

ORDINANCE NO. _____

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 4, "DISTRICT REGULATIONS," ARTICLE 8, "NONRESIDENTIAL DISTRICT USE TABLE," SECTION 4.803, "NONRESIDENTIAL DISTRICT USE TABLE" AND ARTICLE 12, "FORM BASED CODE DISTRICT USE TABLE", SECTION 4.1203 "DISTRICT USE TABLE", TO ADD "CREDIT ACCESS BUSINESS" AS A NEW USE AND ALLOW SUCH USE IN CERTAIN INDUSTRIAL, COMMERCIAL, AND FORM-BASED DISTRICTS AND TO REMOVE "LIQUOR OR PACKAGE STORES" AS A PERMITTED USE IN CERTAIN COMMERCIAL AND FORM-BASED DISTRICTS; AMENDING CHAPTER 5, "SUPPLEMENTAL USE STANDARDS," ARTICLE I, "STANDARDS FOR SELECTED USES," SECTION 5.152 "RETAIL SMOKE SHOP" TO ADD A DISTANCE REQUIREMENT FOR RETAIL SMOKE SHOPS FOR LIKE USES AND INCREASE EXISTING DISTANCE REQUIREMENT FROM CERTAIN SENSITIVE USES AND ADD ADDITIONAL SENSITIVE USES; ADDING NEW SECTIONS TO CHAPTER 5, "SUPPLEMENTAL USE STANDARDS," ARTICLE I, "STANDARDS FOR SELECTED USES," TITLED "LIQUOR OR PACKAGE STORES" AND "CREDIT ACCESS BUSINESS" TO PROVIDE FOR DISTANCE REQUIREMENTS BETWEEN LIKE USES; AMENDING CHAPTER 9 "DEFINITIONS", SECTION 9.101 "DEFINED TERMS" TO AMEND DEFINITIONS OF "RETAIL SMOKE SHOP" AND "RESTAURANT" AND ADD DEFINITIONS FOR "CREDIT ACCESS BUSINESS" ,"BAR", AND "LIQUOR OR PACKAGE STORES"; 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, on June 4, 2024, Informal Report No. 1867 titled "The Proliferation of Certain Uses and Applicable Zoning Regulations" was presented to the City Council providing information on current zoning regulations applicable to commercial land uses that tend to proliferate in certain areas and/or commercial corridors, potentially posing a blight upon or cause for concern to the neighboring communities as to the impact on their character due to any negative secondary effects associated within these land uses; and

WHEREAS, liquor or package stores, credit access businesses, retail smoke shops, and pawn shops were identified as some of the commercial land uses that tend to proliferate and were of public concern; and

WEHREAS, City staff was directed by City Council to draft additional regulations for those identified commercial land uses that tend to proliferate and were of public concern; and

WHEREAS, on December 2, 2025, the Development Services Department presented to the City Council during their regular work session meeting and recommended changes to the zoning ordinance concerning liquor or package stores, credit access businesses, retail smoke shops, and pawn shops; and

WHEREAS, City staff recommends that liquor stores or package stores be removed as an allowed use in neighborhood oriented commercial zoning districts and be limited to more intensive commercial and industrial zoning districts and select form-based districts, and that a separation distance between liquor stores or package stores be included to address the saturation and proliferation of these uses; and

WHEREAS, City staff recommends that credit access businesses, also known as “payday lenders”, be added as a defined use and be limited to more intensive commercial and industrial zoning districts, as well as select form-based districts, and that a separation distance between credit access businesses be included to address saturation and proliferation of these uses; and

WHEREAS, City staff recommends that the definition of retail smoke shop be amended to reduce the percentage threshold for tobacco and tobacco related sales, that the list of sensitive uses where a separation distance is applicable be expanded to include public parks, places of worship, and daycare centers, and that a separation distance between retail smoke shops be included to address saturation and proliferation of these uses; and

WHEREAS, City staff recommends amending the Zoning Ordinance to add definitions for “Bar” and “Liquor or Package Stores” to be consistent with their definitions in the Texas Alcoholic Beverage Code, adding a definition for “Credit Access Business” to be consistent with its definition in the Texas Finance Code, and revising the definitions of a “Restaurant” and “Retail Smoke Shop”; and

WHEREAS, the City Council of Fort Worth has determined that it is in the best interest of the public health, safety, and general welfare to deter the proliferation and saturation liquor or package stores, retail smoke shops, and credit access businesses, and agrees with City staff's recommendations.

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

SECTION 1.

Chapter 4, "District Regulations", Article 8, "Nonresidential District 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 revise the row "Nonresidential Uses"/"Retail Sales and Service"/"Liquor or Package Store", by removing the "P" under the "E" column; adding a "*" under all of the columns where a "P" exists; and adding a reference to a new "Section 5.157" under the "Supplemental Standards" column.

SECTION 2.

