

ORDINANCE NO. 140

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, RELATED TO ZONING AND LAND USE OF ADULT ENTERTAINMENT ESTABLISHMENTS, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE AND REPEALING ORDINANCE NO. 135

WHEREAS, the City Council has established and maintained a moratorium on the siting and licensing of adult use facilities pending the completion of an associated work program and the decision by the Supreme Court of the State of Washington in the consolidated cases of Ino Ino v. Bellevue; and

WHEREAS, the City has completed a work program which included, but was not limited to, a review of zoning and other adult entertainment regulations adopted by other cities in the Puget Sound region, and an analysis of adult use facilities already existing within the city limits of Shoreline; and

WHEREAS, the City Council recognizes and acknowledges the state and federal constitutional protection afforded to adult use facilities, and is accordingly taking great care to balance such constitutional guarantees with the City Council's authority to establish reasonable regulations on adult use facilities in order to protect the public health, safety, and welfare; and

WHEREAS, the City Council now finds it to be in the public interest to amend Title 18 of the Shoreline Municipal Code in a manner that will both permit existing adult use facilities to remain in their current locations for a reasonable period of time, and will provide a reasonable opportunity for additional adult uses to locate;

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

Section 1. Development Conditions for Residential/Cultural Land Uses. Section 18.08.040(B)(4) of the Shoreline Municipal Code is hereby amended to read as follows:

4. Adult use facilities shall be prohibited within 400 feet of any residential zone, other adult use facility, school, licensed daycare center, public park, community center, public library, or church which conducts religious or educational classes for minors.

Section 2. Development Conditions for Retail Land Uses. Section 18.08.070(B)(7) of the Shoreline Municipal Code is hereby amended to read as follows:

7. Adult use facilities shall be prohibited within 400 feet of any residential zone, other adult use facility, school, licensed daycare center, public park, community center, public library, or church which conducts religious or educational classes for minors.

Section 3. Expansion of Nonconformance. Section 18.32.090 of the Shoreline Municipal Code is hereby amended to read as follows:

18.32.090 Expansion of Nonconformance.

A nonconformance may be expanded subject to approval of a conditional use permit or a special use permit, whichever permit is required under existing codes, or if no permit is required then through a conditional use permit; provided, a nonconformance with the development standard provisions of Chapters 18.12 through 18.30 SMC shall not be created or increased.

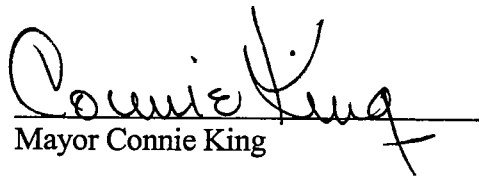
Notwithstanding any other provision of this title, the expansion of a nonconforming adult use facility, as that term is defined in SMC 18.06.035 as now in effect or as may subsequently be amended, shall be subject to approval and issuance of a special use permit, and not a conditional use permit.

Section 4. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Section 6. Repealer. Ordinance No. 135, which imposed a moratorium related to adult entertainment businesses, is hereby repealed.

PASSED BY THE CITY COUNCIL ON NOVEMBER 10, 1997.


Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "B. Disend", is written over a horizontal line.

Bruce Disend
City Attorney

Date of Publication: November 14, 1997
Effective Date: November 19, 1997