

AGENDA REPORT

DATE February 17, 2004

ITEM Extension of Ordinance No. 2859 - Interim Zoning Regulations For Gambling Establishments/Casinos

INITIATED BY Staff

ACTION REQUESTED Conduct Public Hearing and Approve Extension of Interim Ord. 2859

PRESENTED BY David V. Gliko, City Attorney

RECOMMENDATION: Staff recommends that the City Commission approve the following motion:

MOTION: I move the City Commission approve Ord. 2859 on final reading to extend interim Ordinance # 2859 for up to one year.

SYNOPSIS: Ordinance 2859 was approved as an interim ordinance August 19, 2004 for a period of six months. This ordinance will expire February 19, 2004 unless it is extended by the City Commission for up to one year to allow for the finalization and adoption of the Unified Land Development Code now being drafted by a consulting firm, Vierbicher and Associates of Madison, Wisconsin. This extension will take a 2/3 vote of the City Commission to approve. M.C.A. 76-2-306 (3).

The regulations in Ordinance 2859 are meant as interim regulations governing gambling establishments and casinos and they replaced a prior moratorium on casinos/gambling establishments. The interim ordinance specifies zoning districts allowable for gambling/casino establishments during the interim, and the required distances to be met from schools and places of worship. Casinos that are expanded, remodeled or relocated would also need approval of the Design Review Board and would need to comply with current codes for signage, landscaping and parking.

Background: On February 18, 2003, the City Commission adopted Ordinance 2843 which placed a six month moratorium denying the issuance of building or occupancy permits for gambling establishments and sexually oriented businesses within the City of Great Falls pending adoption of a Growth Policy and a Land Development and Zoning Code.

The Growth Policy was approved by the City Commission in May of 2003, and a consultant is currently under contract preparing a unified Land Development Code. This code is expected to take several additional months to draft and be reviewed by the advisory committee and the community before being presented to the City-County Planning Board and the City Commission.

On August 19, 2003 the City Commission approved Ordinance 2859 as an interim ordinance replacing the moratorium. The interim ordinance has been in effect for six months but will expire February 19, 2004. State law allows an interim ordinance to be extended for up to one year if proper notice is given and a public hearing is held. M.C.A. 76-2-306.

It is understood, that the rules in effect with this interim ordinance governing casinos/gambling establishments may change with the adoption of the Land Development Code.