

DEFINITIONS

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 CHAPTER 9 “DEFINITIONS”, TO AMEND SECTION 9.101, “DEFINED TERMS” TO REVISE THE DEFINITIONS OF “FAMILY”, “BOARDING HOUSE OR LODGING HOUSE”, “COMMUNITY HOME”, “RESTAURANT” AND ADD DEFINITIONS FOR “TRANSIENT OR SHORT TERM RESIDENTIAL” AND “SINGLE HOUSEKEEPING UNIT”; 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, from time to time it is necessary to update certain definitions to be consistent with state law and to reflect current interpretations and applications; and

WHEREAS, it is necessary to clarify certain existing residential definitions to ensure that they are being applied as intended; and

WHEREAS, new definitions should be created to codify the relationship of residents within a unit and clarify when occupancy is short term;

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

SECTION 1.

Chapter 9 “Definitions”, being Ordinance No. 13896, as amended, codified as Appendix “A” of the Code of the City of Fort Worth, Section 9.101 “Defined Terms” is amended to revise the definitions for restaurant, community home, family, and boarding house or lodging house, and to add definitions for “single housekeeping unit” and “transient or short term residential”, to read as follows:

Sec. 9.101 DEFINED TERMS.

***BOARDING HOUSE* or *LODGING HOUSE*.** ~~A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.~~ A

dwelling with at least one common exterior entrance where separate sleeping rooms are available for rent for a period of seven consecutive days or longer to persons for compensation, pursuant to previous arrangements, and excluding hotels or motels. The owner, agent or rental manager may or may not reside within the dwelling.

COMMUNITY HOME. A community-based residential home as defined by the Community Homes for Disabled Persons Location Act, Tex. Human Resources Code, Chapter 123. Not more than six persons with disabilities and two supervisors may reside in the community home at the same time. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another. ~~eight disabled persons and two nonresident supervisory personnel and which otherwise meets the requirements of the Community Homes for Disabled Persons Location Act, Tex. Human Resources Code Chapter 123.001.~~

FAMILY. Any individual or two or more persons related by blood, adoption, marriage or guardianship, or not more than five unrelated persons ~~living and cooking~~ operating as a Single Housekeeping Unit ~~or home~~ and expressly excluding lodging, boarding, fraternity, and sorority houses.

RESTAURANT. A place which is regularly open in a bona fide manner; which is used and kept open for the service of food to customers for compensation; which has suitable seating for guests; which has suitable facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night and the serving of food is the primary business of such place, and which may, as an accessory use, provide patrons with space for dancing or permit patrons to dance. Includes restaurants legally authorized (by duly issued permits from the city and state) to sell alcoholic beverages for consumption on the premises; provided however that gross receipts for alcoholic beverages shall not exceed 50% of the total gross receipts.

SINGLE HOUSEKEEPING UNIT. Individuals occupying a dwelling unit that have established ties and familiarity with each other, share a lease agreement or own the property, jointly use common areas, interact with each other, and share the expenses for food, rent or ownership costs, utilities and other household and maintenance costs and activities. If the unit is rented, all residents over the age of 18 jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household is determined by the residents of the dwelling unit rather than the landlord or property manager.

Existence of one or more of the following shall create a presumption that the members are not operating as a bona fide Single Housekeeping Unit:

1. Keyed or deadbolt lock(s) on any interior door(s);
2. Members of the household significantly change over the course of a 12-month period by losing or gaining members;
3. One or more of the members of the household has a different address for the purpose of voter registration, driver's license, motor vehicle registration or filing of taxes; or

4. The association of the members of the household is temporary or seasonal or the sharing of a dwelling unit is merely for convenience and economics.

TRANSIENT OR SHORT TERM RESIDENT. Individuals occupying a dwelling unit, including rental of a home or room, for a period of less than 30 days. The definition also includes the usage of a property for a daily or weekly rental as a commercial business.

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: _____

Assistant City Attorney

Mary Kayser

Adopted: _____

City Secretary

Effective: _____