



ORDINANCE NO. 3858

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, AMENDING ARTICLE 2 “ZONING DISTRICTS AND USES” SECTION 2.4 “PERMITTED USES,” SUBSECTION C “USE TABLE” ADDING “CARD ROOM” AS PERMITTED BY SPECIFIC USE PERMIT IN SPECIFIED DISTRICTS AND SECTION 2.5 “LAND USES REQUIRING SPECIAL PERFORMANCE STANDARDS” BY ADDING SUBSECTION “H” TITLED “CARD ROOMS” TO PROVIDE FOR DEVELOPMENT REGULATIONS RELATING TO CARD ROOMS; BY AMENDING ARTICLE 4 “SITE DEVELOPMENT STANDARDS,” SECTION 4.3 “PARKING AND LOADING” TO ADD MINIMUM PARKING SPACE REQUIREMENTS RELATING TO CARD ROOM USE; BY AMENDING ARTICLE 5 “SPECIAL DISTRICTS” SECTION 5.7 “ENTERTAINMENT OVERLAY DISTRICT,” BY AMENDING SUBSECTION E.2 “ADDITIONAL USES REQUIRING SUP” TO ADD “CARD ROOM” AS PERMITTED BY SPECIFIC USE PERMIT; AND BY AMENDING ARTICLE 7, “DEFINITIONS,” SECTION 7.3 “DEFINITIONS OF USES” BY ADDING A DEFINITION FOR “CARD ROOM”; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PUBLICATION

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Chapter 94 “Zoning” of the Code of Ordinances of the City of Farmers Branch, Texas, as previously amended, (“the Comprehensive Zoning Ordinance”) is hereby further amended as follows:

- A.** Article 2 “Zoning Districts and Uses,” Section 2.4 “Permitted Uses” Subsection C “Use Table” is amended by adding “Card Room” under the section of said table titled “Retail and Service Type Uses,” designating as follows the zoning districts in which such use is permitted following the approval of a specific use permit:

Use	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Stds
KEY: X=Permitted S=Specific Use Permit Required T=Temporary Blank Cell=Use Not Permitted																				
Retail and Service Type Uses																				
Card Room	Entertainment Overlay District Only with Specific Use Permit																			2.5

B. Article 2 “Zoning Districts and Uses,” Section 2.5 “Land Uses Requiring Special Performance Standards” is amended by adding Subsection H titled “Card Rooms” to read as follows:

H. Card Rooms

(a) *Development Standards.* Unless modified by the provisions of an ordinance establishing a Planned Development District or granting a Specific Use Permit authorizing property to be developed and used as a Card Room, the design, location and use of property for a Card Room shall comply with the following development standards in addition to the standards of the base zoning district in which such property is located:

- (1) Card games shall be conducted within the confines of a private venue inaccessible to the general public;
- (2) No individual can receive any remuneration, monetary or otherwise, or anything of value for facilitating the conduct of the game except for their own earnings as a participant;
- (3) No house bank is established;
- (4) Dealers and/or service staff are not paid by any person with gambling currency (e.g., chips, or money in play);
- (5) The odds of the card games played shall not favor a “house” or any player;
- (6) A card room shall not be located within 1,000 feet of property on which is located a public or private school or property for which a specific use permit has been previously granted for development and use of a card room;
- (7) Should an established card room cease operations, alter its name, or undergo a change in ownership, a Special Use Permit (SUP) shall be required to re-establish the operations.
- (8) City law enforcement personnel, fire marshal, and chief building official reserve the right, during business hours and at other reasonable times, to conduct inspections of the premises of each card room establishment to ascertain compliance with this ordinance. Failure to grant access for

such inspections constitutes grounds for the revocation of a SUP by the aforementioned city representatives.

(b) *Permit Required.* Except as otherwise provided in this Section 2.5.H, no person shall operate a card room located within the City without first obtaining a Card Room Operation Permit pursuant to this Section 2.5.H. Permit applications shall be made on an annual basis on a form provided by the City and shall contain the following information or be accompanied by the following:

- (1)** The address of the property on which the Card Room will be operating pursuant to the permit;
- (2)** The name, address, phone number, and email address of the owner of the Card Room;
- (3)** If different than (3), the name, address, phone number, and email address of the person who will be operating the Card Room during the operating hours and at the location identified in the application;
- (4)** The permit application fee set forth in Appendix A of this Code;
- (5)** The application for renewal of a Card Room Operation Permit shall be made by December 31st of each year;
- (6)** All felony and misdemeanor convictions and deferred adjudications, except for class C traffic offenses, of the applicant and of the local agent and manager of the Card Room, except for deferred adjudications when a court has issued an order of nondisclosure; and
- (7)** The signed statement of the applicant affirming under penalty of perjury, attesting to the truth and accuracy of the information provided, including each document attached to the application;

(c) *Revocation.* A Card Room Operation Permit shall be subject to revocation for the following reasons:

- (1)** Failure to comply with the requirements of this Section 2.5.H and/or the provisions of the ordinance granting the specific use permit authorizing the use of the property for a Card Room;
- (2)** Operation of the Card Room in a manner which violates other applicable law; or
- (3)** Any condition which would make the applicant, operator or local agent ineligible to receive a Card Room Operation Permit, including, without limitation, conviction of any offense set forth in Chapter 34, 47, or 71 of the Texas Penal Code.

C. Article 4 “Site Development Standards,” Section 4.3 “Parking and Loading” is amended by adding regulations relating to minimum off-street parking for “Card Room” use as follows:

Use	Minimum Parking Spaces Required
Card Room	One space per 400 sq. ft of GFA

D. Article 5 “Special Districts,” Section 5.7 “Entertainment Overlay District,” Subsection E.2 “Additional Uses Requiring SUP” is amended to read as follows:

2. **Additional Uses Requiring SUP.** In addition to the purposes for which property may be developed and used in accordance with the Zoning District Map, property located within the Entertainment Overlay District may be developed and used for the following with the approval of a Specific Use Permit in accordance with Section 6.5:

(a) Smoking Establishment.

(b) Card Room.

E. Article 7 “Definitions,” Section 7.3 “Definitions of Uses” is amended by adding a definition for “Card Room” to read as follows:

Card Room - A privately owned, profit-oriented enterprise located within a structure or premises housing one or more card tables at which members play card games.

Card Game – A card-based activity characterized by the following criteria:

- (1) An individual, identified as a member of a card room, who is physically present within the confines of said card room, engages in the act of wagering predicated upon the highest or lowest ranking arrangement of cards within their possession, or a combination thereof;
- (2) Each participating member is afforded the prospect of accruing personal winnings from the proceedings;
- (3) With the exception of disparities arising from differences in skill or fortuity, the hazards of loss and the prospects of gain remain equitable among all participating members.

Card Table - TA recreational table used by members of a card room for participation in live card game sessions; but expressly excluding tables facilitating video, mechanical, electronic, or online renditions of card games.

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so

decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 7th DAY OF MAY 2024.

ATTEST:

APPROVED:

Stacy Henderson, TRMC, City Secretary

Terry Lynne, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:4/2/2024:4892-4889-1827 v1)