

P12-33

PENDING AMENDMENT
County Zoning Ordinance

Internet Café/Video Gaming

CURRENT MEETING INFORMATION:

Cumberland County Board of Commissioners, October 15, 2012 at 6:45 pm, Commissioners' Hearing Room, Room # 118 (Main Courthouse), 117 Dick Street, Fayetteville

CASE HEADING:

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IV, PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403, USE MATRIX BY INSERTING *INTERNET CAFÉ/VIDEO GAMING* AS A PERMITTED USE IN THE C(P) PLANNED COMMERCIAL DISTRICT COLUMN; AMENDING ARTICLE IX, INDIVIDUAL USES, BY CREATING SECTION 911.1, ENTITLED: INTERNET CAFÉ/VIDEO GAMING AND LISTING SPECIFIC DEVELOPMENT STANDARDS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

ADDITIONAL INFORMATION:

Complete text is attached.

The Joint Planning Board's Land Use Codes Committee considered the text amendment on May 21, 2012 and recommended approval.

The Joint Planning Board recommended approval of the original version of the proposed text after their hearing on June 19, 2012.

On August 20, 2012 the County Board of Commissioners requested the Joint Planning Board review the proposed amendment and specifically to consider addressing hours of operation for this type of business.

On August 21, 2012 the Joint Planning Board's Land Use Codes Committee re-considered the original amendment and is recommending hours of operation to be set and also to change the off-street parking requirements – see attached.

On September 18, 2012 the Joint Planning Board considered the proposed amendment at their regular meeting and voted unanimously to recommend approval of the attached document.

CONTACT INFORMATION:

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P12-33
Cumberland County

Zoning Ordinance Amendment
(Internet café/video gaming)

P12-33: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IV, PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403, USE MATRIX BY INSERTING *INTERNET CAFÉ/VIDEO GAMING* AS A PERMITTED USE IN THE C(P) PLANNED COMMERCIAL DISTRICT COLUMN; AMENDING ARTICLE IX, INDIVIDUAL USES, BY CREATING SECTION 911.1, ENTITLED: INTERNET CAFÉ/VIDEO GAMING AND LISTING SPECIFIC DEVELOPMENT STANDARDS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II, Interpretations, Calculations and Definitions, Section 203, Definition of Specific Terms and Words, by INSERTING in alphabetical order the definition as written below for “Internet café/video gaming”:

SECTION 203. DEFINITION OF SPECIFIC TERMS AND WORDS.

Internet café/video gaming: Any for profit business enterprise, whether as a principal, accessory or incidental use, providing two or more computers and/or other electronic devices for access to the internet, email, applications, video games, or any other similar activity for a fee that either rewards the user in currency or in any manner capable of being converted to currency whether immediate or future or any other form of compensation. This term includes but is not limited to “internet cafes,” “cybercafés,” “sweepstakes,” or “business center.” This term does not include any governmental use.

AMEND Article IV, Permitted, Conditional and Special Uses, Section 403, Use Matrix, by INSERTING in alphabetical order into the *Land Uses* column “Internet café/video gaming” with the use being allowed in the C(P) Planned Commercial zoning district as a Permitted Use requiring staff site plan approval, indicated by INSERTING an “P” in the *Zoning Classification* column under the heading *C(P)*.

AMEND Article IX, Individual Uses, by CREATING Section 911.1, entitled: *Internet café/video gaming*, and INSERTING the standards for internet café/video gaming operations as follows:

SECTION 911.1. INTERNET CAFÉ/VIDEO GAMING.

The following standards apply regardless whether the internet café or video gaming facility is operated as a principal use, accessory use or incidental use:

(a) The detailed site plan accompanying the application shall comply with the provisions of Article XIV and when the internet café/video gaming facility is to be located on a lot with other existing uses, all existing uses on the same lot must be labeled on the appropriate building footprint as shown on the detailed site plan;

(b) Each such establishment shall be located no closer than 2,500 feet from another internet café/video gaming facility, regardless of the jurisdiction in which the facility is located;

(c) Each such establishment shall not be located within 500 feet of any area zoned for residential use, properties containing residential unit(s), religious worship activity, nursery school, day care facility, educational facilities, any public or non-profit recreation or amusement and any public or private school regardless of the zoning district in which located and shall be measured from the property line(s) containing such regulated use;

(d) In the event there is a change in the operational characteristics of the facility in which the internet café/video gaming operation is located, re-submittal of an updated complete application and site plan for re-review and approval prior to enacting the proposed change;

(e) This establishment shall not be located within the same facility as a commercial entity in the business of providing open alcoholic beverages (to include: liquor, fortified wine, unfortified wine and beer), for sale or otherwise provided and alcohol sales within the establishment shall not be permitted;

(f) No establishment shall contain any computer, computer program or gaming machine that has been declared to be banned in the State of North Carolina;

(g) Off-street parking shall be provided at the rate of one space for each [gaming machine](#) ~~four persons in design capacity~~ independent of the off-street parking required for all/any other use on the same property; ~~and~~

(h) Signage shall be as regulated in Article XII; [and](#)

(i) [Internet cafés/video gaming facilities shall not operate between the hours of 2:00 am to 7:00 am.](#)