



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

TO: Nick C. Mimms, P.E., ICMA-CM, City Manager
FROM: Kev Freeman, Planning Director
RE: Conditional Use - Family Amusement Center - 111 Orange Ave - PID: 2410-509-002-000-1
BOARD DATE: March 18, 2024

STAFF REPORT

Property Owners/Applicants One-Eleven Orange Ave, LLC.

Representative Steve Tarr.

Requested Action: Approval of a Conditional Use for a Family Amusement Center.

Site Locations: 111 Orange Ave #300, Fort Pierce.

Parcel ID: 2410-509-002-000-1

Interior Floor Area: +/- 8,000 sq.ft.

Future Land Use: Central Business District (CBD)

Zoning: Central Commercial Zone (C-4)

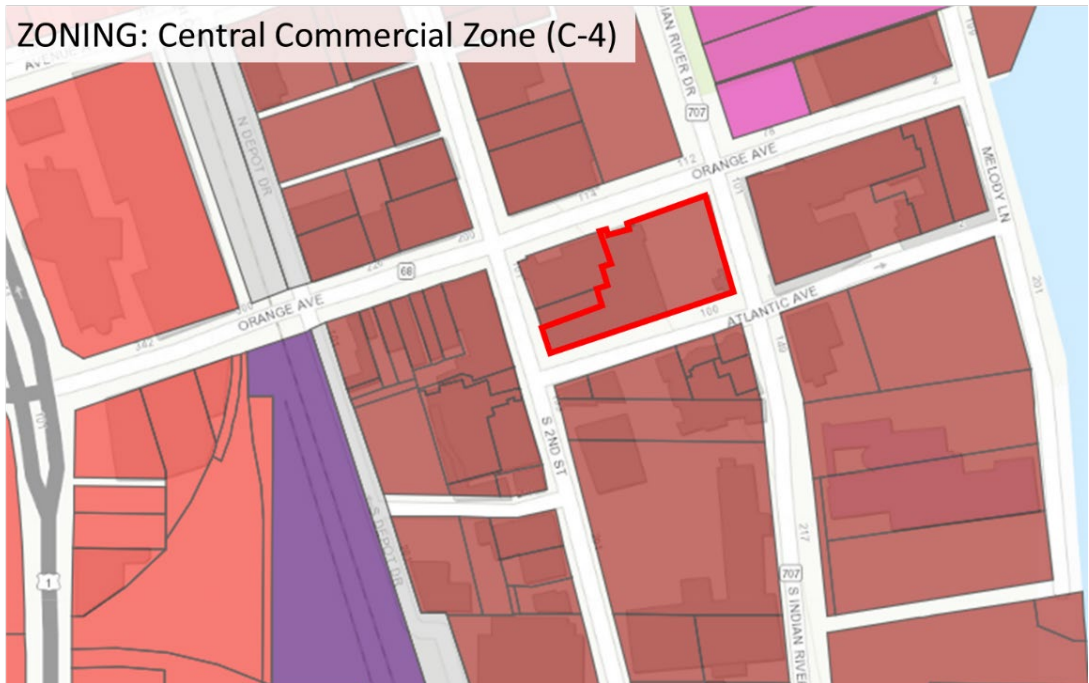
Utilities: FPUA

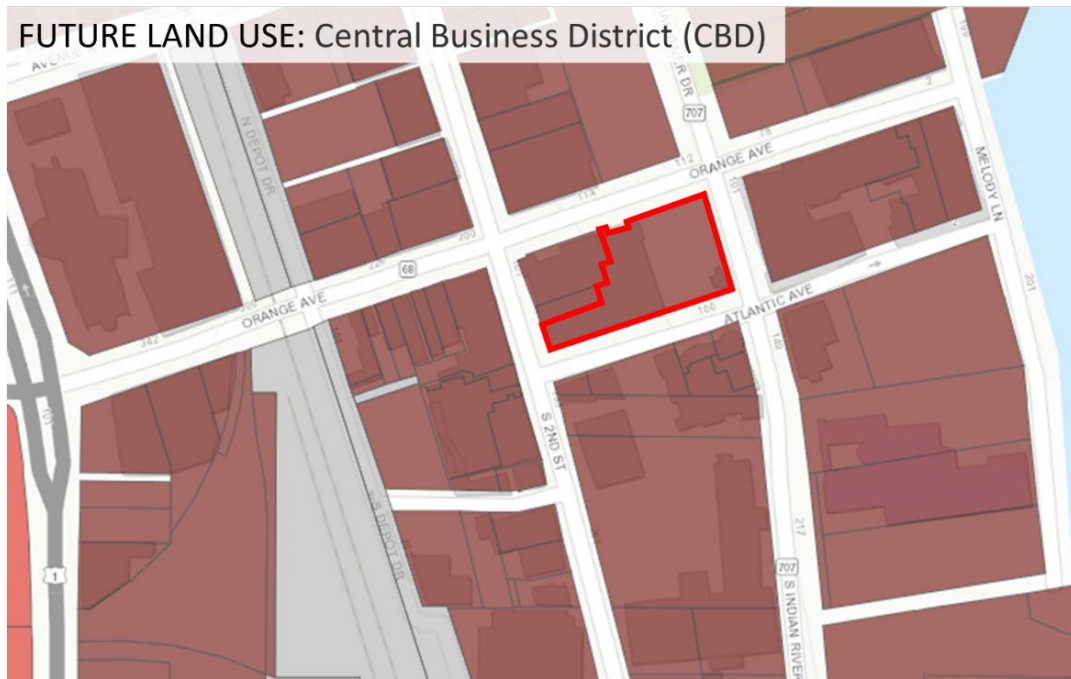
	North	East	South	West
Surrounding FLU:	CBD	CBD	CBD	CBD
Surrounding Zoning:	C-4	C-4	C-4	C-4

