



CITY OF FORT PIERCE
CITY COMMISSION
FAMILY AMUSEMENT CENTER
111 ORANGE AVE

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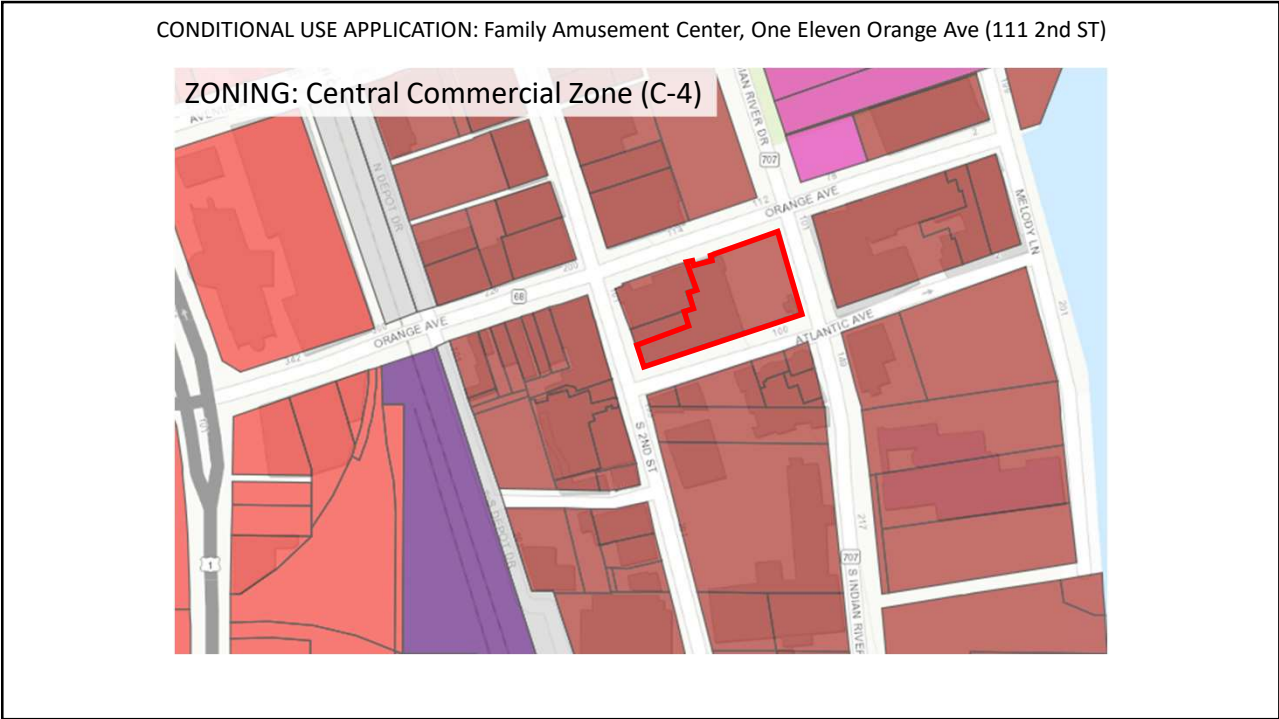
CONDITIONAL USE APPLICATION: Family Amusement Center, One Eleven Orange Ave (111 2nd ST)

