



# City of Alachua

Planning & Community Development Department

## Staff Report

**Planning & Zoning Board Hearing Date:**  
**Legislative Hearing**

March 7, 2016

**SUBJECT:** LDR Text Amendments - 2016

**APPLICANT/AGENT:** City of Alachua

**PROJECT PLANNERS:** Kathy Winburn, AICP; Justin Tabor, AICP; Adam Hall, AICP

**RECOMMENDATION:** Staff recommends that the Planning & Zoning Board find that the proposed Text Amendments to the Land Development Regulations are consistent with the City of Alachua Comprehensive Plan and transmit such finding to the City Commission.

**RECOMMENDED MOTION:** *This Board finds that the proposed text amendments to the Land Development Regulations are consistent with the City of Alachua Comprehensive Plan and transmits the proposed text amendments to the Land Development Regulations to the City Commission with a recommendation to approve.*





**AMENDING TABLE 4.1-1 TO ADD MEDICAL AND NON-MEDICAL MARIJUANA CULTIVATION, MEDICAL AND NON-MEDICAL MARIJUANA PROCESSING, AND MEDICAL AND NON-MEDICAL MARIJUANA DISPENSING AS USE TYPES**

Table 4.1-1: Table of Allowed Uses																									
P = Permitted Use S = Special exception permit A = Allowed in the PD districts Blank Cell = Prohibited																									
Use Category/ Use Type	CSV	A	Residential									Business						Planned Development				Use Specific Standards (Sec. 4.3)			
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)			OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM		R	TND	EC
			1	3	4	6	5	P	8	15															
<a href="#"><u>Medical marijuana Cultivation</u></a>																									
<a href="#"><u>Non-medical marijuana cultivation</u></a>																									
<a href="#"><u>Medical marijuana dispensing</u></a>																									
<a href="#"><u>Non-medical marijuana dispensing</u></a>																									
<a href="#"><u>Medical marijuana processing</u></a>																									
<a href="#"><u>Non-medical marijuana processing</u></a>																									

**Staff Comment:** On June 16, 2014, Senate Bill 1030 "Compassionate Medical Cannabis Act of 2014" ("Act") relating to the medical use of low-THC cannabis was adopted as Chapter 2014-157, Laws of Florida (See Attachment A). The Act required the Florida Department of Health ("DOH") to promulgate rules for the implementation of the Act, which were filed on May 28, 2015 and became effective on June 17, 2015. The Act also requires the DOH to approve five (5) "Dispensing Organizations," one in each of the five established regions in Florida. On May 27, 2015, Administrative Law Judge W. David Watkins rendered a 65-page Final Order regarding the rule making process, indicating that the proposed rules "do not constitute an invalid exercise of delegated legislative authority".

On January 12, 2015 the City Commission adopted Ordinance 15-02, which placed a six (6) month moratorium on medical marijuana dispensing organizations. Ordinance 15-08 provided an extension of Ordinance 15-02, extending for six (6) months the temporary moratorium on all applications for development approval for dispensing organizations/facilities. On June 22, 2015, the City Commission approved Ordinance 15-08

upon first reading, with a vote of 5-0. On July 13, 2015 the City Commission approved Ordinance 15-08 upon second reading, with a vote of 5-0. The moratorium on dispensing organizations and facilities ends on January 13, 2016.

As of the July 8, 2015 deadline, the Florida Department of Health received five applications from firms interested in becoming the dispensing organization for our region, which includes Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union Counties. However, after the dispensing organization is designated for our region, that firm may change or add cultivation, processing, or dispensing locations during the next application period. On November 23, 2015, the Florida Department of Health approved Chestnut Hill Tree Farm, LLC as the dispensing organization for the Northeast region of Florida.

At this time, Staff is recommending an amendment to the City of Alachua Land Development Regulations that, in effect, prohibits all medical and recreational marijuana from being cultivated, processed, or dispensed within City limits. There are two primary reasons for this recommendation.

- 1. Uncertainty of regulatory scheme.*

Since the dispensing organization licenses have been awarded, a petition for an administrative hearing and a request for an injunction have been filed with the Florida Division of Administrative Hearings and with the Second Judicial Circuit Court in Leon County (Case No. 2016 CA 000231), respectively. The firm originally awarded the license as the dispensing organization for the Northeast Region, Chestnut Hill, has also filed suit to allow them to move forward while the cases and administrative hearings are resolved (Case No. 2016 CA 0001990).

Since the 2016 Florida Legislative Session began in January, a number of bills related to cannabis have been filed. SB 460 would permit the use of marijuana by terminally ill patients; a proposed amendment to this bill would expand the number of permitted dispensing organizations from five to thirty. SB 616 effectively decriminalizes all use and possession of marijuana. Below is a summary of the bills and their status as of February 3, 2016.

Number	Title	Summary	Status
HB 271	"Hemp Industry Development Act"	Permits registered growers to cultivate, harvest, and distribute hemp, which is cannabis that has a THC level of less than .3 percent. Would be considered an agricultural crop.	1 <sup>st</sup> Reading 01/12/16 Referred to Committee(s): Agriculture and Natural Resources, Criminal Justice, Agricultural and Natural Resources Appropriations, State Affairs . Favorable vote (13-0) in Ag and Natural Resources Committee .
SB 554	""	""	Introduced 01/12/2016 Referred to Committees(s): Agriculture, Criminal Justice, Regulated Industries, Appropriations. To be heard before Agricultural and Natural Resources on 02/02/16.
HB 4021	Cannabis	Removes cannabis from Schedule 1 (Florida) ; removes purchase and possession of cannabis from criminal punishment code	1 <sup>st</sup> Reading 01/12/16 Referred to Committee(s): Criminal Justice, Justice Appropriations, Health and Human Services, Judiciary
SB 616	""	""	Introduced 01/12/16 Referred to Committee(s): Regulated Industries, Criminal Justice, Appropriations

Number	Title	Summary	Status
HB 0307	Experimental Treatments for Terminal Conditions	Permits cannabis to be prescribed to patients with terminal conditions ; would come from existing dispensing organizations	Introduced 1/12/16; Referred to Committee(s): Criminal Justice, Health Care Appropriations, Health and Human Services. Favorable vote from Criminal Justice Subcommittee (9-4).
SB 460	""	""	Introduced 1/12/16; Referred to Committee(s): Health Policy, Criminal and Civil Justice, Fiscal Policy. Favorable vote from Health Policy (7-0). To be heard before Fiscal Policy on 2/4/16.
SB 852	"Florida Medical Marijuana Act"	Replaces current regulatory scheme with a new one. Full strength THC would be permitted to be prescribed to qualifying patients. Permits smoking in private residences. Must be obtained through a licensed dispensing organization (existing DO's would be grandfathered in). Retail licenses limited to one per 50,000 residents per County. Specifically allows counties and municipalities to prohibit dispensaries.	Introduced 1/12/16 Referred to Committee(s): Regulated Industries, Health Policy, Appropriations.

