ORDINANCE 122411

AN ORDINANCE relating to land use and zoning; amending Chapters 23.47A, Commercial zones; 23.48, Seattle Mixed zone; 23.49, Downtown zones; 23.50, Industrial zones; 23.54, Parking and Access; and 23.84A, Definitions; of the Seattle Municipal Code, adopting regulations for the establishment and location of new or expanding adult cabarets.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Council Findings and Analysis. The City Council's Findings and Analysis are in Attachment 1 to this ordinance.

Section 2. Section 23.47A.004 of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended to add a new subsection as follows:

23.47A.004 Permitted and prohibited uses.

* * *

H. Adult Cabarets.

1. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret.

I((~~H~~)). The terms of Chart A are subject to any applicable exceptions or contrary provisions expressly set forth in this title.

CITY CLERK

Section 3. Subsection C.3, Entertainment Uses, of subsection C of Chart A of Section 23.47A.004 of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

Chart A
for Section 23.47A.004
Uses in Commercial Zones

	USES	PERMITTED AND PROHIBITED USES BY ZONE (1) NC1	NC2	NC3	C1	C2
		* * *				
C.	COMMERCIAL USES					
		* * *				
C.3.	Entertainment Uses					
C.3.a.	Cabarets, adult (14)	X	P	P	P	P
C.3.b((a)).	Motion picture theaters, adult	X	25	P	P	P
C.3.c((b)).	Panorams, adult	X	X	X	X	X
C.3.d((c)).	Sports and recreation, indoor	10	25	P	P	P
C.3.e((d)).	Sports and recreation, outdoor	X	X	X(2)	P	P
C.3.f((e)).	Theaters and spectator sports facilities	X	25	P	P	P
		* * *				

KEY
A = Permitted as an accessory use only
CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)
CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)
P = Permitted
S = Permitted in shoreline areas only
X = Prohibited
10 = Permitted, business establishments limited to 10,000 sq. ft., according to 23.47A.010
20 = Permitted, business establishments limited to 20,000 sq. ft., according to 23.47A.010
25 = Permitted, business establishments limited to 25,000 sq. ft., according to 23.47A.010
35 = Permitted, business establishments limited to 35,000 sq. ft., according to 23.47A.010
50 = Permitted, business establishments limited to 50,000 sq. ft., according to 23.47A.010

CITY CLERK

NOTES

(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in section 23.47A.005E. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

(2) Permitted at Seattle Center.

* * *

(14) Subject to subsection 23.47A.004 H.

Section 4. Section 23.48.004 of the Seattle Municipal Code, which section was enacted by Ordinance 118302, is amended as follows:

23.48.004 Permitted uses.

A. All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by Section 23.48.006 and those permitted only as conditional uses by Section 23.48.008.

B. Adult cabarets must comply with the requirements of 23.47A.004 H.

Section 5. Chapter 23.49 of the Seattle Municipal Code is amended to add a new section as follows:

23.49.030 Adult Cabarets.

A. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

CITY CLERK

B. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret and must be six hundred (600) feet or more from any lot line of property containing any adult panoram or adult motion picture theater.

Section 6. Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended to add a new subsection E as follows:

23.50.012 Permitted and prohibited uses.

* * *

E. Adult cabarets

1. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret.

Section 7. Subsection C.3, Entertainment Uses, of section C of Chart A of Section 23.50.012 of the Seattle Municipal Code, which chart was last amended by Ordinance 122311, is amended as follows:

CITY CLERK

Chart A
For Section 23.50.012
Uses in Industrial Zones

	USES	PERMITTED AND PROHIBITED USES BY ZONE				
		IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
		* * *				
C.	COMMERCIAL USES					
		* * *				
C.3.	Entertainment Uses					
C.3.a.	Cabarets, adult	P(12)	P(12)	X	X	X
C.3.b((a)).	Motion picture theaters, adult	X	X	X	X	X
C.3.c((b)).	Panorams, adult	X	X	X	X	X
C.3.d((c)).	Sports and recreation, indoor	P	P	P	X	P
C.3.e((d)).	Sports and recreation, outdoor	P	P	P	X	P
C.3.f((e)).	Theaters and spectator sports facilities					
C.3.f((e)).i.	Lecture and meeting halls	P	P	P	P	P
C.3.f((e)).ii.	Motion picture theaters	P	P	P	X	X
C.3.f((e)).iii.	Performing arts theaters	P	P	P	X	X
C.3.f((e)).iv.	Spectator sports facilities	P	P	P	X(2)	X(2)
		* * *				

KEY

CU = Administrative conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on October 5, 1987
EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.
P = Permitted
X = Prohibited

NOTES

* * *

DIS CITY CLERK

(2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one (1) space per six hundred fifty (650) square feet ratio under the following circumstances:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and

(c) The reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

* * *

(12) Subject to subsection 23.50.012 E.

