

ORDINANCE NO. 7,838-N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTIONS 23.302.070, 23.204.020, 23.206.020 AND 23.502.020 TO MODIFY THE DEFINITION OF AMUSEMENT DEVICE ARCADES AND MODIFY PERMIT REQUIREMENTS FOR AMUSEMENT ARCADES IN THE COMMERCIAL ZONING DISTRICT AND WHEN INCIDENTAL TO A PERMITTED USE.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23.302.070 B. Amusement Devices Arcade is amended as follows:

Section 23.302.070 Use-Specific Regulations

B. Amusement Devices Arcade.

Incidental Use. Amusement Devices up to 25 percent of total net floor area of the primary use are allowed as an incidental use with a Zoning Certificate.

Amusement Devices are prohibited in the M Manufacturing District and MM Mixed Manufacturing District.

Section 2. That the line named Amusement Device Arcade in Table 23.204-1, Allowed Uses in Commercial Districts, within Berkeley Municipal Code Section 23.204.020, Allowed Land Uses, is amended as follows:

Section 23.204.020 Allowed Land Uses - Table 23.204-1, Allowed Uses in Commercial Districts

Amusement Device Arcade	See 23.204.040.A	23.302.070.B
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Section 3. That the line named Amusement Device Arcade in Table 23.206-1, Allowed Uses in the Manufacturing Districts, within Berkeley Municipal Code Section 23.206.020 Allowed Land Uses and Permit Requirements is amended as follows:

Chapter 23.206.020 Allowed Land Uses - Table 23.206-1, Allowed Uses in the Manufacturing Districts

Amusement Device Arcade	NP	NP	ZC	ZC	23.302.070.B
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Section 4. That Berkeley Municipal Code Section 23.502.020.A.17 definition of “Amusement Device Arcade” is amended as follows:

Chapter 23.502.020 Defined Terms

A. “A” Terms...

17. *Amusement Device Arcade.* A type of commercial recreation center which contains amusement devices in more than 25 percent of the net floor area of the primary use. An amusement device arcade is a type of commercial recreation center irrespective of whether the amusement devices are the principal commercial activity of the establishment.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on October 11, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Hahn.