

7.107 Specific Nonconforming Uses

A. **Nonconforming Motor Vehicle Junk or Storage Yard**

Any motor vehicle junkyard or storage yard existing on September 15, 1987, which does not comply with the provisions for motor vehicle junkyards or storage yards shall be deemed a nonconforming use. Such nonconforming uses were permitted to continue to operate as a nonconforming use until September 15, 1990, at which time they were deemed illegal.

B. **Existing Nonconforming Pawnshops**

Any pawnshop legally in existence on January 17, 1987, shall be deemed to be a nonconforming use and shall meet all requirements for nonconforming uses; provided, however, that any such existing pawnshop which is nonconforming only as to the distance restrictions contained in Section 5.125A that is destroyed by fire, explosion or other casualty, or act of God, or the public enemy, may be restored or rebuilt and such nonconforming use may be continued regardless of the extent of destruction to the building.

C. **Nonconforming Sexually Oriented Businesses**

1. Except for nonconforming adult entertainment cabarets subject to Paragraph D below, a sexually oriented business otherwise lawfully operating prior to December 21, 1993, that is in violation of the 1,000 foot distance regulation of Section 5.202 shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be voluntarily changed by the operator to a conforming zoning use.
2. If two or more sexually oriented businesses are located within 1,000 feet of one another and otherwise lawfully operating, the sexually oriented business which was first established and continually operating is deemed the conforming use and the later established business is deemed the nonconforming use.

D. **Nonconforming Adult Entertainment Cabarets**

1. An adult entertainment cabaret serving or providing alcoholic beverages in conjunction with the sexually oriented business activity and otherwise lawfully operating prior to December 21, 1993, that is in violation of the 1,000 foot distance regulation of Section 5.202 shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be voluntarily changed by the operator to a conforming use.
2. In lieu of the amortization process authorized pursuant to state law and the City's prior versions of this Article, a one-time exemption ("grandfather status") from the enforcement of the 1,000-foot distance regulations only as established by Section 5.202 (formerly Section 18B.) was provided to the operators as of December 21, 1993 of the following six existing adult entertainment cabaret locations that also serve or provide alcoholic beverages in conjunction with the sexually oriented business activity:
"Honky Tonk", 2412 East Belknap
"Illusions", 7405 Highway 80 West
"New Orleans Nights", 7101 Calmont Street
"Second Time Around", 1603 N. E. 28th Street
"The Showgirl", 4617 Highway 377 South
"Sinbad's", 8128 Highway 80 West
3. Hereafter, the operator as of December 21, 1993 of each of those locations listed in Paragraph 2 above may continue to operate as an adult entertainment cabaret at their present location so long as the current or future operator remains in on-going compliance with this Zoning Ordinance and the other City ordinances applicable to sexually oriented businesses. Any subsequent increase, enlargement, expansion, extension or alteration of any portion of the business or property shall automatically terminate this one-time exemption.
4. Each operator as of December 21, 1993 of the adult entertainment cabarets listed in Paragraph 2 above was issued one new Specialized Certificate of Occupancy from the Planning and Development Department upon the satisfactory completion of an up-to-date application form pursuant to former Section 18C, Comprehensive Zoning Ordinance,

accompanied with the surrender of the business' current Certificate of Occupancy. No charge or fee was required by the City for the first new Certificate.

5. City enforcement personnel shall also cooperate with the Municipal Courts of Fort Worth in seeking dismissal or non-prosecution of any citation written for violations of Section 18A or 18B, Comprehensive Zoning Ordinance, prior to December 21, 1993, as to the six locations specified in Paragraph 2 above.
6. In Lieu of the amortization process authorized pursuant to state law and the city's prior versions of this article, a one-time exemption ("grandfather status") from the enforcement of the limitation to Industrial Districts as established by Section 5.202 (formerly section 5.200 B.) was provided to the operators as of September 27, 2004 of the following existing adult entertainment cabaret locations that also serve, provide, or allow the consumption or the sale of alcoholic beverages in conjunction with the sexually oriented business activity:

BABY DOLLS TOPLESS BAR 3601 HWY 157
BRIGHT LIGHTS VIDEO 2 10355 NORTH FRWY
FRANKS WILD LIFE CLUB 11050 GEORGE CT
GOLDEN GODDESS 9727 SOUTH FRWY
HONKY TONK TOPLESS BAR 2412 E BELKNAP ST
HOUSE OF BABES 9317 SOUTH FRWY
ILLUSIONS MEN'S CLUB 7405 HWY 80 W
MAIN STAGE TOPLESS BAR 5000 MARK IV PKWY
NEW ORLEANS NIGHTS 7101 CALMONT AVE
SHOWCASE CABARET 3929 HIGHWAY 157
SHOWCASE II TOPLESS BAR 1928 JOSH RD
SHOWGIRLS TOPLESS BAR 4617 HIGHWAY 377 S
SINBAD'S TOPLESS BAR 8128 HWY 80 W
TEXAS CABARET 1300 NORTHEAST LOOP 820
X-OTIC CLUB 719 N MAIN ST
T & A CABARET 8701 SOUTH FREEWAY

Hereafter, the operator as of September 27, 2004 of each of those locations listed in this paragraph above may continue to operate as an adult entertainment cabaret at their present location and zoning classification so long as the operator remains in on-going compliance with this zoning ordinance and the other city ordinances applicable to sexually oriented businesses.

7. In lieu of the amortization process authorized pursuant to state law and the city's prior versions of this article, a one-time exemption ("grandfather status") from the enforcement of the 1,500 foot distance requirement on I-30 and I-35 as established by Section 5.202 (formerly section 5.200B.) was provided to the operators as of September 27, 2004 of the existing adult entertainment cabaret locations listed in paragraph 6 above that also serve, provide, or allow the consumption or the sale of alcoholic beverages in conjunction with the sexually oriented business activity.

Hereafter, the operator as of September 27, 2004 of each of those locations listed in paragraph 6 above may continue to operate as an adult entertainment cabaret at their present location and zoning classification so long as the operator remains in on-going compliance with this zoning ordinance and the other city ordinances applicable to sexually oriented businesses.

8. The one-time exemption from the enforcement of the 1,000 foot distance regulation shall not in any way affect or prejudice the right of the City of Fort Worth to enforce any other ordinance, existing or subsequently enacted, regulating sexually oriented business activity.

E. Nonconforming One-Family or Two-Family Carport

Notwithstanding any provisions in this Ordinance to the contrary, any carport which was added to the front of a one-family or two-family residence before January 18, 2003 (as verified by aerial

photos from January 1, 2003) shall be deemed nonconforming and may continue to exist subject to the following:

- a. The owner of the property applied for a special exception from the Board of Adjustment prior to September 1, 2004; and
- b. An application for a building permit for the front yard carport on the property is filed with the City prior to March 1, 2008; and
- c. The building permit for the front yard carport is finalized by the City no later than one year after the application date of the initial filed building permit unless an extension of time to receive the finalized building permit is approved by the Planning and Development Director or his/her designee.

F. Nonconforming Parking for Multifamily Uses

Parking for multifamily units approved prior to the adoption of the Unified Residential Development standards effective March 1, 1971, shall be permitted to meet the prior parking standard of one parking space per four dwelling units plus one parking space per four bedrooms in excess of one bedroom per unit.

G. Nonconforming Hotel Screening Fence

Any screening fence erected along the perimeter of any hotel property adjacent to a street, alley or right-of-way prior to December 14, 1986, was required to be relocated or removed no later than January 1, 1990.

H. Nonconforming Signs

Refer to '*Development Standards, Chapter 6.405 Prohibited Signs*'.