



**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
September 9, 2014

Council District ALL

Zoning Commission Recommendation: Approval as Amended for August 8 draft ordinance by a vote of 8-0 Opposition: None submitted Support: None submitted	Continued	Yes ___ No <u>X</u>
	Case Manager	<u>Jocelyn Murphy</u>
	Surplus	Yes ___ No <u>X</u>
	Council Initiated	Yes ___ No <u>X</u>

Owner / Applicant: City of Fort Worth Planning and Development Department

Site Location: Citywide Mapsco: N/A

Proposed Use: 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 (1986), to amend Chapter 4 "District Regulations" to amend:

- Article 3 "Planned Development ("PD") District" to add game rooms in Section 4.305;
- Sections 4.800 "Nonresidential District Use Table" and 4.1200 "Form Based Districts Use Table" to add game rooms by Planned Development District; and
- Chapter 9, "Definitions", Section 9.101, "Defined Terms"

To review the proposed amendments:
<http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

Request: TEXT AMENDMENT: GAME ROOMS AND GAMING

Background:

In order to address ongoing concerns about certain properties operating for gaming purposes or providing gaming machines, the City Council directed Staff to establish regulations within the Zoning Ordinance. Concerns from the City Council included increased crime, quality of life, property values and character of surrounding neighborhoods and deter the spread of urban blight.

Currently, business that operate amusement redemption machines, such as but not limited to eight liners, are considered indoor amusement as it is the most applicable use in the land use chart. The proposed regulations will define gaming and establish regulations for any operations that meet the definition of a game room. The intention is to ensure that operators do not knowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes.

Attachments: Summary of Proposed Ordinance
Minutes from the Zoning Commission meeting

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 4 "DISTRICT REGULATIONS" TO AMEND ARTICLE 3 "PLANNED DEVELOPMENT ("PD") DISTRICT" TO ADD GAME ROOMS IN SECTION 4.305; TO AMEND SECTIONS 4.800 "NONRESIDENTIAL DISTRICT USE TABLE" AND 4.1200 "FORM BASED DISTRICTS USE TABLE" TO ADD GAME ROOMS BY PLANNED DEVELOPMENT DISTRICT; TO AMEND CHAPTER 9, "DEFINITIONS", SECTION 9.101, "DEFINED TERMS" TO ADD DEFINITIONS RELATED TO GAME ROOMS, 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 City is expressly authorized to regulate game rooms operating amusement redemption machines such as eight liners by virtue of being a home rule municipality; and

WHEREAS, Zoning game rooms is a legitimate and reasonable means of regulation to ensure that operators of game rooms do not knowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes; and

WHEREAS, game rooms that operate amusement redemption machines, such as but not limited to eight liners, can have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary; and

WHEREAS, game rooms that operate amusement redemption machines have objectionable operational characteristics, particularly when located within close proximity to each other, contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the City Council desires to minimize and to control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve the quality of life; preserve property values and character of surrounding neighborhoods and deter the spread of urban blight.

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

SECTION 1.

Chapter 4, "District Regulations", Article 3, "Planned Development ("PD") District, Subsection 4.305.C. "Specified Commercial Uses Permitted in "PD" District only" of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add number 6 "Game rooms" as a use to read as follows:

4.305 Uses

C. Specified Commercial Uses Permitted in "PD" District Only

6. Game rooms

Additional development controls shall be required, as follows:

- a. No game room shall be located within 300 hundred feet of a one- or two-family residential district, church, school, or hospital, measured from property line to property line.
- b. Each entrance to a game room shall be marked with a sign that:
 - i. bears the word "GAME ROOM" in two and one-half inch or larger block letters; and
 - ii. is legible from a distance of 25 feet.
- c. Every game room shall provide transparent glass in at least one game room window with a dimension of at least three feet in width and three feet in height and shall not cover or otherwise block or obscure the view through a game room window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions.
- d. The sale, purchase, possession or consumption of any alcoholic beverages as defined by the Texas Alcoholic Beverage Code shall not be permitted unless the premises is licensed under the provisions of said code for the sale, purchase, or possession of alcoholic beverages.
- e. Every game room shall be limited to a maximum 2,000 square feet.

SECTION 2.

Chapter 9, "Definitions" of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 9.101, "Defined Terms" is hereby amended to add definitions for game rooms, amusement redemption machines to read as follows:

9.101 Defined Terms

Amusement Redemption Machine means a skill or pleasure coin-operated machine that is designed, made and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, or novelties, or a representation of a value redeemable for those items and is in compliance with Section 47.01(4) of the Texas Penal Code. Amusement Redemption Machine does not include:

1. A machine that awards the user non-cash merchandise prizes, toys, or novelties solely and directly from the machine, including claw, crane, or similar machines; nor
2. A machine from which the opportunity to receive non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varies depending upon the user's ability to throw, roll, flip, toss, hit, or drop a ball or other physical objects into the machine or a part thereof, including basketball, golf, bowling, or similar machines. A representation of value means cash paid under authority of sweepstakes contestants as provided by the Texas Business and Commerce Code, Section 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

Game room means a building, facility, or other place that is open to the public where three or more amusement redemption machines are present.

SECTION 3.

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4602, "Non-Residential District Use Table" is hereby amended to revise section "Entertainment and Eating", to add the use "Game rooms", add "PD" under "Planned Development" special district column for the use and add a reference to 4.305.C under the Supplemental Standards column.

SECTION 4.

Chapter 4, Article 12, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.1202, "Form-Based District Use Table" is hereby amended to amend section "Eating and Entertainment", to add the use "Game rooms" to add a "PD" under "Planned Development" special district column for the use and add a reference to 4.305.C. under the Supplemental Standards column.

SECTION 5.

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (1986), 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 6.

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, 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 7.

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 8.

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 9.

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 10.

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

APPROVED AS TO FORM AND LEGALITY:

By: _____

Melinda Ramos, Assistant City Attorney

Mary Kayser, City Secretary

Adopted: _____

Effective: _____

DRAFT

Charles Taylor	7816 Kermit	In		Support	Sent letter in
Allen Leasing	6815 NW Loop 820	In		Support	Sent letter in
Rupert & Jessie Cole	4728 Dilworth	In		Support	Sent letter in
James Cohen	3855 Cartist	In		Support	Sent letter in
Fountainhead Mgmt	4000 Old Benbrook	In		Support	Sent letter in
Heidi Luck	10769 FM 1886	Out	Oppose		Sent letter in
Bobby Johnson	8780 Regal Royale	In		Support	Sent letter in
Kimberly Baker	7812 Gaston	In	Oppose		Sent letter in
Marvin Pustejovsky	3024 Olive	In	Oppose		Sent letter in
Gregorio Vasquez	7309 Mohawk	Out	Oppose		Sent letter in
Myrtle Sebik	7408 Arlie	In	Oppose		Sent letter in
MRP Westpoint	1200 Scenic Vista	Out	Oppose		Sent letter in
Billy Buchanan	5056 Lyndon	In	Oppose		Sent letter in
Wanda Redwine	3529 Bonnie	In	Oppose		Sent letter in
Terry Reynolds	7104 Brazos	In	Oppose		Sent letter in

16. ZC-14-104 City of Fort Worth Planning & Development (CD All) - Text Amendment: Game Rooms and Gaming; 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:

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Jocelyn Murphy, Planning Manager explained the text amendment.

Motion: Following brief discussion, Mr. Edmonds recommended Approval as Amended of the request for August 8 draft ordinance, seconded by Mr. Flores. The motion carried unanimously 8-0.