

**Town of Fairview
Planning and Zoning Board Meeting
June 19, 2012**

The following members were present: Vice Chairman, Jesse Hargett; Nancy Randall; Patricia Kindley; Patti Freeman and John Phifer.

Staff: Land Use Administrator, Ed Humphries

Vice Chairman, Jesse Hargett, opened the meeting.

Land Use Administrator, Ed Humphries, updated the Board on the last Council meeting. The Council did approve the Neil Ferrentino conditional use permit. The Board amended two of the conditions: #1 increased to six (6) employees and #8 tires should be covered. Humphries explained that there was already a problem with Ferrentino's sign. He did not use the existing sign but put in a new one which was not on his CUP. Humphries stated he would need to come in compliance.

Discussion

An ordinance amending the Town of Fairview Land Use Ordinance to define and regulate electronic gaming operations

Humphries explained a draft ordinance; see below:

**AN ORDINANCE AMENDING THE TOWN OF FAIRVIEW LAND USE
ORDINANCE TO DEFINE AND REGULATE ELECTRONIC GAMING
OPERATIONS**

Section 1. Except as authorized herein, electronic gaming operations are prohibited.

ELECTRONIC GAMING OPERATIONS. Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. This does 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).

Section 2. Electronic gaming operations are permitted as a Conditional Use (C) in the Highway Commercial District (HC).

- Section 3.** In addition to the regulations provided for elsewhere in this code, electronic gaming operations shall be subject to the following requirements:
- A. Hours of Operation.** Electronic gaming operations may operate from 8:00 a.m. until 10:00 p.m., seven (7) days per week;
 - B. Spacing Requirements.**
 - a.** Not more than one (1) electronic gaming operation may be located within 500 feet from any building being used as a dwelling.
 - b.** Each electronic gaming operation must be a minimum of ½ mile from any other gaming operation.
 - c.** For the purposes of subsections (a) and (b) above, the distance shall be measured in a straight line from the closest point between the building housing the electronic gaming operation and the building housing the dwelling or other electronic gaming operation;
 - d.** No electronic gaming operation establishment shall be located within four hundred (400) feet (determined by straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of school, residence, public park, daycare of religious use as measured by a horizontal distance from closest point on the closest building exterior wall of the electronic gaming operation.
 - C.** All applicable State and local permits and business licenses must be issued to the applicant prior to the opening of the business; and
 - D.** If food and/or beverages are served, the establishment must meet any State requirements and the requirements of the Union County Health Department.
 - E.** No person or entity engaged in Electronic Gaming Operations shall allow, permit or condone any person under the age of 18 upon the premises while patrons on the premises are engaged in Electronic Gaming Operations.
 - F.** The use shall be a principal use, not an accessory use.
 - G.** The use shall not exceed 3,000 square feet in size.

Section 4. All provisions of any Fairview town ordinance or resolution in conflict with this ordinance are repealed.

Changes were made to the draft and will be brought back to the next meeting. Humphries asked the member to read a handout: Land Use “Regulation of Internet Sweepstakes Cafes”.

Minutes

Nancy Randall made a motion to approve the minutes of the May 15, 2012 meeting. Patti Freeman seconded the motion. All members voted yes (5-0).

Patricia Kindley made a motion to adjourn. John Phifer seconded the motion. All members voted yes (5-0).

Respectfully submitted,

Ed Humphries
Land Use Administrator

Jesse Hargett
Vice Chairman

Approved this 17th day of July, 2012.