



## **ADMINISTRATIVE ORDER #000059 010803**

### **INTERPRETATION OF DEVELOPMENT CODE**

#### **CODE SECTION: 20.40.372 Gambling**

Request for Clarification of: B. 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.

Intensification is defined, but expansion is not clearly articulated. What actions constitute an expansion of a nonconforming gambling use?

Director’s Response:

#### **FINDINGS:**

1. A legal nonconforming gambling use is defined as: A gambling use as defined by Title 20, that was lawfully licensed prior to 02/08/99, but fails by reason of adoption, revision, or amendment to the Code to conform to the present requirements of the zoning district.
2. A legal nonconforming gambling use, when abandoned or discontinued, shall not be resumed, when land or building used for the nonconforming use ceased to be used for 12 consecutive months.
3. The Washington State Gambling Commission has jurisdiction over issuing licenses for gambling establishments.
4. The City of Shoreline has jurisdiction to regulate land uses. However, the City of Shoreline may not regulate a gambling land use in such a manner that interferes with the State’s ability to regulate and control the licensing of gambling.
5. Section 20.40.372 (C) of the Code adds supplemental index criteria regarding additional parking requirements for gambling uses: Minimum off-street parking for gambling establishments shall be at a minimum one parking space per 75 sq. ft. 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.

**DECISION:**

1. Expansion of a building envelope or lot area containing a legal nonconforming gambling use requires a Special Use Permit regardless of the purpose of the expansion.
2. A legal nonconforming gambling use is permitted to operate as licensed by the State Gambling Commission. An increase in the number of card tables or gaming stations does not require a Special Use Permit. If tables and gaming stations are added within the building envelope of an existing legal nonconforming gambling use, the new tables and gaming stations are subject to the parking requirements of Title 20 including the Supplemental Index Criteria for gambling.
3. Converting or reconfiguring space within a building envelope from a conforming use to expand the area for a nonconforming use does not require a Special Use Permit.

*original signed by Tim Stewart 01/08/03*

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Director's Signature

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Date