



Legislation Text

File #: 140130., Version: 3

TEXT CHANGE - EXCLUDING SIMULATED GAMBLING ESTABLISHMENTS FROM LIST OF PERMITTED USES IN ALL APPLICABLE ZONING DISTRICTS (B)

Ordinance No. 140130; Petition No. PB-14-63 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code to prohibit the operation of simulated gambling establishments, as defined in this ordinance, throughout Gainesville by excluding such use from the list of permitted uses in all zoning districts that otherwise allow amusement and recreation services; by adding new definitions to Section 30-23 Definitions; by amending the list of permitted uses in Sections 30-61. General business district (BUS), 30-62. Automotive-oriented business district (BA), 30-63. Tourist-oriented business district (BT), 30-64. Mixed use low intensity district (MU-1), 30-65. Mixed use medium intensity district (MU-2), 30-65.1. Urban mixed-use district 1 (UMU-1), 30-65.2. Urban mixed-use district 2 (UMU-2), 30-66. Central city district (CCD), 30-67.1. Business industrial district (BI), 30-68. Warehousing and wholesaling district (W), 30-69. Limited industrial district (I-1), 30-70. General industrial district (I-2), 30-75. Public services and operations district (PS); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

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, which placed the moratorium into effect until September 18, 2014.

This ordinance will prohibit the operation of simulated gambling establishments, as defined in this ordinance, throughout Gainesville by excluding that use from the list of permitted uses in all zoning districts that otherwise allow "amusement and recreation services." The Gainesville Police Department 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. Finally, 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. Therefore, this ordinance will serve a valid public purpose, will operate in harmony with state law, and will provide the City with a clear and proactive mechanism for prohibiting these establishments.

After public notice was published in the Gainesville Sun on June 19, 2014, the City Plan Board held a public hearing on June 26, 2014, and recommended approval of the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon adoption.