

Ordinance No. 121798

Council Bill No. 115209

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: <u>MAR 21 2005</u>		
Date 1st Referred: <u>MAR 21 2005</u>	To: (committee) <u>Government Affairs & Labor</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>5-9-05</u>	Full Council Vote: <u>7-0</u>	
Date Presented to Mayor: <u>5-10-05</u>	Date Approved: <u>5/18/05</u>	
Date Returned to City Clerk: <u>5/20/05</u>	Date Published: <u>2 PR</u>	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Jan Prago
Councilmember

Committee Action:

DO Pass 2-0 (JP, RM)

5-9-05 Passed 7-0 (Excused: Della, Steinbrueck)

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

Law Department

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

State of Washington, King County

City of Seattle

ORDINANCE 121798

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.

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 May 2004, the City Council passed and the Mayor signed Ordinance 121465 establishing a moratorium through June 30, 2005 on new adult cabarets within the City pending additional City analysis and evaluation;
- d. The City Council chooses to study and evaluate the issues involved regulating sexually-oriented businesses in greater detail;
- e. The Seattle City Council has developed a work plan for developing and evaluating land use code amendments for adult entertainment uses described in Attachment A; and
- f. The Council recognizes that it will take time for the Executive to prepare proposed legislation and for the Council to review and take action, and therefore finds that the protection of the public health, safety, and welfare requires extending the moratorium on new adult cabarets.

g. This ordinance is adopted pursuant to the Growth Management Act, RCW 36.70A.390.

Section 2. Through June 30, 2006 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 (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 9th day of May, 2005, and signed by me in open session in authentication of its passage this 9th day of May, 2005.

Jan Drago

President of the City Council

Approved by me this 18th day of May, 2005.

Gregory J. Nickels, Mayor

Filed by me this 20th day of May, 2005.

(Seal) Judith Pippin, City Clerk

Attachment A: Adult Cabarets Work Plan and Schedule

See City Clerk for Attachment

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, May 25, 2005.
5/25(186064)

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

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- b. There is growing evidence that such uses constitute a threat to the public health, safety, and welfare;
- c. In May 2004, the City Council passed and the Mayor signed Ordinance 121465 establishing a moratorium through June 30, 2005 on new adult cabarets within the City pending additional City analysis and evaluation;
- d. The City Council chooses to study and evaluate the issues involved regulating sexually-oriented businesses in greater detail;
- e. The Seattle City Council has developed a work plan for developing and evaluating land use code amendments for adult entertainment uses described in Attachment A; and
- f. The Council recognizes that it will take time for the Executive to prepare proposed legislation and for the Council to review and take action, and therefore finds that the protection of the public health, safety, and welfare requires extending the moratorium on new adult cabarets.
- g. This ordinance is adopted pursuant to the Growth Management Act, RCW 36.70A.390.

Section 2. Through June 30, 2006 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



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2 defined in SMC 6.270.

3 Section 3. Pursuant to SMC 25.05.880, the City Council finds that an exemption under SEPA for
4 this action is necessary to prevent an imminent threat to public health and safety and to prevent an
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6 regulations. SEPA review of any permanent regulations proposed for replacement of the existing zoning
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9 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its
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14 open session in authentication of its passage this 9th day of May, 2005.

15 [Signature]
16 President _____ of the City Council

17 Approved by me this 18th day of May, 2005.

18 [Signature]
19 Gregory J. Nickels, Mayor

20 Filed by me this 20th day of May, 2005.

21 [Signature]
22 City Clerk

23 (Seal)

24 Attachment A: Adult Cabarets Work Plan and Schedule





Seattle City Council

Adult Cabarets Work Plan and Schedule March 15, 2005

The City Council directs the Department of Planning and Development (DPD) to work with the Law Department 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, DPD and the Law Department should monitor court decisions and/or legislation throughout the country relating to adult uses. DPD and the Law Department should consider the various types of adult businesses and how they are defined, negative impacts and secondary effects of sexually-oriented businesses, appropriateness of creating buffer zones around adult uses, appropriateness of amortizing non-conforming businesses, and other issues.

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

DPD is requested to submit periodic progress reports on the status of its efforts under this work plan to Council President Jan Drago, Chair, Government Affairs and Labor Committee.



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Rebecca Herzfeld/615-1674	Not Applicable

Legislation Title:

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.

• **Summary of the Legislation:**

This ordinance extends the current moratorium on new adult cabarets through June 30, 2006, or until new land use regulations governing the location of adult cabarets take effect, whichever is sooner.

• **Background:**

In May 2004, the City Council passed and the Mayor signed Ordinance 121465 establishing a moratorium through June 30, 2005 on new adult cabarets within the City pending additional City analysis and evaluation. The Seattle City Council has developed a work plan for developing and evaluating land use code amendments for adult entertainment uses and recognizes that it will take time for the Executive to prepare proposed legislation and for the Council to review and take action, and therefore finds that the protection of the public health, safety, and welfare requires extending the moratorium on new adult cabarets.

X This legislation does not have any financial implications.



STATE OF WASHINGTON – KING COUNTY

--SS.

186064
CITY OF SEATTLE, CLERKS OFFICE

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.

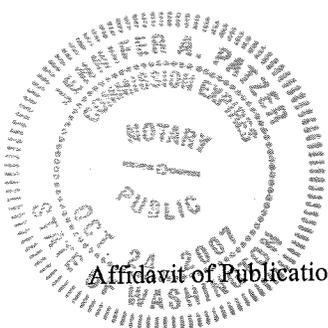
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121798 ORDINANCE

was published on

05/25/05

The amount of the fee charged for the foregoing publication is the sum of \$ 112.63, which amount has been paid in full.



Affidavit of Publication

[Signature]
Subscribed and sworn to before me on
05/25/05 *[Signature]*
Notary public for the State of Washington,
residing in Seattle