Section 8. Chart A for Section 23.54.015 of the Seattle Municipal Code, which chart was last amended by Ordinance 122311, is amended as follows:

Chart A
for Section 23.54.015
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS

		Use	Minimum parking required
A.		AGRICULTURAL USES	1 space for each 2,000 square feet
B.		COMMERCIAL USES	
	B.1.	Animal shelters and kennels	1 space for each 2,000 square feet
	B.2.	Eating and drinking establishments	1 space for each 250 square feet
	B.3.	Entertainment Uses, general, except as noted below (1)	1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats
		B.3.a. Adult cabarets	1 space for each 250 square feet
	B.4.	Food processing and craft work	1 space for each 2,000 square feet

* * *

NOTES

(1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three (3) hours before an event is scheduled to begin and ending one (1) hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five (5) years.

CITY CLERK

During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be fifty (50) percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one (1) space for each ten (10) fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least fifteen (15) days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series fifteen (15) days prior to the first event in the series. If the Director finds that a certification of projected attendance of fifty (50) percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within fifteen (15) days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

* * *

Section 9. Section 23.84A.002 "A." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.002 "A."

* * *

"Administrative office." See "Office."

<u>"Adult cabaret." See "Entertainment use."</u>

"Adult care center." See "Institution."

"Adult family home." See "Residential use."

"Adult motion picture theater." See "Entertainment use."

"Adult panoram." See "Entertainment use."

* * *

CITY CLERK

Section 10. Section 23.84A.006 "C." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.006 "C."

"C zone." See "Zone, general commercial."

"Cabaret, adult." See "Entertainment use."

"Candelabra mounting." See "Communication devices and utilities."

* * *

Section 11. Section 23.84A.010 "E." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.010 "E."

* * *

"Entertainment use" means a commercial use in which recreational, entertainment, athletic, and/or cultural opportunities are provided for the general public, either as participants or spectators. Uses accessory to institutions or to public parks or playgrounds shall not be considered entertainment uses. Entertainment uses include the following uses:

1. "Cabaret, adult" means an entertainment use where licensing as an "adult entertainment premises" is required by SMC Chapter 6.270.

2((1)). "Motion picture theater, adult" means a use in which, in an enclosed building, motion picture films are presented that are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein:

a. "Specified sexual activities":

CITY CLERK

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

b. "Specified anatomical areas":

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region,

(b) Buttock, or

(c) Female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3((~~2~~)). "Panoram, adult" means a device which exhibits or displays for observation by a patron a picture or view from film or videotape or similar means which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in subsection 2((~~1~~)).

4((~~3~~)). "Sports and recreation, indoor" means an entertainment use in which facilities for engaging in sports and recreation are provided within an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.

5((4)). "Sports and recreation, outdoor" means an entertainment use in which facilities for engaging in sports and recreation are provided outside of an enclosed structure,

CITY CLERK

and in which any spectators are incidental and are not charged admission. Examples include tennis courts, water slides, and driving ranges.

6((~~5~~)). "Theaters and spectator sports facilities" means an entertainment use in which cultural, entertainment, athletic, or other events are provided for spectators either in or out of doors. Adult motion picture theaters and adult panorams shall not be considered theaters and spectator sports facilities for the purposes of this definition. Theaters and spectator sports facilities include, but are not limited to, the following uses:

a. "Lecture and meeting hall" means a theater and spectator sports facility intended and expressly designed for public gatherings such as but not limited to commercial spaces available for rent or lease for the purpose of holding meetings or the presentation of public speeches.

b. "Motion picture theater" means a theater and spectator sports facility use intended and expressly designed for the presentation of motion pictures, other than an adult motion picture theater.

c. "Performing arts theater" means a theater and spectator sports facility intended and expressly designed for the presentation of live performances of drama, dance and music.

d. "Spectator sports facility" means a theater and spectator sports facility intended and expressly designed for the presentation of sports events, such as a stadium or arena.

* * *

CITY CLERK

Section 12. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision is not intended to affect the validity of any other provision of this ordinance or the validity of any provision contained within another ordinance or code.

Section 13. 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 11th day of June, 2007, and signed by me in open session in authentication of its passage this 11th day of June, 2007.

President _____ of the City Council

Approved by me this _____ day of _____, 2007.

Returned Unsigned by Mayor

Gregory J. Nickels, Mayor

Filed by me this 25th day of June, 2007.

City Clerk

(Seal)

Attachment 1: City Council's Findings and Analysis

CITY CLERK

ATTACHMENT 1

City Council's Findings and Analysis

The proposed amendments to the City's zoning regulations for the location of new or expanding adult strip clubs would prohibit new or expanding strip clubs in Industrial General 1 and Industrial General 2 (IG1 and IG2) zones citywide, and would require that these clubs be separated a certain distance from two categories of land use.

Under existing zoning, new or expanding strip clubs are already prohibited in IG1 and IG2 zones in the Duwamish Manufacturing and Industrial Center. The proposed legislation, as amended, would extend this prohibition to IG1 and IG2 zones citywide. This makes the zoning consistent citywide, and protects these most-intensive industrially-zoned lands for industrial uses. This approach is also consistent with the Seattle Planning Commission's position: "The Planning Commission has been a strong advocate for reserving industrial land for industrial uses."

