

PENDING TEXT AMENDMENT
P12-13

Town of Hope Mills Zoning Ordinance

(Internet cafés/video gaming)

CURRENT MEETING INFORMATION:

A public hearing will be held by the Hope Mills Zoning Board on March 26, 2012, 3:00 pm in the Bill Luther Board Meeting Room at the Hope Mills Town Hall, 5770 Rockfish Road, Hope Mills.

CASE HEADING:

P12-13: REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 102A-203 DEFINITION OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IV, PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403, USE MATRIX BY INSERTING *INTERNET CAFÉ/VIDEO GAMING* AS A SPECIAL USE IN THE C(P) PLANNED COMMERCIAL DISTRICT; AMENDING ARTICLE X, INDIVIDUAL USES, BY CREATING SECTION 102A-1009.1, INTERNET CAFÉ/VIDEO GAMING LISTING SPECIFIC DEVELOPMENT STANDARDS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

ADDITIONAL INFORMATION:

The proposed amendment, if approved, will establish minimum standards for the location and operation of internet cafés/video gaming facilities.

A copy of the complete text of the proposed amendment is attached.

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

February 29, 2012

MEMORANDUM

TO: Hope Mills Zoning Board

FROM: County Planning Staff

SUBJECT: Staff Recommendation for March 26, 2012 Board Meeting

P12-13: REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 102A-203 DEFINITION OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IV, PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403, USE MATRIX BY INSERTING *INTERNET CAFÉ/VIDEO GAMING* AS A SPECIAL USE IN THE C(P) PLANNED COMMERCIAL DISTRICT; AMENDING ARTICLE X, INDIVIDUAL USES, BY CREATING SECTION 102A-1009.1, INTERNET CAFÉ/VIDEO GAMING LISTING SPECIFIC DEVELOPMENT STANDARDS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

The County Planning Staff recommends approval of the attached Hope Mills Zoning Ordinance text amendment based on the following:

1. If approved, the proposed provisions will establish minimum development standards for the regulation of the internet cafés/video gaming businesses, which heretofore the town has not had specific standards addressing this type of use; and
2. The proposed amendment primarily ensures that adequate off-street parking is available to serve these uses.

Attachment:

- P12-13 Hope Mills Zoning Ordinance Text Amendment

P12-13
Town of Hope Mills
Zoning Ordinance Amendment
(Internet café/video gaming)

P12-13: REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 102A-203 DEFINITION OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IV, PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403, USE MATRIX BY INSERTING *INTERNET CAFÉ/VIDEO GAMING* AS A SPECIAL USE IN THE C(P) PLANNED COMMERCIAL DISTRICT; AMENDING ARTICLE X, INDIVIDUAL USES, BY CREATING SECTION 102A-1009.1, INTERNET CAFÉ/VIDEO GAMING LISTING SPECIFIC DEVELOPMENT STANDARDS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

AMEND Article II, Interpretations, Calculations and Definitions, Section 102A-203, Definition of specific terms and words, by INSERTING in alphabetical order the definition as written below for “Internet café/video gaming”:

Sec. 102A-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 three 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 102A-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 upon issuance of a Special Use Permit from the Hope Mills Board of Adjustment, indicated by INSERTING an “S” in the *Zoning Classification* column under the heading C(P).

AMEND Article X, Individual Uses, by CREATING Section 102A-1009.1, entitled: *Internet café/video gaming*, and INSERTING the standards for internet café/video gaming operations as follows:

Sec. 102A-1009.1. 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 XV 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) The provisions of Chapter 18 of the Town Code shall be complied with;

(c) 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;

(d) 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;

(e) 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 for the Special Use Permit must be submitted for re-consideration by the Board of Adjustment prior to enacting the proposed change;

(f) 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;

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

(h) Off-street parking shall be provided at the rate of one space for each machine independent of the off-street parking required for all/any other use on the same property and one space for each employee on the largest shift;

(i) Each such establishment shall ensure functional and working security cameras are in operation and oriented toward the computers or gaming machines, the recording media shall be kept secure and available for inspection for a period not less than six months by the Town upon request of an authorized Town employee;

(j) Signage shall be as regulated in Article XIV; and

(k) All internet café/video gaming facilities in operation at the time of official adoption of the provisions of this section shall submit a site plan and come into compliance with the provisions of this section, except for sub-sections (c) and (d), within 120 calendar days of enactment of this section.