



Agenda Item:

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COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date: 7/12/04

Communication

No.: 04-342

Agenda Item Type: Resolution

Roll Call

No.:

Submitted by: Larry Hulse, Community Development Director

SUBJECT—

Set Hearing regarding City initiated amendment to the Zoning Ordinance text to enact a new Division 31 to Article III (Districts) of Chapter 134 (Zoning), establishing a new "GGP" Gambling Games Prohibition Overlay District applicable to a portion of the City described in itself as bounded generally by Euclid Avenue and East Euclid Avenue on the North; Park Avenue and East Park Avenue on the South; East 14th Street and SE 14th Street on the East; and M.L. King Jr. Parkway, 18th Street and Fleur Drive on the West (7/26/2004).

SYNOPSIS—

The Plan and Zoning Commission is scheduled to review and make recommendation on the proposed Gambling Games Prohibition Overlay District text and rezoning on July 15, 2004. The Commission's recommendation will be forwarded to the City Council at the July 26, 2004 public hearing.

FISCAL IMPACT—

N/A.

RECOMMENDATION—

Approval of Roll Call to Set Hearing for 7/26/04.

BACKGROUND—

House File 2302 passed by the 80th General Assembly and signed by the Governor on May 6, 2004, prohibits the issuance of a gaming license to any facility located within a portion of the City of Des Moines referred to as the Gambling Games Prohibition Area. The applicable portion of HF 2302 states as follows:

Sec. 38. NEW SECTION. 99F.4C GAMBLING GAMES PROHIBITION AREA.

1. Notwithstanding any provision of this chapter or chapter 99D to the contrary, the commission shall not grant a license to conduct gambling games to a facility to be located in the applicable area as described in this section.

2. For purposes of this section, the "applicable area" means that portion of the city of Des Moines in Polk county bounded by a line commencing at the point East Euclid avenue intersects East Fourteenth street, then proceeding south along East Fourteenth street and Southeast Fourteenth street until it intersects Park avenue, then proceeding west along Park avenue until it intersects Fleur drive, then proceeding north along Fleur drive until it intersects Eighteenth street, then proceeding north along Eighteenth street until it intersects Ingersoll avenue, then proceeding west along Ingersoll avenue until it intersects Martin Luther King Jr. parkway, then proceeding northerly along Martin Luther King Jr. parkway until it intersects Euclid avenue, then proceeding east along Euclid avenue and East Euclid avenue to the point of origin. For purposes of this section, such reference to a street or other boundary means such street or boundary as they were delineated on the official Pub. L. No. 94=171 census maps used for redistricting following the 2000 United States decennial census.

The proposed amendment to Chapter 134 - Zoning, of the City Code (Exhibit A—attached to Roll Call) is intended to acknowledge and implement the prohibition imposed by the Iowa Code §99F.4C, as enacted by H.F. 2302. The prohibition applies only to games of chance requiring a license from the Iowa State Racing and Gaming Commission.

Iowa Code §99F.4C and the proposed zoning regulation DO NOT apply to the sale of lottery tickets. The lottery system is regulated by the separate Iowa Lottery Board, and the sale of lottery tickets is licensed by the Lottery Commissioner pursuant to Iowa Code §99E.16.

Iowa Code §99F.4C and the proposed zoning regulation DO NOT apply to bingo games, the raffles, and similar games of chance commonly sponsored by fairs and nonprofit organizations. Such activities are regulated and licensed by the separate Iowa Department of Inspections and Appeals pursuant to Iowa Code §99B.1.