

CITY OF FRESNO  
DEVELOPMENT DEPARTMENT

Policies & Procedures

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ZONING REQUIREMENTS FOR BUSINESS TAX CERTIFICATES

ISSUE NO. 13

**TITLE:** POOL AND BILLIARD TABLES

**ESTABLISHED:** SEPTEMBER 16, 1996

**STATEMENT:**

With this issue, the Department establishes the criteria by which pool and billiard tables or "parlors" will be evaluated as a use. The determination as to the extent of the use, and type of review conducted is necessary for the zoning review of applications for a business permit.

**REFERENCES:**

Fresno Municipal Code:

The Zoning Ordinance specifically lists pool and billiard parlors permitted in the C-2 (in conjunction with a restaurant), C-3, C-4, C-6, and C-M Zone Districts subject to a conditional use permit, and in the C-R Zone District by right.

Section 12-306-N-31 sets forth criteria by which a pool or billiard parlor may be established in conjunction with a restaurant in the C-2 Zone District, subject to a conditional use permit.

Article 2 of Chapter 7 (Amusements and Recreation), set forth the rules and regulations governing billiard rooms. SECTION 7-201 defines:

- a) "Billiards", as used in this article, means any of the several games played on a table surrounded by an elastic ledge or cushions, with balls which are impelled by cues and shall include all forms of a game known as pool.
- b) "Billiard room" means any public place wherein the game of billiards is permitted to be played and shall include any place where a fee is charged, which is directly or indirectly conditioned upon or related to the playing of the game of billiards.

Development Department Policy:

A formal written policy has not been published to date. The Department now formalizes such a policy to better utilize our resources and provide a consistent application of these standards.

The Zoning Ordinance does not have a definition of either the game of billiards, or billiard parlor. For the purposes of applying the standards of this issue, staff will use the above definitions from Chapter 7 (FMC) for "Billiards", and "Billiard room".

The zoning ordinance is silent on how many tables constitute a "parlor". Until such time that a text amendment is drafted and adopted to make that definition, this issue defines a billiard parlor as three or more pool and/or billiard tables. Therefore, if an establishment has one or two tables, they are an ancillary use and are allowed by right. If the establishment has three or more tables, it becomes a primary use and is permitted as described above.

## **PROCEDURES:**

The need for this policy arises from the requirement for a zoning evaluation of pool or billiards permit applications sent to this Department by the Business Tax Section.

In cooperation between Departments, the following discussion will establish a consistent review and evaluation of these requests; whether or not, and how, they are permitted in the zone district in which they are located.

THE REVIEW OF POOL AND BILLIARD PERMITS SHALL BE COMPLETED WITHIN TWO WORKING DAYS AFTER RECEIPT.

Upon receipt from the Business Tax Section, the analyst will review billiard permits and act according to the following categories that describe the different situations that may evolve.

Category I: Renewal of permit proposes to maintain the same number of tables:

- A. If one or two tables: Allowed by right as an ancillary use.
  - 1. APPROVE: If primary use is permitted by right in the zone district of the subject site.
  - 2. APPROVE: If the primary use is permitted by CUP and an approved CUP for the primary use is on file.
  - 3. APPROVE: If primary use is determined to be nonconforming.
  - 4. DENY: If the primary use is not permitted by right, nor by CUP in the zone district of the subject site.
  
- B. If three tables: As a primary use;
  - 1. APPROVE: If the zone district of the subject site is C-R. (allowed by right)
  - 2. APPROVE: If the zone district of the subject site is C-2 (with a restaurant), C-3, C-4, C-6, or C-M, **and** an approved CUP for a billiard parlor is on file.
  - 3. APPROVE: If the zone district of the subject site is C-2 (with a restaurant), C-3, C-4, C-6, or C-M, **and** determined to be nonconforming (no approved CUP for a billiard parlor on file).

4. DENY: If the zone district of the subject site is any other zone district.

C. Four or more tables: As a primary use;

1. APPROVE: If the zone district of the subject site is C-R. (allowed by right)

2. APPROVE: If the zone district of the subject site is C-2 (with a restaurant), C-3, C-4, C-6, or C-M **and** an approved CUP for a billiard parlor is on file.

3. DENY: If the zone district of the subject site is C-2 (with a restaurant), C-3, C-4, C-6, or C-M and an approved CUP for a billiard parlor is **not** on file.

Note on permit application that: A major revised exhibit to a CUP is required to be submitted and approved by the Development Department before the billiard permit for four (or more) tables can be approved.