Regarding the buffers required from two categories of land use, included in the first category are locations where children congregate. This includes schools, child care centers, community centers, and public parks or open space areas. There is some evidence that the presence of adult uses may correspond with increased levels of crime in an area, including sex-related crimes such as prostitution. In addition, because alcohol is not served inside strip clubs in Washington, and because recreational drugs are illegal, it is believed that consumption of alcohol and drugs may occur in club parking lots, on adjacent public streets, or in the surrounding neighborhood. These activities are particularly problematic and incompatible with locations where children congregate. The Seattle Planning Commission recognized this, and advised that the "City Council may want to consider other ways to regulate this land use, such as applying buffer zones to separate adult cabarets from sensitive uses." Therefore, it is appropriate to require a buffer between new adult strip clubs and places where children tend to congregate. To accomplish this, this zoning proposal would prohibit new or expanding adult strip clubs within 800 feet of an elementary or secondary school, a child care center, a community center, or a public park or open space area.

The second proposed buffer would require new or expanding strip clubs to be at least 600 feet from other strip clubs, and at least 600 feet from adult panorams and adult motion picture theaters, which are allowed in certain downtown zones. The courts have recognized that adult uses may be dispersed in this manner in order to reduce the possible secondary effects of adult uses on the surrounding neighborhood.

Although cities normally have broad discretion to establish development standards for various land uses, such as development "set backs" and buffers, adult strip clubs are unique because they enjoy constitutional protection that most other land uses lack. Therefore the City Council must consider whether the prohibition against new or expanding adult strip clubs in IG1 and IG2 zones and the adoption of the proposed buffer requirement may violate the constitutional rights of citizens who may wish to operate a strip club.

CITY CLERK

The principal constitutional criterion is a requirement that a city's zoning provide an adequate number of possible locations for new strip clubs. Whether the number of locations is adequate depends in part upon the number of new strip clubs that may seek to open. Seattle has had about four strip clubs in operation in recent years. In 2004, the City received one application to open a new strip club, but the club never opened. The City has received no applications since 2004. Despite the absence of applications, the City is required to assume that some persons may wish to open new strip clubs at some future time, and the City is required to accommodate that potential need. Therefore, the City assumes for purposes of this analysis that the potential market demand for strip clubs might be double the historic demand. Although this level of demand is unlikely in light of the history of this use in Seattle, the City chooses to err on the safe side in light of the constitutional constraints. In other words, for purposes of the market demand analysis, the City's zoning ordinance should allow up to four new strip clubs to locate in the city. However because the courts generally require that the ratio of potential locations to potential clubs exceed one to one, the City's zoning ordinance should allow for a larger number of viable locations for the location of new strip clubs.

Staff has analyzed the effect that adoption of the prohibition against new or expanding adult strip clubs in IG1 and IG2 zones and the proposed buffer requirements may have upon the number of sites that are available for the location of new, potential strip clubs. The result is that there are over 300 acres, comprised of over 1000 parcels of land, on which new strip clubs would be allowed. The areas are located throughout the city, and are easily accessible via the city's transportation systems. There are numerous buildings of varied sizes and types that could reasonably accommodate a new adult strip club.

In conclusion, the Council believes that the proposed zoning change and buffer requirements meet constitutional standards for the zoning of adult uses, and that the proposed amendments may therefore be adopted.

DIS CITY CLERK

Form revised December 4, 2006

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Martha Lester / 4-8149	N/A

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapters 23.47A, Commercial zones; 23.48, Seattle Mixed zone; 23.49, Downtown zones; 23.50, Industrial zones; 23.54, Parking and Access; and 23.84A, Definitions; of the Seattle Municipal Code, adopting regulations for the establishment and location of new or expanding adult cabarets.

- **Summary of the Legislation:**

Under existing zoning, new or expanding adult strip clubs or "adult cabarets" are allowed to locate in most commercial, downtown, and industrial zones throughout the city, and are not subject to separation requirements from other uses, such as other adult uses or locations where children congregate. This ordinance would amend the Land Use Code to add separation requirements from two categories of land use, and to modify the method of calculating required parking.

First, this ordinance would prohibit new or expanding adult cabarets within 800 feet of an elementary or secondary school, a child care center, a community center, or a public park or open space area, which are places where children tend to congregate. Second, this ordinance would require new or expanding adult cabarets to be at least 600 feet from other adult cabarets, and at least 600 feet from adult panorams and adult motion picture theaters, which are allowed in certain downtown zones, to reduce the possible secondary effects of adult uses on the surrounding neighborhood.

In addition, this ordinance would change the basis upon which required parking for an adult cabaret is calculated. Presently, for performing arts theaters (including adult cabarets), the parking requirement is based upon the area of the business occupied by fixed seating or public assembly area, characteristic of traditional theater design or arrangement. Under this ordinance, required parking for an adult cabaret would be calculated on the basis of gross square footage of the business, in the amount of one space for each 250 square feet, consistent with other similar businesses such as eating and drinking establishments.

As amended by the Urban Development and Planning Committee on May 23, 2007, this ordinance would also prohibit new or expanding adult cabarets in IG1 and IG2 (Industrial General 1 and 2) zones *citywide*. (Existing zoning already prohibits new or expanding adult cabarets in IG1 and IG2 zones *in the Duwamish Manufacturing and Industrial Center*.)

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

See above under Summary.

