ORDINANCE NO. 2023 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41, "REGULATED USES", TO PERMIT COIN OR CREDIT OPERATED AMUSEMENT DEVICES AND ARCADES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
 Statutes, provide municipalities with the authority to exercise any power for municipal
 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such
 authority; and

WHEREAS, the Town Commission of the Town of Surfside ("Town Commission")
finds it periodically necessary to amend its Code of Ordinances and Land Development
Code ("Code") in order to update regulations and procedures to maintain consistency with
state law, to implement municipal goals and objectives, to clarify regulations and address
specific issues and needs that may arise; and
WHEREAS Section 90-41 of the Code regulates permitted uses within the Town's

WHEREAS, Section 90-41 of the Code regulates permitted uses within the Town's
 zoning districts; and

WHEREAS, Section 90-41(c) of the Code permits the operation of coin-operated games of skill within establishments that serve liquor for consumption on the premises, provided not more than three games of skill are permitted in any such establishment, and that such games may not be used for wagering nor for the awarding of prizes of any value; and

WHEREAS, the current Code limitations on games of skill prohibit arcade and other media games that are popular with adolescents and the public, and restrict the ability for a retail establishment to provide such games; and

WHEREAS, the Town Commission finds that decoupling amusement devices from liquor establishments may contribute to the Town's unique cultural, retail, and dining experience, and may compliment a variety of uses that are vital to the Town's residents, economy, and tourism industry; and 24 WHEREAS, the Town Commission desires to permit coin-operated and creditoperated amusement devices and arcades, but not limit them to establishments that serve 25 26 liquor; and

WHEREAS, at a regular meeting of the Town Commission held on August 8, 2023, 27 the Town Commission directed the Town Manager to present an ordinance permitting 28

29 coin-or credit-operated amusement devices; and

30 WHEREAS, the Town Commission held its first public hearing on September 12, 2023 and, having complied with the notice requirements in the Florida Statutes, 31

the proposed amendments to the Code, and directed the Town Manager to publish a 32

33 notice of zoning in progress regarding the provisions of this Ordinance; and

34 WHEREAS, the Planning and Zoning Board, as the local planning agency for the 35 Town, held its hearing on the proposed amendment to the Code on _____, 2023 with due public notice and input, and recommended ______ of the proposed 36 37 amendments to the Code; and

38 WHEREAS, the Town Commission has conducted a second duly noticed public 39 hearing on these Code amendments as required by law on , 2023 40 and further finds the proposed changes to the Code are necessary and in the best interest 41 of the Town.

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NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE 44 TOWN OF SURFSIDE, FLORIDA: 45

46 Section 1. Recitals. The above Recitals are true and correct and are 47 incorporated herein by this reference: 48

Town Code Amended. Section 90-41. - "Regulated Uses" of the 49 Section 2. 50 Code, is hereby amended as follows¹:

Sec. 90-41. Regulated Uses. 51

* *

- 53 (c) Table—Regulated uses.
- 54

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¹ Coding: Strikethrough words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

55 56

	H30A	H30B	H30C	H40	H120	SD-B40
Retail and General Commercia		11000	11000			00 010
Antique shops	-	-	-	-	-	Р
Appliances	-	-	-	-	-	P
Art and photograph galleries	-	-	-	-	-	P
Art dealers	-	-	-	-	-	Р
Art supplies	-	-	-	-	-	Р
Beauty/personal services	-	-	-	-	-	P(19)
Health club or studio	-	-	-	-	-	P(16,19)
Books and newspaper	-	-	-	-	-	P
Cigars and tobacco	-	-	-	-	-	Р
Coin <u>and credit</u> operated machines, <u>amusement</u> <u>devices; arcade</u>			-	-		P(15)
Department stores	-	-	-	-	-	Р
Drug stores	-	-	-	-	-	P(30)
Dry cleaning and laundry agency	-	-	-	-	-	P(10)
Dry goods			-	-		Р
Flowers and plants	-	-	-	-	-	Р
Furniture	-	-	-	-	-	P(14)
Furrier	-	-	-	-	-	P
Gift shops			-	-		Р
Hardware, paint and wallpaper	-	-	-	-	-	Р
Jewelry	-	-	-	-	-	Р
Locksmith	-	-	-	-	-	P(11)
Luggage			-	-		P
Men's, women's, children's clothing	-	-	-	-	-	Р
Millinery	-	-	-	-	-	Р
Office machines and supplies	-	-	-	-	-	Р
Pet supplies			-	-		Р
Photographers and camera stores	-	-	-	-	-	Р
Pottery	-	-	-	-	-	Р
Sale of televisions, radios,	-	-	-	-	-	P
phonograph and recording equipment						
Sheet music and musical instruments			-	-		Р
Shoe repair	-	-	-	-	-	P(20)
Shoes	-	-	-	-	-	P
Sporting goods			-	-		Р
Stationery and greeting cards	-	-	-	-	-	Р

* * *

	Structured parking facility	-	-	CU(23)	-	CU(23)	-
	Sundries	-	-	-	-	-	Р
	Tailor	-	-	-	-	-	Р
	Toys	-	-	-	-	-	Р
	Video tapes sales and rentals	-	-	-	-	-	P(12)
57 58 59 60	Key: P: Permitted Blank: Not	Permitted	* * * d (#): R	efer to No	otes CL	J: Conditic	onal Use
61 62	(d) Uses table notes.		* * *				
63 64 65	(15) Coin and credit operated						
66 67 68 69	except that washing machines, An Arcade is an establishmer description, including, but not l games and/or games of change	nt that cor imited to, p ce for the	ntains thre binball am public am	e or more usement o usement,	e amusem games, co patronage	nent devic mputer an e or recrea	<u>es of any</u> nusement ation. No
70 71 72 73	coin-operated games of chanc state law, but coin-operated dispensing liquor, for consump than three such games of skill	games of tion on the	skill are premises	permitted only; pro	within es vided, hov	tablishmei vever, that	nts_solely not more
74 75	no permitted games shall not b of prizes of any value up to \$5	<u>0 in value</u> .					Ū
76 77 78 79	Section 3. Severabil Ordinance is held to be invalic then said holding shall in no Ordinance.	l or uncon	stitutional	by any co	ourt of cor	npetent ju	risdiction,
80 81 82 83 84 85	Section 4. Inclusion and it is hereby ordained that th of the Town of Surfside Code renumbered or re-lettered to ac changed to "Section" or other a	e provision of Ordina complish	ns of this C nces, that such inten	ordinance: the section	shall beco	me and ma Ordinanc	ade a part e may be
86 87 88	Section 5. Conflicts. ordinances or resolutions in co	•				lutions or	parts of
89 90 91	Section 6. <u>Effective</u> on second reading.					·	on adoption
92	PASSED on first reading o	n the	day of		, 2	023.	
93	PASSED AND ADOPTED	on second	d reading o	on the	day of _		, 2023.
		Р	age 4 of 5				

First Reading:	
Motion by:	
Second by:	
Second Reading:	
Motion by:	
Second by:	
FINAL VOTE ON ADOPTION	
Commissioner Fred Landsman	
Commissioner Marianne Meischeid	
Commissioner Nelly Velasquez	
Vice Mayor Jeffrey Rose	
Mayor Shlomo Danzinger	
	Shlama Danzingar Mayor
	Shlomo Danzinger, Mayor
Sandra N. McCready, MMC	
Town Clerk	
APPROVED AS TO FORM AND LEG	ALITY FOR THE USE
AND BENEFIT OF THE TOWN OF S	