

ORIGINAL

ORDINANCE NO. 1899

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, REGARDING ADULT ENTERTAINMENT USES, AND EXTENDING THE MORATORIUM ON ACCEPTANCE OF BUILDING PERMITS AND LICENSES FOR ADULT ENTERTAINMENT USES THROUGH JANUARY 7, 1997.

WHEREAS, RCW 36.70A.390 permits six-month extensions to zoning moratoria adopted under RCW 36.70A.390 if a public hearing is held and findings of fact are made prior to each extension, and

WHEREAS, on January 17, 1995, the City Council for the City of Redmond passed Ordinance No. 1822 establishing an immediate moratorium on the acceptance of applications for use permits, building permits and business licenses for adult entertainment uses and businesses, and

WHEREAS, on December 5, 1995, the City Council passed Ordinance No. 1864, extending the moratorium through July 15, 1996, in order to give the Planning Commission time to review new information and complete their recommendation, and

WHEREAS, the Planning Commission completed their recommendation regarding the regulation of adult entertainment uses and businesses on June 26, 1996, and

WHEREAS, the City Council will need additional time in order to study the recommendation and issues raised by the public regarding the regulation of adult entertainment uses and businesses, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. As required by RCW 36.70A.390, the City Council hereby adopts the following findings of fact to support the extension of the City's six-month moratorium on adult oriented businesses as initially imposed in Ordinance No. 1822.

A. Secondary Effects of Adult Entertainment Businesses and Uses. The City Council is not aware of the operation of any adult entertainment use or business in the City of Redmond, however, other cities in the United States have found that adult entertainment businesses and uses in their jurisdictions have secondary land use impacts which necessitated the adoption of regulatory ordinances to ameliorate the deleterious effects of these types of uses or businesses. These cities have documented the following non-exhaustive list of secondary land use impacts associated with adult entertainment uses and businesses:

1. Incidence of Crime.

- a. increase in property crimes such as theft and robberies;
- b. increase in crimes against a person such as rapes and indecent liberties;
- c. adult businesses require more police response and protection, thereby reducing the availability of police services to other areas of the city; and
- d. increase in other types of crimes such as sale of controlled substances, prostitution, and exploitation of minors.

2. Impacts on Property Values.

- a. adult businesses cause "blight;"
- b. adult businesses cause skid-road effect;
- c. residents or shoppers in the city will move or shop elsewhere if adult entertainment uses are allowed to locate in close proximity to residential uses, churches, parks, schools and other public facilities;
- d. location of adult entertainment uses in close proximity to residential uses, churches, parks, schools and other public

facilities will reduce retail trade to commercial uses in the vicinity, reducing tax revenues to the City;

- e. increased traffic;
- f. patrons of adult businesses are less likely to uphold or respect community standards;
- g. excessive noise associated with adult businesses;
- h. litter associated with adult businesses;
- i. exposure and visibility of adult businesses to school-age children is detrimental to quality of residential life;
- j. adult businesses adversely affect the family orientation of a neighborhood;
- k. location of adult businesses within walking distance of churches and other religious facilities will have an adverse effect upon the ministry of such churches and will discourage attendance at such churches;
- l. location of adult businesses on the main commercial thoroughfares of the City gives an impression of legitimacy to, and causes a loss of sensitivity to the adverse effect of pornography upon children, established family relations, respect for the marital relationship and the concept of non-aggressive consensual sexual relations; and
- m. location of adult businesses in close proximity to residential uses, churches, parks, schools and other public facilities will cause a degradation of the community standard of morality, because pornographic material has a degrading effect upon the relationship between spouses.

The City Council finds that because the above secondary land use impacts have been associated with adult entertainment businesses and uses in other cities, there is sufficient reason for the Council to believe that these impacts may also accompany the operation of any adult entertainment businesses or uses in the City of Redmond. Therefore, the Council finds that it necessary to extend the existing moratorium to allow study and analysis of the Planning Commission recommendation regarding the regulation of adult

entertainment uses and businesses, before any adult entertainment use or business either locates, or attempts to operate in the City.

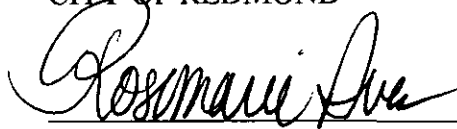
- B. Existing City Ordinance. At the present time, the City's ordinances do not appear to adequately address the siting or operation of adult entertainment businesses or uses. As a result, if an adult entertainment business were to locate or operate in the City of Redmond, the City's existing regulations would not adequately address the above secondary land use impacts, which other cities have found to be associated with the business or use. The City Council finds that in the interest of the public's health, safety and welfare, there is a need to study these businesses and uses, and to determine the appropriate manner of regulating any secondary impacts.
- C. Need to Preserve the Status. Since there is a possibility that an adult entertainment business or use could attempt to locate or operate within the City before the City has adequate time to study and adopt the appropriate regulations, the moratorium is necessary to preserve the status quo. The City Council finds that the proper time to develop and adopt adult entertainment regulations is prior to the location and operation of an adult entertainment business or use in the City, so that any vested rights will not be affected.
- D. Necessity for Extension of Six-Month Moratorium. Due to the demands made by the Growth Management Act, Regulatory Reform, Referendum 48, litigation, and other matters, the City Attorney, Planning Staff, the Planning Commission, and the City Council have not had time to invest adequate attention to the preparation and adoption of an adult entertainment ordinance. Given that the Planning Commission completed its review and analysis and made a recommendation to the City Council on June 26, 1996, the City Council anticipates formal adoption of an adult entertainment ordinance within a short period of time, after the Council has had the opportunity to review and analyze the Planning Commission recommendation and public comment received thereon.

Section 2. Additional Findings in Support of Continued Moratorium - Extension of Moratorium. In addition to the findings of fact set forth in Section 1, the City Council hereby adopts the recitals and findings set forth in Ordinance No. 1822 and Ordinance No. 1864 as findings in support of continuing the moratorium imposed by Ordinance No. 1822. In addition, the Council expressly finds that the emergency conditions which led to the imposition of the

moratorium established by Ordinance No. 1822 continue to exist and require that the moratorium be extended. To that end, the moratorium established by Ordinance No. 1822 is hereby extended through January 7, 1997.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance, being an exercise of power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 1899

July 5, 1996
July 9, 1996
July 10, 1996
July 17, 1996
July 22, 1996