



**CITY OF WHITE SETTLEMENT  
PLANNING & ZONING COMMISSION  
REGULAR MEETING**

214 Meadow Park Drive  
White Settlement, TX  
76108  
www.wstx.us

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**Tuesday, March 3, 2014**

**7:00 p.m.**

**214 Meadow Park Drive  
Conference Room "B"**

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**AGENDA**

A Quorum of the City Council may be present at this meeting. They may not deliberate or take action.

**CALL TO ORDER- ROLL CALL**

**APPROVAL OF MINUTES**

1. Consider approval of the September 3, 2014 Regular P&Z Meeting Minutes.

**WORKSHOP**

2. Discuss Recreational Gaming Facilities, Tobacco Shops and any further items in the Zoning Ordinance for future review.

**ADJOURN**

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**Certification**

I, the undersigned authority do hereby certify that the above agenda was posted on the bulletin boards at City Hall , 214 Meadow Park Drive, of the City of White Settlement, Texas, in compliance with Chapter 551, Texas Government Code, on or before February 27, 2015 by 5:00 p.m.

*Amy Arnold*, City Secretary

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## Memo

**To:** Chairperson, Planning & Zoning Commission Members  
**From:** Chief Building Official Joe Ashton  
**Date:** February 27, 2015  
**Re:** Workshop to discuss Recreational Gaming Facilities, Tobacco Shops and any further items in the Zoning Ordinance for future review.

*On February 10 staff requested, at minimum, a 60 day moratorium on Recreational Gaming Facilities and Smoke Shops. The genesis of this request was that, last month, the City of Fort Worth passed much stricter regulations on the Recreational Gaming Facilities, and it caused staff to receive several inquiries about relocating these establishments to White Settlement. We felt that, because of this sudden change to the landscape, it would be a good idea if we could have a blanket moratorium on such business opening in White Settlement until such a time as the P&Z could hold workshops, and eventually Public Hearings, to properly evaluate our position on the matter, and the Council agreed, and actually granted a six month moratorium, well over what we had initially requested. We also felt while we were performing this review, it would be a good time to look at Smoke Shops as well.*

*Currently, smoke shops are allowed anywhere within the C-C Commercial, I-L Light Industrial and I-H Heavy Industrial Zoning Districts with no restriction on distances from schools, religious institutions or residences. Recreational gaming facilities are allowed anywhere in I-H and I-L with 300 foot distance restrictions relating to schools, religious institutions and residences. For reference, we are including a copy of the Permitted Use*

*table and our Recreational Facilities regulations. Except for the Permitted Use Table, Recreational Facilities are primarily regulated through Chapter 12, not our Zoning Ordinance, but staff feels strongly about receiving input from the Planning and Zoning Commission on the issue. We're also including a copy of the Ordinance Fort Worth passed; I don't believe in a "one size fits all" solution necessarily; it's just here for reference.*

*Because the Council was gracious enough to grant us six months, this is just a starting point. We look forward to discussing this and any other matters that may come up along the way in depth, before making recommendations to Council down the road.*

ARTICLE II. - PERMITTED USES  
 Sec. 54-31. - Permitted use table.

The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being permitted (P), permitted by special use permit (S), and prohibited (as signified by blank cells). Conditions are provided in [section 54-32](#).

P	-	Permitted Use
S	-	Special Use Permit
-	-	Prohibited Use

Use Table

"P" Permitted Use, "S" Special Use Permit Required, "1, 2...5" Conditions

DISTRICTS USES	RESIDENTIAL										COMMERCIAL			INDUSTRIAL			CONDITIONS (Sec. 54-32)
	R-8	R-7	R-6	R-5	R-C	R-D	MF-16	MF-24	MH	RV	C-F	C-N	C-C	I-L	I-H	I-M	
Residential Uses																	
Apartment, garage							P	P									
Apartment, house							P	P									
Apartment (multifamily)							P	P									
Dwelling, accessory														S	P		2, 5
Duplex (two-family)						P	P	P									
Dwelling, cluster					P		P	P									
Dwelling, industrialized housing	P	P	P	P	P	P	P	P	P	P							
Dwellings, single-family, attached					P	P	P	P									
Dwellings, single-family, detached	P	P	P	P	P	P	P	P					P				25, 26
Dwellings, single-family, zero lot line					P	P	P	P									
Group home for the disabled or disadvantaged	P	P	P	P	P	P	P	P	P	P							
Dwelling, manufactured housing or mobile home									P								
Manufactured housing park or subdivision									P								
Parish house or parsonage	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
Nonresidential Uses																	

