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ORDINANCE NO. 258

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, FURTHER DEFINING AND REGULATING GAMBLING USES AND AMENDING CHAPTERS 20.20 AND 20.40 OF THE DEVELOPMENT CODE

WHEREAS, Ordinance No. 247 defining gambling uses prohibited under the Development Code was adopted September 18, 2000 on an interim basis for additional study following public hearing and recommendation of the Planning Commission; and

WHEREAS, gambling has the potential for secondary social and economic impacts on the community and business environment; and

WHEREAS, the City has the ability to prohibit gambling uses under its police power to regulate land use under RCW Chapter 35A.64, RCW 9.46.295 and 67.16.200 (2); and

WHEREAS, it is necessary to prohibit new gambling uses for the preservation of public safety and welfare and that legally existing gambling uses be restricted as nonconforming uses; and

WHEREAS, regulations of Ordinance No. 247 should be readopted with minor amendments to clarify the intent to prohibit establishment of any new gambling activities under that ordinance unless expressly exempt; and

WHEREAS, new regulations should be adopted to allow establishments with existing nonconforming gambling uses to add new gambling activities only through a special use permit;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code 20.20.022 *Gambling* enacted by Ord. No. 247 is readopted with the following amendments to clarify the original intent of this section:

Gambling Use : One of those gambling activities regulated by the state which involve staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person’s control or influence, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. Gambling Uses include those uses regulated by the Washington State Horse Racing Commission and the Washington State Gambling Commission with the following exceptions as these uses are defined in Chapter 9.46 RCW:

- Punch boards and pull tabs
- Bingo and Joint Bingo Games operated by bona fide not for profit organizations
- Commercial Amusement Games
- Raffles
- Fund Raising Events
- Business Promotional contests of chance
- Sports pools and turkey shoots
- Golfing and bowling sweepstakes
- Dice or Coin games for music, food, or beverages
- Fishing derbies
- Bona fide business transactions
- Activities regulated by the state lottery commission

Section 2. Amendment. Amendments to SMC 20.40.350 enacted by Ord. 247 are readopted as follows:

~~**Card Room** ————— Commercial eating and/or drinking establishment licensed by the State Gambling commission to conduct social card games.~~

Section 3. Amendment. Amendments to SMC 20.40.140 enacted by Ord. No. 247 are readopted with the following additional amendments to clarify the original intent of this section:

Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	NB & O	CB	RB & I
(I) EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION							
	<u>Gambling Uses (expansion or intensification of existing nonconforming use only)</u>				S-i	S-i	S-i
<i>P = Permitted Use</i>				<i>S = Special Use</i>			
<i>C = Conditional Use</i>				<i>-i = Indexed Supplemental Criteria</i>			

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Section 4. Amendment. Amendments to SMC Chapter 20.40 enacted by Ord. No. 247 are readopted with the following amendments:

-G-

Gambling

1. Gambling Uses are not permitted.
2. Expansion or intensification of a nonconforming Gambling Use shall be subject to approval and issuance of a Special Use Permit. For the purposes of this section, intensification shall mean the addition of a new gambling activity to an existing nonconforming gambling activity.
3. Minimum off street parking for gambling establishments shall be at a minimum 1 parking space per 75 square feet of net useable area (excludes walls, corridors, lobbies, and bathrooms), plus five parking spaces per card table, plus one parking space per every three seats (not associated with a gaming/card table) available for gambling or viewing gambling activities.

Section 5. Amendment. Amendments to SMC 20.40.130 enacted by Ord. No. 247 are readopted with the following further amendments to clarify the original intent of this section:

Non-Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	NB & O	CB	RB & I
	Retail/service type						
722	Eating and Drinking Establishments (Excluding Card Rooms) (Excluding Gambling Uses)	C	C	C	P	P	P

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

Section 6. Amendment. Amendments to SMC 20.40.350 enacted by Ord. No. 247 are readopted with the following further amendments to clarify the original intent of this section:

-E-

Eating and Drinking Establishments

Eating and drinking establishments are permitted in residential zones R-4 through R-48 only by Conditional Use Permit and permitted in NB, O, CB, and RB zones, provided gambling uses as defined in this Code are not permitted.

- ~~A. Card rooms are not permitted.~~
- ~~B. Expansion of a nonconforming card room shall be subject to approval and issuance of a Special Use Permit;~~
- ~~C. Minimum off street parking for commercial eating and/or drinking establishments licensed by the State Gambling Commission to conduct social card games (card rooms) shall be 1 parking space per 75 square feet in dining or lounge areas, plus 5 parking spaces per card table.~~

Section 7. Repealer. Ordinance No. 247 is repealed upon the effective date of this Ordinance.

Section 8. Severability. Should any section, paragraph, sentence, clause or phrase of this regulation, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this regulation be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this regulation or its application to other persons or circumstances.

Section 9. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON DECEMBER 11, 2000.



Mayor Scott Jepsen

ATTEST:



Sharon Mattioli
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: December 13, 2000
Effective Date: December 18, 2000