

**AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE –ZONING ORDINANCE**

**ORDINANCE NO.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

**A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION**

**1. PART 2: DEFINITIONS**

- a. Amend Section 2.201, "Definitions" by adding a new definition for electronic game operations in alphabetical order, that reads as follows:

Electronic game operations.

A retail use where computers, devices, or software are provided by the business or patrons to access games or similar sites; whether free or by purchase; and where cash, merchandise or other items of value are redeemed or otherwise distributed; and whether or not the distribution is determined by games played, or are predetermined. This term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, arcade games of skill, or other game activity prohibited by the State of North Carolina.

**B. CHAPTER 9: GENERAL DISTRICTS**

**1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS**

- a. Amend Table 9.101, by adding "Electronic game operations" under "Office and Business Uses" of the following zoning districts as a use allowed with prescribed conditions. The use shall be added in alphabetical order.

Office and Business Uses								
	UR-C	B-1	B-2	NS	MUDD	UMUD	CC	TOD-E
<u>Electronic game operations</u>	<u>PC</u>							

Office and Business Uses		
	TOD-M	I-1
<u>Electronic game operations</u>	<u>PC</u>	<u>PC</u>

2. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.404, “Urban Residential Districts; Uses permitted under prescribed conditions”, by adding a new item (5.5), listing electronic game operations as a use permitted under prescribed conditions. The revised text shall read as follows:

**Section 9.404. Uses permitted under prescribed conditions.**

(5.5) Electronic game operations (UR-C only), subject to the regulations of Section 12.544.

- b. Amend Section 9.408, “Urban Residential Districts; off-street parking and loading standards”, subsection (1), “Number of off-street parking spaces per dwelling unit or gross square feet” by adding parking requirements for electronic game operations. The revised subsection shall read as follows:

- (1) Number of off-street parking spaces per dwelling unit, use, or gross square feet.

<u>Type of structure</u>	<u>Minimum</u>	<u>Maximum</u>
Detached	1	2
Bed and Breakfast (B & B)	2	4
Boarding house	2	4
Attached	1	2
Multi-family	1	2
Multi-family (elderly)	.25	.50
<u>Non-residential uses:</u>		
<u>Electronic game operations in UR-C</u>	<u>1/250 gross</u>	<u>None</u>
	<u>square feet</u>	
<u>Other uses in UR-C</u>	<u>1/1000 gross</u>	<u>1/400 gross</u>
	<u>square feet</u>	<u>square feet</u>
<u>Uses in UR-2 and UR-3</u>	<u>0</u>	<u>1/400 gross</u>
		<u>square feet</u>
<del>Nonresidential use in UR-C</del>	<del>1/1000 gross</del>	<del>1/400 gross</del>
	<del>square feet</del>	<del>square feet</del>
<del>Nonresidential use in</del>	<del>0</del>	<del>1/400 gross</del>
<del>UR-2 and UR-3</del>		<del>square feet</del>

- (a) For residential uses outside of the Route 4 thoroughfare, the maximum number of parking spaces is 3 spaces/dwelling unit.
- (b) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

3. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions”, by adding a new item (34.5), listing electronic game operations as a use permitted under prescribed conditions. The revised text shall read as follows:

**Section 9.803. Uses permitted under prescribed conditions.**

(34.5) Electronic game operations (B-1 and B-2 only), subject to the regulations of Section 12.544.

4. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions”, by listing electronic game operations as a use permitted under prescribed conditions, in alphabetical order. The revised text shall read as follows:

**Section 9.8503. Mixed Use Development District; uses permitted under prescribed conditions.**

Electronic game operations, subject to the regulations of Section 12.544.

- b. Amend Section 9.8507, Mixed Use Development District; parking and loading standards”, subsection (1), “Parking Standards”, by adding parking requirements for electronic game operations. The revised text shall read as follows:

**Section 9.8507. Mixed Use Development District; parking and loading standards.**

The requirements of Chapter 12, Part 2 shall apply except the following standards will take precedence.

Parking Standards.

- (1) The minimum parking requirements for the Mixed Use Development District are as follows:

Residential - 1 space per dwelling unit

Hotels/Motels - 0.5 space per room

Electronic Game Operations - 1 space per 250 sq. ft.

