

ORDINANCE NO. 1919

AN ORDINANCE OF THE CITY OF REDMOND, KING COUNTY, WASHINGTON, AMENDING REGULATIONS CONTAINED IN THE REDMOND COMMUNITY DEVELOPMENT GUIDE ADDRESSING ADULT ENTERTAINMENT FACILITIES; SPECIFICALLY SECTION 20A.60.000 (DEFINITIONS) TO AMEND AND ADD NEW DEFINITIONS FOR ADULT ENTERTAINMENT FACILITIES; SUBSECTION 20C.10.240(05) (PERMITTED LAND USES) TO PERMIT ADULT ENTERTAINMENT FACILITIES TO LOCATE IN SPECIFIC ZONING DISTRICTS; AND SECTION 20C.20.015 (ADULT ENTERTAINMENT FACILITIES) TO ESTABLISH CONDITIONS UNDER WHICH ADULT ENTERTAINMENT FACILITIES WILL BE PERMITTED IN AND LIMITED TO SPECIFIC ZONING DISTRICTS.

WHEREAS, on January 17, 1995, the City Council held a public hearing, adopted findings, and approved Ordinance 1822, establishing a one year moratorium on adult entertainment facilities, with the intent to review, and possibly revise, existing regulations, specifically based on the secondary effects of such businesses; and

WHEREAS, on March 7, 1995, the City Council held a public hearing, adopted findings, and approved Ordinance 1828, continuing the one year moratorium; and

WHEREAS, on December 5, 1995, the City Council held a public hearing, adopted findings, and approved Ordinance 1864, extending the moratorium for a period of 180 days from January 17, 1996 to July 15, 1996; and

WHEREAS, on April 10, 1996, April 24, 1996, June 5, 1996, and June 26, 1996, the City Planning Commission held a series of public hearings to receive comments from the Redmond Police Department, the King County Police Department, residents of the City of Redmond, the business community, the religious community, and other persons from the community; and

WHEREAS, on July 9, 1996, the City Council held a public hearing, adopted findings, and approved Ordinance 1899, extending the one year moratorium for a period of 180 days from July 15, 1996 to January 7, 1997; and

WHEREAS, the City of Redmond ("City") regulations governing the siting of adult entertainment facilities are deficient, and the City Council has directed the City Administrative Staff to prepare recommendations concerning new regulations for submittal to the Planning Commission and City Council during the course of the moratorium; and

WHEREAS, the City is adopting certain licensing and operational regulations governing adult entertainment facilities in order to mitigate and reduce unacceptable adverse secondary effects associated with and caused by activities occurring within adult entertainment facilities; and

WHEREAS, the City is a family-oriented residential community and employment center with attendant community standards; and

WHEREAS, the City is a non-charter code city under the Constitution and statutes of the State of Washington, its population as of April 1, 1996 is approximately 40,030¹ and more than 20% of its population is under the age of 18 years;² and

WHEREAS, the City occupies an area of approximately 16.3 square miles and within its boundaries has approximately 17,547 dwelling units; and

WHEREAS, approximately 64% of the land area within the City is zoned for residential uses, 22% of the land area is zoned for commercial uses, 8% of the land area is zoned for industrial uses, and the remaining 6% of the land area is zoned for agricultural uses; and

¹ Office of Financial Management, State of Washington.

² 1990 Census.

WHEREAS, there are no adult entertainment facilities currently located within the City and the City has not received any formal inquiries regarding the potential siting of an adult entertainment facility within the City; and

WHEREAS, cities have the right and duty to enact laws for the protection of public health, safety, general welfare, and morals; and

WHEREAS, various Washington State municipalities have found it necessary for public health, safety, and welfare reasons to restrict the location of adult entertainment facilities; and

WHEREAS, the City Council is committed to protecting the general welfare of the City through the enforcement of laws prohibiting obscenity, indecency, and sexual offenses; and

WHEREAS, the City Council seeks to reduce and mitigate the deleterious effects of adult entertainment facilities while preserving constitutionally protected forms of expression; and

WHEREAS, the City Council takes notice of and relies upon experiences of and studies conducted by other cities and counties in attempting to combat the specific adverse impacts of adult entertainment facilities; and

WHEREAS, the City Council finds that adult entertainment facilities are associated with increased rates of crime and unduly impact law enforcement resources; and

WHEREAS, the City Council finds that adult entertainment facilities have a negative impact on residential property values; and

WHEREAS, the City Council finds that the location of adult entertainment facilities can contribute to neighborhood deterioration and blight through an increase in crime and diminution in property values, among other adverse consequences, and finds that such effects are contrary to the general welfare of the City; and