Number	Title	Summary	Status
HB1183	""	Replaces current regulatory scheme with a new one. Full strength THC would be permitted to be prescribed to qualifying patients.	Introduced 1/12/16 Referred to Committee(s): Judiciary, Health Care Appropriations, Health and Human Services

Furthermore, this November, Florida voters will once again consider a medical marijuana constitutional amendment titled "Use of Marijuana for Debilitating Medical Conditions". This amendment is very similar to a proposed amendment that narrowly failed in 2014 (it was 2% shy of receiving the 60% needed to pass). If this amendment passes it would necessitate a new regulatory scheme to replace the existing one.

2. *Impacts of use are unknown*

This use is new within Florida. It is a reasonable assumption that there may be impacts to surrounding properties such as odor and noise. Further, visual impacts may need to be addressed for those uses that intend to operate in heavily trafficked corridors such as US 441, Interstate I-75, and the Community Redevelopment District. At this time, proposed regulations of such use may address some concerns, but without further study and analysis it would be impossible to anticipate all potential impacts. Staff recommends waiting until these uses have been established in other communities in the State so that they can be observed and studied in greater detail.

Regardless of any action by the City of Alachua, patients in need of medical marijuana will still have regional access through authorized dispensaries in Gainesville.

**AMENDING TABLE 4.1-1 TO ADD PAWN SHOP AS A USE TYPE**

Table 4.1-1: Table of Allowed Uses																						
P = Permitted Use S = Special exception permit A = Allowed in the PD districts Blank Cell = Prohibited																						
Use Category/ Use Type	CSV	A	Residential						Business						Planned Development				Use Specific Standards (Sec. 4.3)			
			Single-Family (RSF)			Mobile Home (RMH)		Multiple Family (RMF)	OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM		R	TND	EC
			1	3	4	6	5	P														
<u>Pawn shop</u>																				<u>A</u>	<u>4.3.4(G)(8)</u>	

**Staff Comment:** This use is not currently explicitly allowed under current land development regulations. The proposed amendment would permit the use and create use specific standards to mitigate any conflicts between incompatible uses.

## AMENDING TABLE 4.1-1 TO ADD *PRECIOUS METAL DEALER A* USE TYPE

Table 4.1-1: Table of Allowed Uses																								
P = Permitted Use    S = Special exception permit    A = Allowed in the PD districts    Blank Cell = Prohibited																								
Use Category/ Use Type	CSV	A	Residential								Business						Planned Development				Use Specific Standards (Sec. 4.3)			
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)		OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM		R	TND	EC
			1	3	4	6	5	P	8	15														
<u>Precious metals dealer</u>														P					A					<u>4.3.4(G)(9)</u>

**Staff Comment:** This use is not currently explicitly allowed under current land development regulations. The proposed amendment would permit the use and create use specific standards to mitigate any conflicts between incompatible uses.

## AMENDING TABLE 4.1-1 TO ADD *TATTOO PARLOR/BODY-PIERCING STUDIO AS A* USE TYPE

Table 4.1-1: Table of Allowed Uses																								
P = Permitted Use    S = Special exception permit    A = Allowed in the PD districts    Blank Cell = Prohibited																								
Use Category/ Use Type	CSV	A	Residential								Business						Planned Development				Use Specific Standards (Sec. 4.3)			
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)		OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM		R	TND	EC
			1	3	4	6	5	P	8	15														
<u>Tattoo parlor/ Body-piercing studio</u>														P					A					<u>4.3.4(G)(10)</u>

**Staff Comment:** This use is not currently explicitly allowed under current land development regulations. The proposed amendment would permit the use and create use specific standards to mitigate any conflicts between incompatible uses.



- (b) *Lot area.* Be at least five acres in area.
- (c) *Frontage.* Have a minimum of 600 feet of frontage on an arterial road, at the primary point of access.
- (d) *Vehicular access.* Locate access points to minimize vehicular traffic to and through local streets in residential neighborhoods.
- (e) *Safety fences.* Provide safety fences up to a height of six feet, if necessary to protect the general health, safety and welfare.

**Staff Comment:** Use specific standards proposed would create separation requirements between residential districts and uses for outdoor service areas and times of outdoor service.

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## AMENDING SUBSECTIONS 4.3.4 (G) RELATING TO RETAIL SALES AND SERVICES:

### 4.3.4(G)(8)

*Pawn shop.* Pawn shops shall comply with the following standards:

(a) When such use adjoins a residential zoning district or a residential use, principle and accessory buildings shall not be closer than 100 feet from the residential zoning district boundary line or the property line of the residential use.

**Staff Comment:** This proposed amendment would create use specific standards to mitigate any conflicts between incompatible uses.

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## AMENDING SUBSECTIONS 4.3.4 (G) RELATING TO RETAIL SALES AND SERVICES:

### 4.3.4(G)(9)

*Precious metals dealer.*

(a) When such use adjoins a residential zoning district or a residential use, principle and accessory buildings shall not be closer than 100 feet from the residential zoning district boundary line or the property line of the residential use.

**Staff Comment:** This proposed amendment would create use specific standards to mitigate any conflicts between incompatible uses.

**AMENDING SUBSECTIONS 4.3.4 (G) RELATING TO RETAIL SALES AND SERVICES:**

4.3.4(G)(10)

Tattoo parlor/Body-piercing studio.

(a) When such use adjoins a residential zoning district or a residential use, principle and accessory buildings shall not be closer than 100 feet from the residential zoning district boundary line or the property line of the residential use.

**Staff Comment:** This proposed amendment would create use specific standards to mitigate any conflicts between incompatible uses.

**AMENDING TABLE 4.4-1 TO ADD AUTOMATIC STANDBY GENERATOR AS A PERMITTED ACCESSORY USE**

Table 4.4-1: Table of Permitted Accessory Uses																								
A= Permitted Blank=Prohibited																								
Use Category/ Use Type	CSV	A	Residential								Business							Planned Development				Use Specific Standards (Sec. 4.3)		
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)		OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM	R		TND	EC
			1	3	4	6	5	P	8	15														
<u>Automatic Standby Generator</u>		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	<u>4.4.4(J)</u>	

**Staff Comment:** Such uses are increasingly common, especially in non-residential applications. Our current code does not address such uses directly, but have been traditionally permitted as accessory uses. This proposed amendment would expressly permit the use in certain zoning categories and create use specific standards to mitigate any conflicts between adjacent incompatible uses.