All Other Uses - 1 space per 600 gross square feet

5. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions”, by adding a new item (17), listing electronic game operations as a use permitted under prescribed conditions. The revised text shall read as follows:

**Section 9.903. Uptown Mixed Use District; uses permitted under prescribed conditions.**

(17) Electronic game operations, subject to the regulations of Section 12.544.

- b. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (d), Special regulations for Tryon Street Mall and Brevard Street Area”, subsection (2), “Brevard Street Area”, subsection (g), “Parking” by adding parking requirements for electronic game operations. The revised text shall read as follows:

(g) Parking. Parking for retail uses with less than 2,500 square feet of gross floor area is not required if the principal use is located within 1600 feet of a parking facility available to the general public, with one exception. Parking for electronic game operations shall be provided at a ratio of one (1) parking space per 250 square feet, and the bicycle parking requirements of Chapter 12 shall be met. See also Section 9.907.

- c. Amend Section 9.907, “Uptown Mixed Use District; parking and loading standards”, subsection (1), “Parking standards” by adding parking requirements for electronic game operations. The revised text shall read as follows:

(1) Parking standards. Permitted uses within this district are required to provide new off-street parking according to the

following minimum standards. Uses not specifically listed do not have any minimum parking requirements.

- (a) New office and commercial uses, which contain more than 20,000 square feet of gross floor area and are located on lots with a street frontage greater than 40 feet on any single street must provide parking at the rates specified below:

<u>Floor Area</u>	<u>Minimum Parking spaces per 1000 square feet</u>
Up to 200,000	0.5 for each 1000 square feet
200,001-500,000	0.75 for each 1000 square feet over 200,000
500,001-800,000	1.0 for each 1000 square feet over 500,000
Over 800,000	1.25 for each 1000 square feet over 800,000

- (b) Hotels and motels: 0.5 spaces/room

(b1) Electronic game operations: 1 space/250 square feet

- (c) Dwellings, all types: 1.0 space/unit  
Bed and breakfasts (B & B's): 2 spaces  
Boarding houses: 2 spaces

- (d) Existing floor area in renovated and rehabilitated buildings is exempt from these requirements, except for electronic game operations which shall meet the minimum parking requirements. However, new rentable gross floor area added to or created by the renovation or rehabilitation of existing buildings is subject to these provisions.

- (e) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than 5 years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee, to revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met.

If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.

6. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, “Uses permitted under prescribed conditions”, by adding a new item (49.5), listing electronic game operations as a use permitted under prescribed conditions. The revised text shall read as follows:

**Section 9.1103. Uses permitted under prescribed conditions.**

(49.5) Electronic game operations, (I-1 only), subject to the regulations of Section 12.544.

7. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, “Uses permitted under prescribed conditions”, by adding a new item (11), listing electronic game operations as a use permitted under prescribed conditions. The revised text shall read as follows: in alphabetical order. The revised text shall read as follows:

**Section 9.1206. Uses permitted under prescribed conditions.**

(11) Electronic game operations, (TOD-E and TOD-M only), subject to the regulations of Section 12.544.

- b. Amend Section 9.1206, “Uses permitted under prescribed conditions”, subsection (6), “Parking Standards”, subsection (a) by adding parking requirements for electronic game operations to the table. The revised text shall read as follows:

USE	MINIMUM/MAXIMUM NUMBER OF PARKING SPACES
Residential	Minimum of 1 space per dwelling unit for properties on blocks with single family zoning, no parking minimum for all other properties and a maximum of 1.6 parking spaces per dwelling unit.
Office	Maximum of one (1) parking space per 300 square feet of

	office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203.
Restaurants/Nightclubs	For all sites within 800' of single family zoning, minimum of one (1) parking space per 150 square feet of restaurant/nightclub space. For all other sites, no minimum. Maximum of one (1) space per 75 square feet.
<u>Electronic game operations</u>	<u>Minimum of one (1) space per 250 square feet. Maximum of 20 spaces.</u>
Retail	Maximum of one (1) space per 250 square feet.
All Other Non-Residential Uses	The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use.