Accessory building		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Aircraft, aircraft hardware or parts manufacture																P	3, 5	
Airfield																	P	
Ambulance stations		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		2, 5
Amusement center, teen club													P	P				2, 5
Amusement, commercial (indoors)													P	P				2, 5
Amusement, commercial (outdoors)													P	P				1, 5
Amusement park													P	P				1, 5
Animal grooming shop													P	P	P	P		5
Antique shop													S	P	P	P		5
Appliance sales and repair, household													P	P	P	P		5
Art gallery or museum							S	S						P	P	P		5
Art supply store														P	P	P	P	5
Assembly hall, auditorium, gymnasium							S	S						P	P	P		2, 5
Assembly plant															P	P		2, 5
Assisted living facility							S	S						P				2, 5
Athletic field and play field		S	S	S	P	P	P	P	P	P	P	P	P	P	P	P		2, 5
Auction house														S	P	P		2, 5
Auto auction																P		5
Auto car wash														P	P	P		3, 5
Auto impound lot with wrecker business																P		3, 5
Auto paint and body shop															P	P		5, 9, 10
Auto parts and accessory sales														P	P	P		3, 5
Auto parts sales (with outside storage)																P		3, 5

Auto rental (car & truck)								P	P	P	3, 5, 9
Auto repair garage								S	P	P	2, 5, 9, 10
Auto sales, new and used								S	S	S	3, 5, 9, 10, 11, 16, 17, 18
Auto service specialty shop								P	P	P	3, 5, 9, 10
Auto service station/light maintenance								P	P	P	3, 5, 9, 10
Auto service station/restaurant or convenience store							S	S	P	P	2, 5, 9
Bakery and confectionery, wholesale								P	P	P	5
Bakery and confectionery, preparation and retail sales								P	P	P	5
Bank, savings and loan, financial institutions.								P	P	P	5
Bar or tavern								P	P	P	4, 5
Beauty, barber, or other personal service shop								P	P	P	5
Bed and breakfast								P	P		2, 5
Bingo facility										P	5
Boat and accessory sales, rental and service								S	S	S	3, 5, 11, 19, 20, 21, 22, 23
Bottling works										S	5
Bowling alley								P	P	P	5
Brick kiln or tile plant										S	3, 5
Building materials sales								P	P	P	5
Bus, train and taxi station or terminal								P	P	P	5
Cabinet and upholstery shop										P	5
Carpet and rug cleaning										P	5
Catering establishment								P	P	P	5

Cemetery, mausoleum or crematorium													S	S		2, 5
Ceramic products												P	P	P	P	5
Ceramic products with kiln												P	P	P	P	2, 5
Clinic, medical												P	P	P	P	5
Collectibles shop												P	P	P	P	5
Community center		S	S	S	P	P	P	P	P	P	P	P	P	P	P	2, 5
Contractor's business (no outside storage)													P	P	P	3, 5
Contractor's business (with outside storage)														S	P	2, 3, 5
Contractor's storage and equipment yard														S	P	2, 3, 5
Convenience store												P	P	P	P	5
Convent or monastery							S	S	S	S		P	P	P	P	2
Copy shop												P	P	P	P	2, 5
Correctional facility (including pre-parole centers)														S	S	5
Creamery, milk and ice cream processing														P	P	5
Custom personal service shops												P	P			5
Customary home occupation		P	P	P	P	P	P	P	P	P						
Day care center, adult								P	P	P	P	P	P			5
Day care center, child								P	P	P	P	P	P			5
Day care in a church	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	24
Day care in the home		P	P	P	P	P	P	P	P	P						8
Department store												P	P			3, 5
Domestic goods, rental yard												S	S	P	P	5
Electric generating station														P	P	2, 5
Electric transmission lines		P	P	P	P	P	P	P	P	P	P	P	P	P	P	5

Electrical equipment assembly													S	P	P		5
Electrical substation		S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	2,5
Equipment rental yard, commercial and heavy															P	P	2,3,5
Extermination services														P	P	P	2,5
Factory outlet retail or wholesale store												P	P				5
Farmers market, outdoor													S				2,5
Floor covering shop												P	P	P	P		5
Florist shop/gift shop													P	P			5
Foundry, metal fabrication																S	2,3,5
Fraternal, philanthropic club, lodge, and charitable uses						S	S	S	S		S	S	P	P			5
Funeral home/mortuary or crematorium						S	S	S	S				P	P	P		2,5
Furniture or appliance store												P	P				5
Furniture refinishing														P	P		5
Furrier shop												P	P				5
Gas regulator station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5
General Retail												P	P				5
Golf club, private														P	P		2,5
Golf course, driving range												P	P				2,5
Golf course, miniature												P	P				2,5
Golf course, public														P	P		5
Greenhouse or plant nursery													P	P	P		5
Grocery store												P	P	P	P		5
Hardware store												P	P	P	P		2,5
Health club or recreation facility												P	P	P	P		5