## AMENDING TABLE 4.4-1 TO ADD *COUNTRY CLUB* AS A PERMITTED ACCESSORY USE

Table 4.4-1: Table of Permitted Accessory Uses																									
P = Permitted Use   S = Special exception permit   A = Allowed in the PD districts   Blank Cell = Prohibited																									
Use Category/ Use Type	CSV	A	Residential									Business							Planned Development				Use Specific Standards (Sec. 4.3)		
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)			OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM	R		TND	EC
			1	3	4	6	5	P	8	15															
<u>Country club</u>		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		

**Staff Comment:** While certain accessory and principal uses associated with a country club are permitted, the proposed amendment will clarify that the country club use, traditionally associated with golf courses, is permitted as an accessory use.

## AMENDING TABLE 4.4-1 TO ADD *GROUND OR ROOF MOUNTED SOLAR ENERGY SYSTEMS* AS A PERMITTED ACCESSORY USE

Table 4.4-1: Table of Permitted Accessory Uses																									
A= Permitted   Blank=Prohibited																									
Use Category/ Use Type	CSV	A	Residential									Business							Planned Development				Use Specific Standards (Sec. 4.3)		
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)			OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM	R		TND	EC
			1	3	4	6	5	P	8	15															
<u>Ground or roof mounted solar energy system</u>		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	4.4.4(K)	

**Staff Comment:** This proposed amendment would expressly permit the use in certain zoning categories and create use specific standards to mitigate any conflicts between adjacent incompatible uses.

## AMENDING TABLE 4.4-1 TO CORRECT SCRIVENER'S ERROR

Table 4.4-1: Table of Permitted Accessory Uses																								
A= Permitted    Blank=Prohibited																								
Use Category/ Use Type	CSV	A	Residential								Business						Planned Development				Use Specific Standards (Sec. 4.3)			
			Single-Family (RSF)				Mobile Home (RMH)		Multiple Family (RMF)		OR	CN	CC	CBD	CI	CP	ILW	IG	GF	COMM		R	TND	EC
			1	3	4	6	5	P	8	15														
Swimming pools, hot tubs, and ornamental ponds and pools		A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	A	4.4.4(J)		

**Staff Comment:** This amendment would address a scrivener's error that created a reference to a code section that did not exist.

### AMENDING SUBSECTIONS 4.4.2 (E)(3) RELATING TO SIZE OF ACCESSORY STRUCTURES:

4.4.2(E)(3) *Size.* For accessory structures which are accessory to residential uses, the combined floor area of all detached accessory structures shall occupy no more than 33 percent of the total floor area of the principal structure, unless otherwise allowed in these LDRs. For residential uses located in the Agricultural zone district, the maximum floor area of accessory structures which are accessory to residential uses shall not apply to structures used for bona fide agricultural purposes, including but not limited to structures such as barns, pole barns, and stables.

**Staff Comment:** This proposed amendment would clarify the measurement of floor area for accessory uses in agricultural zone district. Staff has encountered issues where a large barn or stable may completely utilize or exceed a property's allowable accessory use square footage. Such structures, if used for bona fide agricultural purposes, will not count towards the maximum accessory use square footage for a property, as proposed.

### AMENDING SUBSECTIONS 4.4.4 (J) RELATING TO ACCESSORY USE SPECIFIC STANDARDS FOR AUTOMATIC STANDBY GENERATORS:

4.4.4 (J) Automatic Standby Generator. Automatic standby generators shall be permitted as an accessory use provided that:  
(1) Testing. The generator shall only be used during an electrical power outage and as required by the manufacturer for maintenance purposes. Maintenance shall take

place not more than once a week between the hours of 9:00 a.m. and 5:00 p.m. and shall not exceed one (1) hour in duration.

(2) Screening. Generators shall be screened to minimize visual and aural impacts on neighboring properties. Screening shall constitute:

(a) A solid fence at least six feet in height constructed of wood, masonry, stone, or other similar materials, or

(b) Landscaping using evergreen materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six (6) feet within three (3) years of being planted.

(3) Safety. The generator must have an automatic transfer switch installed in accordance with the latest edition of the National Electric Code.

**Staff Comment:** This proposed amendment would create use specific standards to mitigate any conflicts between adjacent incompatible uses.

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## **AMENDING SUBSECTIONS 4.4.4 (K) RELATING TO ACCESSORY USE SPECIFIC STANDARDS FOR GROUND OR ROOF MOUNTED SOLAR ENERGY SYSTEMS:**

4.4.4 (K). Ground or Roof Mounted Solar Energy Systems. A ground or roof mounted solar energy system shall be permitted as an accessory use provided that:

(1) Glare. No portion or part of the system shall emit unreasonable glare directed towards vehicular traffic or habitable portions of adjacent buildings or yards.

(2) Design.

(a) Roof mounted systems shall be designed so that the exterior surfaces of the system shall have a non-reflective finish and shall be color-coordinated to harmonize with the roof materials and/or other dominant colors of the structure.

(b) Ground mounted systems shall be designed so that the exterior system shall have a non-reflective finish and shall be color-coordinated to harmonize with the dominant colors of the primary structure on the property.

(c) Roof mounted systems on any principal or accessory structure shall not be more than three (3) feet higher than the finished roof to which it is mounted. No part of the roof mounted system shall extend beyond the edge of the roof.

**Staff Comment:** This proposed amendment would create use specific standards to mitigate any conflicts between adjacent incompatible uses.

