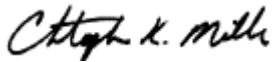


REQUEST FOR COUNCIL ACTION

Date: 06/09/14
Item No.: 9.a

Department Approval



City Manager Approval



Item Description: Consider Amending City Code Chapter 303: Amusement Devices: Areas and Game Rooms.

BACKGROUND

City Code Chapter 303 prescribes the local city regulations pertaining to amusement devices and game room areas. The current Code Requirements were established in 1994 but have come under discussion at the Staff level in conjunction with a request by Chuck-E-Cheese to locate a new facility in Roseville in the Sports Authority building located at 1750 Highway 36 Service Drive.

Under City Code 303.04, amusement devices and game rooms must be located at least 1,500 feet from any residentially zoned area, any elementary or secondary school, or any church. It is presumed that this distance requirement was likely based on a public safety concern regarding large crowds and the potential for criminal activity associated with game rooms. This separation requirement would prohibit Chuck-E-Cheese from operating in their desired location.

After some internal discussions, Staff has concluded that these public safety concerns are no longer valid. As long as the amusement devices and game rooms are located in an appropriately-zoned commercial area, they should be permitted and not be subjected to any distance separation requirement.

Changing the separation requirement would require the passage of a new Ordinance. While the change is being driven by the request of Chuck-E-Cheese, it would apply to current and all prospective amusement devices and game rooms. Staff is recommending the following changes to 303.04: Location Restrictions:

303.04: LOCATION RESTRICTIONS:

~~After the effective date of this Chapter, the operation of any new amusement devices, areas or game room business or enterprise with a capacity for more than eight customers at one time shall be restricted to a commercially zoned area consistent with the City's Zoning Code. be setback a minimum distance of one thousand five hundred (1,500) feet from any residentially zoned area, any elementary or secondary school or any church. (Ord. 1144, 6-13-1994).~~

In addition, Staff no longer believes a conditional use is required for amusement devices and game rooms. Therefore it also recommends the following changes to 303.02: License and Conditional Use Permit Required:

34 **303.02: LICENSE AND CONDITIONAL USE PERMIT REQUIRED:**

- 35 A. No person shall establish, maintain or operate an amusement device area or gameroom as herein
36 defined within the City without first having obtained an annual license ~~and a conditional use permit~~
37 ~~to do so~~. Any proposal for such business or enterprise as defined in Section 303.01 shall apply for a
38 City annual business license as set forth in Sections 301.01 through 301.09 ~~and a conditional use~~
39 ~~permit as set forth in Section 1013.01~~. The application and annual fee for the business license ~~and~~
40 ~~the fee for the conditional use permit~~ shall be as established in Section 314.05.
41 (Ord. 1275, 11-18-2002) (Ord. 1379A, 11-17-2008)
- 42 B. ~~Each conditional use permit approved for amusement device areas or gamerooms shall be~~
43 ~~contingent upon issuance of an annual business license. At such time as the business license lapses~~
44 ~~or is denied, the conditional use permit shall also be considered null and void.~~
- 45 C. Each license shall be issued for a period of one year; however, if the application is made during the
46 license year, a license may be issued for the remainder of the year for a pro rata fee to be
47 determined by the City with any fraction of a month counted as one month. No refund of any fees
48 shall be made. Every license shall expire the last day of June.
- 49 D. Amusement devices, areas, and gameroom businesses and enterprises approved and in existence on
50 the effective date of this Chapter shall comply by submitting an initial license application prior to
51 June 30, 1995, for 1995-1996. Such businesses shall be deemed as pre-existing conditional uses,
52 subject to the standards and criteria of this Code, except Section 303.04.
- 53 E. Licenses are not transferable. Change in ownership of the site or the business on the site shall cause
54 the license to expire. The new owner may apply for a new license and City Council approval.
55 (Ord. 1144, 6-13-1994)

56
57 *Attachment A* includes an ordinance amending City Code Chapter 303 for Council consideration. Staff
58 will be available at the Council meeting to address any questions.

59
60 **POLICY OBJECTIVE**

61 Consider amending City Code Chapter 303 to allow greater location flexibility for amusement devices
62 and game rooms.

63 **FINANCIAL IMPACTS**

64 Not applicable.

65 **STAFF RECOMMENDATION**

66 Staff recommends the Council adopt the attached ordinance.

67 **REQUESTED COUNCIL ACTION**

68 Motion to approve the attached Ordinance amending City Code City Code 303.04 and 303.02 for the
69 purposes of removing any distance separation requirements and to eliminate the need for a conditional
70 use permit.

71
Prepared by: Chris Miller, Finance Director
Attachments: A: Ordinance Amending City Code 303.

CITY OF ROSEVILLE
ORDINANCE NO. ____

AN ORDINANCE AMENDING CITY CODE CHAPTER 303

THE CITY OF ROSEVILLE HEREBY ORDAINS:

Section 1. Purpose: The City of Roseville established City Code Chapter 303.04 to restrict the locations of amusement devices and game rooms. This section is hereby amended to read as follows:

303.04: Location Restrictions: The operation of any amusement devices, areas or game room business or enterprise with a capacity for more than eight customers at one time shall be restricted to a commercially zoned area consistent with the City's Zoning Code.

In addition, the City of Roseville established City Code Chapter 303.02 to require a license and conditional use permit for amusement devices and game rooms. The conditional use is no longer required, therefore this section is hereby amended to read as follows:

303.02: LICENSE REQUIRED:

- A. No person shall establish, maintain or operate an amusement device area or gameroom as herein defined within the City without first having obtained an annual license. Any proposal for such business or enterprise as defined in Section 303.01 shall apply for a City annual business license as set forth in Sections 301.01 through 301.09. The application and annual fee for the business license shall be as established in Section 314.05. (Ord. 1275, 11-18-2002) (Ord. 1379A, 11-17-2008)*
- B. Each license shall be issued for a period of one year; however, if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee to be determined by the City with any fraction of a month counted as one month. No refund of any fees shall be made. Every license shall expire the last day of June.*
- C. Amusement devices, areas, and gameroom businesses and enterprises approved and in existence on the effective date of this Chapter shall comply by submitting an initial license application prior to June 30, 1995, for 1995-1996. Such businesses shall be deemed as pre-existing conditional uses, subject to the standards and criteria of this Code, except Section 303.04.*
- D. Licenses are not transferable. Change in ownership of the site or the business on the site shall cause the license to expire. The new owner may apply for a new license and City Council approval. (Ord. 1144, 6-13-1994)*

Section 2. Effective Date: This ordinance shall be effective upon adoption and publication. Passed this 9th day of June, 2014.

121 (Seal)

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

CITY OF ROSEVILLE

BY: _____

Daniel J. Roe, Mayor

ATTEST: _____

Patrick Trudgeon, City Manager