Health service facility (out patient)														P	P	5
Heliport															P	5
Helistop														S	S	2,5
Hospital							S	S	P	P	P	P	P	P	P	2,5
Hotel											P	P	P	P	P	2,5
Interior decorating shop											P	P	P	P		5
Kennel											P	P				2,5,7
Laboratory, medical or dental												P	P	P		2,5
Laundry cleaning plant, commercial													P	P		5
Laundry, dry cleaning and dyeing plant													P	P		2,5
Laundry, dry cleaning, full service													P	P	P	5
Laundry, dry cleaning pickup and receiving station											P	P	P	P		2,5
Laundry, dry cleaning, self service												P	P	P		5
Leather and luggage store											P	P				5
Library	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5
Locksmith shop											P	P	P	P		5
Machine shop													P	P		5
Machinery repair, sales, storage and service													P	P		3,5
Manufactured home or pre-fab home manufacturing														P		3,5
Manufactured, industrial or pre-fab home sales or rental													P	P		2,5
Manufacturing or assembly facility (light)													P	P		3,5
Manufacturing or assembly facility (heavy)														P		3,5
Market, meat											P	P				5

Meat product processing													P	P	5	
Medical care facility, nursing and care home						S	P						P	P	P	2, 5
Medical equipment sales, rental, and leasing													P	P	P	5
Medical, dental and optical sales													P	P	P	5
Miniwarehouse														P	P	4, 5
Motel														S	P	2, 5
Motor freight terminal															P	5, 9
Museum, fine arts center, or art gallery							P	P	P	P			P	P	P	5
Music store													P	P		5
Nightclub or dance hall													P	P		2, 4, 5
Office machine sales and service													P	P		5
Office supply store													P	P		5
Office, real estate development tract or field office													P	P		5
Offices, professional													P	P	P	5
Optical sales and service													P	P	P	5
Package liquor store														P	P	4, 5
Paint and wallpaper store													P	P	P	5
Park	P	P	P	P	P	P	P	P	P				P	P	P	5
Parking, garage													S	S	P	2, 5, 9
Parking lot (commercial)													S	S	P	2, 5, 9
Parking lot, (truck)															P	5, 9
Pawn shop														S	P	4, 5
Pet shop													P	P		5
Pharmaceutical plant															P	5
Pharmacy or drugstores													P	P		5

Photographic equipment sales and service												P	P					5
Picture framing shop												P	P					5
Pool or billiard hall												S	P					4, 5
Print shop, copy shop, lithography												P	P	P	P			5
Private club													P	P	P			4, 5
Processing of chemicals or mineral extractions, not elsewhere classified																P		5
Public admin. buildings	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P			5
Public safety, fire and police	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P			2, 5
Public utility facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			5
Radio or television studio												P	P	P	P			2, 5
Recreation vehicle park										P								12
Recreational facility												P	P	P	P			5
Recreational facility, gaming														P	P			4, 5
Recreational vehicle sales, rental and/or storage															S	S		3, 5, 9, 10, 11
Recycling collection center															P	P		3, 5
Recycling containers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			2, 3, 5
Recycling plant															S	P		2, 3, 5
Rehabilitation care facility (criminal-psychiatric, mental disorders, substance abuse)																S		2, 5
Religious institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			5
Rental store												P	P	P	P			2, 5
Rental yard, commercial and heavy equipment															S	P		2, 5
Repackaging															S	P		2, 5, 14, 15

Restaurant												P	P	P				2, 5
Restaurant with alcohol												P	P	P				2, 4, 5
Restaurant, drive-in/drive-through												P	P	P				2, 5
Restaurant, refreshment stand (temporary or seasonal)												S	S	P	P			2, 5
Rodeo grounds/fair grounds															S	P		2, 5
Salvage yard																P		5
Sanitarium														P	P	P		5
School, business college														P	P	P		5
School, college or university														P	P	P		5
School, commercial instruction														P	P	P		5
School, commercial trade															P	P	P	5
School, home	P	P	P	P	P	P	P	P	P	P								
School, home day	S	S	S	S	S	S	S	S	S	S								2, 5
School, institution, rehabilitation, and training center (private)														P	P	P		5
School, nursery								P	P			P	P					5
School, primary or elementary	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P			2, 5
School, vocational														P	P	P		5, 13
Sexually oriented businesses																P		5
Shoe repair														P	P	P		5
Shooting range, skeet, or target range, outdoor														S	S	P		1, 5
Skating rink														P	P			5
Spray painting and paint mixing																P		5
Stable, commercial																	S	2, 5, 6, 7
Stable, private																P	P	1, 2, 5, 6, 7
Stadium, arena, amphitheaters												P	P	S	S			5