## AMENDING TABLE 6.1-1 TO ADD PARKING STANDARDS FOR CERTAIN USE TYPES

Table 6.1-1. Minimum Off-Street Parking Standards		
Use Category	Use Type	Parking Standards
Health care facilities	<u>Birth center</u>	<u>1 space per 200 sq. ft. floor area</u>
	Blood collection facility	1 space per 200 sq. ft. floor area
	Hospital	1.5 per bed
	Medical and dental clinic	1 space per 200 sq. ft. floor area
	Medical and dental lab	1 space per 300 sq. ft. floor area
	Outpatient facility	1 space per 300 sq. ft. floor area
Manufacturing and production	Manufacturing, heavy	1 space per 1,000 sq. ft. floor area
	Manufacturing, light	<u>For offices, laboratories, and areas supporting offices and laboratories: 1 space per 350 sq. ft. floor area;</u> <u>For all other areas: 1 space per 1,000 sq. ft. floor area</u>
	Medical radioisotope laboratory	1 space per 1,000 sq. ft. floor area
Recreation/entertainment, indoor	<u>Banquet hall</u>	<u>1 space per 300 sq. ft. floor area, or 1 space per 3 seats</u>
	Commercial recreation, indoor	1 space for each 350 sq. ft. floor area
	Neighborhood recreation center	1 space per 3 persons design capacity
	Private club or lodge with seating capacity of less than 300 in main activity area	1 space for 300 sq. ft. floor area
	Private club or lodge, with seating capacity of 300 or greater in main activity area	1 space for 300 sq. ft. floor area
	Theater (less than 500 seats)	1 space for every 4 seats
	Theater (500 seats or more)	1 space for every 3 seats
Retail sales and services	Auction house	1 space per 350 sq. ft. of floor area, plus 1 space for each 1,000 sq. ft. of outdoor

	auction area
Bar, nightclub or cocktail lounge	1 space per 75 sq. ft. floor area
Convenience store	1 space per 150 sq. ft. floor area
Crematory	1 space for each 3 seats in the chapel
Department or discount store	Up to 300,000 sq. ft.: 1 space per 305 sq. ft. floor area; 300,001 to 600,000 sq. ft.: 1 space per 285 sq. ft. floor area; over 600,000 sq. ft.: 1 space per 265 sq. ft. floor area
Drug store or pharmacy (stand alone)	1 space per 200 sq. ft. floor area
Entertainment establishment	1 space per 350 sq. ft. floor area
Financial institution	1 space per 200 sq. ft. floor area
Funeral home	1 space for each 3 seats in the chapel
General media store	1 space per 200 sq. ft. floor area
Grocery store	1 space per 250 sq. ft. floor area
Liquor store	1 space per 400 sq. ft. floor area
Laundromat	1 space per 200 sq. ft. floor area
Personal services establishment	1 space per 200 sq. ft. floor area
Repair establishment	1 space per 300 sq. ft. floor area
Sales establishment	Up to 300,000 sq. ft.: 1 space per 305 sq. ft. floor area; 300,001 to 600,000 sq. ft.; 1 space per 285 sq. ft. floor area; Over 600,000 sq. ft.: 1 space per 265 sq. ft. floor area
<u>Pawn shop</u>	<u>1 space per 200 sq. ft. floor area</u>
<u>Precious metals dealer</u>	<u>1 space per 200 sq. ft. floor area</u>
<u>Tattoo parlor/Body-piercing Studio</u>	<u>1 space per 200 sq. ft. floor area</u>

**Staff Comment:** The proposed amendment would update the minimum off-street parking standards table to include newly proposed permitted uses. The proposed amendment also clarifies the parking standards for light manufacturing uses; office portions of such uses are often used extensively and have a higher parking generation rate than the traditional “manufacturing floor” area.

## AMENDING ARTICLE 10 TO PROVIDE DEFINITIONS RELATED TO THE PROPOSED AMENDMENTS

Automatic standby generator means a natural gas, liquid gas propane or diesel fuel powered generator which is permanently connected to the electrical system of a principal structure and only operates in the event of a power outage in order to provide backup power to the principal structure. Gasoline powered generators are not permitted as standby generators that are permanently connected to electrical systems of principal structures.

Banquet hall means a building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged. Also known as a meeting hall or reception hall, but does not include private clubs or lodges.

Birth center means any facility, institution, or place, which is not an ambulatory surgical center or a hospital or in a hospital, in which births are planned to occur away from the mother's usual residence following a normal, uncomplicated, low-risk pregnancy.

Country Club means land and buildings associated with indoor or outdoor recreation/entertainment use categories and may include a clubhouse, restaurant, swimming pool, tennis courts, professional shop, and similar recreational or service uses.

Dispensing organization means an organization that meets the requirements of Section 381.986(5)(b)1, F.S., including its contractual agents, which has been authorized by the State of Florida to cultivate, process and dispense low-THC cannabis.

Ground or Roof mounted solar energy system means a device or design feature meant to provide for the collection, storage, and distribution of solar energy for heating, cooling, electricity generation and storage, or water heating.

Internet café/ simulated gambling establishment means a building, edifice, structure, or location, along with its grounds, in which simulated gambling devices are used, operated, or stored, including but not limited to game rooms, arcades, internet cafes, internet centers or sweepstakes redemption centers. The definition does not include any establishment that is expressly permitted by state law, including but not limited to an "arcade amusement center" as defined in F.S. § 849.161.

Low-THC cannabis means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization. The term does not include the possession, use, or administration of cannabis or cannabis derivative by burning or igniting and inhaling the smoke. See s. 385.211, F.S.

Medical marijuana means low- THC cannabis permitted by the State of Florida for the treatment of medical conditions.

Medical marijuana cultivation means a location where the dispensing organization has been authorized by the State of Florida to cultivate medical marijuana. This includes research carried out by entities permitted by the State to carry out such research.

Medical marijuana dispensary means a location where the dispensing organization has been authorized by the State of Florida to dispense medical marijuana at retail to those individuals who have been added to the State's compassionate use registry by an authorized physician.

Medical marijuana processing means a location where the dispensing organization has been authorized by the State of Florida to process medical marijuana.

Non-medical marijuana cultivation means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is cultivated.

Non-medical marijuana dispensary means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is distributed at retail.

Non-medical marijuana processing means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is processed.

Pawn shop means an establishment that engages, in whole or in part, in lending or providing an advance of money or other things on the pledge and possession of personal property or secondhand goods, except for regulated metals property regulated under Chapter 538, Part II, Florida Statutes, or other than securities or written or printed evidences of indebtedness. The seller of such personal property or secondhand goods may be able to purchase back the items sold to the establishment upon stipulated terms. Merchandise and other secondhand goods may be available for purchase by customers of the establishment. This term shall not include financial institutions, retail sales establishments, or consignment shops.

Precious metals dealer has the meaning as defined in Section 538.03, Florida Statutes.

Tattoo parlor/Body-piercing studio means an establishment whose principal business activity is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by such means, including but not limited to, the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

*Utility, minor*, means infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, [distribution electric substations, as defined in](#)

| [Section 163.3208, Florida Statutes](#), stormwater retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops.

**Staff Comment:** The proposed amendment would provide definitions of uses added to table of allowed uses and related terms. Minor utility is clarified to include electric substations.