WHEREAS, the City Council finds that adult entertainment facilities generate noise, litter, traffic and parking impacts; and

WHEREAS, the law enforcement resources available for responding to problems or secondary impacts associated with or created by adult entertainment facilities are limited and are best conserved by regulating the location of adult entertainment facilities; and

WHEREAS, the City Council finds a compelling need to protect all citizens, but especially minors from criminal and unlawful activities associated with adult entertainment facilities; and

WHEREAS, the City Council recognizes that important and substantial government interests provide a constitutional basis for reasonable regulation of the time, place, and manner under which adult entertainment facilities operate, and that, therefore, the City Council has determined that persons seeking to operate adult entertainment facilities shall be required to observe specific locational requirements, as provided for in this ordinance, before they commence business; and

WHEREAS, based upon studies, public testimony, and other information presented on this subject to the Planning Commission and the City Council, the City Council concurs with the Planning Commission and has determined that there are deleterious secondary effects associated with adult entertainment facilities that can be minimized through the adoption of specific zoning requirements that are specifically and narrowly tailored to alleviate these harmful effects; and

WHEREAS, based upon the studies, public testimony, and information presented to the City Council, and the information reviewed by the Planning Commission, and the recommendations of the Planning Commission, the City Council finds the adoption of zoning regulations for adult entertainment facilities to be necessary to protect the health, safety, and welfare of its citizens, and to preserve and protect the quality of its neighborhoods, and to preserve and protect residential land use values; the City Council therefore finds that it is necessary to minimize and alleviate the harmful effects of adult entertainment facilities by separating adult entertainment facilities from incompatible zones and uses; and

WHEREAS, the City Administrative Staff has drafted a zoning ordinance which recognizes the constitutional right of all legitimate businesses to function while reasonably restricting the location of adult entertainment facilities within the City in order to reduce the unacceptable adverse secondary impacts associated with adult entertainment facilities; and

WHEREAS, based upon the evidence and studies considered by both the Planning Commission and the City Council, as well as the public comments and testimony presented to the Planning Commission, the Planning Commission recommends the zoning regulations recommended by the Administrative Staff; and

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

Section 1. Purpose. It is the purpose of this ordinance to regulate adult entertainment facilities and related activities to promote the health, safety, morals, and general welfare of the citizens of the City of Redmond, and to establish reasonable and uniform regulations to prevent the deleterious location of adult entertainment facilities within the City. In enacting this ordinance, it is not the intent of the City Council to limit or restrict the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the City Council that it should be the effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually oriented materials to their intended market. Finally, it is not the intent of the City Council to condone or legitimize the distribution of obscene materials.

Section 2. Findings. Based upon a wide range of evidence presented to the Redmond City Council and to other jurisdictions, including but not limited to the testimony of law enforcement officers and members of the public, and on other evidence, information, publications, articles, studies, documents, case law and materials submitted to and reviewed and considered by the City Council, Planning Commission, and Administrative Staff, the City Council makes the following findings:

- A. The City Council may rely on the experiences and studies of other cities and organizations in assessing the need for establishing zoning regulations applicable to adult entertainment facilities.
- B. Regulation of adult entertainment facilities should be developed to prevent deterioration and degradation of the vitality of the community before the problem exists, rather than in response to an existing problem.
- C. Certain conduct occurring at and surrounding adult entertainment facilities creates secondary impacts that are detrimental to the public health, safety, and general welfare of the citizens of Redmond, and therefore the negative effects of such conduct must be minimized as provided herein.
- D. Regulating the location of adult entertainment facilities is necessary because adult entertainment facilities are associated with increased rates of crime and unduly impact law enforcement resources.
- E. Regulating the location of adult entertainment facilities is necessary because adult entertainment facilities have a negative impact on residential property values and are incompatible with residential uses. In the City of Redmond, both residential and agricultural zones contain residential uses which must be separated from adult entertainment facilities to mitigate the adverse secondary impacts associated with adult entertainment facilities.
- F. Regulating the location of adult entertainment facilities is necessary because adult entertainment facilities generate noise, litter, traffic, and parking impacts.
- G. No evidence has been presented to show that the location of adult entertainment facilities within the City will improve the commercial viability of the community, or will otherwise have a beneficial effect, versus a detrimental effect.
- H. The City of Redmond Comprehensive Plan strongly advocates compatibility of adjacent land uses.
- I. Adult entertainment facilities are incompatible with certain land uses such as residences, religious facilities, public parks, public libraries, day-care centers, family day cares, community centers, public and private nursery schools and preschools, and public and private primary and secondary schools.
- J. Currently there are no adult entertainment facilities in Redmond, and the City has not received any formal inquiries regarding the potential siting of an adult entertainment facility within the City.

