



Legislation Details (With Text)

File #: ORD-3858 **Version:** 1

Type: Ordinance **Status:** Public Hearing

File created: 3/28/2024 **In control:** City Council

On agenda: 5/7/2024 **Final action:**

Title: Conduct a public hearing and consider adopting Ordinance No. 3858 amending the Comprehensive Zoning Ordinance (CZO) related to Card Rooms; and take appropriate action.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Information Memorandum, 2. Ordinance No. 3858, 3. Property Owner Notification List, 4. Excerpt from April 8, 2024 Planning & Zoning Commission Minutes, 5. Staff Presentation

Date	Ver.	Action By	Action	Result
5/7/2024	1	City Council		

Conduct a public hearing and consider adopting Ordinance No. 3858 amending the Comprehensive Zoning Ordinance (CZO) related to Card Rooms; and take appropriate action.

BACKGROUND:

The proposed amendments to the Comprehensive Zoning Ordinance (CZO) are a City-led initiative to create a new and unlisted use termed “Card Room.” This includes defining the use, setting special performance standards, and establishing parking and loading regulations. The CZO does not include "Card Room" in its Use Table under Section 2.4.C. Since the CZO states that any use not listed within its charts is prohibited, any property in the City intended for use as a card room requires an amendment to authorize this land use. The request to amend the Use Table originated from Mr. Douglas Polk, who was prompted by the staff's identification of this unlisted use. Although Mr. Polk applied for a text amendment, the case is being treated as a "city-initiated" amendment. This approach acknowledges the opportunity to address this matter for future applicants with similar requests.

Sections 2.4.A. and 6.3.B. of the CZO outline the process for adding a new or unlisted use through a text amendment to the CZO. Through this process, the Commission and Council shall consider the nature of the proposed new use, its compatibility with the City's zoning districts, and the district or districts where it should be allowed or permitted by Specific Use Permit (SUP).

Card rooms typically refer to establishments where individuals can play various forms of poker, such as *Texas Hold 'em*, *Omaha*, and *Seven Card Stud*, for stakes. Although card rooms are present in the Dallas-Fort Worth (DFW) metroplex, none are within the Farmers Branch. Card rooms often feature tables for cash games and tournaments, with varying buy-in amounts and prize pools. They may also offer amenities like food and beverage service, comfortable seating, and entertainment options to enhance the player experience. These rooms may operate within the confines of state gambling laws, which often prohibit traditional casino-style gambling but allow certain forms of poker under specific conditions.

Texas Penal Code, Chapter 47 "Gambling." Specifically, Section 47.04, "Keeping of a Gambling Place." Under this section, it is an affirmative defense to prosecution that:

1. *The gambling occurred in a private place;*
2. *No person received any economic benefit other than personal winnings and*
3. *Except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.*

Texas Penal Code, Chapter 47 defines a "private place" as one that the public cannot access.

The legality and regulation of gambling can differ based on how municipalities interpret Texas gambling laws in local ordinances. To navigate these complexities, card rooms often function as membership clubs or private venues, ensuring compliance with gambling regulations while offering a venue for poker enthusiasts. They provide a social and recreational space for individuals to play poker while adhering to relevant laws and regulations.

FISCAL IMPACT:

No Financial Impact

DISTRICT:

Citywide

RECOMMENDATION:

On April 8, 2024, the Planning and Zoning Commission considered this request and unanimously recommended denial of this request.

POSSIBLE COUNCIL ACTIONS:

1. I move to approve Ordinance No. 3858 as presented.
2. I move to approve Ordinance No. 3858, with modifications.
3. I move to deny Ordinance No. 3858.
4. I move to table the issue for further study or take no action.

ATTACHMENTS:

1. Information Memorandum
2. Ordinance No. 3858
3. Property Owner Notification List
4. Excerpt from April 8, 2024, Planning & Zoning Commission Minutes
5. Staff Presentation