



**To the Mayor and Members of the City Council**

**April 6, 2021**

Page 1 of 1

**SUBJECT: GAMBLING FACILITY/POKER ROOM REGULATIONS**

On March 23, 2021, the City Council expressed concerns regarding the regulations and approval process associated with the Gambling Facility/Poker Room use.

As background, gambling is regulated by state and federal laws. The Texas Constitution (Article 3, Section 47) prohibits most forms of gambling. The Texas Penal Code, Chapter 47, defines a bet as *agreeing to win or lose something of value based solely or partially on chance*. This encompasses many different forms of gambling including cards, table games, betting on sports games, horse and dog races, slot machines, lottery, and scratch tickets. One of the exceptions in Texas gambling laws is social gambling. Social gambling normally includes bingo games, auctions for charity, and private card games. However, if the "house" takes a cut of the proceeds, they may be in violation of the gambling laws. Under the law, it is a defense to an offense for gambling if the gambling is done in a private place, the only person to receive any economic benefit must be the winner of the bet, and the chances of winning and losing must be even between all participants except for individual skill and luck.

The City of Fort Worth Zoning Ordinance requires Gambling Facilities, including but not limited to bingo, casinos and poker rooms, to obtain a Conditional Use Permit (CUP), in order for the use to be allowed. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location. The Zoning Ordinance does not contain supplemental development standards for Gambling Facilities.

Prior to the adoption of the Conditional Use Permit (CUP) Overlay by the City Council on March 23, 2019, Gambling Facilities were only allowed within a PD approved by City Council. The CUP allows for an unlimited time period for the operation of a use unless otherwise approved by the City Council. If a time limit is established for a CUP, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) Conditional use permits in residential districts shall be limited to those uses designated "CUP" in the Residential District Use Table in Chapter 4, Article 6, Section 4.603.*
- b) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.*
- c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.*
- d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate of Occupancy and subdivision approval have been satisfied.*

If you have any questions, please contact Arty Wheaton-Rodriguez, Planning Manager, Zoning, Development Services, at 817-392-6226.

**David Cooke**  
City Manager