Chapter 4, "District Regulations", Article 12, "Form-Based Code District Use Table," Section 4.1203, "District Use Table" of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise the row "Nonresidential Uses"/"Retail and Sales and Service"/"Liquor or Package Store", by removing the "P" under the "MU-1" column; adding a "*" under all of the columns where a "P" exists; and adding a reference to a new "Section 5.157" under the "Supplemental Standards" column.

SECTION 3.

Chapter 4, "District Regulations", Article 8, "Nonresidential District 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 by adding a row for “Credit Access Business” in the category of “Office” as a new “Nonresidential Use”; adding a “P*” under the “G”, “I”, “J”, and “K” columns in the new “Credit Access Business” row with all of the other columns in the row to remain empty; and adding a reference to a new “Section 5.158” under the “Supplemental Standards” column.

SECTION 4.

Chapter 4, “District Regulations”, Article 12, “Form-Based Code District Use Table,” Section 4.1203, “District Use Table” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended to by adding a row for “Credit Access Business” in the “Office” category as a new “Nonresidential Use”; adding a “P*” in all form based districts and sub-districts in the new “Credit Access Business” row, except for “TL-NB”, “BU-RA”, “BU-RX”, and “BU-CIV”, which should be left empty and blank; and adding a reference to a new “Section 5.158” under the “Supplemental Standards” column.

SECTION 5.

Chapter 9, “Definitions” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Section 9.101, “Defined Terms” is hereby amended by amending the definitions of “Retail Smoke Shop” and “Restaurant” and by adding definitions for “Credit Access Business”, “Liquor or Package Stores”, and “Bar” to read as follows:

BAR. An establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

CREDIT ACCESS BUSINESS. An establishment meeting the definition of that term as found in Tex. Finance Code, § 393.601.

LIQUOR OR PACKAGE STORES. An establishment principally for the retail sale of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for off-premise consumption.

RESTAURANT. A place which is regularly open in a bona fide manner; which is used and kept open for the service of food to customers for compensation; which has suitable seating for guests; which has suitable facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night and the serving of food is the primary business of such place, and which may, as an accessory use, provide patrons with space for dancing or permit patrons to dance. Includes restaurants legally authorized (by duly issued permits from the city and state) to sell alcoholic beverages for consumption on the premises; provided however that gross receipts for alcoholic beverages shall not exceed 50% of the total gross receipts. A place which is regularly open to the public, has suitable seating for guests, and which operates as a permanent food service facility through the preparation and service of multiple entrees in a kitchen as defined in this Subchapter with commercial cooking equipment, for consumption on or off premises. Accessory uses may include an outdoor dining area, a sidewalk café and/or space for dancing.”

RETAIL SMOKE SHOP. A store that derives 90% more than 50% of its gross annual sales from the sale of tobacco, cigarettes, smoking and electronic smoking devices, or related products and accessories and does not sell alcoholic beverages for onsite consumption.

SECTION 6.

Chapter 5 “Supplemental Use Standards”, Article 1, “Standards for Selected Uses” of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, is hereby amended by amending Section 5.152 “Retail Smoke Shop” to add additional sensitive uses, increase distance requirements from sensitive uses, and add a new distance requirement from existing retail smoke shops to new retail smoke shops; and by adding Sections 5.157 “Liquor or Package Stores” and 5.158 “Credit Access Business” and providing regulations, which shall read as follows:

§ 5.152 RETAIL SMOKE SHOP

(a) Retail smoke shops may be permitted in accordance with the use tables in Chapter 4, Articles 6, 8 and 12, provided however, retail smoke shops are prohibited within 300-500 feet of public parks, places of worship, daycares, schools, universities, and hospitals. The measurement shall be

in a direct line from the property line of the proposed retail smoke shop to the property line of the existing public parks, places of worship, daycares, schools, universities, or hospitals.

(b) Any new retail smoke shop shall be located at least 1,000 feet from any other retail smoke shop. The measurement shall be in a direct line from the property line of the proposed retail smoke shop to the property line of the other retail smoke shop, in a direct line across intersections.

§ 5.157 LIQUOR OR PACKAGE STORES.

A liquor store or package store may be permitted in accordance with the use tables in Chapter 4, Articles 6, 8 and 12, provided however, the proposed location shall be at least ~~three hundred (300)~~ 1,000 feet from any other liquor or package store. The measurement shall be in a direct line from the property line of the proposed liquor or package store to the property line of any other liquor or package store, in a direct line across intersections.

§ 5.158 CREDIT ACCESS BUSINESS.

A credit access business may be permitted in accordance with the use tables in Chapter 4, Articles 6, 8, and 12, provided however, the proposed location shall be located at least one thousand (1,000) feet from any other credit access business. The measurement shall be in a direct line from the property line of the proposed credit access business to the property line of any other credit access business, in a direct line across intersections.

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: _____
Christopher Austria,
Senior Assistant City Attorney

Jannette S. Goodall,
City Secretary

ADOPTED: _____

EFFECTIVE: _____