Stone monument sales												P	P	P		
Stone monument works														S	P	2, 3, 5
Storage yard														S	P	2, 3, 5, 9
Studio											P	P	P	P		5
Swimming pool (commercial)										S	S	S	S			2, 5
Tailor/seamstress or alteration shop										P	P	P	P			5
Tattoo establishment, cosmetic										P	P	P	P			5
Tattoo parlor													S	P		2, 5
Taxidermist shop												S	P	P		2, 5
Telephone exchange	S	S	S	S	S	S	S	S	S	S	S	S	S	S		2, 5
Television, radio, microwave, telecommunication towers or facilities	See section 54-216															
Terminal, passenger													P	P	P	5
Terminal, railroad or motor freight															P	3, 5
Theater, indoor motion picture											P	P	P	P		5
Ticket agency											P	P	P	P		5
Tire processing facility, scrap															P	3, 5
Tire recycling center or storage														S	P	2, 3, 5
Tobacco shop													P	P	P	5
Trailer rental or sales														P	P	5
Travel bureau or consultant											P	P	P	P		5
Vehicle storage, recreational (commercial)														P	P	3, 5
Veterinarian hospital (with outside pens)														S	P	2, 5, 6, 7
Veterinarian hospital (without outside pens)													P	P	P	2, 5
Video and video game rental store											P	P	P	P		5

Warehousing and freight office and storage														P	3, 5
Warehousing and storage establishment														P	5
Watch and jewelry repair									P	P	P			P	5
Welding or machine shop														P	3, 5
Wholesale establishment														P	5
Window covering store										P	P			P	5

(Code 2004, ch. 14, § 7; Ord. No. 2171-01, 7-24-2001; Ord. No. 2198-02, 4-23-2002; Ord. No. 2223-03, § 1, 9-11-2003; Ord. No. 2225-03, § III, 5-27-2003; Ord. No. 2237-03, 8-26-2003; Ord. No. 2261-04, § II, 11-23-2004; Ord. No. 2266-05, § III, 5-10-2005; Ord. No. 2267-05, § I, 6-14-2005; Ord. No. 2270-05, § I, 8-9-2005; Ord. No. 2279-05, § I, 12-20-2005; Ord. No. 2280-05, 12-20-2005; Ord. No. 2301-06, § I, 12-19-2006; Ord. No. 2311-07, § I, 7-24-2007; Ord. No. 2313-07, § I, 8-14-2007; Ord. No. 2013-2462, § II, 12-10-2013)

Sec. 54-32. - Conditions and special regulations for listed uses.

The following subsections describe conditions and special regulations for uses listed in the permitted use table in section 54-31. Additional requirements may be added to these herein by the planning and zoning commission or city council as deemed necessary to protect the health, safety, and general welfare of the citizens of the city. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the planning and zoning commission and city council have been met.

- (1) Site plan approval by the planning and zoning commission and city council will be required in accordance with section 54-207.
- (2) Site plan approval by the planning and zoning commission and city council will be required in accordance with section 54-207, in districts that require a special use permit.
- (3) All storage shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided that no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
- (4) May not be located within 300 feet of any property zoned for a residential use or any property that is occupied by a religious institution, public school, day care or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
- (5) All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses.
- (6) Any proposed stable or barn must be setback 100 feet from any adjacent residence. Only animals permitted within the corporate limits by this Code will be permitted on site.
- (7) Pens, outdoor kennels, or animal runs must be located 100 feet from adjacent residences.
- (8) A copy of the state certification of licensing or registration as described in V.T.C.A., Human Resources Code § 42.052 must be provided to the city.
- (9) Shall not be used for the storage of wrecked vehicles, or the dismantling of vehicles or the storage of vehicle parts.
- (10) All vehicles being stored for repair shall be screened from all public rights-of-way.
- (11) All equipment shall be stored and displayed on a hard all weather surface.
- (12) See section 54-92 for special requirements.
- (13) A 1,000-foot separation is required from all residential uses or zoning districts, churches or schools.
- (14) All storage of goods, products, cargo, produce or materials and the repackaging of same must be wholly within the confines of a building.
- (15) No continuous or episodic excessive noise or odors shall be emitted from the use.
- (16) No permit for auto sales, new and/or used, shall be issued or allowed unless the location of the business is at least 5,280 feet (measured by following streets between locations) from any other location in the city that is conducting an auto sales business.
- (17) All businesses conducting auto sales shall be required to conform to the drive lane width and parking layout and parking space size regulations contained in article X of this chapter for all vehicles being sold as well as the schedule of parking requirements provided in article X of this chapter for customer parking.
- (18) All businesses conducting auto sales, new and/or used, shall occupy a minimum of two acres for its business. The business being conducted must itself occupy two acres and shall not share such space with any other business, including other auto sales.
- (19) All boats being stored for repair shall be screened from all public rights-of-way.
- (20) No permit for boat and accessory sales, rental, and service shall be issued or allowed unless the location of the business is at least 5,280 feet (measured by following streets between locations) from any other location in the city that is conducting a boat and accessory sales, rental and service business.
- (21) All businesses conducting boat and accessory sales rental and service shall be required to conform to the drive lane width and parking layout and parking space size regulations contained in article X of this chapter for all boats being sold as well as the schedule of parking requirements provided in article X of this chapter for customer parking.
- (22) All businesses conducting boat and accessory sales, rental and service shall occupy a minimum of one acre for its business and operations.
- (23) Shall not be used for the storage of wrecked boats, or the dismantling of boats or the storage of boat parts.
- (24) Provided the parking requirements of article X of this chapter are met.
- (25) Commercial Neighborhood (C-N) shall not be used for new residential development.
- (26) Property that was developed and used as a residence may retain such usage until such time as the owner sells the property to a purchaser who intends to utilize property for a non-residential use. All laws and ordinances governing residential structures shall apply at all times the property is used as a residence.

