

ORIGINAL

ORDINANCE NO. 1120

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE FOR THE PURPOSE OF REGULATING ADULT ENTERTAINMENT FACILITIES, DGA 82-4, BY REVISING AND ADDING GOALS AND POLICIES, PROVIDING DEFINITIONS AND IMPLEMENTING LOCATIONAL REGULATIONS.

WHEREAS, on March 2, 1982, the Redmond City Council directed the City's Planning Commission (then known as the Policy Advisory Commission) to consider the need for regulation of Adult Entertainment Facilities, and pursuant to said direction, the Planning Commission conducted public hearings on June 9, July 14, July 28 and November 17, 1982, for the purpose of receiving public comment on the topic of regulation of Adult Entertainment Facilities, and

WHEREAS, subsequent to said public hearings, the Planning Commission conducted deliberations, issued written Findings and Conclusions, a copy of which are attached hereto as Exhibit A, and formulated its recommendations which have been forwarded to the City Council, and

WHEREAS, having considered the Findings, Conclusions and Recommendations of the Planning Commission, and in light of the oral and written testimony received by the Planning Commission, the City Council has concluded that it is necessary to regulate the location and concentration of Adult Entertainment Facilities as defined hereinafter in order to preserve the quality of the living environment of the City's residential neighborhoods and business and commercial centers, and

WHEREAS, the City Council has determined that in the absence of the locational regulations set forth hereinafter, Adult Entertainment Facilities locating within the City will contribute to increased crime, reduction of property values and deterioration of the quality of the environment provided

by the City for residential, commercial and business uses,
and

WHEREAS, the City Council has determined that the regulations set forth in this ordinance should be enacted for the purpose of controlling the adverse impacts which Adult Entertainment Facilities have been shown to generate in other communities, which regulation the City Council finds will result in the least intrusion upon constitutionally protected rights possible while still achieving the minimum degree of regulation needed to meet the City's objectives of avoiding or minimizing the adverse impacts identified above, now, therefore

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

Section 1. Section 20B.85.130(10) of the Redmond Municipal Code and Community Development Guide is hereby amended by adding a new subsection (C) thereto to read as follows:

20B.85.130(10) CITY CENTER GOAL - Create an attractive character and identity for the City Center.

- A. Policy - Encourage attractive development that complements unique physical settings such as the Sammamish River and Bear Creek.
- B. Policy - Encourage new business that will through excellence of design and the nature of the use, provide long-term benefits to the people of Redmond.
- C. Policy - Promote the image of the City Center as a location for family oriented businesses, cultural, and recreational activities.

Section 2. Section 20B.40.020 of the Redmond Municipal Code and Community Development Guide is hereby amended by adding new subsections 20, 25 and 30 to read as follows:

20B.40.020(20) Restrict the location of ADULT ENTERTAINMENT FACILITIES to areas of intensive uses which serve a regional market.

20B.40.020(25) Avoid locating ADULT ENTERTAINMENT FACILITIES in close proximity to one another to reduce potential for crime, protect property values and protect local business image.

20B.40.020(30) Avoid locating ADULT ENTERTAINMENT FACILITIES in close proximity to any zone in which residential uses are

an outright permitted use, or any public park, public library, family day care home, mini-day care center, day care center, preschool, nursery school, public or private primary or secondary school, church, temple or synagogue in order to reduce incompatibility.

Section 3. Section 20A.60.000 of the Redmond Municipal Code and Community Development Guide is hereby amended by adding the following definitions:

ADULT MOTION PICTURE THEATRE is an enclosed building used for presenting, for commercial purposes, motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT DRIVE-IN THEATRE is a drive-in theatre used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas". (The term "drive-in theatre" as used in this Community Development Guide is distinct from, and is not intended to include ADULT DRIVE-IN THEATRE.)

ADULT BOOKSTORE is a retail establishment in which:

- A. Ten percent or more of the "stock in trade" consists of books, magazines, posters, pictures, periodicals or other printed material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "special anatomical areas"; or
- B. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

"Stock in trade" for the purposes of this section shall mean all books, magazines, posters, pictures, periodicals or other printed material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

ADULT CABARET is a commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar entertainers and which excludes any person by virtue of age from all or any portion of the premises.

ADULT SAUNA PARLOR is a commercial sauna parlor which excludes any person by virtue of age from all or any portion of the premises.

ADULT BATH HOUSE is a commercial bath house which excludes any person by virtue of age from all or any portion of the premises.

