

ORDINANCE NO. 1882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AMENDING FMC SECTIONS 19.06.290, 19.43.030, 19.44.040 AND 19.46.040 RELATED TO GAMBLING PREMISES

WHEREAS, from time to time, it is appropriate to review development regulations; and

WHEREAS, on October 23, 2012 the City of Fife City Council passed Emergency Ordinance No. 1819 imposing an immediate six month moratorium prohibiting the creation, establishment, location, operation, or licensing of any "gambling premises" as defined in FMC 19.06.290, within any zoning district in the City of Fife; and

WHEREAS, on April 9, 2013, the Fife City Council passed Ordinance No. 1832 extending the moratorium on "Gambling Premises" established by Ordinance No. 1819 for an additional six month period to October 23, 2013; and

WHEREAS, on October 8, 2013 the Fife City Council passed of Ordinance No. 1846 extending, for an additional six month period the moratorium on "Gambling Premises" established by Emergency Ordinance No. 1819 and extended by Ordinance No 1832 for an additional six month period; and

WHEREAS, the moratorium extension provided for by Ordinance No. 1846 set April 23, 2014 as the moratorium expiration date and included a six month work program to complete the work; and

WHEREAS, the City of Fife Zoning Code currently provides that "gambling premises" as defined in FMC 19.06.290 and located at least 500 feet from the closest property line of any public school, park, adult use business, residential use and residential zoning district are permitted subject to the granting of a conditional use permit in the "Regional Commercial" and "Business Park" zoning districts; and

WHEREAS, there are currently no non-tribal gambling premises operating within the City or any pending applications for new gambling premises; and

WHEREAS, RCW 9.46.295 provides that local governments may absolutely prohibit gambling activities for which state licenses are required; and

WHEREAS, the operation of gambling premises within the City can have social and public service impacts; and

WHEREAS, the City's zoning code provisions regarding gambling premises were adopted in 1998; and

WHEREAS, the "Regional Commercial" and "Business Park" zoning districts are identified on the City of Fife Comprehensive Plan land use map as part of the "Downtown District Center"; and

WHEREAS, the Downtown District Center designation is being reviewed as part of the "City Center" concept the City is developing in order to create a vibrant, compact downtown area that is an inviting place to work, shop, live and socialize, and to encourage mixed-use development that balances residential, public, entertainment and business uses; and

WHEREAS, existing Tribal gambling facilities located within the Downtown District Center provide significant local opportunities for gambling for Fife and other area residents; and

WHEREAS, the City is currently working on a City Center vision and a City Center Plan that will more clearly geographically define a City Center within the City of Fife and include the identification of appropriate diversity of uses to support and be compatible with the City Center vision in light of the limited land area available and higher density mixed use expectations in both the "City Center" and "Downtown District Center"; and

WHEREAS, the City Center Visioning and Planning process, formally initiated in 2012, has involved community open houses including, most recently, an Open House held June 6, 2013, and the development of a draft City Center Subarea Plan that is currently undergoing review by the City Planning Commission; and

WHEREAS, the City Center Subarea Plan process included the preparation of a market analysis which found that the City Center market supports opportunities for a retail center capitalizing on the community's visibility as well as opportunities for multi-family development incorporated into a mixed use residential format; and

WHEREAS, how the zoning code addresses gambling premises in the City of Fife should be reevaluated when taking into consideration existing gambling opportunities that exist in the City of Fife Downtown District Center, the land area already devoted to gambling premises and perceived and actual incompatibilities that may exist in attempting to recruit and attract retail and multi-family land uses were additional gambling premises be allowed to locate in the City of Fife; and

WHEREAS, in accordance with RCW 36.70A.106 (3)(b), the City of Fife requested 14-day expedited review from State agencies with said expedited review having been granted on December 11, 2013 and no comments from State agencies received; and

