

**ORDINANCE NO. 223**

**AN ORDINANCE REGULATING COMMERCIAL EATING AND/OR DRINKING ESTABLISHMENTS WITH SOCIAL CARD ROOMS AND AMENDING SECTIONS 18.06, 18.08, 18.18 AND 18.32 OF THE SHORELINE ZONING CODE**

WHEREAS, eating and drinking establishments with card rooms have the potential for significantly greater secondary social and economic impacts on the community and business environment than other classes of eating and drinking establishments; and

WHEREAS, eating and drinking establishments with card rooms are not consistent with those key provisions of the City of Shoreline Comprehensive Plan which establish framework goals supporting a diverse economy to assure economic development and to enhance the quality of life within the City of Shoreline; and

WHEREAS, the City has the ability to prohibit such establishments under its police power to regulate land use under RCW Chapter 35A.64 and more particularly its power to regulate any or all forms of gambling licensed by the State under RCW 9.46.295; and

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

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

**Section 1. New Section:**

A new section is added to SMC Chapter 18.06 Technical Terms and Land Use Definitions, to read as follows:

**18.06.173 Card room: Commercial eating and/or drinking establishment licensed by the State Gambling Commission to conduct social card games.**

**Section 2. Amendment:**

SMC Section 18.08.070, Permitted Land Uses, shall be amended to specify regulations addressing card rooms, as set forth in Attachment A, and incorporated by reference.

**Section 3. Amendment:**

SMC Section 18.32.090, Expansion of Nonconformance, shall be amended to read as follows:

“A nonconformance may be expanded subject to approval of a conditional use permit or a special use permit, whichever permit is required under existing codes,

or if no permit is required then through a conditional use permit, provided, a nonconformance with the development standard provisions of Chapters 18.12 through 18.30 SMC shall not be created or increased.

Notwithstanding any other provision of this title, the expansion of a nonconforming adult use facility, as that term is defined in SMC 18.06.035, as now in effect or as may be subsequently amended, shall be subject to the approval and issuance of a special use permit and not a conditional use permit [Ord. 140 Sect. 3, 1997; Ord. 125 Sect 1, 1997].

Notwithstanding any other provision of this title, the expansion of a nonconforming card room, as that term is defined in SMC 18.06.173, as now in effect or as may be subsequently amended, shall be subject to the approval and issuance of a Special Use Permit and not a conditional use permit, pursuant to SMC 16.40 and SMC 18.44.050. [Ord. 125 Sect 1, 1997]. “

**Section 4. Amendment:**

SMC Section 18.18.030 Computation of Required Off-Street Parking Spaces (18.18.070(A)), shall be amended to read as follows:

“**18.18.030 A.** Except as modified in SMC 18.18.070 (B) through (D), off-street parking areas shall contain as a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include, but are not limited to building maintenance areas, storage areas, closets, or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.

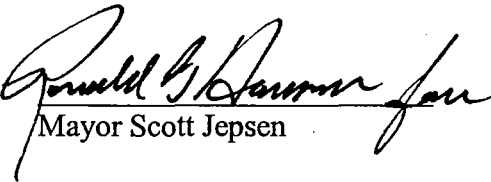
LAND USE	MINIMUM PARKING SPACES REQUIRED
...	
RETAIL/WHOLESALE (SMC 18.08.070(A))	
Retail trade uses	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
<u>Card rooms</u>	<u>1 per 75 square feet in dining or lounge areas, plus 5 per card table.</u>
...”	

**Section 5. 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 pre-emption shall not affect the validity of the remaining portions of this regulation or its application to other persons or circumstances.

**Section 6. 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.

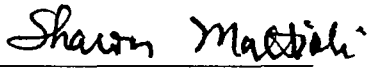
**Section 7. Repealer.** Ordinance No. 200, which imposed a moratorium related to food and/or drink establishments with gaming as a commercial incentive, is to be repealed upon the effective date of this Ordinance.

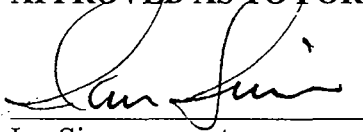
**PASSED BY THE CITY COUNCIL ON JANUARY 10, 2000.**

  
Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

  
Sharon Mattioli, CMC  
City Clerk

  
Ian Sievers  
City Attorney

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

**Attachment A**

Section SMC 18.08.070

**A. Retail Land Uses**

		RESIDENTIAL		COMMERCIAL/INDUSTRIAL							
		R	E	N	B	C	B	R	B	O	I
		S	E	U		O	U	E	U	F	N
		I	U	I	S	M	S	G	S	F	D
		D	I	G	I	M	I	I	I	I	U
		E	N	H	N	U	N	O	N	C	S
		N	B	B		N	E	N	E	E	T
		T	E	E		I	S	A	S		R
		I	O	S		T	S	L	S		I
		A	R	S		Y					A
		L	S								L
SIC	Specific Land Use	R4 – R8	R12– R48	NB	CB	RB	O	I			
....	....	....	....	....	....	....	....	....	....	....	....
58*	Eating & Drinking Establishments	<u>C12, 13</u>	<u>C12, 13</u>	<u>P6, 13</u>	<u>P, 13</u>	<u>P, 13</u>	<u>P, 13</u>	<u>P, 13</u>	<u>P, 13</u>	<u>P, 13</u>	<u>P, 13</u>
....	....	....	....	....	....	....	....	....	....	....	....

**B. Development Conditions.**

13. Excluding card rooms, as defined in SMC 18.06.173