



TOWN OF KNIGHTDALE

PLANNING DEPARTMENT

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ORD #12-09-04-001
AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF KNIGHTDALE,
REGARDING NON-SERVER BASED VIDEO SWEEPSTAKES GAMES AS A PERMITTED
ACCESSORY USE IN SPECIFIED INSTANCES

WHEREAS, the Town of Knightdale has received a petition to amend Chapter 19 (Definitions) of the Unified Development Ordinance in order to establish a differentiation between non-server based video games as a customary accessory use for a Bar/Tavern/Nightclub and Sweepstakes Centers; and

WHEREAS, the Town Council set and conducted a public hearing concerning the matter on Monday, August 6, 2012; and

WHEREAS, Town staff has reviewed the application and recommended expanding the scope of the proposed amendment to encompass certain Restaurants and Indoor Amusements; and

WHEREAS, the Town of Knightdale Unified Development Ordinance Section 15.15 establishes uniform procedures for amending the text of the Ordinance; and

WHEREAS, that although the proposed zoning text changes do not advance a specific objective stated within the Comprehensive Plan as the changes relate primarily to use as opposed to design; allowing a limited number of non-server based, non-internet connected sweepstakes machines in dining, entertainment and amusement settings where there is already an on-site provision of age-restricted service is reasonable; and

WHEREAS, the proposed zoning text changes are not inconsistent with the Comprehensive Plan's stated goals of providing for safe, dynamic and sustainable neighborhoods; as well as providing for balanced and responsible planning and development;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Knightdale, North Carolina:

SECTION 1. That the Unified Development Ordinance of the Town of Knightdale Code be amended to read as follows:

Section 19.3C Definitions

...

Amusements, Indoor 2.3C(5)b-d: Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades, movie theaters, skating rinks, roller rinks, and bowling alleys. May also include no more than three (3) non-server based, non-internet connected sweepstakes center games as a customary accessory use for those indoor amusement establishments maintaining an "on-premises" retail ABC permit. (LBCS F5320, F5380, F5390 and S3200)

...

Bar/Tavern/Nightclub 2.3C(4)b: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include live entertainment (music, dancing, comedy, etc.); beer brewing as part of a microbrewery and other beverage testing facilities as well as not more than three (3) non-server based, non-internet connected sweepstakes center games.

...

Restaurant 2.3C(4)i: A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). May also include no more than three (3) non-server based, non-internet connected sweepstakes center games as a customary accessory use for those restaurant establishments maintaining an "on-premises" retail ABC permit. (LBCS F2510, F2520, and F2530)

...

Sweepstakes Center 2.3C(4): A business enterprise, whether principal or accessory (except where expressly permitted as a customary accessory use and according to the qualifying conditions laid out by the use definitions within this Chapter—see "Amusements, Indoor", "Bar/Tavern/Nightclub" and "Restaurant"), where persons may play games on on-site machines/terminals/computers that reveal the results of sweepstakes or similar contests associated with the on-site purchase of internet time, phone time, office supply or other retail good; and where redeemable cash sweepstakes awards (government issued coins and bills in hand) in amounts of \$10.00 or more may be received. This definition does not apply to any game or process prohibited by N.C.G.S. §§ 14-304 through 14-309 or to any game regulated by the North Carolina Education Lottery Commission.

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That this ordinance has been adopted following a duly advertised public hearing of the Town Council and following review and recommendation by the Land Use Review Board.

SECTION 5. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code.

SECTION 6. That this ordinance shall become effective upon its adoption by Town Council.

Adopted this 4th day of September, 2012.

Russell B. Killen, Mayor

ATTEST:

Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

Clyde Holt, III; Town Attorney