

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 3 “REVIEW PROCEDURES”, TO AMEND ARTICLE 4 “SPECIAL EXCEPTIONS” TO ADD SECTION 3.306 TO PROVIDE FOR AN EXPIRATION OF SPECIAL EXCEPTION APPROVAL; 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, the Board of Adjustment has the authority under Section 211.009 of the Texas Local Government Code to grant special exceptions; and

WHEREAS, it is advisable to revise the regulations relating to a special exception to provide for an expiration of the approval after six months if there is no progress toward completion.

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

SECTION 1.

Article 4 “Special Exception” of Chapter 3 “Review Procedures”, being Ordinance No. 21653, as amended, codified as Appendix “A” of the Code of the City of Fort Worth, is amended to add a section to provide for the expiration of the approval of a special exception, to read as follows:

Sec. 3.306 EXPIRATION OF SPECIAL EXCEPTION.

(a) A special exception shall expire and have no further effect 180 days after the board of adjustment approval, or at such alternative time as specified in the approval, unless:

- (1) A building permit has been issued;
- (2) A certificate of occupancy has been issued; or
- (3) The planning and development director grants a one-time extension for a maximum of 180 days upon written request of the applicant prior to the original expiration date.

(b) Any special exception granted by the board of adjustment shall terminate automatically when the period of use specified in the board of adjustment’s order has expired, or when the use ceases to be in full compliance with any condition imposed by the board of adjustment.

SECTION 2.

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (2015), 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, 21653 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: _____

Melinda Ramos, Sr. Assistant City Attorney

Mary Kayser, City Secretary

Adopted: _____

Effective: _____