

Items Required to Submit for
Specialized Certificate of Occupancy
for Operating a Sexually-Oriented Business
City of Fort Worth, Texas

Applicant should review Chapter 5, Article 2, Comprehensive Zoning Ordinance before proceeding to provide the following:

(Items required for New Application = N. Items for Renewal = R. Items required for Amendment will be based upon what the amendment is.)

1. (N) **Posted Sign.**

- a. An applicant for a specialized certificate of occupancy for a location for which a specialized certificate of occupancy has not previously been issued shall post an outdoor sign at the location in compliance with Section 243.0075 of the Texas Local Government Code, as amended, not later than the 60th day before submitting the application for a specialized certificate of occupancy to the Development Department.
- b. The sign shall comply with the following requirements:
 - The sign must be at least 24 by 36 inches in size;
 - All letters must be at least two inches in height and 1 and ½ inches in width for each letter on the sign;
 - The sign shall state that a sexually oriented business is intended to be located on the premises;
 - The sign shall provide the name and business address of the owner and operator;
 - All required information must be presented in both English and Spanish;
 - All required information must read horizontally from left to right; and
 - The sign shall be prominently posted such that it is clearly legible from the public right-of-way.
- c. The operator of a proposed sexually oriented business shall notify the Development Director, by certified mail or hand delivery, when a sign is posted at the intended location of the business in compliance with Section 243.0075 of the Texas Local Government Code, as amended. The notification must be in the form of a sworn statement indicating the location of the sign and the date it was posted and must be received by the Development Director within five days after the posting of the sign. If the Development Director receives the notification within five days after the sign was posted, the 60-day posting period required by Section 243.0075 shall be deemed to begin on the posting date. If the notification is received by the Development Director more than five days after the sign was posted, the 60-day posting requirement shall be deemed to begin on the date the Development Director verifies the sign has been posted.

- d. When a sign is posted at an intended location of a sexually oriented business and the intended location is not in violation of the distance requirements set out in this Article on the posting date, the sexually oriented business will qualify as a conforming use with regard to the distance requirements and will not be rendered nonconforming by any location, subsequent to the posting of the sign, of a religious institution, school, public park or residential district within 1,000 feet of the posted location.
 - e. Paragraph d of this subsection does not apply if:
 - A completed application for a specialized certificate of occupancy for a proposed sexually oriented business is not filed with the Development Department within 20 days after the expiration of the 60-day posting requirement under Section 243.0075 of the Texas Local Government Code, as amended; or
 - The application for a specialized certificate of occupancy is withdrawn or denied; or
 - The notification requirements of subsection 2 are not met.
2. (N, R) **Application form.** Must be completely filled out and have an original signature. Copies or stamped signatures will not be accepted. If supportive documents are required, a clear and readable copy must also be submitted.

Only a person who is an officer of or who has at least a twenty (20) percent ownership interest in a sexually oriented business may apply for a Specialized Certificate of Occupancy for the business.

3. (N, R) **Articles of Incorporation/Parent and related corporations.** If the enterprise is a Texas corporation, a certified copy of the articles of incorporation, together with all amendments must be submitted.

If the enterprise is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, along with all amendments must be submitted.

If the enterprise is a limited partnership formed under the laws of Texas, the applicant must submit a certified copy of the certificate of limited partnership, together with all amendments filed in the Office of the Secretary of State of Texas. If the partnership is a foreign limited partnership, the applicant must submit the certificate of limited partnership and the qualification documents along with all amendments filed in the Office of the Secretary of State of Texas.

Also, in addition to identifying those persons required to sign an application under this subsection, the application must identify all parent and sexually oriented related corporations or entities of any person who will own or operate the sexually oriented business and include the names of the officers of each parent or related corporation or entity. Such identification shall be on company letterhead with an

original signature. Must have original signatures. Copies or stamped signatures will not be accepted.

4. (N, R) **Attachment #1, Supplemental Information.** Must be completely filled out for every individual with a vested interest and their spouse. Must have original signature(s). Copies or stamped signatures will not be accepted.
5. (N) **Attachment #2, Distance Release Form.** If your proposed location is near the city limits so that in measuring the 1000-foot distance separation you go outside the city limits of Fort Worth, this form must be filled out for each separate city or county entity that the measurement crosses into. Must have original signature(s). Copies or stamped signatures will not be accepted.
6. (N) **Ownership or Lease.** Proof of current property ownership or a copy of a binding lease for the premises on which the business would be operated.
7. (N) **Survey.** Certified survey map prepared by a licensed surveyor or licensed engineer which shows the required minimum distances from properties with protected uses or protected zoning as follows:
 - a. Within 1,000 feet of an existing:
 - 1) religious institution
 - 2) school – includes public and private, primary and secondary educational facilities up through and including the twelfth grade; and licensed day care centers for more than six children under 14 years of age.
 - 3) public park
 - 4) a residential district
 - 5) the Downtown Tourism Area
 - 6) the Cultural District
 - 7) the Fort Worth Stockyards National Register Historic District
 - 8) other sexually oriented business within the city limits not located within 300' of the I-35 and/or I-30 Right of Way line
 - 9) areas that currently are, or within the last ten years were, designated as neighborhood empowerment zones (NEZ's), tax increment finance districts (TIF's), and public improvement districts (PID's).
 - b. Within 1,000 feet of an existing:
 - 1) religious institution
 - 2) school – includes public and private, primary and secondary educational facilities up through and including the twelfth grade; and licensed day care centers for more than six children under 14 years of age.
 - 3) public parks
 - 4) residential district
 - 5) other sexually oriented business

that are located in an adjacent city, township or rural land area.
(See Attachment #2)

