



**TO:** City Plan Board **Item Number: 2**

**FROM:** Planning & Development Services Department **DATE: June 26, 2014**  
Staff

**SUBJECT:** Petition PB-14-63 TCH. Gainesville Police Department, agent for City of Gainesville. Amend the Land Development Code to prohibit simulated gambling establishments throughout the City.

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### Recommendation

Approve Petition PB-14-63 TCH.

### Discussion

This petition will prohibit the operation of simulated gambling establishments, as defined in the proposed ordinance (Exhibit A-1), throughout Gainesville by excluding that use from the list of permitted uses in all zoning districts that otherwise allow uses listed under Major Group 79: Amusement and Recreation Services (MG-79) of the Standard Industrial Classification Manual.

State law (as most recently clarified by the Florida Legislature in 2013) makes simulated gambling establishments unlawful in the State of Florida. However, enforcement of these state laws by local authorities occurs "after-the-fact" (i.e., after the opening and operation of such establishments) and is often difficult and costly given that a local government cannot readily determine, absent a law enforcement investigation and clear understanding of the state gambling laws, whether such an operation is lawful. Prior to the change in state law and the subsequent citywide moratorium, simulated gambling establishments were classified as a permitted use under MG-79. This petition and proposed ordinance will eliminate the inconsistency between the City's Land Development Code and state law and provide the City with a clear and proactive mechanism for eliminating these establishments.

The Gainesville Police Department also recommends the prohibition as necessary to preserve the public peace and to safeguard the health, safety, morals and welfare of the community and citizens thereof. Simulated gambling establishments are inherently deceptive and allow users to take part in activities as if they were engaging in gambling activities prohibited by Florida law. It is well documented that gambling can lead to harmful behavior and is often an addictive activity that has an unreasonable adverse effect upon persons that are statistically at risk for gambling addictions and other similar compulsive behaviors. There is also a direct relationship between simulated gambling establishments and disturbances of the peace and good order of the community.

## Background

On January 16, 2014, the City Commission approved a temporary moratorium to immediately prohibit the filing, acceptance, or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction or operation of any simulated gambling establishments (commonly referred to as “internet cafes”) within city limits. The City Commission on June 5, 2014, effectuated the moratorium by adopting Ordinance No. 130633 (Exhibit A-2), which placed the moratorium into effect until September 18, 2014.

Respectfully submitted,



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**List of Exhibits**

Exhibit A-1: Proposed Ordinance

Exhibit A-2: Ordinance 130633: Temporary moratorium on simulated gambling establishments

Exhibit B-1: Application