LOCATION: One Eleven Orange 111

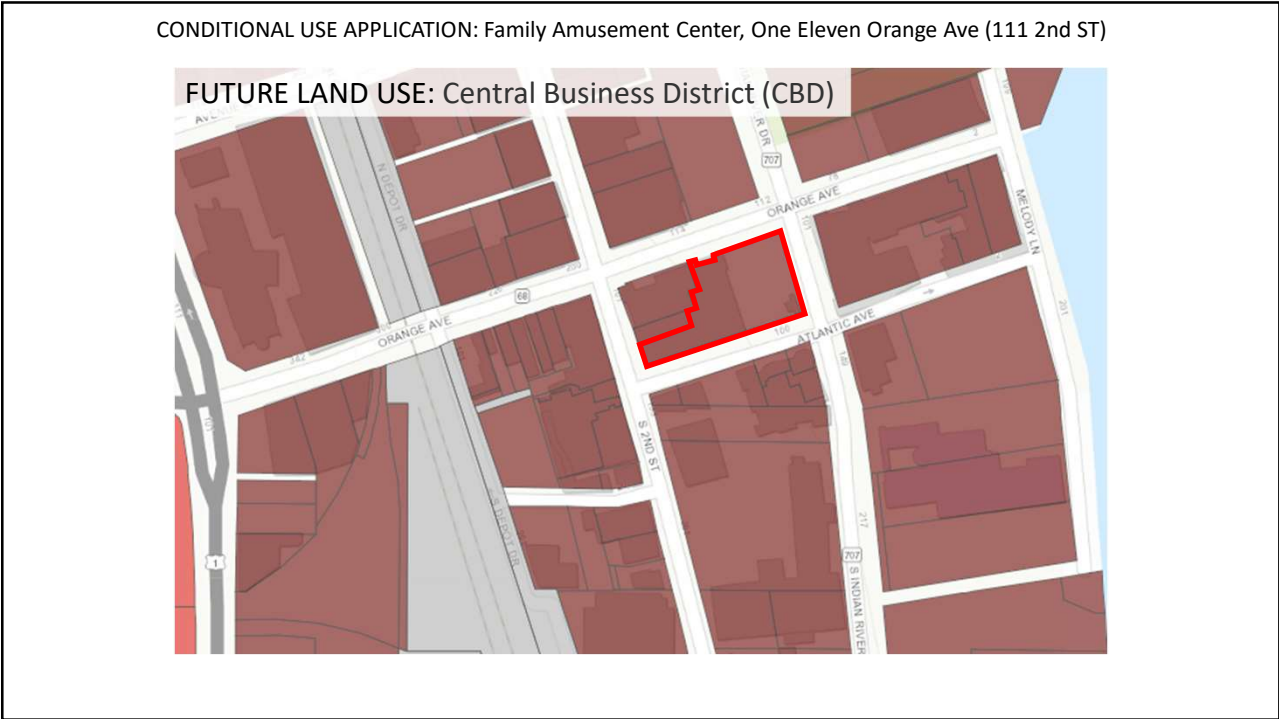


PARCEL ID#: 2410-509-0002-000-1

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CONDITIONAL USE APPLICATION: Family Amusement Center, One Eleven Orange Ave (111 2nd ST)

The property subject of this conditional use application is located within the C-4 Zoning District which permits mixed-use and indoor entertainment.

The C-4 Zoning District does not permit Arcade Amusement Centers and Amusement Arcades.

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

State Statute supports 'Family Amusement Centers' by restricting the types of games and machines therein.

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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 types of amusement games and machines allowed within this use are restricted by Florida State Statute 546.10, which deals with 'Family Amusement Centers'.

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.

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Staff Recommend that the City Commission approve this Conditional Use Application with 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.

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Conditions –continued...

- 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 RECOMMENDATION

- a. Approve the application for conditional use with modification.
- or
- b. Deny the application for conditional use.

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Sec. 125-325 Amusement Arcades and arcade amusement centers.

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.

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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...(continued)

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Amusement Device ...*(continued)* The definition of the term "amusement device" includes, but is not be limited to, devices commonly known or simulated baseball, simulated football, simulated basketball, simulated hockey, simulated boxing, pinball, shuffleboard, ray guns, bowling games, bumper games, skiball, 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.

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The provisions of Sec 125-325

Amusement arcades and arcade amusement centers shall comply with the following regulations:

(1) General operating standards.

- a.** No amusement arcade or arcade amusement centers shall operate after the hour of 12:00 midnight and before the hour of 8:00 a.m. on weekdays, and between 2:00 a.m. and 8:00 a.m. on weekends.
- b.** No game shall be played by persons who are under 18 years of age.
- c.** No arcade amusement center shall be located within 1,250 feet of another arcade amusement center. Such distance shall be measured from closest property line to closest property line.
- d.** No amusement arcade or arcade amusement centers shall be permitted within the Downtown Business and Entertainment Overlay District.
- e.** No amusement arcade or arcade amusement centers shall be located within 250 feet of the Downtown Business and Entertainment Overlay District boundaries.
- f.** Alcohol sales or consumption shall be prohibited in amusement arcades and arcade amusement centers.
- g.** Amusement arcades or arcade amusement centers shall not exceed 9,000 square feet.
- h.** Amusement arcades or arcade amusement centers shall operate in full compliance with all state and federal law.

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The provisions of Sec 125-325

(2) 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.

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The provisions of Sec 125-325

(2) Design standards.

- f. Amusement arcades or arcade amusement centers shall provide bicycle racks within enough stalls to accommodate one bicycle for each five game machines located within the premises. Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas.
- g. All amusement arcades or arcade amusement centers must provide public restrooms in accordance with applicable country health department requirements.
- h. Lighting for parking lots must satisfy lighting requirements of section 125-315(g)(1) prior to the issuance of a business tax receipt.
- i. Landscaping must comply with requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.
- j. Sidewalks shall be installed along all public rights-of-way for properties that have arcade uses and shall be installed prior to the issuance of a business tax receipt. No location shall be exempt from sidewalk provisions contained in section 125-317.
- k. Any proposed exterior change to a building used for arcade uses will be subject to city design review guidelines pursuant to section 125-314. This shall not apply to buildings located in historic districts or buildings that are individually designated.
- l. Parking shall be provided at a rate of three-fourths parking spaces per machine (or three spaces for every four machines).

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