- *Please check one of the following:*

_x_ **This legislation does not have any financial implications.**

____ **This legislation has financial implications.**

ATTACHMENT 1

City Council's Findings and Analysis

The proposed amendments to the City's zoning regulations for the location of new or expanding adult strip clubs would require that these clubs be separated a certain distance from two categories of land use.

Included in the first category are locations where children congregate. This includes schools, child care centers, community centers, and public parks or open space areas. There is some evidence that the presence of adult uses may correspond with increased levels of crime in an area, including sex-related crimes such as prostitution. In addition, because alcohol is not served inside strip clubs in Washington, and because recreational drugs are illegal, it is believed that consumption of alcohol and drugs may occur in club parking lots, on adjacent public streets, or in the surrounding neighborhood. These activities are particularly problematic and incompatible with locations where children congregate. The Seattle Planning Commission recognized this, and advised that the "City Council may want to consider other ways to regulate this land use, such as applying buffer zones to separate adult cabarets from sensitive uses." Therefore, it is appropriate to require a buffer between new adult strip clubs and places where children tend to congregate. To accomplish this, this zoning proposal would prohibit new or expanding adult strip clubs within 800 feet of an elementary or secondary school, a child care center, a community center, or a public park or open space area.

The second proposed buffer would require new or expanding strip clubs to be at least 600 feet from other strip clubs, and at least 600 feet from adult panorams and adult motion picture theaters, which are allowed in certain downtown zones. The courts have recognized that adult uses may be dispersed in this manner in order to reduce the possible secondary effects of adult uses on the surrounding neighborhood.

Although cities normally have broad discretion to establish development standards for various land uses, such as development "set backs" and buffers, adult strip clubs are unique because they enjoy constitutional protection that most other land uses lack. Therefore the City Council must consider whether the adoption of the proposed buffer requirement may violate the constitutional rights of citizens who may wish to operate a strip club.

The principal constitutional criterion is a requirement that a city's zoning provide an adequate number of possible locations for new strip clubs. Whether the number of locations is adequate depends in part upon the number of new strip clubs that may seek to open. Seattle has had about four strip clubs in operation in recent years. In 2004, the City received one application to open a new strip club, but the club never opened. The City has received no applications since 2004. Despite the absence of applications, the City is required to assume that some persons may wish to open new strip clubs at some future time, and the City is required to accommodate that potential need. Therefore, the City assumes for purposes of this analysis that the potential market demand for strip clubs might be double the historic demand. Although this level of demand is unlikely in light of the history of this use in Seattle, the City chooses to err on the safe side in light of the constitutional constraints. In other words, for purposes of the market demand analysis, the City's zoning ordinance should allow up to four new strip clubs to locate in the city.

CITY CLERK

However because the courts generally require that the ratio of potential locations to potential clubs exceed one to one, the City's zoning ordinance should allow for a larger number of viable locations for the location of new strip clubs.

Staff has analyzed the effect that adoption of the proposed buffer requirements may have upon the number of sites that are available for the location of new, potential strip clubs. The result is that there are over 500 acres, comprised of over 1300 parcels of land, on which new strip clubs would be allowed. The areas are located throughout the city, and are easily accessible via the city's transportation systems. There are numerous buildings of varied sizes and types that could reasonably accommodate a new adult strip club.

In conclusion, the Council believes that the proposed buffer requirements meet constitutional standards for the zoning of adult uses, and that the proposed amendments may therefore be adopted.

CITY CLERK

ORDINANCE _____

AN ORDINANCE relating to land use and zoning; amending Chapters 23.47A, Commercial zones; 23.48, Seattle Mixed zone; 23.49, Downtown zones; 23.50, Industrial zones; 23.54, Parking and Access; and 23.84A, Definitions; of the Seattle Municipal Code, adopting regulations for the establishment and location of new or expanding adult cabarets.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Council Findings and Analysis. The City Council's Findings and Analysis are in Attachment 1 to this ordinance.

Section 2. Section 23.47A.004 of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended to add a new subsection as follows:

23.47A.004 Permitted and prohibited uses.

* * *

H. Adult Cabarets.

1. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret.

I((~~H~~)). The terms of Chart A are subject to any applicable exceptions or contrary provisions expressly set forth in this title.

CITY CLERK

Section 3. Subsection C.3, Entertainment Uses, of subsection C of Chart A of Section 23.47A.004 of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

Chart A
for Section 23.47A.004
Uses in Commercial Zones

	USES	PERMITTED AND PROHIBITED USES BY ZONE (1) NC1	NC2	NC3	C1	C2
		* * *				
C.	COMMERCIAL USES					
		* * *				
C.3.	Entertainment Uses					
C.3.a.	Cabarets, adult (14)	X	P	P	P	P
C.3.b((a)).	Motion picture theaters, adult	X	25	P	P	P
C.3.c((b)).	Panorams, adult	X	X	X	X	X
C.3.d((c)).	Sports and recreation, indoor	10	25	P	P	P
C.3.e((d)).	Sports and recreation, outdoor	X	X	X(2)	P	P
C.3.f((e)).	Theaters and spectator sports facilities	X	25	P	P	P
		* * *				

KEY
A = Permitted as an accessory use only
CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)
CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)
P = Permitted
S = Permitted in shoreline areas only
X = Prohibited
10 = Permitted, business establishments limited to 10,000 sq. ft., according to 23.47A.010
20 = Permitted, business establishments limited to 20,000 sq. ft., according to 23.47A.010
25 = Permitted, business establishments limited to 25,000 sq. ft., according to 23.47A.010
35 = Permitted, business establishments limited to 35,000 sq. ft., according to 23.47A.010
50 = Permitted, business establishments limited to 50,000 sq. ft., according to 23.47A.010

CITY CLERK

NOTES

(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in section 23.47A.005E. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

(2) Permitted at Seattle Center.

* * *

(14) Subject to subsection 23.47A.004 H.

Section 4. Section 23.48.004 of the Seattle Municipal Code, which section was enacted by Ordinance 118302, is amended as follows:

23.48.004 Permitted uses.

A. All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by Section 23.48.006 and those permitted only as conditional uses by Section 23.48.008.

B. Adult cabarets must comply with the requirements of 23.47A.004 H.

Section 5. Chapter 23.49 of the Seattle Municipal Code is amended to add a new section as follows:

23.49.030 Adult Cabarets.

A. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

BDS CITY CLERK

B. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret and must be six hundred (600) feet or more from any lot line of property containing any adult panoram or adult motion picture theater.

Section 6. Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended to add a new subsection E as follows:

23.50.012 Permitted and prohibited uses.

* * *

E. Adult cabarets

1. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret.

Section 7. Subsection C.3, Entertainment Uses, of section C of Chart A of Section 23.50.012 of the Seattle Municipal Code, which chart was last amended by Ordinance 122311, is amended as follows:

Ens CITY CLERK

Chart A
For Section 23.50.012
Uses in Industrial Zones

	USES	PERMITTED AND PROHIBITED USES BY ZONE				
		IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
		* * *				
C.	COMMERCIAL USES					
		* * *				
C.3.	Entertainment Uses					
C.3.a.	Cabarets, adult	P(12)	P(12)	P(12)	X	X
C.3.b((a)).	Motion picture theaters, adult	X	X	X	X	X
C.3.c((b)).	Panorams, adult	X	X	X	X	X
C.3.d((c)).	Sports and recreation, indoor	P	P	P	X	P
C.3.e((d)).	Sports and recreation, outdoor	P	P	P	X	P
C.3.f((e)).	Theaters and spectator sports facilities					
C.3.f((e)).i.	Lecture and meeting halls	P	P	P	P	P
C.3.f((e)).ii.	Motion picture theaters	P	P	P	X	X
C.3.f((e)).iii.	Performing arts theaters	P	P	P	X	X
C.3.f((e)).iv.	Spectator sports facilities	P	P	P	X(2)	X(2)
		* * *				

KEY

CU = Administrative conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on October 5, 1987
EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.
P = Permitted
X = Prohibited

NOTES

* * *

CITY CLERK

(2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one (1) space per six hundred fifty (650) square feet ratio under the following circumstances:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and

(c) The reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

* * *

(12) Subject to subsection 23.50.012 E.

Section 8. Chart A for Section 23.54.015 of the Seattle Municipal Code, which chart was last amended by Ordinance 122311, is amended as follows:

Chart A
for Section 23.54.015
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS

		Use	Minimum parking required
A.		AGRICULTURAL USES	1 space for each 2,000 square feet
B.		COMMERCIAL USES	
	B.1.	Animal shelters and kennels	1 space for each 2,000 square feet
	B.2.	Eating and drinking establishments	1 space for each 250 square feet
	B.3.	Entertainment Uses, general, except as noted below (1)	1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats
		B.3.a. Adult cabarets	1 space for each 250 square feet
	B.4.	Food processing and craft work	1 space for each 2,000 square feet

* * *

NOTES

(1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three (3) hours before an event is scheduled to begin and ending one (1) hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five (5) years.

CITY CLERK

During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be fifty (50) percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one (1) space for each ten (10) fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least fifteen (15) days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series fifteen (15) days prior to the first event in the series. If the Director finds that a certification of projected attendance of fifty (50) percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within fifteen (15) days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

* * *

Section 9. Section 23.84A.002 "A." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.002 "A."

* * *

"Administrative office." See "Office."

<u>"Adult cabaret." See "Entertainment use."</u>

"Adult care center." See "Institution."

"Adult family home." See "Residential use."

"Adult motion picture theater." See "Entertainment use."

"Adult panoram." See "Entertainment use."

* * *

BNS CITY CLERK

Section 10. Section 23.84A.006 "C." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.006 "C."

"C zone." See "Zone, general commercial."

"Cabaret, adult." See "Entertainment use."

"Candelabra mounting." See "Communication devices and utilities."

* * *

Section 11. Section 23.84A.010 "E." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.010 "E."

* * *

"Entertainment use" means a commercial use in which recreational, entertainment, athletic, and/or cultural opportunities are provided for the general public, either as participants or spectators. Uses accessory to institutions or to public parks or playgrounds shall not be considered entertainment uses. Entertainment uses include the following uses:

1. "Cabaret, adult" means an entertainment use where licensing as an "adult entertainment premises" is required by SMC Chapter 6.270.

2((1)). "Motion picture theater, adult" means a use in which, in an enclosed building, motion picture films are presented that are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein:

a. "Specified sexual activities":

CITY CLERK

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

b. "Specified anatomical areas":

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region,

(b) Buttock, or

(c) Female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3((~~2~~)). "Panoram, adult" means a device which exhibits or displays for observation by a patron a picture or view from film or videotape or similar means which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in subsection 1.

4((~~3~~)). "Sports and recreation, indoor" means an entertainment use in which facilities for engaging in sports and recreation are provided within an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.

5((4)). "Sports and recreation, outdoor" means an entertainment use in which facilities for engaging in sports and recreation are provided outside of an enclosed structure.

CITY CLERK

and in which any spectators are incidental and are not charged admission. Examples include tennis courts, water slides, and driving ranges.

6((~~5~~)). "Theaters and spectator sports facilities" means an entertainment use in which cultural, entertainment, athletic, or other events are provided for spectators either in or out of doors. Adult motion picture theaters and adult panorams shall not be considered theaters and spectator sports facilities for the purposes of this definition. Theaters and spectator sports facilities include, but are not limited to, the following uses:

a. "Lecture and meeting hall" means a theater and spectator sports facility intended and expressly designed for public gatherings such as but not limited to commercial spaces available for rent or lease for the purpose of holding meetings or the presentation of public speeches.

b. "Motion picture theater" means a theater and spectator sports facility use intended and expressly designed for the presentation of motion pictures, other than an adult motion picture theater.

c. "Performing arts theater" means a theater and spectator sports facility intended and expressly designed for the presentation of live performances of drama, dance and music.

d. "Spectator sports facility" means a theater and spectator sports facility intended and expressly designed for the presentation of sports events, such as a stadium or arena.

* * *

CITY CLERK

Section 12. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision is not intended to affect the validity of any other provision of this ordinance or the validity of any provision contained within another ordinance or code.

Section 13. 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 _____ day of _____, 2007, and signed by me in open session in authentication of its passage this _____ day of _____, 2007.

_____
President _____of the City Council

Approved by me this _____ day of _____, 2007.

_____
Gregory J. Nickels, Mayor

Filed by me this _____ day of _____, 2007.

_____
City Clerk

(Seal)

Attachment 1: City Council's Findings and Analysis

CITY CLERK

Form revised December 4, 2006

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Martha Lester / 4-8149	N/A

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapters 23.47A, Commercial zones; 23.48, Seattle Mixed zone; 23.49, Downtown zones; 23.50, Industrial zones; 23.54, Parking and Access; and 23.84A, Definitions; of the Seattle Municipal Code, adopting regulations for the establishment and location of new or expanding adult cabarets.

- **Summary of the Legislation:**

Under existing zoning, new or expanding adult strip clubs or "adult cabarets" are allowed to locate in most commercial, downtown, and industrial zones throughout the city, and are not subject to separation requirements from other uses, such as other adult uses or locations where children congregate. This ordinance would amend the Land Use Code to add separation requirements from two categories of land use, and to modify the method of calculating required parking.

First, this ordinance would prohibit new or expanding adult cabarets within 800 feet of an elementary or secondary school, a child care center, a community center, or a public park or open space area, which are places where children tend to congregate. Second, this ordinance would require new or expanding adult cabarets to be at least 600 feet from other adult cabarets, and at least 600 feet from adult panorams and adult motion picture theaters, which are allowed in certain downtown zones, to reduce the possible secondary effects of adult uses on the surrounding neighborhood.

In addition, this ordinance would change the basis upon which required parking for an adult cabaret is calculated. Presently, for performing arts theaters (including adult cabarets), the parking requirement is based upon the area of the business occupied by fixed seating or public assembly area, characteristic of traditional theater design or arrangement. Under this ordinance, required parking for an adult cabaret would be calculated on the basis of gross square footage of the business, in the amount of one space for each 250 square feet, consistent with other similar businesses such as eating and drinking establishments.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

See above under Summary.

- *Please check one of the following:*

_x_ **This legislation does not have any financial implications.**

___ **This legislation has financial implications.**

CITY CLERK

Gregory J. Nickels
Mayor of Seattle

June 27, 2007

Seattle City Council
City Hall, 2nd Floor

Dear Council President Licata and Honorable Members of the City Council:

I am returning unsigned the recently passed council legislation (CB 115871) establishing strip club zoning in the city of Seattle. I appreciate the time and effort that was spent by the City Council to establish strip club zones in Seattle. However, I disagree that strip clubs should be allowed in neighborhood business districts in Seattle.

Neighborhood business districts are the lifeblood of our city and provide Seattle with unique characteristics, making our city a great place to live, work, and play. Allowing strip clubs in neighborhood business districts may change the character of our neighborhoods and make them less desirable places to live.

Since the beginning of this year the city has received applications for four new adult cabarets or strip clubs. These are pending applications but we are sure to receive more.

Sincerely,

GREG NICKELS
Mayor of Seattle

Seattle City Hall, 7th Floor, 600 Fourth Avenue, P.O. Box 94749, Seattle, WA 98124-4749
Tel (206) 684-4000 ∘ TDD (206) 615-0476 ∘ Fax (206) 684-5360 ∘ www.seattle.gov/mayor
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

Legislative Department
Office of City Clerk
Memorandum

Date: June 27, 2007

To: Councilmembers

From: Judith E. Pippin, City Clerk

Subject: Mayor's Return of Council Bill No. 115871, **Unsigned**
(relates to regulations for the establishment and location of new or expanding adult cabarets.)

Attached is Mayor Nickels' letter of explanation regarding his decision not to sign Council Bill No. 115871, relating to adult cabaret regulations.

600 4th Avenue, Floor 3, Seattle, Washington 94728-4728
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025
email: clerk@ci.seattle.wa.us
Accommodations for people with disabilities provided upon request. An equal opportunity-affirmative action employer

STATE OF WASHINGTON – KING COUNTY

--ss.

212843 No.
CITY OF SEATTLE,CLERKS OFFICE

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:122411 ORDINANCE

was published on

06/27/07

The amount of the fee charged for the foregoing publication is the sum of $1,441.73, which amount has been paid in full.

JENNIFER A. PATZER
COMMISSION EXPIRES
NOTARY
PUBLIC
OCT 24, 2007
STATE OF WASHINGTON

Subscribed and sworn to before me on

06/27/07

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 122411

AN ORDINANCE relating to land use and zoning; amending Chapters 23.47A, Commercial zones; 23.48, Seattle Mixed zone; 23.49, Downtown zones; 23.50, Industrial zones; 23.54, Parking and Access; and 23.84A, Definitions; of the Seattle Municipal Code, adopting regulations for the establishment and location of new or expanding adult cabarets.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Council Findings and Analysis. The City Council's Findings and Analysis are in Attachment 1 to this ordinance.

Section 2. Section 23.47A.004 of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended to add a new subsection as follows:

23.47A.004 Permitted and prohibited uses.

* * *

H. Adult Cabarets.

1. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret.

I((H)). The terms of Chart A are subject to any applicable exceptions or contrary provisions expressly set forth in this title.

Section 3. Subsection C.3, Entertainment Uses, of subsection C of Chart A of Section 23.47A.004 of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

Chart A
for Section 23.47A.004
Uses in Commercial Zones

	USES	PERMITTED AND PROHIBITED USES BY ZONE (1) NC1	NC2	NC3	C1	C2
	* * *					
C.	COMMERCIAL USES					
	* * *					
C.3.	Entertainment Uses					
C.3.a.	Cabarets, adult (14)	X	P	P	P	P
C.3.b((a)).	Motion picture theaters, adult	X	25	P	P	P
C.3.c((b)).	Panorams, adult	X	X	X	X	X
C.3.d((c)).	Sports and recreation, indoor	10	25	P	P	P
C.3.e((d)).	Sports and recreation, outdoor	X	X	X(2)	P	P
C.3.f((e)).	Theaters and spectator sports facilities	X	25	P	P	P
	* * *					

KEY
A = Permitted as an accessory use only
CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)
CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)
P = Permitted
S = Permitted in shoreline areas only
X = Prohibited
10 = Permitted, business establishments limited to 10,000 sq. ft., according to 23.47A.010
20 = Permitted, business establishments limited to 20,000 sq. ft., according to 23.47A.010
25 = Permitted, business establishments limited to 25,000 sq. ft., according to 23.47A.010
35 = Permitted, business establishments limited to 35,000 sq. ft., according to 23.47A.010
50 = Permitted, business establishments limited to 50,000 sq. ft., according to 23.47A.010

NOTES

(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in section 23.47A.005E. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

(2) Permitted at Seattle Center.

* * *

(14) Subject to subsection 23.47A.004 H.

Section 4. Section 23.48.004 of the Seattle Municipal Code, which section was enacted by Ordinance 118302, is amended as follows:

23.48.004 Permitted uses.

A. All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by Section 23.48.006 and those permitted only as conditional uses by Section 23.48.008.

B. Adult cabarets must comply with the requirements of 23.47A.004 H.

Section 5. Chapter 23.49 of the Seattle Municipal Code is amended to add a new section as follows:

23.49.030 Adult Cabarets.

A. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

B. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret and must be six hundred (600) feet or more from any lot line of property containing any adult panoram or adult motion picture theater.

Section 6. Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended to add a new subsection E as follows:

23.50.012 Permitted and prohibited uses.

* * *

E. Adult cabarets

1. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing any community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing any other adult cabaret.

Section 7. Subsection C.3, Entertainment Uses, of section C of Chart A of Section 23.50.012 of the Seattle Municipal Code, which chart was last amended by Ordinance 122311, is amended as follows:

Chart A
For Section 23.50.012
Uses in Industrial Zones

	USES	PERMITTED AND PROHIBITED USES BY ZONE IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
	* * *					
C.	COMMERCIAL USES					
	* * *					
C.3.	Entertainment Uses					
C.3.a.	Cabarets, adult	P(12)	P(12)	X	X	X
C.3.b((a)).	Motion picture theaters, adult	X	X	X	X	X
C.3.c((b)).	Panorams, adult	X	X	X	X	X
C.3.d((c)).	Sports and recreation, indoor	P	P	P	X	P
C.3.e((d)).	Sports and recreation, outdoor	P	P	P	X	P
C.3.f((e)).	Theaters and spectator sports facilities					
C.3.f((e)).i.	Lecture and meeting halls	P	P	P	P	P
C.3.f((e)).ii.	Motion picture theaters	P	P	P	X	X
C.3.f((e)).iii.	Performing arts theaters	P	P	P	X	X
C.3.f((e)).iv.	Spectator sports facilities	P	P	P	X(2)	X(2)
	* * *					

KEY

CU = Administrative conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on October 5, 1987
EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.
P = Permitted
X = Prohibited

NOTES

* * *

(2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one (1) space per six hundred fifty (650) square feet ratio under the following circumstances:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and

(c) The reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

* * *

(12) Subject to subsection 23.50.012 E.

Section 8. Chart A for Section 23.54.015 of the Seattle Municipal Code, which chart was last amended by Ordinance 122311, is amended as follows:

Chart A
for Section 23.54.015
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS

		Use	Minimum parking required
A.		AGRICULTURAL USES	1 space for each 2,000 square feet
B.		COMMERCIAL USES	
	B.1.	Animal shelters and kennels	1 space for each 2,000 square feet
	B.2.	Eating and drinking establishments	1 space for each 250 square feet
	B.3.	Entertainment Uses, general, except as noted below (1)	1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats
		B.3.a. Adult cabarets	1 space for each 250 square feet
	B.4.	Food processing and craft work	1 space for each 2,000 square feet
	* * *		

NOTES

(1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three (3) hours before an event is scheduled to begin and ending one (1) hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five (5) years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be fifty (50) percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one (1) space for each ten (10) fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least fifteen (15) days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series fifteen (15) days prior to the first event in the series. If the Director finds that a certification of projected attendance of fifty (50) percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within fifteen (15) days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

* * *

Section 9. Section 23.84A.002 "A." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.002 "A."

* * *

"Administrative office." See "Office."

"Adult cabaret." See "Entertainment use."

"Adult care center." See "Institution."

"Adult family home." See "Residential use."

"Adult motion picture theater." See "Entertainment use."

"Adult panoram." See "Entertainment use."

* * *

Section 10. Section 23.84A.006 "C." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.006 "C."

"C zone." See "Zone, general commercial."

"Cabaret, adult." See "Entertainment use."

"Candelabra mounting." See "Communication devices and utilities."

* * *

Section 11. Section 23.84A.010 "E." of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.84A.010 "E."

* * *

"Entertainment use" means a commercial use in which recreational, entertainment, athletic, and/or cultural opportunities are provided for the general public, either as participants or spectators. Uses accessory to institutions or to public parks or playgrounds shall not be considered entertainment uses. Entertainment uses include the following uses:

1. "Cabaret, adult" means an entertainment use where licensing as an "adult entertainment premises" is required by SMC Chapter 6.270.

2((1)). "Motion picture theater, adult" means a use in which, in an enclosed building, motion picture films are presented that are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein:

a. "Specified sexual activities":

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

b. "Specified anatomical areas":

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region,

(b) Buttock, or

(c) Female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3((2)). "Panoram, adult" means a device which exhibits or displays for observation by a patron a picture or view from film or videotape or similar means which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in subsection 2((1)).

4((3)). "Sports and recreation, indoor" means an entertainment use in which facilities for engaging in sports and recreation are provided within an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.

5((4)). "Sports and recreation, outdoor" means an entertainment use in which facilities for engaging in sports and recreation are provided outside of an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include tennis courts, water slides, and driving ranges.

6((5)). "Theaters and spectator sports facilities" means an entertainment use in which cultural, entertainment, athletic, or other events are provided for spectators either in or out of doors. Adult motion picture theaters and adult panorams shall not be considered theaters and spectator sports facilities for the purposes of this definition. Theaters and spectator sports facilities include, but are not limited to, the following uses:

a. "Lecture and meeting hall" means a theater and spectator sports facility intended and expressly designed for public gatherings such as but not limited to commercial spaces available for rent or lease for the purpose of holding meetings or the presentation of public speeches.

b. "Motion picture theater" means a theater and spectator sports facility use intended and expressly designed for the presentation of motion pictures, other than an adult motion picture theater.

c. "Performing arts theater" means a theater and spectator sports facility intended and expressly designed for the presentation of live performances of drama, dance and music.

d. "Spectator sports facility" means a theater and spectator sports facility intended and expressly designed for the presentation of sports events, such as a stadium or arena.

* * *

Section 12. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision is not intended to affect the validity of any other provision of this ordinance or the validity of any provision contained within another ordinance or code.

Section 13. 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 11th day of June, 2007, and signed by me in open session in authentication of its passage this 11th day of June, 2007.
NICK LICATA,
President of the City Council.
Approved by me this 21st day of June, 2007.
GREGORY J. NICKELS,
Mayor.
Filed by me this 22nd day of June, 2007.
(Seal) JUDITH E. PIPPIN,
City Clerk.
Attachment 1: City Council's Findings and Analysis.
Publication ordered by JUDITH PIPPIN, City Clerk.
Date of publication in the Seattle Daily Journal of Commerce, June 27, 2007.

6/27(212843)