

Ordinance No. 12117

Council Bill No. 114512

AN ORDINANCE relating to land use and zoning of adult cabarets, extending the 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.

CF No. _____

Date Introduced:	MAR 31 2003	
Date 1st Referred:	To: (committee)	Land Use Committee
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
4-7-03	6-0	
Date Presented to Mayor:	Date Approved:	
4-7-03	4/17/03	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
4/17/03	2 pr.	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action:

4/1/03 - Pass 1-0 (JN)

4-7-03 Passed 6-0

(Excused: Melvyn Pogalen, Stein)

This file is complete and ready for presentation to Full Council. Com

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: John A. NICASTRO
Councilmember

Committee Action:

4/1/03 - Pass 1-0 (JAN)
4-7-03 Passed 6-0
(Excused: Melvyn, Pageley, Steinbrueck)

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

*Approved
for presentation
to Full Council
4/10/03
JAN*

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

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Use Committee

4/17/03

T.O.
F.T.

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ORDINANCE 121117

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5 AN ORDINANCE relating to land use and zoning of adult cabarets, extending the moratorium
6 on the issuance of use permits, and on the acceptance of applications for use permits or
7 building permits, for adult entertainment premises as defined in SMC 6.270.

8
9 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

10 Section 1. The City Council hereby adopts the following findings of fact:

- 11 a. There are a number of adult cabarets located near residential areas throughout the City;
- 12 b. There is growing evidence that such uses constitute a threat to the public health, safety,
13 and welfare;
- 14 c. In April 2002, the City Council passed and the Mayor signed Ordinance 120779
15 establishing a moratorium through June 30, 2003 on new adult cabarets within the City
16 pending additional City analysis and evaluation;
- 17 d. The United States Supreme Court recently issued a decision in the case *City of Los*
18 *Angeles v. Alameda Books, Inc.*, related to zoning restrictions that prohibit more than
19 one adult entertainment business in the same building, and the City of Seattle needs to
20 analyze the Court's ruling and its implications for Seattle;
- 21 e. The City Council of Auburn, Washington imposed a moratorium on the filing of any
22 applications for licenses, permits, or approvals for sexually-oriented businesses, and
23 recently extended the moratorium while the City of Auburn and its Planning
24 Commission continue their study and evaluation of the issues involved in sexually-
25 oriented businesses and develop recommendations for zoning code and land use
26 regulations for sexually-oriented businesses, and the City of Seattle needs to review and
27 analyze the results of the City of Auburn's study and evaluation, including
28 recommendations for any new legislation;
- 29 f. The Seattle City Council has developed a work plan for developing and evaluating land
30 use code amendments for adult entertainment uses; and
- 31 g. This Council therefore finds that the protection of the public health, safety, and welfare

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requires extending the moratorium on new adult cabare

Section 2. Through June 30, 2004 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 new adult entertainment premises as defined in SMC 6.270.

Section 3. 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 4. 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 25th day of April, 2003, and signed by me in open session in authentication of its passage this 25th day of April, 2003.

[Signature]
President of the City Council

Approved by me this 17th day of April, 2003.

[Signature]
Mayor

Filed by me this 17th day of April, 2003.

[Signature]
City Clerk

(Seal)



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Seattle City Council
Land Use Committee

Adult Cabarets
Work Plan and Schedule
April 1, 2003

The Department of Design, Construction and Land Use (DCLU) is requested to work with the Law Department during the upcoming year to develop and evaluate possible Land Use Code amendments regarding adult cabarets, considering the locations in the City where these uses would have minimal negative impacts and could be sited appropriately.

In particular, DCLU and the Law Department should monitor court decisions and/or legislation throughout the country relating to adult uses. This should include a review of the recent United States Supreme Court decision in the case *City of Los Angeles v. Alameda Books, Inc.*, related to zoning restrictions that prohibit more than one adult entertainment business in the same building. It should also include a review of resolutions adopted by the City Council of Auburn, Washington establishing a moratorium on sexually-oriented businesses in March 2002, and extending that moratorium in March 2003, while the City of Auburn and its Planning Commission conduct a study and evaluation of the issues involved in sexually-oriented businesses and develop recommendations for zoning code and land use regulations for sexually-oriented businesses.

DCLU should prepare legislation to implement any regulatory changes, and should complete environmental review as required under the State Environmental Policy Act (SEPA).

DCLU is requested to submit periodic progress reports on the status of its efforts under this work plan to the Chair of the Land Use Committee.

(AE-WKPLN.DOC 3/24/03)



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STATE OF WASHINGTON - KING COUNTY

--SS.

157574
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

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

CT:ORDINANCE 12117 121117

was published on

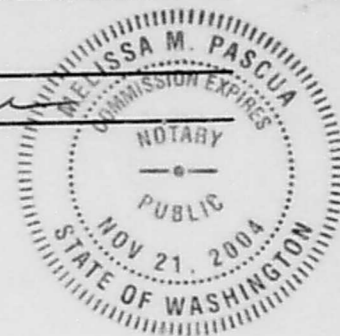
4/24/2003

JS
Subscribed and sworn to before me on

4/24/2003

Melissa M. Pasqua
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 121117

AN ORDINANCE relating to land use and zoning of adult cabarets, extending the moratorium of the issuance of use permits or building permits, for adult entertainment premises as defined in SMC 6.270.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council hereby adopts the following findings of fact:

a. There are a number of adult cabarets located near residential areas throughout the City;

b. There is growing evidence that such uses constitute a threat to the public health, safety, and welfare;

c. In April 2002, the City Council passed and the Mayor signed Ordinance 120779 establishing a moratorium through June 30, 2003 on new adult cabarets within the City pending additional City analysis and evaluation;

d. The United States Supreme Court recently issued a decision in the case of *City of Los Angeles v. Alameda Books, Inc.*, related to zoning restrictions that prohibit more than one adult entertainment business in the same building, and the City of Seattle needs to analyze the Court's ruling and its implications for Seattle;

e. The City Council of Auburn, Washington imposed a moratorium on the filing of any applications for licenses, permits, or approvals for sexually-oriented businesses, and recently extended the moratorium while the City of Auburn and its Planning Commission continue their study and evaluation of the issues involved with sexually-oriented businesses and develop recommendations for zoning code and land use regulations for sexually-oriented businesses, and the City of Seattle needs to review and analyze the results of the City of Auburn's study and evaluation, including recommendations for any new legislation;

f. The Seattle City Council has developed a work plan for developing and evaluating land use code amendments for adult entertainment uses; and

g. This Council therefore finds that the protection of the public health, safety, and welfare requires extending the moratorium on new adult cabarets.

Section 2. Through June 30, 2004 or until new land use regulating 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 new adult entertainment premises as defined in SMC 6.270.

Section 3. Pursuant to SMC 22.05.880, 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 4. This ordinance shall take effective 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 7th day of April, 2003, and signed by me in open session in authentication of its passage this 7th day April, 2003.

HEIDI WILLS,

President pro tem of the City Council.

Approved by me this 17th day of April, 2003.

GREGORY J. NICKELS,

Mayor.

Filed by me this 17th day of April, 2003.

(See) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, April 24, 2003.

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