- K. Generally restricting the location of adult entertainment facilities to commercial districts, business districts, and industrial districts, and utilizing 825 feet as the requisite spacing between an adult entertainment facility and a second adult entertainment facility, an agricultural zone, a residential or residential mixed-use zone, a religious facility, a public park, a public library, a day-care center or family day care, a community center, a public or private nursery school or preschool, and a public or private primary or secondary school, will provide minimal separation and buffering necessary to protect public health, safety, and welfare, while setting aside a reasonable number of location sites within the City for adult entertainment facilities.
- L. Restricting the location of adult entertainment facilities as provided in this ordinance will leave approximately 558 acres of the City, or 5.3% of the City's total land area available to adult entertainment facilities. At the time this ordinance was adopted, approximately 276 sites were potentially available for the siting of adult entertainment facilities.
- M. Regulation of adult entertainment facilities is necessary to prevent public nuisances including moral nuisances.
- N. The City conducted an environmental review of the adult entertainment facility zoning regulations and issued a determination of nonsignificance.
- O. The City submitted a copy of the proposed adult entertainment facility zoning regulations to the state for the required 60 day review under RCW 36.70A.106.
- P. In further support of this ordinance, the City Council hereby adopts the Findings and Conclusions set forth in the June 26, 1996 Planning Commission Report on DGA95-003, which are incorporated herein by this reference as if set forth in full.

Section 3. Definitions. Section 20A.60.050 of the Redmond Community Development Guide is hereby repealed.

Section 4. Definitions. A new section 20A.60.050 is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.050 ADULT ARCADE means a commercial establishment containing individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

Section 5. Definitions. Section 20A.60.060 of the Redmond Community Development Guide is hereby repealed.

Section 6. Definitions. Section 20A.60.070 of the Redmond Community Development Guide is hereby amended to read as follows:

20A.60.070 ADULT CABARET means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features:

- (a) Persons who appear semi-nude or nude; or
- (b) Live performances which are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified anatomical areas or specified sexual activities.

Section 7. Definitions. Section 20A.60.080 of the Redmond Community Development Guide is hereby amended to read as follows:

20A.60.080 ADULT DRIVE-IN THEATER means a drive-in theater used for presenting motion picture films, video cassettes, cable television, or any other such visual media distinguished or characterized by an emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas. (The term "drive-in theater" as used in the Redmond Community Development Guide is distinct from, and is not intended to include the term "adult drive-in theater".)

Section 8. Definitions. Section 20A.60.090 of the Redmond Community Development Guide is hereby amended to read as follows:

20A.60.090 ADULT ENTERTAINMENT FACILITY means a commercial establishment defined herein as an adult arcade, adult cabaret, adult drive-in theater, adult motel, adult motion picture theater, adult retail store, adult sauna parlor, escort agency, nude or semi-nude model studio, or other adult entertainment facility.

Section 9. Definitions. Section 20A.60.100 of the Redmond Community Development Guide is hereby repealed.

Section 10. Definitions. A new section 20A.60.100 is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.100 ADULT MOTEL means a hotel, motel, or similar commercial establishment which:

- (a) Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films,

motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or

(b) Offers a sleeping room for rent for a rental fee period of time that is less than ten (10) hours; or

(c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Section 11. Definitions. Section 20A.60.110 of the Redmond Community Development Guide is hereby amended to read as follows:

20A.60.110 ADULT MOTION PICTURE THEATER means an enclosed commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual media are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

Section 12. Definitions. Section 20A.60.120 of the Redmond Community Development Guide is hereby amended to read as follows:

20A.60.120 ADULT RETAIL STORE means a commercial establishment such as a bookstore, video store, or novelty shop which as its principal business purpose offers for sale or rent, for any form of consideration, any one or more of the following:

(a) Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or

(b) Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

For the purpose of this definition, the term "principal business purpose" shall mean the business purpose that constitutes 50 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (i) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all non-sexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (ii) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for non-sexually oriented materials.

Section 13. Definitions. Section 20A.60.140 of the Redmond Community Development Guide is hereby repealed.

Section 14. Definitions. A new section 20A.60.*** is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.*** AGRICULTURAL ZONE means and includes the following zoning districts: Agriculture Zone (A).

Section 15. Definitions. A new section 20A.60.185 is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.185 COMMUNITY CENTER means an enclosed structure open to the general public that is owned and operated by the City of Redmond or another public agency, and that is used predominantly for cultural, educational, recreational, or social purposes.

