

ORDINANCE NO. 26358-08-2023

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 ARTICLE 6 OF CHAPTER 4, “DISTRICT REGULATIONS,” SPECIFICALLY SECTIONS 4.603, “RESIDENTIAL DISTRICT USE TABLE,” 4.803, “NONRESIDENTIAL USE TABLE,” AND 4.1203, “FORM BASED CODE DISTRICT USE TABLE” TO PROVIDE FOR ZONING DISTRICTS WHERE A “BOARDING HOME FACILITY” IS ALLOWED; TO AMEND CHAPTER 5, “SUPPLEMENTAL USE STANDARDS,” ARTICLE 1, “STANDARDS FOR SELECTED USES,” SECTION 5.107A, “BOARDING HOUSE” TO CHANGE THE TITLE TO “LODGING HOUSE” AND ADD SECTION 5.153, “BOARDING HOME FACILITY” TO ADD DEVELOPMENT STANDARDS FOR BOARDING HOME FACILITIES; AND TO AMEND CHAPTER 9, “DEFINITIONS” TO AMEND THE DEFINITION FOR “BOARDINGHOUSE/LODGING HOUSE” AND ADD A DEFINITION FOR “BOARDING HOME FACILITY”; 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, 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 protect and preserve places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, Section 211.005 of the TLGC authorizes the governing body of a municipality to divide the municipality into districts of a number, shape, and size that the governing body considers best for carrying out the provisions of Chapter 211, General Zoning Regulations, within which districts the governing body may regulate the erection, construction, reconstruction, alteration, repair or use of buildings, other structures or land; and

WHEREAS, the State Legislature enacted H.B. 216 in 2009 which provided municipalities and counties with the option to require boarding homes obtain a permit to operate, charge fees and require compliance with adopted model standards developed by the Texas Health and Human Services Commission; and

WHEREAS, the Texas Health and Human Services Commission published model standards for the operation of boarding home facilities related to: construction and remodeling of boarding homes; sanitary and related conditions; the reporting and investigating of injuries, incidents and unusual accidents and the establishment of policies and procedures to ensure resident health and safety; assistance with self-administering medication; requirement for in-

service education of staff; criminal history checks; assessment and periodic monitoring; municipal regulation of boarding home facilities in the August 27, 2010 edition of the Texas Register; and

WHEREAS, on January 10, 2023, the City Council adopted Ordinance No. 25952-01-2023 regulating boarding home facilities to provide adequate standards to protect the health and safety of residents of boarding home facilities, including ensuring that adequate life-safety measures are present in boarding homes; and

WHEREAS, City Council acknowledges that if neighborhoods become composed largely of boarding homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community in a residential setting; and

WHEREAS, it is advisable to amend the Zoning Ordinance to amend the existing definition for “boarding house/lodging house” and related definitions to reduce confusion with boarding home facilities that are regulated under Chapter 20, Article XIV of the City Code; to add boarding home facilities to the land use tables to provide for where the use is allowed and to adopt development regulations for boarding home facilities;

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 a “boarding house or lodging house,” “roomer, board or lodger,” “temporary guest” and add the definition for “boarding home facility” to read as follows:

Sec. 9. 101 DEFINED TERMS.

LODGING HOUSE. A dwelling with at least one common exterior entrance where separate sleeping rooms are available for rent for a period of thirty 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.

BOARDING HOME FACILITY. An establishment that:

- (A) Furnishes, in one (1) or more buildings, lodging to three (3) or more elderly and/or disabled persons who are unrelated to the owner of the establishment by blood or marriage; and
- (B) Provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication to persons/residents who are capable of feeding, dressing, moving, self-evacuating, bathing and attending to other personal needs or maintenance without

- assistance; and
(C) Does not provide personal care services to persons/residents.

ROOMER or LODGER. A person occupying any room or group of rooms used or intended to be used for living, sleeping, but not for cooking or eating purposes and paying compensation for said rooms or group of rooms by prearrangement for a week or more at a time to an owner or operator who is not related by blood, adoption or marriage to such person. Any person occupying such room or group of rooms and paying such compensation without prearrangement or for less than a week at a time shall be classed for purposes of this ordinance not as a **ROOMER** or **LODGER**, but as a guest of a commercial lodging establishment (bed and breakfast home or inn, hotel or motel).