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## **FINDINGS OF FACT:**

### **COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS**

Subsection 2.4.1(E)(1) of the Land Development Regulations (LDRs) states that, “in determining whether to approve a proposed text amendment to the Land Development Regulations, the City Commission shall find that an application is consistent with the following standards.” These standards are listed below, followed by Staff’s evaluation.

- (a) **Consistent with Comprehensive Plan** – Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan.

**Evaluation & Findings:** *This amendment does not conflict with any Goals, Objectives, or Policies of the Comprehensive Plan.*

- (b) **Consistent with Ordinances** – Whether the proposed amendment is in conflict with any provision of these LDRs or the City Code of Ordinances.

**Evaluation & Findings:** *This amendment does not conflict with any provisions of the LDRs or the City Code of Ordinances.*

- (c) **Changed Conditions** – Whether and the extent to which there are changed conditions that require an amendment.

**Evaluation & Findings:** *The amendment is proposed to establish provisions to address development/design standards currently not addressed within the LDRs, allowed uses within zoning categories, to improve regulations where the purpose and intent of such regulations may not be fully realized or achieved, to correct scrivener’s errors, and to address internal consistency. Recent legislation by the State Legislature has created new land uses which has resulted in changed conditions that require an amendment.*

- (d) **Community Need** – Whether and the extent to which the proposed amendment addresses a demonstrated community need.

**Evaluation & Findings:** *The amendment addresses the community need by establishing provisions which would address development/design standards currently not addressed in the LDRs and to improve regulations where the purpose and intent of such regulations may not be fully realized or achieved.*

- (e) **Compatible with Surrounding Uses** – Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zone districts in these LDRs, or will improve compatibility among uses and will ensure efficient development within the City.

**Evaluation & Findings:** *The amendment would help mitigate any potential conflicts between uses by establishing use-specific standards that create separation requirements between certain uses and other sensitive land uses such as properties within residential zoning districts.*

- (f) **Development Patterns** – Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

**Evaluation & Findings:** *The amendment would contribute to logical and orderly development patterns by addressing compatibility between uses added to the Table of Allowed Uses and other sensitive land uses such as properties within residential zoning districts. Development standards, such as parking requirements, will ensure adequate on-site parking so that surrounding properties will not be negatively impacted.*

- (g) **Effect on Natural Environment** – Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

**Evaluation & Findings:** *The proposed amendment will not impact the natural environment.*

- (h) **Public Facilities** – Whether and the extent to which the proposed amendment would result in development that is adequately served by public facilities (roads, potable water, sewage, storm water management, parks, and solid wastes).

**Evaluation & Findings:** *The proposed amendment will have no impact to the provision of public facilities.*

***Appendix A***

***Supporting Materials for Proposed Amendment Related to  
Internet Cafés/ Simulated Gambling Establishments***

Gas Prices ([http://www.wptv.com/traffic/gas\\_prices](http://www.wptv.com/traffic/gas_prices))

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Storm Team 5 Blog (<http://www.wptv.com/weather/storm-team-5-blog>)

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# Cyber City Sweepstakes Cafe robbed, suspect in custody

 BY: Jon Shainman (<mailto:jshainman@wptv.com>)  
 POSTED: 11:58 AM, May 4, 2015  
 UPDATED: 9:09 AM, May 5, 2015



A man suspected of robbing the Cyber City Sweepstakes Cafe off U.S. 1 is in custody.  
 VIDEO BY WPTV

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ST. LUCIE COUNTY, Fla. - A man suspected of robbing a St. Lucie County arcade Monday morning is in custody.

He was flushed out of some thick woods near the River Park Marina off Prima Vista Boulevard.

Detectives say it was just after 7 a.m. when a man went into the Cyber City Sweepstakes Cafe off U.S. 1 and demanded money.

Investigators say he implied that he had a weapon, but none of the employees or patrons were hurt.

A road deputy spotted the suspect a short time later walking along Prima Vista.

The deputy says when he tried to grab the suspect he threw the money in the air and ran into the woods, setting off the four-hour search that ended just a few minutes ago.

The St. Lucie County Sheriff's Office says all of the stolen money was recovered.

Investigators say the man has confessed to the crime. Monday afternoon they identified him as Matthew P. Hazlett, 29, of 376-40 Gasparilla Ave., Port St. Lucie.



**Jon Shainman**  
@JonShainman

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The true "money shot." Man in custody suspected of robbing arcade this am in SLC. @WPTV

11:37 AM - 4 May 2015

4 3



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Update: The arrested suspect in this morning's arcade robbery has confessed.

Detectives are now completing the... [fb.me/1Vc6UcpOW](https://www.facebook.com/1Vc6UcpOW)

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By Jason Anderson  
Record Staff Writer

[Print Page](#)

March 21, 2015 12:01AM

## Search for parolee in Internet cafe takes sudden turn

STOCKTON — A man was arrested Friday morning after a gun was discharged when authorities went into a central Stockton Internet café in search of a parolee at large, police said.

Members of a Stockton Police Department gang violence suppression unit and the U.S. Marshals Service converged on the Internet café in the 1000 block of North Wilson Way at 10:24 a.m. in search of the parolee, authorities said. When they entered the business they heard someone kick open a door followed by the sound of a single gunshot, officers said.

"I thought somebody threw a firecracker behind me," said Anthony Ortiz, 25, who works at a smoke shop next door. "I turned around and looked out the door and everybody was running."

Officers didn't know if the round was fired at them, so they retreated, set up a perimeter around the business and eventually detained everyone inside, police said.

Authorities determined that Darnell Joseph, 27, had kicked open a bathroom door in an attempt to discard the weapon and the gun accidentally went off as he was trying to hide it, police said.

Joseph was arrested on suspicion of carrying a concealed firearm, carrying a loaded firearm and unlawful possession of a firearm, according to jail records.

Officers said they found a handgun on the concrete outside the bathroom window. No one was injured, officials said.

"I guess somebody had a gun and they threw it out the window and the shot went off, so the cops came with their guns out," said Brittany Austin, 25, an employee of the business.

Austin said the business was temporarily closed Friday afternoon, but that it would reopen later in the day. She said authorities did not seize any of the business' computers.

Neighboring business owners and employees have long suspected that the Internet café is operating an illegal online gambling site. Kevin Barnett, who owns Kelly's Kitchen & Bath, said the Internet café has attracted an unsavory crowd, adding to the criminal element along the Wilson Way corridor.

"Everybody knew it was a gambling establishment," he said. "There's the common riffraff that you see every day and then there are the ones who come from outside of the area because of the gaming, and that made it even worse. The people that were from out of the area just compounded the issues with the drugs and the prostitution."