(Code 2004, ch. 14, § 8; Ord. No. 2171-01, 7-24-2001; Ord. No. 2198-02, 4-23-2002; Ord. No. 2236-03, 8-26-2003; Ord. No. 2270-05, § II, 8-9-2005; Ord. No. 2279-05, § II, 12-20-2005; Ord. No. 2289-06, § I, 8-22-2006; Ord. No. 2298-06, § I, 11-14-2006; Ord. No. 2311-07, § I, 7-24-2007; Ord. No. 2313-07, § II, 8-14-2007; Ord. No. 2013-2462, § II, 12-10-2013)

Secs. 54-33—54-52. - Reserved.

## ARTICLE IV. - RECREATIONAL FACILITIES

## FOOTNOTE(S):

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**State Law reference**— Municipal authority to regulate places of public amusement, V.T.C.A., Local Government Code § 215.074; municipal authority to impose occupation tax on coin-operated machine, V.T.C.A., Occupations Code § 2153.451; release fee for authorized sealing, V.T.C.A., Occupations Code § 2153.453.

## Sec. 12-88. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Operator* means a person, firm, company, partnership or association who exhibits or displays a mechanical, video, or electronic game or pool table within the city who does not own such games or pool tables.

*Owner* means any person, firm, company, partnership or association that owns a mechanical, video, or electronic game or pool table located within the licensed premises.

*Place of recreation* means a dance hall, pool hall, domino parlor, carnival, amusement club, arcade, establishments for amusement purposes, including establishments serving food or beverages, that also provide more than an aggregate total of three mechanical, video, electronic or electromechanical games of skill or chance (including pinball machines, marble machines, table shuffleboard or table type 9- and 10-pin alley machines and shooting gallery machines). Any establishments providing one or more pool tables, whether also serving food or not, is also defined as a place of recreation.

*Pool table* means any table surrounded by a ledge or cushion, with or without pockets, upon which balls are propelled by a stick or cue, and includes billiard tables, pool tables and bumper pool tables, whether coin-operated or not.

*Recreational facility, gaming*, means a place of recreation whose primary function or purpose is to provide machines or contrivances that, for a consideration, afford a player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, whether or not the prize or award is automatically paid by the machine or contrivance. The term "primary function or purpose" means that 60 percent or more of the gross revenues received by the establishment at that location arise from the playing of machines or contrivances.

(Code 2004, § 4.401; Ord. No. 2225-03, § 1, 5-27-2003)

## Sec. 12-89. - Occupation tax.

- (a) An occupation tax is imposed on each mechanical, video or electronic game or pool table that is displayed, exhibited and used within the city limits on January 1 of each year.
- (b) The tax rate is one-fourth of the occupation tax imposed by the state and is due on January 15 of each year.

- (c) The tax is due and payable by the owner of each game or pool table.
- (d) The tax shall be collected by the city secretary.
- (e) The tax on a mechanical, video or electronic game or pool table that is first displayed, exhibited or used in the city after March 31 of each year is one-fourth of the tax imposed by this article for each quarter or partial quarter of the calendar year remaining after the date the game or pool table is first exhibited. The tax is payable within 15 days after the game or pool table is first exhibited in the city.
- (f) A tax permit shall be issued by the city secretary upon receipt of payment and it shall be securely affixed to each game or pool table.
- (g) The city secretary may not refund or assign credit for the tax imposed under this article to an owner who ceases to exhibit or display a coin-operated machine before the end of the calendar year for which the tax is imposed.
- (h) A person may not attach a tax permit to a coin-operated machine that is exhibited or displayed if the machine is not registered with the city secretary under this article.

*(Code 2004, § 4.402)*

Sec. 12-90. - License required.

- (a) It shall be unlawful for any person, firm, association of persons, corporation or any other type of organization to own, operate or maintain any place of recreation within the city, without having first obtained an appropriate license from the city secretary, as hereinafter provided, which license shall at all times be displayed in a conspicuous place within the licensed place of business.
- (b) There is excepted from the requirement that a license be obtained by any religious, educational, charitable, benevolent or nonprofit association or corporation, or any governmental entity. It is provided, however, that any such association or entity shall, upon request by the city manager or the manager's representative, furnish proof at any time of its religious, educational, charitable, benevolent, nonprofit or governmental status. Any failure to respond to such request within ten days shall constitute a violation of this article and subject such organization to the penalties set out in this article.
- (c) There is excepted from the requirement that a license be obtained by an individual who owns mechanic, video or electronic games and/or pool tables for personal use and amusement only that are located in the individual's residence.