4. DENY: If the zone district of the subject site is any other zone district.

Category II: Renewal of permit proposes to decrease number of tables, resulting in:

A. One or two tables: Allowed by right as an ancillary use.

**Same as Category I-A above.**

B. Three tables: As a primary use;

**Same as Category I-B above.**

C. Four or more tables: As a primary use:

**Same as Category I-C above.**

Category III: Renewal of the permit proposes to increase number of tables resulting in:

A. Two tables: Allowed by right as an ancillary use.

1. APPROVE: If primary use is permitted by right in the zone district of the

subject site.

2. APPROVE: If the primary use is permitted by CUP and an approved CUP for the primary use is on file.
3. DENY: If the primary use is not permitted by right, nor by CUP in the zone district of the subject site.
4. DENY: If the primary use is determined to be nonconforming; i.e., no CUP on file.

B. Three or more tables: As a primary use;

1. APPROVE: If the zone district of the subject site is C-R. (allowed by right)
2. APPROVE: If the zone district of the subject site is C-2 (with a restaurant), C-3, C-4, C-6, or C-M, **and** an approved cup for a billiard parlor is on file.
3. DENY: If the zone district of the subject site is C-2 (with a restaurant), C-3, C-4, C-6, or C-M, and an approved cup for a billiard parlor is **not** on file.

Write the following statement on the permit application: A conditional use permit is required to be submitted and approved by the Development Department before the billiard permit for three (or more) tables can be approved.

4. DENY: If the zone district of the subject site is any other zone district.

Category IV. First-time permit application proposes:

- A. One or two tables: Allowed by right as an ancillary use;

**Same as Category I-A above.**

B. If three or more tables: As a primary use;

1. APPROVE: If the zone district of the subject site is C-R. (allowed by right)
2. APPROVE: If the zone district of the subject site is C-2 (with a restaurant), C-3, C-4, C-6, or C-M, **and** an approved cup for a billiard parlor is on file.
3. DENY: If the zone district of the subject site is C-2 (with a restaurant), C-3, C-4, C-6, or C-M, and an approved cup for a billiard parlor is **not** on file.

Write the following statement on the permit application: A CUP is required to be submitted and approved by the Development Department before the billiard permit for three (or more) tables can be approved.

**FINIS**

**Fresno Municipal Code References**

Section 12-306-N.31. SPECIAL STANDARDS OF PRACTICE AND REGULATIONS

Pool and Billiard Parlor-Restaurant. whenever property in the C-2 District is proposed to be developed with a pool and billiard parlor, pursuant to a Conditional Use Permit in conjunction with

a restaurant, the following shall apply:

- a. The pool and billiard parlor shall be designed as an integral part of the restaurant.
- b. The pool and billiard parlor shall be operated only during the hours that the restaurant is open for business.
- c. The pool and billiard parlor may not utilize outdoor advertising except in conjunction with the restaurant.
- d. No alcoholic beverages except beer and wine shall be consumed on the premises.
- e. The dining area, kitchen, food storage areas and the restaurant shall not constitute less than 35 per cent of the total floor area of the facility.
- f. Kitchen facilities shall be adequate to prepare all food on-site as determined by the Director.
- g. The Pool and Billiard Parlor-Restaurant shall comply with all provisions of Article 2, Chapter 7 of this code (Billiard Rooms).
- h. No "Family billiard Rooms" as defined in Section 7-204.1 of the Code shall be allowed.

## **ARTICLE 2**

### **BILLIARD ROOMS**

Section 7-201.	Definition.
7-202.	Copy of Article to be Posted.
7-203.	Hours of Operation.
7-204.	Restrictions on Attendance of Minors.
7-204.1.	Minors Allowed: Family Billiard Rooms.
7-205.	Games of Chance Prohibited.
7-206.	Construction and Sanitary Requirements.
7-207.	Authority of Controller to Prescribe Additional Regulations.
7-208.	Exemption from Article.
7-209.	Permit Required.
7-210.	Permit to be Conspicuously Posted on Premises.
7-211.	Application; Application Fee.
7-212.	Permit Issuance or Denial; Term.
7-21[2]3.	Renewal; Change of Location; Fees.
7-214.	Suspension and Revocation. Appeal.
7-215.	Renewability of Revoked Permits.
7-216.	Transferability and Assignability.
7-217.	(Repealed).

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P&P Issue #13  
Pool and Billiard tables  
Page 7

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**STATEMENT: History of Changes**

<b>Date of Revision</b>	<b>Changes To</b>	<b>Comment</b>
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