Section 16. Definitions. A new section 20A.60.** is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.** ESCORT AGENCY means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as its business purpose for a fee, tip, or other consideration. An escort is a person employed by an escort agency, and who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. The term "escort agency" shall not include any escort service offered by a charity or non-profit organization for medical assistance or assistance to the elderly or infirm.

Section 17. Definitions. A new section 20A.60.** is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.** NUDE OR SEMI-NUDE MODEL STUDIO means any place where a person, who appears nude or semi-nude, or who displays any specified anatomical areas, is provided for money or any other form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The following uses are exceptions from the definition of a "nude or semi-nude model studio":

- (a) A proprietary school licensed by the state of Washington;
- (b) A junior college, college, or university supported partly or entirely by taxation;

(c) A private college or university that maintains and operates educational programs in which credits are transferable to a junior college, college, or university supported partly or entirely by taxation; or

(d) A place housed in a structure: (i) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and (ii) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.

Section 18. Definitions. A new section 20A.60.465 is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.465 OTHER ADULT ENTERTAINMENT FACILITY means any commercial establishment not defined herein where adult entertainment is regularly conducted or sexually oriented materials are displayed, or available in any form, for any type of consideration. Provided however, that a public library, and a school, university, or similar educational or scientific facility shall not be considered an adult entertainment facility. In addition, a commercial establishment that offers access to telecommunications networks as its principal business purpose shall not be considered an adult entertainment facility unless the access it provides is for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

Section 19. Definitions. A new section 20A.60.52* is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.52* RESIDENTIAL ZONE means and includes the following zoning districts: Semi-Rural Zone (RA-5), Large Lot Residential Zone (R-1), Low Density Residential Zones (R-2, R-3), Low-Moderate Density Residential Zones (R-4, R-6), Moderate Density Residential Zones (R-8, R-12, R-18), and High Density Residential Zones (R-20, R-30).

Section 20. Definitions. A new section 20A.60.553 is hereby added to the Redmond Community Development Guide which shall read as follows:

20A.60.553 SEXUALLY ORIENTED MATERIALS means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, or other visual representations, that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas. The term "sexually oriented materials" includes any instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

Section 21. Definitions. Section 20A.60.620 of the Redmond Community Development Guide is hereby amended to read as follows:

20A.60.620 SPECIFIED ANATOMICAL AREAS means and includes any of the following:

- (a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

Section 22. Definitions. Section 20A.60.630 of the Redmond Community Development Guide is hereby amended to read as follows:

20A.60.630 SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

- (a) The caressing, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

Section 23. Permitted Location of Adult Entertainment Facilities. The chart referred to in Subsection 20C.10.240(05) entitled "Permitted Land Uses" is hereby amended to permit the location of adult entertainment facilities in the following zoning districts subject to the separation requirements of Section 20C.20.015 (Adult Entertainment Facilities): Retail Commercial District (RC), General Commercial District (GC), Performance Area District (PA), Business Park District (BP), Manufacturing Park District (MP), Industrial District (I), and Gateway Design District (GDD).

Section 24. Restrictions on the Location of Adult Entertainment Facilities. Section 20C.20.015 of the Redmond Community Development Guide is hereby amended to read as follows:

20C.20.015 ADULT ENTERTAINMENT FACILITIES

All adult entertainment facilities shall comply with the requirements of this section. The purpose and intent of requiring standards for adult entertainment facilities is to

mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services permitted within the City. The standards established in this section apply to all adult entertainment facilities and include, but are not limited to, the following: adult arcades, adult cabarets, adult drive-in theaters, adult motels, adult motion picture theaters, adult retail stores, adult sauna parlors, escort agencies, and nude or semi-nude model studios. The standards established in this section shall not be construed to restrict or prohibit the following activities or products: expressive dance as defined in Subsection 5.68.030(R) of the Redmond Municipal Code; plays, operas, musicals, or other dramatic works; classes, seminars, or lectures conducted for a scientific or educational purpose; printed materials or visual representations intended for educational or scientific purposes; nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities; nudity within a hospital, clinic, or other similar medical facility for health-related purposes; and all movies and videos that are rated G, PG, PG-13, R and NC-17 by the Motion Picture Association of America.

20.015(05) Separation Requirements - Adult entertainment facilities shall be permitted as indicated in the table of "Permitted Land Uses" referred to in Section 20C.10.240(05) only if the following separation requirements are met:

(a) No adult entertainment facility shall be located closer than 825 feet to another adult entertainment facility whether such other facility is located within or outside the City limits.

