

Petition No. 2012-  
 Petitioner: Charlotte-Mecklenburg Planning Department

**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 gaming operations in alphabetical order, that reads as follows:

Electronic gaming 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 gaming 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 gaming 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 gaming operations</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Office and Business Uses		
	TOD-M	I-1
<u>Electronic gaming 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 gaming 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 gaming operations (UR-C only), subject to the regulations of Section 12.544.

3. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions”, by adding a new item (34.5), listing electronic gaming 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 gaming 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 gaming 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 gaming operations, subject to the regulations of Section 12.544.

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 gaming 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 gaming operations, subject to the regulations of Section 12.544.**

6. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, "Uses permitted under prescribed conditions", by adding a new item (49.5), listing electronic gaming 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 gaming 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 gaming 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 gaming operations, (TOD-E and TOD-M only), subject to the regulations of Section 12.544.**

C. 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 gaming 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 gaming operations, subject to the regulations of Section 12.544.**

D. 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 gaming 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 gaming 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 gaming operations”. The new section shall read as follows:

**Section 12.544. Electronic gaming operations.**

Electronic gaming operations shall meet the following prescribed conditions:

- (1) The use shall only be permitted only 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 gaming operation. However, no more than one electronic gaming 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 parking, buffer, landscape and sign provisions of Chapter 12 and 13 shall apply.

(7) 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.