*(Code 2004, § 4.403)*

Sec. 12-91. - Compliance with other laws required.

No license shall be granted pursuant to this article unless it shall appear, upon investigation by the city manager or the manager's representative, that the premises to be used for the purpose of operating a place of recreation comply with the laws of the state and all ordinances of the city regulating health and sanitation, fire regulations, zoning regulations and all requirements of the building codes of the city.

*(Code 2004, § 4.404)*

Sec. 12-92. - Application for license.

- (a) Any person or other entity desiring a license to operate a place of recreation shall file with the city secretary a written, sworn application for such license, and such application shall state:
  - (1) The location, by street and number, of the premises which is proposed to be used for such

purpose and the size of the space to be used.

- (2) If not the owner of the premises, the name and address of the owner.
  - (3) If the applicant is an individual, the name, business and residence address of the applicant, the applicant's social security number, and driver's license number and state of issuance.
  - (4) If the applicant is an association or partnership, all of the information described in subsection (a)(2) of this section, as to each individual composing the association or partnership.
  - (5) If the applicant is a corporation, the date and state of incorporation and, if it is a foreign corporation, then the date that it obtained a license to do business in the state, the name of the registered agent of the corporation, the principal and registered address and the name of its chief executive officer.
  - (6) If the applicant for the license will not or does not own all of the game machines or pool tables, then the name and address of the person or entity owning and furnishing such games and pool tables.
  - (7) The number and type of games or pool tables anticipated to be on the premises during the term of the license or, if the application is for a renewal of the license, the number and types of games and pool tables presently at the premises.
- (b) Each individual named in the application shall verify that he has never been convicted of any crime involving injury to or abuse or molestation of a child.
  - (c) It shall be unlawful to misrepresent any information, fact or statement made in the application. Any misrepresentation shall, in addition to the other penalties prescribed by law, be cause for revocation of a license or cause for denial of a license.
  - (d) The city shall issue or deny a license within 30 working days from the date the application for same is filed with the city secretary.

*(Code 2004, § 4.405)*

#### Sec. 12-93. - License fees.

- (a) In addition to all other fees or taxes levied or charged by the city, the state or other jurisdictions, there shall be levied and paid at the time the application for license is filed with the city secretary an annual license fee to the city as set forth in chapter 22
- (b) The license fee shall be paid at the time the application is filed.
- (c) The license fees specified above shall be prorated on a calendar year basis in the year it is first issued.

*(Code 2004, § 4.406)*

#### Sec. 12-94. - Term of license; transferability.

The term of each license issued to a place of recreation shall be for the period of January 1 through December 31 of the year the license is issued. Once issued, a license must be renewed and reissued no later than January 15 of the following year. No license issued under the terms of this article shall be transferable.

*(Code 2004, § 4.407)*

#### Sec. 12-95. - Appeals.

In the event the issuance of a license is denied, such action shall be final, unless the applicant for the license shall, within ten days after the date of denial, file a written appeal with the city secretary addressed to the city council requesting a hearing by the council upon the question as to whether or not the application should be granted. The council shall, within 30 days, grant a hearing thereon to determine whether the decision to deny the application was correct. The council may make such investigation and receive information from the city manager, the chief of police and any other person in making its determination. The council may affirm the denial of the license or may grant the application for a license. In any event, the action taken by the council shall be final. Any applicant aggrieved by the action of the city council shall have the right to appeal to the district courts of the county on the grounds that the city council has acted arbitrarily or capriciously with regard to the proposed application. Any action must be filed in the district courts within 30 days after the date the city council has taken action or the action of the council shall be conclusive.

*(Code 2004, § 4.408)*

Sec. 12-96. - License not a vested right.

The granting of any license under the terms of this article shall in no event be construed as the granting or conferring of any vested right to the licensee or operator, but shall be subject to revocation, cancellation or suspension as provided herein.

*(Code 2004, § 4.409)*

Sec. 12-97. - Renewal of license.

Before a place of recreation license shall be renewed, the person or entity requesting such renewal shall make application for renewal. Such application shall contain all of the facts, information and statements as are required for an original application for a license. At the time of the making of the application for renewal, the applicant shall also pay the license fees and occupation tax as set out herein.

*(Code 2004, § 4.410)*

Sec. 12-98. - Revocation of license.

If a place of recreation licensed under the provisions of this article is not being conducted in accordance with the laws of the state or of this article, the chief of police or city manager shall give notice in writing to the operator, licensee, manager or other person in control of the premises that the license issued for the operation and maintenance of such place of recreation will be revoked, cancelled or suspended. The notice of revocation, cancellation or suspension shall become final after the expiration of ten days from the date of the service of same upon the operator, licensee, manager or other person in charge, unless, within such time, the licensee, operator or manager shall file with the city secretary a written appeal addressed to the city council. Such appeal shall operate as a stay or postponement of the revocation, cancellation or suspension of the license issued until such time as the council shall grant a hearing and make a final decision. Such hearing shall be held within 30 days after the date of filing of such appeal. The council shall make such investigation and receive information from such sources as it may deem fit. The action and judgment of the council after the hearing shall be final and conclusive as to all parties. Any applicant aggrieved by the action of the city council shall have the right to appeal to the district courts of the county on the grounds that the city council has acted

arbitrarily or capriciously with regard to the revocation, cancellation or suspension of the license. Such appeal to the district courts must be filed within 30 days after the city council has acted or the action of the city council shall become final and conclusive.