TEMPORARY GUEST. A nonpaying guest of the occupants of the primary residence who does not utilize an accessory dwelling unit or primary residence as an address for any purposes and whose stay does not exceed more than 14 days in a consecutive 30-day period. A roomer, ~~boarder~~ or lodger shall not be considered a **TEMPORARY GUEST**.

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 "Boarding Home Facility" to the list of uses in the category "Group Living" with a "P*" in the A-2.5A through MH zoning district cells to indicate that the use is allowed and to add a reference to Section 5.153 to the Supplemental Standards column and amend "boarding or lodging house" in the "Group Living category to remove "boarding or lodging house" and replace with "lodging house" as the named use.

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 "Boarding Home Facility" to the list of uses in the category "Group Living" with a "P" in the ER through K zoning districts cells to indicate that the use is allowed and to add a reference to Section 5.153 to the Supplemental Standards column and amend "boarding or lodging house" in the "Group Living category to remove "boarding or lodging house" and replace with "lodging house" as the named use.

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, is hereby amended to add "Boarding Home Facility" to the list of uses in the category "Group Living" with a "P" in all of the zoning districts cells to indicate the use is allowed and to add a reference to Section 5.153 to the Supplemental Standards column. and amend "boarding or lodging house" in the "Group Living category to remove "boarding or lodging house" and replace with "lodging house" as the named use.

SECTION 5.

Chapter 5, "Supplemental Use Standards", Article 1, "Standards for Selected Use", of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1 to amend section 5.107A to remove references to "boarding" and to add Section 5.153, "Boarding Home Facilities," to read as follows:

Sec. 5.107A LODGING HOUSES.

Lodging houses may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, and 12, subject to the following conditions.

- (a) No more than one lodging house per individual tract, parcel or platted lot is allowed.
- (b) Public ingress and egress to the boarding house shall be through one common exterior entrance. Ingress and egress for lodger shall be through common exterior entrance.
- (c) Entry access to all sleeping rooms shall be through the interior of the building. No exit doors from individual sleeping rooms shall lead directly to the exterior of the building.
- (d) Residents must have access on-site to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on-site must be available to the residents, or daily meals must be provided on-site for the residents of the lodging house.
- (e) No cooking is permitted in any sleeping room. No cooking facilities are permitted in any sleeping room.
- (f) Each floor must contain at least one fully-equipped bathroom for each five residents that is accessible from a common hallway.
- (g) Each resident must execute a lease before occupancy.
- (h) Parking spaces shall be provided as follows: one space per leased sleeping room; and one space per four employees.

- (i) Owner of the lodging house must obtain a certificate of occupancy and register with the multi-family inspection program before operating a lodging house.

SECTION 6.

Chapter 5, “Supplemental Use Standards”, Article 1, “Standards for Selected Use”, of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 1 to add section 5.153 to provide supplemental development standards for “boarding home facilities,” to read as follows:

Sec. 5.153 BOARDING HOME FACILITIES

Boarding Home Facilities are permitted in accordance with the use tables in Chapter 4, Articles 6, 8 and 12, subject to the following conditions:

- (a) In one-family districts the maximum number of residents in a boarding home facility, by right, shall be six (6).
- (b) A boarding home facility must meet all applicable permitting requirements of Chapter 20, Article XIV, Boarding Homes of the City Code and any applicable Tex. Human Resources Code requirements.
- (c) A boarding home facility may not be established within one-half mile of a previously existing boarding home facility.
- (d) Compatibility Standards in One-Family Zoning Districts:
 - (1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding one (1) square feet in area, may be permitted when attached to the front of the main structure provided the nameplate is not illuminated and attached flat to the dwelling unit or visible through a window.
 - (2) No exterior construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
 - (3) Front yard impervious cover shall comply with maximum percentages indicated in Chapter 6.
- (e) Any residential structure converted into a boarding home facility will be required to comply with all additional city code standards including but not limited to the building code, electric code or fire code, as applicable, based on the nature of the proposed use and occupancy classification.
- (f) *Motor vehicles on premises.* Residents of a boarding home facility may not keep, on the premises of a home or on the public rights-of-way adjacent to the home, more than one motor vehicle per bedroom for the use of residents of the home.

SECTION 7.

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 8.

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 9.

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 10.

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 11.

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 12.

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

SECTION 13.

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

APPROVED AS TO FORM AND LEGALITY:

By: Melinda Ramos
Melinda Ramos,
Deputy City Attorney

Jannette S. Goodall
Jannette S. Goodall,
City Secretary

ADOPTED: August 8, 2023

EFFECTIVE: August 8, 2023

