

ORDINANCE No. 115087

COUNCIL BILL No. 107942

AN ORDINANCE relating to land use and zoning of adult uses, establishing a moratorium on the issuance of use permits, and on the acceptance of applications for use permits or building permits, for adult entertainment premises as defined in SHC 6.270.

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Honorable President:
Your Committee on Public Safety & Environment
to which was referred the within Council Bill No. 107942
report that we have considered the same and respectfully recommend that it

COMPTROLLER FILE No.

Introduced: MAY 7 1990	By: NOLAND,
Referred: MAY 7 1990	To: Public Safety and Environment
Referred:	To:
Referred:	To:
Reported: MAY 14 1990	Second Reading: MAY 14 1990
Third Reading: MAY 14 1990	Signed: MAY 14 1990
Presented to Mayor: MAY 15 1990	Approved: MAY 17 1990
Returned to City Clerk: MAY 18 1990	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Do pass

Vote 8-0

Isue Noland

Committee Chair

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

5-8-90

Honorable President:

Your Committee on

Public Safety & Environment

to which was referred the within Council Bill No.

107942

report that we have considered the same and respectfully recommend that the same:

Do pass 3-0

Vote 8-0

Jane Maud

Committee Chair

CB# 107942

ORDINANCE 115087

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AN ORDINANCE relating to land use and zoning of adult uses, establishing a moratorium on the issuance of use permits, and on the acceptance of applications for use permits or building permits, for adult entertainment premises as defined in SMC 6.270.

WHEREAS, there are an increasing number of adult uses located near residential areas throughout the City; and

WHEREAS, there is growing evidence that such uses constitute a threat to the public health, safety, and welfare; and

WHEREAS, on December 19, 1988 this Council adopted Resolution 27905 directing the Executive to conduct studies and investigations, and make recommendations for amending the Land Use Code relating to adult entertainment uses; and

WHEREAS, on March 24, 1989 the Director of the Department of Construction and Land Use issued his Report on a Proposed Land Use Code Text Amendment for Adult Cabarets, recommending that a new land use category, "adult cabaret," be defined, and that adult cabarets be located in three downtown zones; and

WHEREAS, on April 10, 1989 this Council held a first public hearing and received comments from citizens, neighborhood groups, business groups, staff, and others regarding the impacts of locating adult uses in various parts of the City; and

WHEREAS, on May 15, 1989 this Council adopted Resolution 27983 requesting the Department of Construction and Land Use to evaluate the option of locating adult uses in a portion of the Duwamish industrial area; and

WHEREAS, the Director of the Department of Construction and Land Use studied the Duwamish industrial area alternative, and, on August 7, 1989, issued a Revised Director's Report on Adult Entertainment; and

WHEREAS, this Council held a second public hearing on September 6, 1989 to hear testimony on the alternative land use regulations for adult entertainment uses; and

WHEREAS, four SEPA appeals were filed on December 1, 1989 regarding the proposed code amendment to locate adult cabarets in a portion of the Downtown and Duwamish areas, and while these appeals were pending, the Council was prohibited from taking action on the proposed amendment; and

WHEREAS, on April 2, 1990, the Hearing Examiner issued Findings and Decision on the SEPA appeals, remanding the matter to the Department of Construction and Land Use for further evaluation and study and for preparation of a supplemental threshold environmental analysis; and

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 WHEREAS, the Council cannot take action on the proposed code
2 amendment to locate adult cabarets in a portion of the
3 Downtown and Duwamish areas until the Department of
4 Construction and Land Use completes its analysis; and

5 WHEREAS, proposed new adult cabarets could establish vested
6 rights to locate in neighborhoods contrary to Council intent
7 unless a moratorium is established; and

8 WHEREAS, this Council therefore finds that the protection of the
9 public health, safety, and welfare requires extending the
10 moratorium on new adult cabarets; NOW, THEREFORE

11 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

12 Section 1. Through June 30, 1991 or until new land use
13 regulations governing the location of adult cabarets take effect,
14 whichever is sooner, no use permit shall be issued, nor shall any
15 use permit application or building permit application be
16 accepted, for any adult entertainment premises as defined in SMC
17 6.270.

18 Section 2. Pursuant to SMC 25.05.880, the City Council
19 finds that an exemption under SEPA for this action is necessary
20 to prevent an imminent threat to public health and safety and to
21 prevent an imminent threat of serious environmental degradation
22 through continued development under the existing regulations.
23 SEPA review of any permanent regulations proposed for replacement
24 of the existing zoning shall be conducted.