— Contact reporter Jason Anderson at (209) 546-8279 or [janderson@recordnet.com](mailto:janderson@recordnet.com). Follow him at [recordnet.com/crimeblog](http://recordnet.com/crimeblog) and on Twitter @Stockton911.



A Stockton Police officer and evidence technician examine a handgun that was thrown out of a bathroom window and discharged during a search for a parolee in an Internet cafe Friday on North Wilson Way. CLIFFORD OTO/THE RECORD



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## Theft reported at Internet cafe

By Austin L. Miller (</personalia/10046>)

Staff writer

Published: Friday, March 23, 2012 at 12:06 p.m.

SILVER SPRINGS SHORES – Sheriff’s deputies are investigating the burglary of an Internet caf  that was reported Thursday.

An employee at a business next to the Internet Sweepstakes Cafe LLC at 9353 SE Maricamp Road told a deputy that when she arrived for work, she noticed a side window was shattered at the cafe.

The deputy and an employee from the caf  checked the business and determined someone had stolen money from a safe.

Anyone with information can call the Sheriff’s Office at 732-9111 or Crime Stoppers at 368-STOP, or visit [www.ocalacrimestoppers.com](http://www.ocalacrimestoppers.com).

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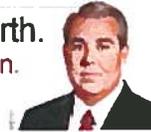
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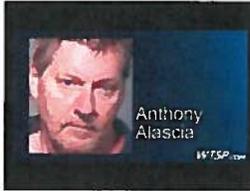
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## Internet cafe manager has lengthy criminal record

Mike Deeson, WTSP 9:41 p.m. EDT April 2, 2013



(Photo: WTSP)

SPRING HILL, Florida – Supporters of Internet cafes packed a Florida Senate Committee on Tuesday, saying they are great forms of entertainment and don't hurt anyone. But that didn't stop the committee from voting to ban them, following the arrest of several operators of the Allied Veterans of the World cafes.

The state says Allied Veterans of the World falsely claimed it gave a huge portion of its profits to veterans, but Internet cafe operators are trying to convince the state they are providing harmless entertainment. Many tell the committee they are not taking advantage of people, mainly senior citizens, who come to their operations.

Some who go to the cafes can't understand what the big fuss is about, telling senators they enjoy their time there. However, as the arrest of more than 50 people involved with Allied Veterans of the World shows, many of the cafes were being run by people with lengthy criminal records. Anthony Alascia, who lives in Spring Hill, is a prime example.

Alascia, who is facing several charges including racketeering, is an admitted gambling addict. He has a record of arrests that stretch from New Jersey to Florida, dating back to the '70s and continuing to his arrest last month. Those charges include assault with a weapon, computer crimes, grand theft, DUI, passing checks, and tax evasion. Alascia was also arrested for creating a non-existent bank account so he could use the money to gamble.

Now Alascia and his co-conspirators in Allied Veterans are charged with bilking millions of dollars from people like Peggy Johnson, who says, "They have drained everything, bank accounts, 401K, everything."

Johnson, who says she lost more than \$50,000 at an Allied Veterans cafe, places some blame on the state, saying, "I'm amazed it took this many years for this to be discovered."

Now, the state is cracking down on the cafes. An indictment came down that led to the resignation of Lt. Governor Jennifer Carroll (</news/local/story.aspx?storyid=304182>), who was involved in promoting the cafes, and now the legislature is poised to outlaw them altogether.

Secretary of Agriculture Adam Putnam says of the cafes, "They are clearly a gateway into organized crime and racketeering, as this investigation proves, and I'm hopeful the legislature will take swift action."

While Putnam says he hopes the legislature will move quickly to regulate or put out of business other Internet cafes, his department, which is in charge of regulating the industry, either hasn't had the authority or the desire to do anything about Allied Veterans until now.

Take the case of attorney Miriam Wilkinson, who testified in a hearing about the cafes. "These are lawful, these are not simulated gambling," she says.

Wilkinson worked for the Department of Agriculture, and was in charge of regulating Internet cafes until she quit – and went right to work for attorney Kelly Mathis, the same man the FDLE says is the kingpin behind Allied Veterans.

And Peggy Johnson, who lost so much money at the cafes, is astounded it took so long for the state to step in, saying, "It was illegal activity going on behind the doors, an elaborate a scheme."

Many taken for a ride by the alleged scheme and felons like Alascia say the state has to share some of the blame.

Meanwhile, Alascia's attorney, Barry Cohen, admits his client has a checkered past, but says he is a changed man and didn't believe he was doing anything wrong, because until now the state declined to prosecute and the Agriculture Department said it was legal.

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# Palatka cyber cafe employee robbed at gunpoint

By Dan Scanlan 7:30 p.m. Oct 15, 2015 @ 12:10 pm, updated Mon Oct 19, 2015 @ 1:15 pm

Two masked gunmen robbed an employee early Saturday at Roger Womack's Cyber Café on Carter Road in Palatka, according to the Putnam County Sheriff's Office.

The employee was leaving the business about 2 a.m. when confronted by two masked men in the parking lot who forced her back inside at gunpoint, the Sheriff's Office said. Once inside, the robbers grabbed an undetermined amount of money before demanding the employee's car keys. They forced her to lie on the floor, then escaped in the employee's green 1998 Honda Civic, the Sheriff's Office said.

The employee was not harmed during the robbery, the Sheriff's Office said.

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## 1 of 2 suspects sentenced for attempted robbery at Palms Internet Cafe

By [Austin L. Miller](#)

Published: Tuesday, April 30, 2013 at 11:29 a.m.

One of two men shot by a patron during an attempted robbery last summer at an Internet café in Ocala was sentenced Tuesday to four years in prison and four years of probation.

During the sentencing hearing Judge Robert Hodges told Davis Dawkins, 20, that he was lucky he was only charged with one count of attempted robbery with a deadly weapon and criminal mischief, as opposed to 32 counts of attempted robbery with a deadly weapon, which would have seen him facing 20 years or more. Hodges told Dawkins he was lucky to be alive and that he wished he would have listened to the people in his church, who earlier spoke on his behalf.

In addition to the sentence, Dawkins also has to pay restitution and court costs, and cannot have any contact with his accomplice, Duwayne Henderson, or the 32 people who were in the Palms Internet Cafe at 8444 SW State Road 200 the night of July 13, 2012.

A remorseful Dawkins, who was wearing black pants and a maroon shirt and matching tie, said he felt bad when he learned that glass from one of the machines he had smashed with a bat had hurt a patron. He apologized to his family and friends, and told the court he didn't mean to rob the place.