ADULT MASSAGE PARLOR is a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises in which such service is provided.

ADULT VIDEO STORE is a retail establishment in which:

- A. Ten percent of the "stock in trade" consists of pre-recorded video tapes, discs or similar material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or
- B. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

"Stock in trade" for the purposes of this section shall mean all prerecorded video tapes, discs or similar material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

ADULT RETAIL STORE is a retail establishment in which:

- A. Ten percent of the "stock in trade" consists of items, products or equipment distinguished or characterized by an emphasis or simulation of "specified sexual activities" or "specified anatomical areas"; or
- B. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

"Stock in trade" for the purposes of this section shall mean all items, products or equipment readily available for purchase, rental, viewing or use by patrons of the establishments excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

SPECIFIED SEXUAL ACTIVITIES means:

- A. Acts of human masturbation, sexual intercourse or sodomy;
- B. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- C. Human genitals in a state of sexual stimulation or arousal.

SPECIFIED ANATOMICAL AREAS means:

- A. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernably turgid state, even if completely or opaquely covered.

ADULT ENTERTAINMENT FACILITIES means ADULT MOTION PICTURE THEATRES, ADULT DRIVE-IN THEATRES, ADULT BOOK STORES, ADULT CABARETS, ADULT VIDEO STORES, ADULT RETAIL STORES, ADULT MASSAGE PARLORS, ADULT SAUNA PARLORS OR ADULT BATH HOUSES.

Section 4. Section 20C.10.200(10) of the Redmond Municipal Code and Community Development Guide is hereby amended by revising the chart entitled "PERMITTED LAND USES IN THE CITY CENTER" by adding the entry "ADULT ENTERTAINMENT

FACILITIES" in the column entitled "LAND USES", and designating adult entertainment facilities as permitted uses in all seven Design Districts.

Section 5. Section 20C.10.240(05) of the Redmond Municipal Code and Community Development Guide is hereby amended by revising the chart entitled "PERMITTED LAND USES" by adding "ADULT ENTERTAINMENT FACILITIES" to the land uses column portion of the chart under the category "CULTURAL, ENTERTAINMENT AND RECREATION", and designating adult entertainment facilities as permitted uses in the Community Business zoning district.

Section 6. Section 20C.10.240(05) of the Redmond Municipal Code and Community Development Guide is hereby further amended by revising the chart entitled "PERMITTED LAND USES" by adding a triple asterisk designation to each of the following land use categories, and by adding to the chart legend next to the triple asterisk designation the notation that such uses are subject to Section 20C.20.015 SEPARATION REQUIREMENTS RELATED TO ADULT ENTERTAINMENT FACILITIES:

- Public Park
- Public Library
- Family Day Care Home
- Mini-Day Care Center
- Day Care Center
- Education: Preschool, nursery school, private school
- Education: Public and private primary and secondary school
- Churches, temples and synagogues

Section 7. Chapter 20C.20 of the Redmond Municipal Code and Community Development Guide is hereby amended by adding a new Section 20C.20.015 thereto entitled "Separation Requirements Related to Adult Entertainment Facilities" to read as follows:

20C.20.015 SEPARATION REQUIREMENTS RELATED TO ADULT ENTERTAINMENT FACILITIES - All adult entertainment facilities

and other land uses specified herein shall comply with the requirements of this section.

20C.20.015(05) DISTANCE REQUIREMENTS - ADULT ENTERTAINMENT FACILITIES may be permitted as indicated in Section 20C.10.240 only if the following separation requirements are met:

- A. No ADULT ENTERTAINMENT FACILITY shall be located closer than 1000 feet to another adult entertainment facility whether such other facility is located within or outside the City Limits. Such distance shall be measured by following a straight line from the nearest point of public entry into the structure which will house the proposed ADULT ENTERTAINMENT FACILITY to the nearest point of public entry into the structure housing another adult entertainment facility.
- B. No ADULT ENTERTAINMENT FACILITY shall be located closer than 1000 feet to any of the following zones or uses whether such zone or use is located within or outside the City limits:
- Any zone in which residential uses are an outright permitted use
 - Public park
 - Public library
 - Family day care home
 - Mini-day care center
 - Day care center
 - Preschool
 - Nursery school
 - Public or private primary or secondary school
 - Church, temple or synagogue (Activities and uses related to churches, temples and synagogues are not subject to the distance separation requirements.)