WHEREAS, the City of Fife Planning Commission held a public meeting on the proposed amendments on January 6, 2014, and recommended approval of certain amendments that would, if passed, have prohibited gambling premises in the City of Fife; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on December 12, 2013 and no appeal filed; and

WHEREAS, on February 11, 2014, the Fife City Council held a public hearing on the proposed amendments as recommended by the Planning Commission; and

WHEREAS, on February 25, 2014, the Fife City Council passed proposed Ordinance No. 1857 for first reading; and

WHEREAS, on February 21, 2014 and February 22, 2014 the Fife City Council held a retreat, part of which included a detailed briefing on the status of the City Center Plan including vision, objectives, land use mix and a broad conceptual City Center boundary, the latter of which does not encompass all of the City of Fife Comprehensive Plan's "Downtown District Center"; and

WHEREAS, having had a detailed briefing on the status of the City Center Vision, the City Council desired that the Planning Commission conduct additional study on the issue of "gambling premises" and make a recommendation to the City Council, giving specific consideration to whether or not it would be appropriate to allow "gambling premises" as an accessory use to a principal use in a manner that does not conflict with the objectives of the City Center vision and to other considerations; and

WHEREAS, one business model for "gambling premises" is for their ("gambling premises") development to be integrated as an complementary accessory use to a principal use of the property; and

WHEREAS, on April 22, 2014, following a duly noticed public hearing that same evening, the Fife City Council passed Ordinance No. 1865, extending the moratorium on gambling premises for an additional six month period to provide the City with sufficient time to achieve this evaluation; and

WHEREAS, on August 4, 2014 the Fife Planning Commission held a public hearing on proposed amendments related to gambling premises and made a recommendation to the City Council; and,

WHEREAS, on September 9, 2014 the Fife City Council held a public hearing to consider the Planning Commission recommendation; and

WHEREAS, the City of Fife has fulfilled all procedural requirements for the adoption of the development regulations; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Fife Municipal Code section 19.06.290 entitled “Gambling premises” is hereby amended to read as follows,

19.06.290 Gambling premises.

“Gambling premises” means an establishment, as permitted by state law, which includes, but is not limited to, any building, room, enclosure, vehicle, vessel or other place used or intended to be used for gambling activity and/or containing a gambling device for such purposes. “Gambling premises” shall include, but are not limited to, Social card games as defined by RCW 9.46.0282, to include house-banked or a player-funded banked card games, that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070.

Section 2. Fife Municipal Code section 19.44.030 related to “Accessory uses” in the Regional Commercial zoning district is hereby amended to read as follows:

19.44.030 Accessory uses.

Accessory uses in the RC district are:

- A. Accessory dwelling unit (see Chapter 19.80 FMC);
- B. Family day-care provider’s home facility (see Chapter 19.68 FMC);
- C. Home occupation (see Chapter 19.68 FMC);
- D. Microcell for residential use. Excluded from front yard;
- E. Amateur and citizen band transmitter, support structure and antenna array (see FMC 19.68.020(B));
- F. Residential accessory use or structure which is subordinate and incidental to a permitted residential dwelling unit. Residential accessory uses and structures include, but are not limited to, garage, carport, storage shed, noncommercial greenhouse, fences (six feet or less in height) and the accessory uses listed above. Accessory structures constructed after the effective date of the ordinance codified in this title shall be less than or equal to 65 percent of the gross floor area of the primary residence or 1,200 square feet, whichever is greater, and less than or equal to 20 feet in height;
- G. Employee recreation facility and play area;
- H. Shooting range;
- I. Food and/or espresso cart as an accessory to a permitted use;
- J. Temporary accessory structures and uses (see Chapter 19.68 FMC);
- K. Co-location on WCF support structure;
- L. Gambling premises, if included within the same building as a three diamond or higher Automobile Association of America (AAA) rated hotel having at least 100 hotel rooms. In cases where the hotel is comprised of multiple buildings, the gambling premise shall be located within the building with the greatest number of hotel rooms. Only one gambling premise per hotel shall be allowed;
- M. Other accessory use or structure which is subordinate and incidental to a principally permitted use, as determined by the director.

