



COUNTY OF LINCOLN, NORTH CAROLINA

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

PLANNING AND INSPECTIONS DEPARTMENT
704-736-8440 OFFICE
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To: Alex Patton, Board of Commissioners Chairman
George Wood, County Manager
Jeff Frushtick, Planning Board Chairman

From: Randy Hawkins, Zoning Administrator

Date: July 18, 2012

Re: UDO Proposed Amendment #2012-3
Planning and Inspections Department, applicant

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on August 6, 2012.

Proposal

Staff is proposing to amend the Lincoln County Unified Development Ordinance as follows:

1) Amend Section 12.3.2 (General Terms) to define "Electronic Gaming Operation" as any business enterprise where persons utilize electronic machines to conduct sweepstakes, lotteries and/or games of chance and where cash or merchandise or other items of value are redeemed or otherwise distributed.

2) Amend Section 2.2.1 (Use Table) to make "Electronic Gaming Operation" a conditional use in the B-G and I-L districts subject to certain standards.

3) Amend Section 4.4 (Commercial Standards) to establish standards for "Electronic Gaming Operation."

This proposal would create a separate classification and regulations for electronic gaming operations such as Internet sweepstakes centers. Currently, under the UDO, such an operation is classified as an amusement center. An amusement center is a conditional use in the B-N (Neighborhood Business) and B-G (General Business) districts and not subject to any special standards. Electronic gaming operations are different in nature from a typical amusement center or video game arcade in that the clientele is adult only and cash payouts are common.

The proposed standards for electronic gaming operations include separation requirements from residential zoning districts, schools, churches etc.; special parking requirements; limits on hours of operation; and access and visibility requirements.

Following is the full text of the proposed amendment:

UDO Proposed Amendment #2012-3

Underlined text is proposed to be added.

§12.3 Defined Terms

§12.3.2 General Terms

ELECTRONIC GAMING OPERATION: Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computer and gaming terminals, to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have finite pool of winners. The 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, or arcade games of skills.

§2.2 Permitted Land Uses

§2.2.1 Use Table

P = Permitted		S = Special Use (§9.10)						C = Conditional Use (§9.11)					* = Group of Uses (§2.3)			
Commercial Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	B-C	I-L	I-G	Use Standard
<u>Electronic gaming operation</u>												C		C		<u>§4.4.6</u>

§4.4 Commercial Use Standards

§4.4.6 Electronic Gaming Operation

- A. No electronic gaming operation shall be located within 200 feet of residentially zoned property or within 500 feet of a place of worship, elementary or secondary school, day care center, public park or public library, as measured by a straight line.
- B. No electronic gaming operation shall be located within 400 feet of another electronic gaming operation.

- C.** Hours of operation shall be limited to 8 a.m. to 11 p.m. Sunday through Thursday, and 8 a.m. to midnight Friday and Saturday.
- D.** The minimum parking requirement is one space per 1.5 electronic gaming machines/computers/terminals, plus one space per two employees.
- E.** During hours of operation, electronic gaming operations shall be open for direct, unobstructed access by safety and law enforcement personnel. All entrance doors shall remain unlocked while patrons are on the premises. All electronic gaming machines/computers/terminals shall be open and visible from the exterior of the exterior front of the establishment.



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Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness

Case No. **UDO Proposed Amendment #2012-3**

Applicant **Lincoln County Planning and Inspections Department**

Proposed amendment **Amend Section 12.3.2 to define "Electronic Gaming Operation." Amend Section 2.2.1 to make "Electronic Gaming Operation" a conditional use in the B-G and I-L districts, and amend Section 4.4 to establish standards for "Electronic Gaming Operation."**

This proposed amendment **is not consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

The Land Use Plan did not foresee the legalization of electronic gaming operations and does not address the issue.

This proposed amendment **is reasonable and in the public interest** in that:

The UDO currently contains no standards for electronic gaming operations. The nature of this type of business – adult-only clientele, the possibility of substantial cash payouts – creates the potential for secondary impacts, warranting regulation.



UDO Text Amendment Application

Lincoln County Planning and Inspections Department
Zoning Administrator
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Phone: (704) 736-8440 Fax: (704) 732-9010

Part I

Applicant Name Lincoln County Planning and Inspections Department

Applicant Address 302 N. Academy St., Suite A, Lincolnton, NC 28092

Applicant Phone Number (704) 748-1507

Part II

Briefly describe the proposed text amendment.

Amend Section 12.3.2 to add a definition for "Electronic Gaming Operation," amend Section 2.2.1 to make "Electronic Gaming Operation" a conditional use in the B-G and I-L districts subject to certain standards, and amend Section 4.4 to establish standards for "Electronic Gaming Operation."

I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.

Randy Hawkins
Applicant

June 22, 2012
Date