25 Section 3. This Ordinance shall take effect and be in force
26 thirty days from and after its passage and approval, if approved
27 by the Mayor; otherwise it shall take effect at the time it shall
28 become a law under the provisions of the city charter.

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PASSED by the City Council the 14th day of May,
1990, and signed by me in open session in authentication of its
passage this 14th day of May, 1990.

[Signature]
President of the City Council

Approved by me this 17th day of May, 1990.

[Signature]
Mayor

Filed by me this 18th day of May, 1990.

ATTEST: [Signature]
City Comptroller and City Clerk

By: [Signature]
Deputy

(SEAL)

Published _____

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STATE OF WASHINGTON - KING COUNTY

26709
City of Seattle

-ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 115087

was published on

05/22/90

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on

[Signature]
MAY 22 1990
[Signature]

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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marital com- Jane Doe Hatch, Pamela Moore, and the Environment; thereof: Du- and John Doe Moore. tion Agency. nd Jane Doe You, and each of you, are The approximate poi ally and as a hereby notified that the above discharge is 2733 3rd A y comprised named plaintiffs, James M. South, Seattle, Washi of Seattle, a Youg and Gertrude Young, 98134. Any person desiring ipality; King have instituted an action in the press his view or to be n- ton munici- Superior Court of the State of of the Municipality of he State of Washington for King County. politan Seattle action on t icipal corpo- King County Cause No. Mlication should notif Municipality of Metrop

City of Seattle

ORDINANCE 115487

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WHEREAS, there are an increasing number of adult uses located near residential areas throughout the City; and

WHEREAS, there is growing evidence that such uses constitute a threat to the public health, safety, and welfare; and

WHEREAS, on December 19, 1988 this Council adopted Resolution 27905 directing the Executive to conduct studies and investigations, and make recommendations for amending the Land Use Code relating to adult entertainment uses; and

WHEREAS, on March 24, 1989 the Director of the Department of Construction and Land Use issued his Report on a Proposed Land Use Code Text Amendment for Adult Cabarets, recommending that a new land use category, "adult cabaret," be defined, and that adult cabarets be located in three downtown zones; and

WHEREAS, on April 10, 1989 this Council held a first public hearing and received comments from citizens, neighborhood groups, business groups, staff, and others regarding the impacts of locating adult uses in various parts of the City; and

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WHEREAS, the Director of the Department of Construction and Land Use studied the Duwamish industrial area alternative, and, on August 7, 1989, issued a Revised Director's Report on Adult Entertainment; and

WHEREAS, this Council held a second public hearing on September 6, 1989 to hear testimony on the alternative land use regulations for adult entertainment uses; and

WHEREAS, four SEPA appeals were filed on December 1, 1989 regarding the proposed code amendment to locate adult cabarets in a portion of the Downtown and Duwamish areas, and while these appeals were pending, the Council was prohibited from taking action on the proposed amendment; and

WHEREAS, on April 2, 1990, the Hearing Examiner issued Findings and Decision on the SEPA appeals, resending the matter to the Department of Construction and Land Use for further evaluation and study and for preparation of a supplemental threshold environmental analysis; and

WHEREAS, the Council cannot take action on the proposed code amendment to locate adult cabarets in a portion of the Downtown and Duwamish areas until the Department of Construction and Land Use completes its analysis; and

WHEREAS, proposed new adult cabarets could establish vested rights to locate in neighborhoods contrary to Council intent unless a moratorium is established; and

WHEREAS, this Council therefore finds that the protection of the public health, safety, and welfare requires extending the moratorium on new adult cabarets; NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Through June 30, 1991 or until new land use regulations governing the location of adult cabarets take effect, whichever is sooner, no use permit shall be issued, nor shall any use permit application or building permit application be accepted, for any adult entertainment premises as defined in SMC 6.270.

Section 2. Pursuant to SMC 25.05.880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under the existing regulations. SEPA review of any permanent regulations proposed for replacement of the existing zoning shall be conducted.

Section 3. This Ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 14th day of May, 1990, and signed by me in open session in authentication of its passage this 14th day of May, 1990.

PAUL KRAABEL,
President of the City Council.

Approved by me this 17th day of May, 1990.

NORMAN B. RICE,
Mayor.

Filed by me this 18th day of May, 1990.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By MARGARET CARTER,
Deputy Clerk.

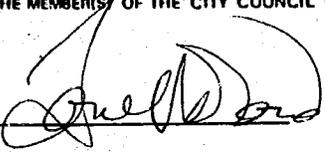
Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, May 22, 1990.
(28768)

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

CS 20 28

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