*(Code 2004, § 4.411)*

Sec. 12-99. - Location.

- (a) No recreational facility shall be located within 300 feet in a direct line from any of its public entrances of the property line of a church, hospital or public or private school.
- (b) Once a license has been granted to a facility, a renewal license shall be granted if the facility meets all other standards and requirements even though the facility is then within the 300-foot distance provided in subsection (a) of this section because a church, hospital or public or private school moved within such distance of the facility after a license or renewal license was issued.

*(Code 2004, § 4.412; Ord. No. 2157-01, 1-9-2001)*

Sec. 12-100. - Hours of operation.

No place of recreation shall be operated between the hours of 12:00 midnight and 7:00 a.m. on any day; provided, however, that no place of recreation may be operated on Sundays, except during the hours of 10:00 a.m. to 11:00 p.m.

*(Code 2004, § 4.413)*

Sec. 12-101. - Limitation on service of alcohol.

- (a) No licensee shall knowingly permit the use, consumption or possession of any kind of alcoholic beverage in or upon the premises for which a license has been issued if minors are permitted on the premises.
- (b) There is excepted from the above restriction concerning the sale, use, consumption and possession of alcoholic beverages the following:
  - (1) A licensee may serve alcoholic beverages if the minors permitted on the premises are employees of the licensee; and
  - (2) A licensee may serve alcoholic beverages on the premises where minors are permitted if 60 percent or more of licensee's gross revenues are from the sale of other products and goods and/or services that form a primary part of its business and advertising.
- (c) If alcoholic beverages are sold in a recreational facility, the place where alcohol is served shall be physically separated from the space where games and pool tables are located by walls or partitions that are at least four feet tall.

*(Code 2004, § 4.414)*

Sec. 12-102. - Rules of operation.

- (a) It shall be unlawful for any holder of a license to knowingly permit or allow any person reasonably suspected of being under the influence of alcohol or drugs from entering on or remaining at the premises.
- (b) It shall be unlawful for any holder of a license to knowingly permit or allow on the premises any person who has been convicted of a felony or who has been convicted of any crime involving injury to or molestation or abuse of a child.
- (c)

It shall be unlawful for any holder of a license to knowingly employ any person on the premises who has been convicted of a felony or who has been convicted of any crime involving injury to or molestation or abuse of a child.

- (d) The holder of a license and person in charge of any place of recreation shall not allow profane, loud or abusive language on the premises, nor shall gambling be permitted except as may be specifically allowed by state law.
- (e) It shall be unlawful for any holder of a license to allow a minor to play a game or play on a pool table on the licensed premises during regular school hours of the public schools.
- (f) It shall be unlawful to screen any game or pool table so same is not clearly and plainly visible from the front door area of the premises, or if another primary business activity takes place where the majority of the public is engaged in an activity other than the playing of games or pool, then the game or pool table shall be clearly and plainly visible from the area of the premises where the other activity is taking place.

*(Code 2004, § 4.415)*

#### Sec. 12-103. - Duty of licensee.

It shall be the duty of each licensee and its managers and operators to prevent violations of the terms of this article. A failure to do so shall constitute sufficient cause for revocation of any license granted hereunder.

*(Code 2004, § 4.416)*

#### Sec. 12-104. - Inspections.

The city manager, chief of police or building inspection official may enter the premises to make periodic inspections for the purpose of determining whether the premises and the operations conducted are in compliance with this article and all other ordinances pertaining to the health and building conditions with which the licensee must comply.

*(Code 2004, § 4.17; Ord. No. 2154-00, 11-14-2000)*

#### Secs. 12-105—12-121. - Reserved.



# Fort Worth Gaming Ordinance – *What's it all about?*

FORT WORTH  
  
CODE COMPLIANCE

The City of Fort Worth recently adopted a new ordinance affecting the operation of eight liner and other similar gaming machines. It is now unlawful to operate, display or otherwise have these machines in areas throughout the City, with the exception of businesses located within light, medium or heavy industrial zoning districts.