Dawkins said he and Henderson were driving by the building one day when he mentioned a dislike for some of the people who worked there and made a joke about wanting to rob them. He said that about two weeks later, Henderson asked him if he wanted to rob the business and was asking him questions about the café because he used to work there. Dawkins said he agreed to do it, and the plan was for him to carry a bat while Henderson would be armed with a gun.

The night they went to rob the cafe, a patron shot Dawkins in the arm and chest as he and Henderson, who was also shot, ran outside.

Dawkins said doctors told him if the bullet to his chest had been closer to one of his main arteries, he could have died.

Dawkins' attorney, David Mengers, asked the court to consider his client as a youthful offender and not give him prison time because he had no prior record, was remorseful, is not a danger to the public and had taken responsibility for his action.

Assistant State Attorney Toby Hunt countered by saying that while Dawkins is a nice young man, choices have consequences and he chose to go through with the robbery. He said it was a serious offense and recommended five years in prison and five years of probation.

Before Dawkins was sentenced, several people spoke on his behalf. His mother and stepfather both classified his action as out of character and said he has a bright future and is attending college.

Austin Tucker, the senior pastor at Victory Baptist Church in Summerfield, where

Dawkins goes to church, said Dawkins is involved in the music program and that he has known him since he was 6-years-old. Tucker called him a “good boy” and said he doesn’t think he is a danger to the community.

Tucker’s son, Kendall, said Dawkins is very loyal and has always been there for him.

Henderson’s case is on-going, court records show.

Samuel Williams, 71, who fired the shots, has a concealed weapons permit, according to the Sheriff’s Office. Not long after the incident took place, Bill Gladson of the State Attorney’s Office said, “Based on what I have seen and what I know at this time, I don’t anticipate filing any charges.”

Under Florida law, a person is allowed to use deadly force if he or she fears death or serious injury to themselves or others. As long as the person is not committing a crime and is in a place where he or she has a right to be, they are considered to be acting within the law.

*Contact Austin L. Miller at 867-4118 or [austin.miller@starbanner.com](mailto:austin.miller@starbanner.com).*

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From the Jacksonville Business Journal:  
<http://www.bizjournals.com/jacksonville/blog/morning-edition/2013/03/florida-investigating-another-internet.html>

## Florida investigating another Internet cafe chain

Mar 25, 2013, 7:26am EDT

About two weeks after the lid was busted off an alleged \$300 million racketeering case involving Internet cafes, Florida regulators will investigate a children's cancer group connected to a sweepstakes network that is four times bigger — and it has one major connection to the raids in Jacksonville.

At the center of local investigation is Allied veterans of the World, which shares Jacksonville attorney Kelly Mathis with Children's Cancer Cooperative. Officials have launched a probe into the cooperative, a group that operates in a South Carolina bingo parlor and has collected money from more than 200 Internet cafes in Florida, the Associated Press reports.

Authorities have labeled Mathis as the architect of the Allied Veterans case, and charged a total of 57 people involved. The result of the investigation led to former Lt. Gov. Jennifer Carrol's resignation. Carroll had done some consulting work for the firm when she was in the past.

The Children's Cancer Cooperative probe comes with questions about how much money the cafes raised, how much should have been taxed and how much went to charity.

"Occasionally they have asked for my advice for operating a legal sweepstakes, which I provided to them," Mathis told the AP. "I had no involvement in what they gave or where they gave it."

Read more from the Associated Press.

**Michael Clinton**

Guest Correspondent

Jacksonville Business Journal





## Coventry Township Internet café and sweepstakes parlor robbed

Summit County Sheriff.JPG

The Summit County Sheriff is investigating an armed robbery and Cindy's Lucky 7s in Coventry Township.

*(File photo)*

**Adam Ferrise, Northeast Ohio Media Group** By **Adam Ferrise, Northeast Ohio Media Group**

**Email the author | Follow on Twitter**

on July 27, 2015 at 2:59 PM

COVENTRY TOWNSHIP, Ohio — A masked gunman robbed an Internet café and sweepstakes parlor early Monday.

The man, who also wore dark clothing, walked into Cindy's Lucky 7s on Portage Lakes Drive about 12:10 a.m., according to Summit County Sheriff deputies.

The gunman pushed one of two customers inside the business to the ground. He ordered the employee working at the time to open the business' safe.

The man stole an unknown amount of money from the store and ran off.

Summit County Sheriff deputies are trying to identify the man.

Cindy's is licensed under a 2011 Summit County law that regulates similar establishments.

Anyone with information on the robbery or the identity of the suspect is being asked to contact Summit County Sheriff detectives at 330-643-2131.

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## Lake County places six-month moratorium on new Internet cafes

January 15, 2012 | By Eloisa Ruano González, Orlando Sentinel

TAVARES - County commissioners have put up a temporary wall on new Internet cafes that offer casino-style games and winnings.

For six months, county officials will not issue permits to cafes trying to open in unincorporated Lake. Commissioners approved the moratorium last week, citing residents' safety and welfare.

"In the big picture of quality of life, I think that any type of gambling is not positive for our society," said Commissioner Jimmy Conner, who made a motion to approve the moratorium.

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Concerned about crime, county officials pointed to last year's armed robbery at an Internet cafe in Clermont and an attempted armed robbery at one in Seminole County that left one person dead.

Supporters argue it's not gambling and that the cafes are safe for seniors and other residents to visit. They say the games are no different than legal game promotions used by fast-food chains and are allowed under a sweepstakes provision of state law.

About 1,000 of these businesses have sprouted in recent years throughout Florida. Several cities and counties have tried to block or outright ban them. A year ago, Seminole officials passed an ordinance that prohibited the use of virtual slot machines and online sweepstakes games at these venues. It's being challenged in court.

In Lake, Leesburg and Fruitland Park last year imposed temporary blocks on new establishments. Tavares decided not to ban or block them.

Kenneth DeSouza, who ran the Inn on the Green's Internet cafe, said there are too many sweepstakes cafes in and around Tavares. That's part of the reason he had to close the cafe at his family's motel in November. He's now selling the computers.

More than two dozen cafes operate throughout the county. A half-dozen are in unincorporated Lake. The moratorium, which will come back for a final vote on Jan. 24, will not affect existing businesses.

Lake's temporary freeze will provide county officials with enough time to find out if state legislators will outlaw these establishments, County Attorney Sandy Minkoff said.

"The Legislature [currently] is looking at this issue," Minkoff said. "At the 180 days or before that, we should know actually what state the bill will be."

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## Critics Label Florida's Internet Cafes as Magnets for Crime

By DON VAN NATTA JR.