- c. Within 1,500 feet of existing:
 - 1) sexually oriented business located within the city limits that is within 300' of the I-30 and/or I-35 Right of Way line.
- d. For the purpose of a through c above, measurement of the distance shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the property line of an existing religious institution, school or sexually oriented business, or from the boundary line of a public park, residential district, designated historical/cultural district, NEZ's, TIF's, or PID's to the nearest property line of the property sought to be used as a sexually oriented business.

If the sexually oriented business, school or religious institution occupies greater than fifty percent (50%) of the total building square footage on a developed site, parcel, tract or platted lot, then the measurement of the distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line.

If the sexually oriented business, school or religious institution occupies less than fifty percent (50%) of the total building square footage on a developed site, parcel, tract or platted lot, then the measurement of the distance shall be made in a straight line, without regard to intervening structures or objects, from the closest wall.

More than one SOB in the same building is not permitted.

8. (N) Plans.

- a. Site Plans. Must show the entire property and all parking spaces available with parking lot lighting. Lighting to be directed toward the property as much as is possible so as to avoid being directed onto neighboring properties. Plan should be oriented to the North or to some designated street or landmark. A North arrow should be provided.
- b. Floor Plans. Must show complete floor layout including all tables and chairs. Label all rooms. If the room name is vague or does not clearly convey its use, then a room detail, listing the rooms and describing their use, should be provided in the margin. Locate and detail all viewing windows, whether in walls or doors, and locate the conspicuous entrance sign.
- c. Special Items to be included on the floor plans:
 - 1) The internal and external configuration of the premises, including a statement of total floor space occupied by the structure. Rooms are to be labeled or identified;

- 2) A statement fully describing the external signage to be displayed on the premises, as well as signage intended to be displayed elsewhere in the City to advertise the business;
- 3) The location of one or more manager's stations or office;
- 4) The location of all electrical wiring and fixtures, including but not limited to lighting fixtures, sound systems, special effects equipment, video display equipment, video surveillance systems, etc.

Note: No operator shall operate or allow the operation of an internal video surveillance system of persons or activity on the premises without prior written approval from the police department. Internal video surveillance systems may be used only to monitor the premises or activity for legitimate security or safety purposes upon prior inspection and receipt of written approval from the police department, which will not be unreasonably withheld.

- 5) Designation of any portion of the premises in which customers will not be permitted or in which sexually-oriented business activities will not be conducted;
- 6) A plan or description of the safety and security measures for the inside and outside of the premises, its customers and employees;
- 7) A designation of the place(s) at which the Specialized Certificate of Occupancy, a copy of the floor plan(s), and other necessary permits, licenses, and signage will be conspicuously posted.
- 8) A floor plan layout providing an unobstructed view into every area of the premises where customers are permitted. The view shall not be obstructed by doors, curtains, walls merchandise, display racks or other materials. Exception: Restrooms and Adult Motels.
- 9) Viewing windows in walls or doors allowing the visual inspection of individual rooms with access by customers. Windows of at least 3' wide x 2' high. Exception: Restrooms and Adult Motels.
- 10) Explanation of the exterior color patterns. Exterior portions and/or facades, including the roof, that are to be painted are of a single achromatic color with a single achromatic color trim, both colors consisting of a neutral earth tone color.
- 11) Location of the designated public entrance sign.

- d. All plans must be drawn to scale. The scale used must be of sufficient size so that plans are workable. No freehand drawings will be accepted.

Four copies must be provided of all plans submitted.

Since a copy of the floor plan must be posted with the Specialized Certificate of Occupancy, if the applicant wishes to submit reduced prints for us to approve, they must be an additional set to the plans required above.

- e. If this structure is not built yet, or if during the Plan Review process it is determined that remodeling is necessary, the plans and fees required for that construction or remodel will be separate from the plans and fees submitted here.

Once the construction is approved, corrected plans (4 copies) must be resubmitted for the completion of this process to obtain a Specialized Certificate of Occupancy.

- 9. **Fee.** \$660 for New applications.
\$330 for:
 - a. Annual renewals
 - b. Amendments – varying type of entertainment or activity, and space remodel
 - c. Corporate mergers or consolidation

These fees only cover this application and not any other permits. Make checks payable to **City of Fort Worth**.

- 10. Your application and fee will not be accepted, nor will the time frame for City response be started, unless all submittal forms and plans are complete and all supporting documents provided.
- 11. An application for a Specialized Certificate of Occupancy shall be valid for a period of one (1) year and shall expire on the annual anniversary of its date of filing with the City if the sexually oriented business is not open for business under a valid Specialized Certificate of Occupancy. A subsequent application shall be subject to all the current ordinance requirements, including, but not limited to, distance and zoning requirements, and any amendments to the ordinance since the filing of the previous application.

Form date: 8-28-08