



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: December 4, 2012

TITLE: Ordinance – Amending Chapter 15, Business Tax Receipts and
Miscellaneous Business Regulations of the Code of Ordinances Volume I
and Sections 47-6, Business Zoning Districts; Section 47-18, Specific Use
Requirements; and 47-20, Parking and Loading Requirements of the
Unified Land Development Regulations (ULDR) to establish Adult Gaming
Facilities as a conditional use approval within the City of Fort Lauderdale
subject to specific criteria.

Recommendation

It is recommended that the City Commission adopt an ordinance on second reading amending Chapter 15, Business Tax Receipts and Miscellaneous Business Regulations of the Code of Ordinances Volume I and Sections 47-6, Business Zoning Districts; Section 47-18, Specific Use Requirements; and 47-20, Parking and Loading Requirements of the ULDR to establish Adult Gaming Facilities as a conditional use approval within the City of Fort Lauderdale subject to specific criteria.

Background

In the past several years Adult Gaming Centers have been requesting to establish themselves within the City of Fort Lauderdale at various locations. The activities that occur at these facilities are a sweepstakes that are governed by Florida State Statute (849.094) regulating game promotion in connection with the sale of consumer products or services. Under direction from the City Commission, staff has developed specific criteria regulating the use of these types of facilities, where minimal regulations are currently in effect today, in an effort to take a proactive approach to this growing use within the City of Fort Lauderdale.

On June 5, 2012, the City Commission was presented with a draft ordinance that would establish Adult Gaming Centers as a new regulated use in the City of Fort Lauderdale's Code of Ordinances and ULDR.

On October 17, 2012, the item was heard by the Planning and Zoning Board under case 5T12 and was recommended for approval by a vote of 6-2. For more information please see the Planning and Zoning Board draft minutes attached as Exhibit 1.

The proposed ordinance will establish the following:

New definitions for:

- Adult Gaming Center
- Owner or operator
- Permittee
- Electronic Gaming Device

Operational Standards:

1. Attendant must be present at all times;
2. Hours of operation shall be limited to 9am to 11pm, seven (7) days a week;
3. No consumption of alcohol on the premises;
4. No one under the age of eighteen (18) permitted on the premises;
5. Shall not operate more than one hundred (100) gaming devices;
6. Shall conform with all state laws concerning gambling;
7. No window tinting of any kind shall be permitted; and,
8. The interior must be clearly visible during business hours

Permitted Zoning Districts as a Conditional Use (Site Plan Level III Approval):

- Community Business (CB) District
- Boulevard Business (B-1) District
- General Business (B-2) District
- Heavy Commercial/Light Industrial (B-3) District

Separation Requirements:

1. 1,000-foot separation between other Adult Gaming Centers;
2. 750-foot separation between Adult Gaming Centers and establishments that permit the consumption of alcohol or other adult uses; and,
3. 500-foot separation between Adult Gaming Centers and schools, residences, houses of worship, libraries or daycare facilities

Parking Requirements:

<i>Use</i>	<i>Parking Space Requirement</i>
Adult Gaming Center, stand alone	1 space / 2 gaming devices
Adult Gaming Center, as part of a shopping center or shared parking	1 space / 2 gaming devices (no more than 10% of total parking spaces)

In addition to the above, Adult Gaming Facilities would be required to submit a permit subject to specific requirements; pay a non-refundable \$500.00 application fee; apply for annual renewal of the permit; allow for inspections; and comply with specific signage requirements.

Existing Adult Gaming Facilities would be required to submit subject to the permit requirements; pay the associated fees; renew the permit on an annual basis; allow for inspections; comply with specific signage requirements; and comply with all operational standards.

For more information please see the Planning and Zoning Board staff report attached as Exhibit 2 and the draft ordinance attached as Exhibit 3.

Resource Impact

There is no fiscal impact associated with this action.

Attachment(s)

Exhibit 1 – Draft 10/17/12 PZB Minutes

Exhibit 2 – PZB Staff Report

Exhibit 3 – Proposed Ordinance

Prepared by: Anthony G. Fajardo, Acting Zoning Administrator

Department Director: Greg Brewton, Sustainable Development