**Q: What is the definition of a gaming machine, also known as an “amusement redemption machine” in the City of Fort Worth ordinance?**

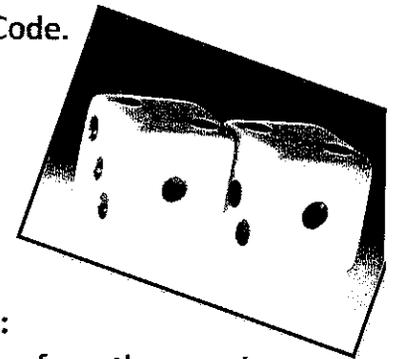
**A:** Amusement Redemption Machines means any electronic, electromechanical or mechanical contrivance, including sweepstakes machines, designed, made and adapted solely for bona fide amusement purposes, and that by operation of chance or combination of skill affords the user, in addition to any right 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) (b) of the Texas Penal Code.

**Q: Where can I find a copy of the City’s new ordinance?**

**A:** A copy of the ordinance is available online at:  
[www.fortworthtexas.gov/records](http://www.fortworthtexas.gov/records)

Click: Ordinance

Search: Ordinance No. 21499-10-2014



**Q: Have businesses been notified about the new ordinance:**

**A:** Yes. Businesses have been notified to remove the machines from the premises no later than January 20, 2015.

**Q: Where are gaming machines allowed in Fort Worth?**

**A:** Gaming Machines are only allowed in Light Industrial (I), Medium Industrial (J) or Heavy Industrial (K) zoning districts.

- Businesses can determine their zoning by going to:  
[www.fortworthtexas.gov/planninganddevelopment](http://www.fortworthtexas.gov/planninganddevelopment)
- If a business is located in Light Industrial (I), Medium Industrial (J) or Heavy Industrial (K) zoning district and they wish to keep the machines, they’ll need to make application for a Planned Development District.
- Business owners can learn more about the process at:  
[www.fortworthtexas.gov/planninganddevelopment](http://www.fortworthtexas.gov/planninganddevelopment)
- Business owners will need to initiate this action **no later than January 12, 2015**, the last Zoning Commission application deadline day, to avoid a conflict with the January 20, 2015 deadline.

**Q: Who enforces the ordinance?**

**A:** The City has a team of commercial enforcement officers that are responsible for the enforcement of the ordinance. While enforcement action will not begin until January 20, 2015, the City encourages concerned businesses and residents to reach out to these staff now so that additional outreach and problem-solving can occur before the deadline.

**To learn more: 817-392-1234**

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**

Game rooms shall only be considered in existing Light Industrial ("I"), Medium Industrial ("J") or Heavy Industrial ("K") districts and the use must then be approved as a Planned Development ("PD") District. A person, including the manager, operator or owner of a game room, commits an offense if he or she operates or permits the operation, or establishment of a game room in any other zoning district. Additional development controls shall be required, as follows:

- a. No game room shall be located within 1,000 feet of a residential use or residential district, church, school, or hospital. The distance shall be measured in a straight line without regard to interfering objects or structures from property line to property line or property line to district boundary, whichever is more restrictive.
- b. No game room shall be located within 1,000 feet of any other game room from property line to property line.
- c. Each entrance to a game room shall be marked with a sign that:
  - i. bears the word "GAME ROOM" in six inch or larger black block letters; and
  - ii. is legible from a distance of 25 feet.
- d. Every game room shall provide transparent glass in at least one exterior game room window with a dimension of at least four feet in width and four 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. The window shall allow a clear, unobstructed view of the manager station and all amusement redemption machines in the game room.
- e. 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.

- f. Every game room shall be limited to a maximum of 30 amusement redemption machines.
- g. Only one game room shall be allowed on any lot or in any single building, structure or tenant space in a strip center.
- h. Only one game room shall be permitted on any platted lot or in any building, structure or strip center.
- i. Game rooms are limited to the operation of amusement redemption machines; gambling devices shall not be allowed.
- j. a site plan, landscape plan and floor plan of the game room interior shall be submitted in addition to any other plans that may be required by the city's ordinances, drawn to scale and sealed by a professional engineer or professional architect licensed by the state depicting the layout of the game room interior specifically including, but not limited to, the location of all amusement redemption machines, the manager's station(s), restroom facilities, kitchen and bar facilities, if any, and all areas to which patrons will not be permitted;
- k. Existing game rooms shall comply with the requirements of this section within ninety (90) days of the effective date of these regulations.
- l. One designated parking space shall be provided for each two amusement redemption machines within the game room, plus one additional parking space for each employee per shift.
- m. The Board of Adjustment shall not grant any variances to the requirements of this section.

## 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

*Gambling device* means any electronic, electromechanical, or mechanical contrivance that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term includes, but is not limited to, gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, or similar electronic, electromechanical, or mechanical games, or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games,

and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits.

*Amusement Redemption Machine* means any electronic, electromechanical, or mechanical contrivance, including sweepstake machines, designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill 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)(b) 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 where one 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 "I" Light Industrial, "J" Medium Industrial and "K" Heavy Industrial District columns for the use and add a reference to 4.305.C under the Supplemental Standards column.

### **SECTION 4.**

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 5.**

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 6.**

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 7.**

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 8.**

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 9.**

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: \_\_\_\_\_