

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, BY AMENDING CHAPTER 1, ENTITLED "FUTURE LAND USE ELEMENT;" "OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS," TO PROHIBIT ANY FORM OF GAMBLING AND CASINO USES AS DELINEATED IN CHAPTER 550 AND 551, FLORIDA STATUTES; PROVIDING FOR CERTAIN EXEMPTIONS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has a long-standing policy against casino gambling in Florida as evidenced by the following resolutions: 2017-29846, 2014-28529, 2011-27812, 2008-26927, and 2008-26925; and

WHEREAS, large scale casino operations cannibalize non-gambling businesses and have caused the shuttering of forty percent of all restaurants and one-third of all retail businesses in Atlantic City; and

WHEREAS, our community will bear the severe and painful economic and social costs that always accompany expansive gambling, including the misery of individuals and families touched by problem gambling as they are at higher risk of divorce, bankruptcy, child abuse, domestic violence, crime and suicide; and

WHEREAS, expanded gambling promotes corruption of the governmental process as immensely wealthy gambling companies from all over the world seek to receive benefits from state governmental entities that regulate their existence and profits; and

WHEREAS, if gambling interests are allowed to obtain major casino expansion, full scale casino and gambling operations will become commonplace throughout our community and state; and

WHEREAS, the false promises of increased revenue and jobs, like the broken promises that accompanied the lottery and other gambling expansions are intended to convince Floridians to make a fool's gamble with their future; and

WHEREAS, the City of Miami Beach desires to continue to be a number one destination for tourism and local growth to the economy by supporting independent hotels, restaurants and entertainment, without the overwhelming introduction of gambling; and

WHEREAS, the Comprehensive Plan, through the land use element shall reflect that gambling is a prohibited use within the City of Miami Beach; and

WHEREAS, the City of Miami Beach rejects any expansion of gambling into the City of Miami Beach, and precludes any destination casinos from being authorized in our land development regulations; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. The following amendments to the City's 2025 Comprehensive Plan Future Land Use Element are hereby adopted:

CHAPTER 1

FUTURE LAND USE ELEMENT

OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS

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Policy 1.2 The land development regulations which implement this Comprehensive Plan shall, at a minimum, be based on and be consistent with s. 163.3202, F.S., and shall further be based on the following standards for land use category, land use intensity and land use:

All casino and gambling operations, including but not limited to those casino and gambling operations authorized pursuant to chapters 550 and 551, Florida Statutes, are hereby prohibited in any land use category within the City of Miami Beach. Casino and gambling shall include but not be limited to: any machine of chance regulated by the state compact or chapters 550 and 551, as may be amended from time to time, pari-mutuel uses, horse racing, dog racing, jai alai, fantasy contests, and associated gambling or casino related uses. Certain exemptions pursuant to chapter 849, Florida Statutes, relating to nonprofits, charitable organizations, veterans organizations, homeowners associations, condominium associations, cooperative associations, bowling tournaments, or game promotion in connection with the sale of consumer products or services may be provided under the land development regulations.

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SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION.

It is the intention of the City Commission that this ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

SECTION 6. TRANSMITTAL.

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

PASSED and **ADOPTED** this _____ day of _____ 2017.

Mayor Philip Levine

ATTEST:

Rafael Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Raul Aguila, City Attorney
Date

First Reading/Transmittal: _____, 2017
Second Reading/Adoption: _____, 2017

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Underline = new language
~~Strikethrough~~ = deleted language