



Legislation Text

File #: ID 14-0778, **Version:** 1

Ordinance Amending Sections 30-15-6, 30-8-10.3, 30-8-1, Table 8-1, and 30-8-7.2 of the Land Development Ordinance related to Electronic Sweepstakes Operations

Department: Planning
Council District: All

Public Hearing: Yes
Advertising Date/By:

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PURPOSE:

The purpose of this text amendment is to amend the Land Development Ordinance (LDO) provisions related to Electronic Sweepstakes Operations. The City Council is required to hold a public hearing on this amendment before considering its approval.

BACKGROUND:

This proposed amendment to the Land Development Ordinance (LDO) is to add a new use of "Electronic Sweepstakes Operations" and associated development standards. This amendment is based on direction from City Council following determination by the Guilford County District Attorney's office that some forms of sweepstakes businesses may be legal under current adopted State law. This also follows City Council action at their November 3 meeting to establish a 30-day moratorium on any new sweepstakes businesses while staff developed appropriate changes to the Land Development Ordinance. This was based on the premise that the current rules and interpretations were insufficient for effectively managing this use throughout the city.

Electronic Sweepstakes Operations are proposed to be defined in the same manner as section 13-119 of the Greensboro Code of Ordinances as "any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to, computers or other electronic terminals (collectively the "electronic sweepstakes machines"), to reveal the content of a sweepstakes entry, whether by a simulated electronic game or otherwise, and where cash, merchandise, or other items of value are redeemed or otherwise distributed at the location where the electronic sweepstakes operation is conducted, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic sweepstakes operations shall not include any lottery approved by the state of North Carolina or any nonprofit operation that is otherwise lawful under state law (for example church or civic organization fundraisers)."

Electronic Sweepstakes Operations are proposed to meet the following:

- Included with the Indoor Recreation use group (was previously treated as a general retail use);
- Limited to the Auto Oriented (AO), University Mixed Use (UMU), Commercial-Medium (C-M),

Commercial High (C-H), and Central Business (CB) zoning districts (as areas with high commercial activities and traffic volumes);

- May not be located within 200 feet of property containing a place of religious assembly, an elementary or secondary school, a public park, a residence or a lot that is residentially zoned; (similar to current bar/nightclub spacing requirements)
- May not be located within 1,000 feet of any other Electronic Sweepstakes Operations establishment; (similar to current bar/nightclub spacing requirements)
- Can be either principal or accessory use (limited to no more than 30% of the principal use's gross square footage, sales, land area or other appropriate measure and only in the same zoning districts as principal sweepstakes operations); and
- Any accessory use with 2 or fewer Electronic Sweepstakes Operations machines would not be subject to spacing requirements.

Based on staff's research, these provisions are in line with other North Carolina jurisdictions in terms of classifying the use and establishing minimum separation requirements. It should also be noted that prior to Council's establishment of the 30-day moratorium, approximately 73 licenses for sweepstakes businesses were issued or under review by the City for approval subject to meeting other City Code requirements. Any of these businesses that do not meet the prescribed development standards above will be considered nonconforming uses and allowed to continue subject to the provisions of Sec. 30-2-3. Nonconforming uses may not be expanded or altered to occupy a greater area of land or relocated elsewhere on site. Nonconforming status is lost when a legal use occupies the site, the structure containing the nonconforming use is damaged by accidental causes beyond 50% of tax value or the nonconforming use ceases for a period of more than 12 consecutive months.

BUDGET IMPACT:

This item will have no budget impact.

RECOMMENDATION / ACTION REQUESTED:

PURPOSE:

The Planning Board recommended these amendments at its November meeting on a vote of 8-0.

Staff recommends that City Council receive citizen comments and consider adoption of the proposed text amendment.

