTAL HOME"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in the City of Fort Worth short term home rentals (homes rented for less than 30 consecutive days) are not specifically defined, expressly permitted or listed in any of the zoning use categories provided in the use tables for residential, non-residential or form-based districts; and

**WHEREAS**, in making a determination if a property is being used as a short term home rental, the definition for "transient or short term resident" is reviewed and if the duration of the stay is less than 30 days, that use is not allowed since it is more analogous to a bed or breakfast home which is allowed in a two-family zoning district by special exception but is prohibited in one-family zoning districts; and

**WHEREAS**, it is advisable to amend the Zoning Ordinance to affirm the prohibition of short term rental homes in one- and two family zoning districts by adding a definition for "Short Term Home Rental," including the newly defined use in the land use tables to clarify that a short

term home rental is not allowed in residential districts but is allowed in other districts as a commercial use; and

**WHEREAS**, the zoning land use classification of Indoor Amusement is very general and may apply to many different types of business operations in Neighborhood Commercial zoning district, causing confusion at times of enforcement; and

**WHEREAS**, it is advisable to define an Event Center or Rental Hall as a private use in order to ensure that Certificates of Occupancy clearly identify the permitted operations within a property; and

**WHEREAS**, it is advisable to add a definition for “Event Center or Rental Hall” to clarify that this type of use is separate from “indoor amusement” and to amend the use table to include the use and where it is allowed;

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

**SECTION 1.**

Chapter 9 " Definitions", Section 9.101 "Defined Terms" of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise the definitions for “Transient or Short Term Resident” and add definitions for "Event Center or Rental Hall”, “Indoor Amusement,” and “Short Term Home Rental” to read as follows:

**Sec. 9. 101 DEFINED TERMS.**

***EVENT CENTER OR RENTAL HALL*** An establishment that is leased on a temporary basis before the event by individuals or groups who reserve the facility to accommodate private functions, including but not limited to banquets, weddings, anniversaries, receptions, business organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food and areas for dancing, dining and other entertainment activities that customarily occur in association with banquets, weddings or receptions. An event center does not include a game room, bar, pool hall, dance hall, night club or concert hall.

***INDOOR AMUSEMENT:*** A privately established and operated facility that provides indoor amusement opportunities for a fee, including, but not limited to, an arcade or pool hall, but not a bar or similar facility that serves alcohol, or a dance hall, night club, concert hall, or event center or rental hall or sexually oriented business that is otherwise categorized.

***SHORT TERM HOME RENTAL:*** The rental for compensation of dwellings or accessory dwelling units for the purpose of overnight lodging for a period of not less than one night and not more than 30 consecutive days other than ongoing month-to-month tenancy granted to the same renter for the same unit as their primary residence. This is not applicable to hotels, motels, and bed and breakfast homes or bed and breakfast inns.

## **SECTION 2.**

Article 6, “Residential Use Table”, Section 4.603 “Residential District Use Table”, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add “Short Term Home Rental” to the list of uses in the category “Other” with an empty cell under all zoning districts to indicate that the use is not allowed in the respective zoning districts.

## **SECTION 3.**

Article 8, “Non-Residential Use Table”, Section 4.803 “Non-Residential District Use Table”, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add “Short Term Home Rental” to the list of uses in the category “Lodging” with a “P” in the ER through K zoning districts cells to indicate that the use is allowed; and to amend the use “Bar, tavern, cocktail lounge; club, private or teen” to add “dance hall” to the use list in the category “Entertainment and Eating”; and to add “Event Center or Rental Hall” to the list of uses in the category “Entertainment and Eating” with a “P” in the E through K zoning district cells to indicate that the use is allowed.

## **SECTION 4.**

Section 4.1203, of Article 12, “Form Based Code District Use Table” of Chapter 4, “District Regulations” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Ch. 9 and Ch. 4 amend

is hereby added and Section 4.1202 is hereby amended to move the district use table to the newly added section. The district use table in Section 4.1203 is hereby amended to add “Short Term Home Rental” to the list of uses in the category “Lodging” with a “P” in all of the zoning districts cells with the exception of the BU-RA, TL-TR and TL-NB zoning districts which should have empty cells to indicate the use is not allowed; and to amend the use “Bar, tavern, cocktail lounge; club, private or teen” to add “dance hall” in the category “Entertainment and Eating”; and to add “Event Center or Rental Hall” to the category “Entertainment and Eating” with a “P” in all of the zoning district cells with the exception of the BU-RA, TL-TR, and TL-NB zoning districts which should have empty cells to indicate the use is not allowed..

#### **SECTION 5.**

Sections 4.602, 4.802 and 4.1202, “Unlisted Uses”, of Articles 6, “Residential District Use Table, 8, “Nonresidential District Use Table, and 12, “Form Based Code District Use Table” respectively are hereby amended to read as follows:

Additional uses have been interpreted as part or similar to many of the uses listed in the table. The full list of such uses is included in Appendix C, Use Index. If a use is not listed then the zoning administrative official shall, upon request of any interested party, make a determination within which district, if any, a proposed use should be allowed.

#### **SECTION 6.**

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 7.**

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 8.**

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 9.**

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 10.**

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 11.**

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

**SECTION 12.**

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

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

By: Melinda Ramos  
Melinda Ramos,  
Sr. Assistant City Attorney

Mary J. Kayser  
Mary J. Kayser,  
City Secretary

ADOPTED: February 6, 2018

EFFECTIVE: March 2, 2018