THE NEW YORK TIMES

Published: Saturday, May 7, 2011 at 11:15 p.m.

**APOPKA** | A drab strip mall in this Orlando suburb includes the usual fixtures: a pharmacy and a payday loans store, as well as an Internet cafe with a sign on the door that reads "Copy-Fax-Print, Surf the Web."

That these cafes are cash machines — and take in as much as \$100,000 a week — is no secret to robbers.

And so, at 1 a.m. on April 19, three armed men tried to rob the place at a time when more than three dozen people were playing slot machine-type games on the cafe's computer terminals. A security guard shot and killed one of the men; the other two fled and were being sought. A woman hiding in the bathroom told a 911 operator that the robbery was happening in "the casino, in Apopka."

The shooting death in a place that some customers call a casino has brought fresh scrutiny to Florida's quickly multiplying "Internet sweepstakes cafes," which now total nearly 1,000 statewide and are estimated to gross more than \$1 billion this year, according to industry analysts, state legislators and their aides and lawyers in the gambling industry.

It has also renewed calls by several county sheriffs for a statewide ban on the cafes' games. They say the businesses are magnets for crime because they usually have large sums of cash on hand. Since nine sweepstakes cafes have opened in Seminole County, crimes at those addresses have increased 14 percent, according to data compiled by the sheriff's office.

A bill was brought before the state Legislature this session that would have prohibited the games. Its proponents cite a host of concerns — worries about crime, compulsive gambling and morality. But the bill was rejected after a lobbying campaign by the companies that franchise some of the cafes. It did not help, industry critics say, that two state legislators own Internet sweepstakes cafes themselves.

Labeled by critics as "convenience casinos," the cafes offer computerized "sweepstakes" games to customers who buy Internet time or phone cards. "Points" can be redeemed for cash, and jackpots are as high as \$15,000, employees said. Lawyers for the owners have likened the slot-like and video poker games, with names like Cobra Cash and Fruit Paradise, to the Monopoly prize cards offered by McDonald's restaurants.

The cafes operate in a legal gray zone in Florida and a dozen other states. Several Florida sheriffs have raided the cafes, arguing that the computer games, operated via the Web, are nothing more than a vaguely disguised form of illegal gambling.



CHIP LITZERLAND | THE NEW YORK TIMES

There are nearly 1,000 "Internet sweepstakes cafes" in Florida. A recent shooting has brought more attention to these establishments.

In January, the Seminole County Commission passed a law banning the Internet cafes, but a federal judge issued a temporary order that stopped the county from enforcing the law while its constitutionality was considered.

"I just want clarity," said Sheriff Jim Coats of Pinellas County, whose department has written to cafes ordering them to shut down within 30 days or face prosecution. "The Legislature ought to make the law clear. If someone goes in there and utilizes these machines and pays by cash, where does that cash go? No one knows. We need regulation."

Florida is already awash in state-sanctioned gambling. There is a popular state lottery. There are eight Indian casinos. And there are nearly two dozen thoroughbred, harness and greyhound tracks and jai-alai frontons — some with slot machines and all offering high-stakes poker games.

And in the past five years, the emergence of convenience casinos has put places offering jackpots next to neighborhood coffee shops and dry cleaners. The explosion of the games has led to complaints that they are addictive and prey on some of the state's poorest residents.

"Florida now has the most diverse gaming industry of any place in the country, including Vegas, where the lottery and Internet sweepstakes cafes don't even exist," said Marc W. Dunbar, a Tallahassee lawyer who represents gambling companies. "We have every kind of gaming here, everything. And we have this massive underground industry in the state — there are so many places for people to get their fix."

In the capital, Tallahassee, several legislators introduced bills to ban the games, but none were passed during the two-month session, which ends this week. State Rep. Scott Plakon — who is from Seminole County, where the armed robbery occurred at the Allied Veterans Internet Cafe No. 67 — introduced one of the bills.

"Owners say people use these places to check their emails, but everyone is gambling," Plakon said. "These places are making a huge amount of money."

April Kirshman, the general counsel of the Seminole County Sheriff's Office, said: "It's just a facade that this is something other than gambling. As far as we are concerned, these are illegal, and we welcome the opportunity to try to prosecute these places."

The cafes' owners and their lawyers and lobbyists insist the games are legal under a 1971 state law that allows businesses to offer sweepstakes in exchange for the purchase of products.

"The images that are used on the computer look like a slot machine, so some people mistakenly call it a casino," said Kelly B. Mathis, a Jacksonville lawyer for Allied Veterans' 37 cafes in Florida. "But it's not a casino, and it's not illegal gambling. It's not gambling at all — it's a sweepstakes."

The legal distinction is that sweepstakes winners are predetermined and not decided in a game of chance like with a roulette wheel or a roll of the dice.

Around the country, legislatures and the police are wrestling with the games' legality. Virginia's Legislature recently outlawed them. Similar moves have been made in North Carolina and Massachusetts.

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# Alachua Police Department

TRACI L. GRESHAM  
CITY MANAGER

CHAD D. SCOTT  
CHIEF OF POLICE

## INTER-OFFICE COMMUNICATION

**DATE:** February 17<sup>th</sup>, 2016

**TO:** Adam Hall  
Planner

**FROM:** Chad D. Scott *CDS*  
Chief of Police

**RE:** Internet Cafés

In follow-up to our discussion of last week, I conducted further inquiry with regards to the operation of Internet Cafés, also referred to as telephone/internet card sweepstakes establishments. In May 2010, we prepared a report for the City Manager in response to questions as to the legality of operation of these businesses.

At that time, there were three (3) locations within the City limits that offered telephone card sweepstakes – all three have since closed. We then researched the Florida Attorney General Advisory Legal Opinion, and located an inquiry similar in nature to ours – the opinion referenced that the computer terminal utilized for the sweepstakes *may* be considered a prohibited machine or device, as defined in FS 849.16, and that the sweepstakes themselves *may* be considered a lottery.

The onus of determining whether or not the activity at these locations was in violation of Chapter 849 – Gambling, ultimately reverted to jurisdiction of the local law enforcement agency, as there was no clear legislation defining these activities. Since that time, legislators have made attempts to enact bans on these establishments, and continue to refine definitions of devices and activities of this nature.

The Alachua Police Department actively monitored these locations when they were in operation; primarily, in response to citizen concern and complaints of criminal activity, as these establishments do have a propensity of resulting in increased suspicious and/or criminal activity. Feel free to contact me should you have any questions regarding this correspondence, and I will gladly remain available to discuss in greater detail should the need arise.

tlm:/Planning re Internet Cafés 02-17-2016