LOCATION: One Eleven Orange 111



ZONING: Central Commercial Zone (C-4)





Staff Analysis

The property subject of this conditional use application is located within the C-4 Zoning District and the Downtown Business and Entertainment Overlay District.

The C-4 Zoning District does not permit Arcade Amusement Centers and Amusement Arcades but does allow indoor entertainment and mixed use. In addition, Section 125-325 of the City Code of Ordinances does not permit amusement arcade or arcade amusement centers within the Downtown Business and Entertainment Overlay District.

Design standards for amusement arcade or arcade amusement centers are outlined in Section 125-325 of the City Code of Ordinances:

Design standards.

- a. No sign, display, or merchandise, shall be placed on or adjacent to any window if such placement would interfere with the clear and unobstructed view of the entire interior of the establishment from ground level through exterior windows.
- b. Placement of game machines along front windows are prohibited.
- c. Window tinting, mirrored windows, or other obscuring elements are prohibited.
- d. All entrances shall be adequately lighted.

e. All amusement arcades or arcade amusement centers must post at least two conspicuous signs within the premises, and one conspicuous sign at the entrance, stating the following:

1. Minimum age requirements as described above.
2. School hours use restrictions as described above.
3. No smoking.
4. No drugs.
5. No alcohol.

Sec. 125-325 of the City's Code of Ordinances defines Amusement Arcades and Arcade Amusement Centers such;

Amusement Arcade means that portion of an interior premises consisting of three or more amusement devices, but no more than 49 amusement devices.

Arcade Amusement Center means that portion of an interior premises consisting of 50 or more amusement devices.

Amusement Device means any table, platform, mechanical or electronic device or apparatus operated or intended to be operated indoors for amusement, pleasure, test of a skill, competition or sport, where the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin, electronic card, or token in a slot or otherwise so long as the person playing does not receive anything of value or any prize in violation of state or federal law. The definition of the term "amusement device" includes, but is not limited to, devices commonly known or simulated baseball, simulated football, simulated basketball, simulated hockey, simulated boxing, pinball, shuffleboard, ray guns, bowling games, bumper games, ski-ball, electronic video games, and shall also include billiard tables and pool tables (whether coin or not). Such definition does not include a bowling alley, juke box, or other coin-operated music machine, or a mechanical children's amusement riding device.

Amendment to State Statute at 546-10 (extract attached to this item), addresses 'Family Amusement Centers' and restricts the types of games and machines therein, thereby differentiating the use from what are typically seen as Amusement Centers.

Therefore, the proposal, a mixed-use with ancillary eating facilities would be better described as a 'Family Indoor Entertainment' or a 'Family Amusement Center' venue.

If approved, the proposed use would only be permitted to accommodate skill-based amusement games or machines such as; pinball, bowling games, bumper games, ski-ball, electronic video games, etc.

The following are not allowed; mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game.

Planning Board

The City of Fort Pierce Planning Board, at their February 12th, 2024, meeting, voted unanimously to recommend Approval of the conditional use.

Staff Recommendation

Staff recommendation is for the City Commission vote APPROVAL for the conditional use subject to the following (4) conditions.

1. Only skill-based amusement games or machines are permitted as described by Florida State Statute 546.10 and shall not include;
 - a. Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps.
 - b. A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player.
 - c. A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state.
 - d. Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.
2. Window tinting, mirrored windows, or other obscuring elements are prohibited to be installed on/at any display windows connected to the approved use.
3. Authorization of this conditional use shall be void after one year unless substantial interior renovation/refitting has taken place.
4. A change in tenancy, ownership or management shall not affect the status of this conditional use, which remains otherwise unchanged, nor will such changes be interpreted to permit a departure from the conditions of approval.

Alternative Recommendations

Recommend Approval with modifications.

Or

2. Recommend Denial.