

AMENDMENT

ORDINANCE NO : 121911 – ZONING ORDINANCE

AMENDMENT NO: IV

Summary of Changes to the City’s Zoning Ordinance to Regulate Game Rooms

Change No. 1:

Add “Game Rooms **” to Appendix “A” as authorized use under the General Business (GB) Zoning District.**

Add “** Subject to special regulations under Appendix “H”**

Change No. 2:

Add the following Appendix to the Zoning Ordinance:

APPENDIX H

1.1 Purpose and intent.

(a) It is the purpose of this Appendix to regulate Game Rooms in order to promote health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulation to prevent the concentration of Game Rooms within the city.

(b) It is the intent of the city council that the locational regulations are promulgated pursuant to V.T.C.A., Local Government Code Ch. 211.

1.2 Definitions.

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

Amusement Redemption Machine means a machine or device of any kind or character which is operated by or with currency, coin, tokens, debit or credit cards, or other means representing the payment of monetary consideration, that provides the user with a opportunity to receive something of value other than a right to replay.

Game Room means a building, facility or part of a building or facility that is open to the public and that contains five or more operational Amusement Redemption Machines.

1.3 A Game Room may not be located within 500 feet of:

- (1) A church;
- (2) A school;
- (3) A child care facility;
- (4) A boundary of a residential district;
- (5) A public park;
- (6) The property line of a lot devoted to residential use;
- (7) Any building or structure in which alcoholic beverages are offered for sale; or

(8) Another Game Room.

1.4 (a) For the purpose of section 1.3 of this Appendix, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a Game Room is operated to the nearest property line of the premises of a church, school, child care facility or building or structure in which alcoholic beverages are offered for sale, or to the nearest boundary of an affected public park, residential district, or residential lot.

(b) For the purposes of section 1.3(8) of this Appendix, the distance between any two Game Rooms shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

1.5 Any Game Rooms lawfully operating on the effective date of this ordinance that is in violation of section 1.3 or 1.4 of this Appendix shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed 12 months, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to conforming use. If two or more Game Rooms are within 500 feet of one another and otherwise in a permissible location, the Game Room which was first established and continually operating at a particular location is the conforming use and the latter-established business is nonconforming.

1.6 A Game Room lawfully operated as conforming use is not rendered a nonconforming use by the location, subsequent to the establishment and continuous operation of a Game Room at a given location, a church, school, child care facility, public park, residential district, or residential lot or any building or structure in which alcoholic beverages are offered for sale is located, within 500 feet of the Game Room.

PASSED and **APPROVED** this 16th day of November, 2015

APPROVED:



MAYOR – Anthony Smolka

ATTEST:



CITY SECRETARY – Rose Huizar