

**D-Ch.-42**  
**Ordinance #18-0848**  
**Ord. Book 1, Page 5**

**UDO-288**

**AN ORDINANCE PROPOSED BY THE CITY ATTORNEY’S OFFICE AMENDING  
THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE THE ELECTRONIC  
SWEEPSTAKES OPERATION USE**

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

<p><b>Winston-Salem City Council</b></p> <p><b>APPROVED</b></p> <p><b>January 7, 2019</b></p>
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**Section 1.** Chapter A, Article II – Definitions is hereby amended as follows:

Article II – Definitions

**ELECTRONIC SWEEPSTAKES OPERATION (W).** Any business enterprise where persons utilize a (1) ‘video gaming machine’ as defined in N.C.G.S. 14-306-1A or (2) an ‘electronic machine or device’ as defined in N.C.G.S. 14-306.4, to the extent said electronic machine or device pays off in cash, or to the extent the prize, merchandise, credits or replays awarded by virtue of using an electronic machine or device are (i) repurchased for cash or rewarded by cash, (ii) exchanged for merchandise of a value of more than ten dollars (\$10.00), or (iii) where there is a cash payout of any kind, by the person operating or managing the machine or the premises, or any agent or employee of that person.~~mechanically, electrically or electronically operated machine or device (collectively, the "electronic sweepstakes machines") that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, to reveal the content of a sweepstakes entry.~~ Electronic Sweepstakes Operations shall not include any lottery approved by the State of North Carolina.

**Section 2.** Chapter B, Article II, Section 2-4 – Permitted Uses is hereby amended as follows:

TABLE B.2.6. shall be modified to remove the following use from the HB district:

Electronic Sweepstakes Operation (W) (Hi):

**Section 3.** Chapter B, Article II, Section 2-5 – Use Conditions is hereby amended as follows:

## 2-5.27.2 ELECTRONIC SWEEPSTAKES OPERATION (W)

- (A) Electronic Sweepstakes Operations shall not be permitted as a principal or accessory use in any zoning district within the City of Winston-Salem.

~~Compliance With Applicable Laws~~

~~Electronic Sweepstakes Operations shall comply with all applicable local, state and federal laws.~~

- ~~(B) Not Permitted as an Accessory Use~~

~~Electronic Sweepstakes Operations shall not be permitted as an accessory use, and shall only be permitted as a principal use within the zoning district designated in Table B.2.6.~~

- ~~(C) Amortization of Nonconforming Electronic Sweepstakes Operations~~

~~All Electronic Sweepstakes Operations made nonconforming by the provisions of this Ordinance, shall be discontinued on or before June 30, 2015, save and except those nonconforming Electronic Sweepstakes Operations operating as a principal use and located in a HB-S zoning district, which shall not be required to amortize. Nonconforming Electronic Sweepstakes Operations shall include businesses classified as another use, but if classified/permited following the adoption of this ordinance would be classified as an Electronic Sweepstakes Operation.~~

## **2-5.72 SHOPPING CENTER**

Uses permitted in Shopping Centers shall be all those uses permitted in the applicable zoning district, ~~except for the following use(s), which must be specifically requested as part of any Special Use and Special Use Limited Zoning District request:~~

~~Electronic Sweepstakes Operations~~

### **2-5.72.1 SHOPPING CENTER, SMALL**

- (A) Permitted Uses

Uses permitted in Shopping Center, Small shall be all those uses permitted in the applicable zoning district, ~~except for the following use(s), which must be specifically requested as part of any Special Use and Special Use Limited Zoning District request:~~

~~Electronic Sweepstakes Operations~~

**Section 4.** Chapter B, Article III, Section 3-3 Parking Stacking and Loading Areas is hereby amended as follows:

TABLE B.3.8 shall be modified to remove the Electronic Sweepstakes Operation use as follows:

**BUSINESS AND PERSONAL SERVICES**

~~Electronic Sweepstakes Operation~~ ————— ~~1 space per electronic sweepstakes machine~~  
~~plus 1 space per employee~~

**Section 5.** Chapter B, Article V, Section 5-4.3(E) – Parking for Nonresidential Structures Built Prior to March 7, 1988 (W) is hereby amended as follows:

5-4.3 (E) Parking for Nonresidential Structures Built Prior to March 7, 1998 (W)

Nonresidential structures that are nonconforming as to off-street parking requirements in GMA 1 and GMA 2 may change uses within the building without any requirement to increase existing off-street parking on the zoning lot including zoning lots without any off-street parking. This exemption includes all permitted uses except the uses of "~~Electronic Sweepstakes Operation,~~" "Restaurant (without drive-through service)" and "Restaurant (with drive-through service)". A Special Use Permit from the Elected Body in accordance with Section B.6-1.5 must be granted for electronic sweepstakes operations and restaurant uses. Additions to these nonresidential structures shall be permitted in accordance with Section B.5-4.3(C), however, no new additions shall be permitted which would eliminate any existing off-street parking on the zoning lot unless the number of parking spaces remaining meets the number required by the Zoning Ordinance for the zoning lot.

**Section 6.** This ordinance shall be effective upon adoption.