c. Amend Section 9.1208, “Development Standards”, subsection (6), “Parking Standards”, subsection (a), subsection (2) by excluding electronic game operations from exceeding the maximum. The revised section shall read as follows:

- (2) Parking maximums may be exceeded by up to a total of 30% of the maximum, except for electronic game operations, under the following circumstances, if one or more of the following is provided:
  - (a) If a structured or underground parking is provided on site, parking maximums may be exceeded by 25%.
  - (b) If a shared parking agreement is executed, the parking maximum may be exceeded by 20%.
  - (c) If all parking spaces are located behind the building and are not visible from the public right-of-way, parking maximums may be exceeded by 10%.
  - (d) If driveways and access points are shared by at least two adjacent properties, parking maximums may be exceeded by 10%.
  - (e) If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking maximums may be exceeded by 10%.

## C. CHAPTER 10: OVERLAY DISTRICTS

### 1. PART 9: PEDESTRIAN OVERLY DISTRICT

a. Amend Section 10.812, “Development standards”, subsection (2), table 10.812(3) by adding parking requirements for electronic game operations. The revised table

shall read as follows:

**Table 10.812(3) Number of Parking Spaces**

<b>Use</b>	<b>Minimum/Maximum Number of Parking Spaces</b>
Hotels and motels	Minimum 0.5 spaces per room
Religious institutions	Maximum One (1) space per 8 seats
Residential	Minimum One (1) space per dwelling unit. Minimum .25 spaces per unit for Multi-Family Elderly or Disabled
<u>Electronic Game Operations</u>	<u>Minimum One (1) space per 250 square feet</u>
Restaurants/Nightclubs	Minimum One (1) space per 125 square feet
All Other Non- Residential Uses	Minimum One (1) space per 600 square feet

D. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.403, “Permitted Uses permitted under prescribed conditions”, by adding a new item (10.5), listing electronic game operations as a use permitted under prescribed conditions. The revised text shall read as follows:

**Section 11.403. Uses permitted under prescribed conditions.**

(10.5) Electronic game operations, subject to the regulations of Section 12.544.

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: OFF-STREET PARKING AND LOADING

- a. Amend Table 12.202, “Minimum Required Off-Street Parking Spaces By Use” by adding a new listing for electronic game operations under the “Office and Business Uses” category, and under the “Retail establishments” use. The new listing shall read as follows:

OFFICE AND BUSINESS USES:			
	Number of Auto Park Spaces Required	Long-term Bicycle Parking Spaces Required	Short-term Bicycle Parking Spaces Required
Retail establishments <u>-Electronic game Operations</u>	<u>1 space per 250 sq. ft.</u>	<u>2, or 1 per 12,000 sq. ft.</u>	<u>5% of auto parking</u>

2. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Chapter 12, Part 5 by adding a new Section 12.544, titled “Electronic game operations”. The new section shall read as follows:

**Section 12.544. Electronic game operations.**

Electronic game operations shall meet the following prescribed conditions:

- (1) The use shall only be permitted as a principal use. The use shall not be an accessory use to any other use including a convenience store, restaurant, nightclub, bar, lounge.
- (2) A zoning use permit shall be obtained.
- (3) There shall be a minimum 400-foot separation from any other electronic game operation. However, no more than one electronic game operation shall be located within the same structure, shopping center, or commercial/retail strip center. The distance shall be measured as the shortest distance from property line to property line.
- (4) The use shall not exceed 3,500 square feet in size.
- (5) If alcoholic beverages are provided, or allowed, the establishment shall meet the separation distance requirements for nightclubs, based on the zoning district in which it is located.
- (6) The buffer, landscape and sign provisions of Chapter 12 and 13 shall apply.
- (7) The parking provisions of Chapter 12 shall apply, unless the use is located in the UR-C, MUDD, UMUD, TOD or PED zoning districts. If the use is

located in the UR-C, MUDD, UMUD, TOD or PED zoning districts, then the parking requirements listed within the zoning district shall apply.

- (8) All local, state, and federal laws shall be met.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_ day of \_\_\_\_, 2012, the reference having been made in Minute Book \_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this \_\_\_\_ day of \_\_\_\_\_, 2012.

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