Such distance shall be measured by following a straight line distance between the point of public entry into the structure housing the ADULT ENTERTAINMENT FACILITY and:

- The nearest point on the boundary of a zone in which residential uses are permitted outright
- The nearest point on a property line of a public park
- Nearest point of public entry or point on a property line, whichever is closer, of any public library, family day care home, mini-day care center, day care center, preschool, nursery school, public or private primary or secondary school, church, temple or synagogue. In the case of any use utilizing leased area or facilities "property line" shall refer only to such leased area and facility.

20.015.(10) WAIVER OF DISTANCE REQUIREMENTS - The following procedures and criteria shall be adhered to with regard to a request for waiver of distance requirements:

- A. Special Development Permit Required - Any party proposing to locate an ADULT ENTERTAINMENT FACILITY within 1000 feet of uses or zones as specified in Section 20C.20.015(05)(A) and (B) may do so only after obtaining a Special Development Permit as specified in 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 parties within 1000 feet. The applicant shall provide the name and addresses of all property owners and businesses within 1000 feet of the property of the proposed location.
- C. Criteria for Decision - The final decision on the request for waiver of distance shall be made by the City Council upon recommendation of the Hearing Examiner, based on consideration of the following:
- The extent to which physical features would result in an effective separation in terms of visibility and access.
 - Compliance with the goals and policies of the Development Guide, particularly policy 20B.40.020(25) and 20B.40.020(30).
 - Compatibility with adjacent and surrounding land uses.
 - The availability or lack of alternative locations for the proposed use.
 - Ability to avoid the ADULT ENTERTAINMENT FACILITY by alternative vehicular and pedestrian routes.

20.015(15) INTERVENING USES - Uses and zones specified under 20C.20.015(05)(B) shall not be allowed to locate within 1000 feet of an ADULT ENTERTAINMENT FACILITY. Any party proposing to locate such a use or zone within 1000 feet of an ADULT ENTERTAINMENT FACILITY is considered an intervening use and may do so only after obtaining a Special Development Permit pursuant to the provisions of Section 20C.20.015(10) WAIVER OF DISTANCE REQUIREMENTS.

Section 8. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after its passage and publication by posting as provided by law.


CITY OF REDMOND


MAYOR, CHRISTINE T. HIMES

ATTEST/AUTHENTICATED:


CITY CLERK, PAUL F. KUSAKABE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: April 14, 1983
PASSED BY THE CITY COUNCIL: April 19, 1983
SIGNED BY THE MAYOR: April 19, 1983
POSTED: April 21, 1983
EFFECTIVE DATE: April 26, 1983

EXHIBIT A

FINDINGS AND CONCLUSIONS OF THE REDMOND POLICY ADVISORY COMMISSION - REGULATION OF ADULT ENTERTAINMENT, DGA-82-4

FINDINGS

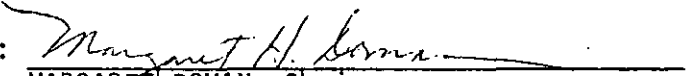
1. The Redmond City Council directed the Policy Advisory Commission to consider the subject of regulation of adult entertainment facilities on a city-wide basis on March 2, 1982. The Policy Advisory Commission conducted 5 public hearings on this subject on the following dates: June 9, 1982, June 23, 1982, July 14, 1982, July 28, 1982 and November 17, 1982.
2. Extensive public testimony was received and 75 exhibits were made part of the record. Testimony included two police officers with extensive experience in law enforcement related to adult entertainment facilities. Several studies were introduced as exhibits. The studies indicated that sex related businesses contribute to an increase in drug and sex related crimes and crimes of violence. Evidence presented indicated that adult entertainment facilities can contribute to emotional and psychological problems. There was also testimony and exhibits which was presented that would indicate adult entertainment facilities tend to be incompatible with other land uses particularly when congregated and tend to devalue surrounding property.
3. Information and testimony was presented by City staff. Analysis of existing zoning districts and the relationship to adult entertainment facilities was made. The viability of locations for adult entertainment facilities was reviewed. The goals, policies and plans of the Community Development Guide were studied with respect to adult entertainment facilities.
4. Additionally, the Policy Advisory Commission conducted public meetings on the following dates at which the subject of regulation of adult entertainment facilities was discussed and studied: September 15, 1982, September 22, 1982, November 3, 1982, December 8, 1982 and December 15, 1982.

CONCLUSIONS

1. If left unregulated as to location, adult entertainment facilities are likely to have adverse effects on businesses, residences, public facilities and other surrounding land uses. The adverse effects are likely to include:
 - A. Increased crime;
 - B. Reduction of property values;
 - C. