

ORDINANCE NO. 117

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, RELATING TO LAND USE AND ZONING OF PLACES OF ADULT ENTERTAINMENT, ADULT THEATERS, AND ADULT USE ESTABLISHMENTS, AND TO LICENSING OF SAME; EXTENDING THE MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR, AND ISSUANCE OF, PERMITS FOR SUCH ENTERPRISES

WHEREAS, pursuant to RCW 35.02.137, the City Council adopted Resolution No. 29, which established a moratorium relating to adult entertainment permits and licenses during the period between the incorporation election and the official date of incorporation; and

WHEREAS, following incorporation, the City Council adopted Ordinance No. 59 which extended the moratorium established by Resolution No. 29 for an additional 180 days in order to provide the City with the benefit of the research and work program conducted by King County in regard to regulating adult enterprises which was then in progress; and

WHEREAS, King County has not concluded its work program and, pending completion, has adopted a moratorium on the issuance of any business licenses or permits related to adult enterprises; and

WHEREAS, following a public hearing, the City Council adopted Ordinance No. 78, which noted King County's delay in adopting regulations, identified the City's need to thoroughly consider all aspects of zoning and business regulations relating to adult enterprises, and extended the City's moratorium on such enterprises for a period of twelve months; and

WHEREAS, on February 5, 1997 the City Planning Commission conducted a public hearing on the City's moratorium and upon conclusion of the hearing made the following findings:

- a. The Findings of Fact previously set forth in Ordinance No. 59 are still applicable;
- b. Although Staff has made substantial progress on the adult entertainment regulation work program, the imposition of a moratorium on adult uses for an additional period of time will provide staff, the Planning Commission, and the City Council with an opportunity to more thoroughly address the issue of appropriate adult entertainment regulation in Shoreline as part of the comprehensive planning process;

c. The imposition of a moratorium on adult entertainment uses will allow the City additional time to await the State Supreme Court's decision in regard to the City of Bellevue's adult entertainment ordinance, which decision may provide guidance to the City of Shoreline in drafting Shoreline's adult entertainment regulations; and

WHEREAS, the City Council held a public hearing on this matter on March 10, 1997; and

WHEREAS, the City Council finds that the protection of the public health, safety and welfare requires the extension of the current moratorium,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Finding of Fact. Based upon the public testimony and other evidence presented, the Findings of Fact previously set forth in Ordinance No.'s 59 and 78, and the findings of the Planning Commission pursuant to the hearing of February 5, 1997, the City Council now makes the following Findings of Fact. The imposition of a moratorium on adult entertainment uses for a short period of time will provide the City Council with an opportunity to more thoroughly address the issues related to the regulation of adult entertainment in Shoreline as part of the City's comprehensive planning process.

Section 2. Moratorium Extended. The moratorium adopted in Ordinance No. 78 upon the filing of any and all applications for licenses, use permits or building permits for public places of amusements which offer adult entertainment, other places of adult entertainment, adult theaters, and adult use establishments is hereby extended for a period of 180 days. No use permits or building permits for any such use or establishment shall be issued. No applications for business licenses for any such use or establishment shall be accepted, and no licenses required for any such use or establishment, or for any person working therein, shall be issued. Provided, that this licensing moratorium shall prohibit neither license renewals for adult use establishments lawfully in existence as of the effective date of this ordinance nor the issuance of or renewal of any manager, entertainer or other license required by any person working in an adult use establishment lawfully in existence as of the effective date of this ordinance.

Section 3. Definitions. Places of adult entertainment, adult theaters, adult use establishments and similar terms shall be defined as now or hereafter defined in King County Ordinance 9915, King County Code Chapter 6.08 and the City of Shoreline ordinances adopting or relating to the same. In the event of conflict, the more recently adopted enactment shall control.

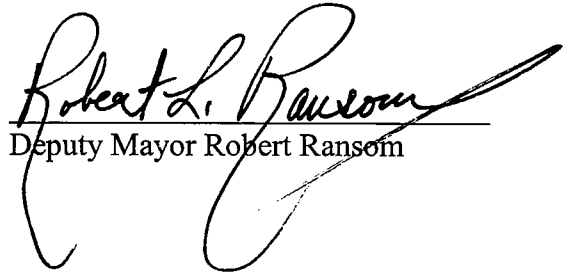
Section 4. Effective Period of Moratorium. This moratorium shall be effective immediately upon the expiration of the moratorium established by Ordinance No. 78, March 25, 1997, and shall thereafter continue in effect for 180 days.

Section 5. SEPA Exemption. Pursuant to City Ordinance and Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA is necessary to prevent an imminent threat of serious environmental degradation through continued development under current regulations. The City shall conduct SEPA review of any permanent regulations proposed to replace this moratorium.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date and Publication. The City shall publish a summary of this Ordinance consisting of its title in the official newspaper of the City. This Ordinance shall be in full force and effect five days after passage and publication.

PASSED BY THE CITY COUNCIL ON MARCH 10, 1997.


Deputy Mayor Robert Ransom

ATTEST:


Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:


Bruce L. Disend
City Attorney

Date of Publication: March 13, 1997
Effective Date: March 26, 1997