(b) No adult entertainment facility shall be located closer than 825 feet to any of the following zones or uses whether such zone or use is located within or outside the City limits:

- (i) A residential zone as defined in Section 20A.60;
- (ii) An agricultural zone as defined in Section 20A.60;
- (iii) A public park;
- (iv) A community center as defined in Section 20A.60;
- (v) A public library;
- (vi) A day-care center or family day care as defined in Section 20A.60;
- (vii) A public or private nursery school or preschool;
- (viii) A public or private primary or secondary school; and
- (ix) A church, temple, synagogue, mosque or other similar religious facility (activities and uses related to churches, temples, synagogues, and mosques are not subject to the separation requirements);

20.015(10) Measurement - The separation requirements specified in Subsection 20C.20.015(05) shall be measured as follows:

(a) The 825 foot buffer required by Subsection 20C.20.015(05)(a) shall be measured by extending a straight line from the nearest point on the property

line of the lot containing the proposed adult entertainment facility to the nearest point on the property line of the lot containing the other adult entertainment facility.

(b) The 825 foot buffer required by Subsection 20C.20.015(05)(b) shall be measured by extending a straight line from the nearest point on the property line of the lot containing the proposed adult entertainment facility to:

- (i) The nearest point on the boundary line of a residential or agricultural zone;
- (ii) The nearest point on the property line of a public park;
- (iii) The nearest point on the property line of the lot containing a public library, day-care center, family day care, community center, public or private nursery school or preschool, public or private primary or secondary school, or church, temple, synagogue, mosque or other similar religious facility.

20.015(15) Waiver of Separation Requirements - An applicant may obtain a waiver of the separation requirements required by this section only if the applicant demonstrates that all of the following criteria are met:

(a) Special Development Permit Required - Any party proposing to locate an adult entertainment facility within 825 feet of any zone or use specified in Subsection 20C.20.015(05) may do so only after obtaining a Special Development Permit in accordance with Section 20F.20.160 (Special Development Permit).

(b) Special Notice Requirements - In addition to the notice requirements for Special Development Permits, first class mailing of notice shall be made to all individuals owning or occupying property within 825 feet of the property for which the application is made. The applicant shall provide the name and addresses of all property owners and businesses within 825 feet of the property of the proposed location.

(c) Criteria for Decision - The final decision on the request for a waiver of the separation requirements shall be made by the City Council upon the recommendation of the Hearing Examiner, based upon consideration of the following criteria:

- (i) The extent to which physical features would result in an effective separation between the proposed adult entertainment facility and any zones or uses identified in Subsection 20C.20.015(05) in terms of visibility and access;
- (ii) The extent to which the proposed adult entertainment facility complies with the goals and policies of the Redmond Community Development Guide;
- (iii) The extent to which the proposed adult entertainment facility is compatible with adjacent and surrounding land uses;
- (iv) The availability or lack of alternative locations for the proposed adult entertainment facility;

- (v) The extent to which the proposed adult entertainment facility can be avoided by alternative vehicular and pedestrian routes; and
- (vi) The extent to which the applicant can minimize the adverse secondary effects associated with the proposed adult entertainment facility.

20.015(20) Nonconforming Adult Entertainment Facility - An adult entertainment facility shall be deemed a nonconforming use and shall be subject to the requirements of Section 20F.10.060 (Legal Nonconformances) if a zone or use identified in Subsection 20C.20.015(05) locates within 825 feet of such adult entertainment facility after the date that such adult entertainment facility has located within the City in accordance with the requirements of this section.

Section 25. Limitations of Liability. None of the provisions of this ordinance are intended to create a cause of action or provide the basis for a claim against the City, its officials or employees through the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

Section 26. Public Nuisance/Injunctions. Any adult entertainment facility in violation of this ordinance shall be deemed a public nuisance, which, in addition to all other remedies, may be abated by injunctive relief.

Section 27. 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 28. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council and APPROVED by the Mayor this 17th day of December 1996.

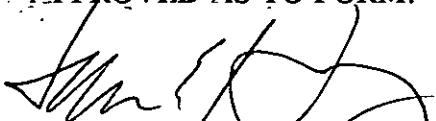
CITY OF REDMOND


MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:


CITY ATTORNEY, JAMES E. HANEY

FILED WITH THE CITY CLERK:	December 13, 1996
PASSED BY THE CITY COUNCIL:	December 17, 1996
PUBLISHED:	December 21, 1996
EFFECTIVE DATE:	December 26, 1996
ORDINANCE NO. <u>1919</u>	

(DGA 95-003, Adult Entertainment - Establish Zoning Requirements)