

ORDINANCE NO. 27096-08-2024

AN ORDINANCE AMENDING THE 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, BY AMENDING CHAPTER 5, SUPPLEMENTAL USE STANDARDS," ARTICLE I, "STANDARDS FOR SELECTED USES," TO AMEND SECTION 5.116 "HOTEL, MOTEL, OR INN" TO ADD THAT A PLANNED DEVELOPMENT DISTRICT IS REQUIRED WHERE A HOTEL, MOTEL, OR INN IS LESS THAN 1,000 FEET FROM A PUBLIC OR PRIVATE, PRIMARY AND SECONDARY EDUCATIONAL FACILITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 211 of the Texas Local Government Code ("TLGC") authorizes the governing body of a municipality to adopt zoning regulations to promote the public health, safety, morals, or general welfare; and

WHEREAS, on December 9, 1986, the City Council adopted Ordinance No. 9781 amending the zoning ordinance to prohibit location of hotels and motels within 500 feet of residentially zoned property and requiring Planned Development/Specific Use zoning and a site plan for any hotel or motel within 1,000 feet of residentially zoned property;

WHEREAS, with the recodification of the zoning ordinance on August 13, 1999 by Ordinance No. 13986, the City Council removed the 500-foot restriction, but retained the Planned Development/Specific Use requirement for hotels and motels within 1,000 feet of residentially zoned property;

WHEREAS, the City now wishes to amend Section 5.116 "Hotel, Motel, or Inn" of the zoning ordinance to add that a Planned Development District is required where a hotel, motel, or inn is less than 1,000 feet away from a public or private, primary and secondary educational facilities providing education up through and including the twelfth grade level; and

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

SECTION 1.

Chapter 5 "Supplemental Use Standards" of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1, "Standards for Selected Uses", to amend Section 5.116(a) "Hotel, Motel, or Inn" to read as follows:

Sec. 5.116(a) HOTEL, MOTEL, OR INN

(a) *Location adjacent to residential district.* Where a hotel, motel or inn is less than 1,000 feet from any one- or two-family district, or public and private, primary and secondary educational facilities providing education up through and including the twelfth grade, other than "MU-2" high intensity mixed use, a planned development district shall be created for such use. ~~Provided however, this~~ This regulation shall not be required apply to the following: when the property in the one or two family district is used for utilities, waterways, public parks, railroads or other nonresidential public use or separated from the hotel, motel or inn by a public right of way of at least 300 feet.

- (1) When the property in the one- or two-family district is used for utilities, waterways, public parks, railroads or other nonresidential public use or separated from the hotel, motel or inn by a public right-of-way of at least 300 feet; or
- (2) The Central Business Zoning District; or
- (3) The following mixed-use or form-based zoning districts:
 - a. MU-1;
 - b. MU-2;
 - c. Panther Island;
 - d. Near Southside;
 - e. Camp Bowie;
 - f. Trinity Lakes;
 - g. Berry/University; or
 - h. Stockyards

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: *Christopher Austria*
Christopher Austria,
Senior Assistant City Attorney

Jannette Goodall Digitally signed by Jannette Goodall
Date: 2024.09.16 12:51:41 -0500
Jannette S. Goodall,
City Secretary

ADOPTED: August 27, 2024

EFFECTIVE: September 19, 2024

