

REVISIONS OF THE TOWN OF SNOW HILL ZONING ORDINANCE
ADDRESSING INTERNET CAFES

In order to adequately address the concerns associated with internet cafés, staff and legal counsel recommend the following standards and regulations are added to the Town of Snow Hill Zoning Ordinance:

- That in Section 3.02 of the Zoning Ordinance, entitled “Definitions of Specific Terms and Words,” a definition for “internet café” is added to read as follows:
Internet Café. An “internet café,” “cybercafé,” or “sweepstakes center” or by what other terminology such establishment might be known, is for a profit business enterprise, whether as a principal or an accessory use, where three (3) or more electronic machines can be utilized, including but not limited to computers and gaming terminals 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. This term includes, but is not limited to those establishments where one can use a computer with internet access, usually for a fee on a per hour or per minute basis; or unmetered access with a pass for a day, month, etc. The establishment may serve as a regular café, as well, with food and drinks being served.
- That in Section 6.06 of the Code of Ordinances, entitled “Highway Commercial District” the use “Internet café” is added under the column entitled “Special Uses”, thus permitting this use subject to a Special Use Permit in the Highway Commercial district subject to the conditions referenced in Section 10.04 (C) of the Code of Ordinances and any additional conditions imposed by the Board of Adjustment at the time of approval.
- That in Section 10.04 (C) of the Code of Ordinances, the following special requirements for “Internet Cafés” can be added in the correct alphabetical listing following “10.04 (C) Uses in Special Flood Hazard Areas”.

Internet Cafés - Internet Cafés may be permitted as a special use in a highway commercial district, subject to the requirements of the district and the following additional requirements:

- a. Selling and/or consuming alcoholic beverages are prohibited in internet cafés.
- b. Persons under the age of eighteen (18) are prohibited from the premises.
- c. All internet cafés shall be located at least one thousand (1,000) feet from any school, church, or residential use.
- d. Parking shall comply with the requirements of Section 7.01 of the Zoning Ordinance.

- e. The permitted hours of operation may be limited on a per-business basis by the Town with cause.
 - f. Internet cafés shall be operated only on the ground floor of a building and plate glass windows shall be in those parts of the building facing any street, so that a clear and unobstructed view of the interior may be had from the street.
 - g. No curtains, screens, blinds, partitions, or other obstructions shall be placed between the entrance to the room where computers or gaming terminals are stationed and the rear walls of the room so that a clear view of the interior may be had from the street.
 - h. Adequate lighting shall be provided inside the internet café as well as the immediate exterior of the building.
 - i. The establishment must be a minimum of one thousand (1,000) feet from any other organization containing electronic gaming terminals.
 - j. The establishment may contain no more than twenty (20) gaming or computer monitors.
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- k. After the commencement of business operations, the Town Board of Adjustment will have the right to require and may require onsite security on any individual internet café business where there are police reports and/or other police related problems.
 - l. This ordinance shall not be applicable to uses meeting the definition of "internet café" as defined in Section 204 of the Code of Ordinances that were legitimately established prior to July 28, 2010. If such business changes ownership, changes location, or ceases operation for a period of thirty (30) days or longer, the requirements of this ordinance shall apply.

• That in Section 7.01 entitled "Off-Street Parking Requirements," the use "Internet Café" is added under the column entitled "Use" and the requirement "1 space per gaming or computer monitor on premises" is added under the column "Parking Spaces Required".

<u>Use</u>	<u>Parking Spaces Required</u>
Internet Café	One (1) space per gaming or computer monitor on premises