

Attachment A

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE REGARDING
ELECTRONIC GAMING OPERATIONS
(TC1200006)**

WHEREAS, the Durham City Council wishes to amend certain provisions in the Unified Development Ordinance regarding electronic gaming; and

WHEREAS, it is the objective of the Durham City Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 5, Use Regulations, Article 10, Off-Street Parking and Loading, and Article 16, Definitions, of the Unified Development Ordinance are amended to make the following changes set forth in the strikethroughs and underlining below:

PART 1

[Revisions to the use table, limited use standards, parking standards, and a definition for electronic gaming operations]

Sec. 5.1 Use Table

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 5.1.2 Use Table

[Portions of the table not included remain unchanged]

		RESIDENTIAL					NONRESIDENTIAL					PLANNED				DESIGN						
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD	NOTES:
COMMERCIAL USES																						
Indoor Recreation	All indoor recreation, except as listed below							P	P		P		P				‡	‡	‡	P	P	
	Adult establishment												L/m	L								5.3.4A
	Electronic gaming operations										L		L				‡L					5.3.4J
	Firing range, indoor										L		L	L			‡L					5.3.4K
	Nightclub or bar							L	L/m		L		L				‡L		‡L	L	L	5.3.4P
Outdoor Recreation	All outdoor recreation, except as listed below	L/m						L/m		L		L					‡L		‡		L	5.3.4Q
	Firing range, outdoor, archery, skeet	L/M											L/M									5.3.4L
	Golf course, country club, swim club, tennis club	L	L	L	L	L					L				‡L	‡L		‡L	‡L			5.3.4M
	Paintball	L/m									L/m		L/m									5.3.4R
Overnight Accommodations	Hotel, motel, and extended stay residences							L		L	L		L			‡L	‡L	‡L	‡L	L	L	5.3.4N
Retail Sales and Service	Payday Lenders							P	P		L		P							P	L	5.3.4S
	Veterinary clinic, animal hospital, kennel	L						L	L	L	L		L	L			‡L	‡L	‡L	L	L	5.3.4W
Self-Service Storage	All self-service storage										L		L	L				‡L	‡L	L		5.3.4T

		RESIDENTIAL					NONRESIDENTIAL						PLANNED			DESIGN						
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD	NOTES:
Vehicle Sales and Service	Manufactured home sales										L		L	L				‡L				5.3.4O
	Vehicle sales, leasing, and rentals										L		L	L			‡L	‡L		L		5.3.4U
	Vehicle service												L	L				‡L				5.3.4V
	Vehicle service, limited							L	L/m		L		L	L			‡L	‡L	‡L			5.3.4V

Sec. 5.3 Limited Use Standards

[Paragraphs within this section, but not listed, remain unchanged]

5.3.4 Commercial Use Standards

J. Electronic Gaming Operations

Electronic gaming operations shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Electronic gaming operations shall not be located on the same property as, and shall be located at least 500 feet from, the following uses:
 - a. Residential;
 - b. Places of worship;
 - c. Elementary, middle, or high schools;
 - d. Daycare facilities;
 - e. Parks; and
 - f. Other electronic gaming establishments.
2. Measurements shall be made as a straight line measurement from the closest point on the property line of the residential, place of worship, school, daycare, park, or other electronic gaming uses consisting of buildings or associated parking areas, to the closest point of the property line of the proposed electronic gaming operation, consisting of either a building or associated parking area.
3. Alcohol shall not be sold, provided, or consumed.
4. No outside storage or activities are allowed.
5. No lighting that flashes, changes, alternates, or moves shall be visible from the exterior of the establishment is allowed.
6. The maximum number of signs allowed shall be one.
7. No sign shall have changeable copy.

~~J~~ K. **Firing Range, Indoor** [Text remains unchanged]

~~K~~ L. **Firing Range, Outdoor** [Text remains unchanged]

~~L~~ M. **Golf Course, Country Club, Swim Club, Tennis Club** [Text remains unchanged]

~~M~~ N. **Hotels, Motels, and Extended Stay Residences** [Text remains unchanged]

~~N~~ O. **Manufactured Home Sales**

3. In addition to the landscaping requirements found in Article 9, Landscaping and Buffering, the following landscaping shall be provided within any street yard:
 - b. Plantings which meet the requirements for plantings for paragraph 5.3.4S~~U~~.4.

~~O~~ P. **Nightclubs or Bars** [Text remains unchanged]

~~P~~ Q. **Outdoor Recreation** [Text remains unchanged]

~~Q~~ R. **Paintball or Similar Recreation Facilities on Natural Sites** [Text remains unchanged]

~~T~~ S. **Payday Lenders** [Text remains unchanged]

~~R~~ T. **Self Service Storage** [Text remains unchanged]

~~S~~ U. **Vehicle Sales, Leasing, and Rentals** [Text remains unchanged]

2. Vehicle or equipment repairs made on-site shall be subject to the restrictions of ~~See paragraph 5.3.4~~UV, ~~Vehicle Services~~ Vehicle Service, and Vehicle Service Limited.

~~U. V.~~ **Vehicle Service, and Vehicle Service Limited** [Text remains unchanged]

~~V. W.~~ **Veterinary Clinics, Animal Hospitals, and Kennels** [Text remains unchanged]

Sec. 10.3 Required Parking

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 10.3.1A Motor Vehicle Parking in Rural, Suburban, Urban, and Compact Neighborhood Tiers

1. Minimum

[Portions of the table not included remain unchanged]

Use Category		Rural, Suburban, and Urban Tiers	Compact Neighborhood Tier	Minimum Bicycle Parking, except in the Downtown and Compact Neighborhood Tiers
Specific Use		Minimum Motor Vehicle Spaces	Minimum Motor Vehicle Spaces	
COMMERCIAL USES				
Indoor Recreation	All indoor recreation, except as listed below	1 per 250 SF enclosed floor area	1 per 300 SF enclosed floor area	1 per 2,500 SF enclosed floor area, minimum 2 spaces
	Adult establishment, electronic gaming operation, bar, nightclub, movie or theater	1 per 100 SF of floor area	1 per 120 SF of seating area	Movie or Theatre: 1 per 1,000 SF of seating area Others: 1 per 2,000 SF floor area, minimum 2 spaces

16.3 Defined Terms

[Definitions within this section, but not listed, remain unchanged]

Electronic Gaming Operation: Any for-profit business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including but not limited to sweepstakes, and where cash, 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. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens, or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. The term electronic gaming operations includes, but is not limited to, cyber-gambling establishments, internet sweepstakes, video sweepstakes, or cybercafés, which have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina.

PART 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

PART 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.