Section 3. Fife Municipal Code section 19.44.040 related to “Conditional uses” in the Regional Commercial zoning district is hereby amended to read as follows:

19.44.040 Conditional uses.

Uses permitted subject to the granting of a conditional use permit by the hearing examiner are:

- A. Residential accessory structure which exceeds the gross floor area and/or height limit listed in FMC 19.44.030(F);
- B. Home occupation exceeding the gross floor area requirements listed in Chapter 19.68 FMC;
- C. Veterinary hospital;
- D. Outdoor entertainment and recreation including, but not limited to, amusement park, fairground, horse riding arena, miniature golf course, racquetball court, skating/skateboard facility, sports stadium and tennis court. Excludes shooting range;
- E. Recreational vehicle park;
- F. Machine shop;
- G. Adult use business (see Chapter 19.76 FMC);
- H. Monopole or lattice WCF with a height less than or equal to 100 feet (see Chapter 19.72 FMC);
- I. Lumber yard;
- J. Go-kart facility (indoor);
- K. Wholesale sales facility;
- L. Restaurant, with dancing, live stage or similar entertainment activities (excluding adult use);
- M. Bar, tavern and nightclub, located at least 500 feet from the closest property line of any public school, park, adult use business, residential use and residential zoning district;
- N. Commercial parking garage, excluding long-term parking or storage of vehicles;
- O. Essential public facility (see Chapter 19.68 FMC);
- P. A use not listed above which is not listed in another district as a permitted use or conditional use, is similar in nature to the above list of permitted and conditional uses, is consistent with the purpose and intent of this zoning district, and is compatible with the uses on adjoining properties.

Section 4. Fife Municipal Code section 19.46.040 related to “Conditional uses” in the Business Park zoning district is hereby amended to read as follows:

19.46.040 Conditional uses.

Uses permitted subject to the granting of a conditional use permit by the hearing examiner are:

- A. Storage, warehouse or wholesale distribution principal or accessory use which exceeds 15,000 square feet in area. A use approved under this provision may be

considered exempt from the business park average of 4,000 square feet per storage/warehouse/distribution use;

B. Commercial parking garage; provided, that no long-term storage or parking of vehicles is permitted;

C. Supermarket;

D. Bar, tavern or nightclub, located at least 500 feet away from the closest property line of any public or private children's school or park, and located within 500 feet of a residential use or residential zoning district;

E. Auctioneering (indoor);

F. High-intensity amusement, entertainment and recreational facility, including but not limited to: bowling alley, and movie theater (indoor). Excludes shooting ranges;

G. A business park with dock-high doors, greater than one per 100,000 square feet gross floor area;

H. Monopole or lattice WCF with a height less than or equal to 100 feet (see Chapter 19.72 FMC);

I. A use not listed above which is not listed in another district as a permitted use or conditional use, is similar in nature to the above list of permitted and conditional uses, is consistent with the purpose and intent of this zoning district, and is compatible with the uses on adjoining properties.

Section 5. Each and every provision of this Ordinance shall be deemed severable. If any provision of this ordinance should be deemed to be unconstitutional or otherwise contrary to law by court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Section 6. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 23rd day of Sept, 2014.

Passed by the City Council on the 14th day of Oct, 2014.



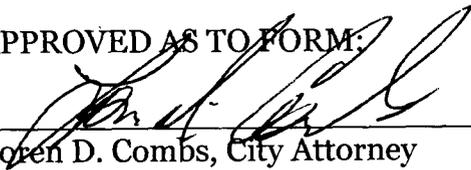
Subir Mukerjee, Interim City Manager

ATTEST:



Carol Egen, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

Published: Oct 16, 2014
Effective Date: Oct 21, _____, 2014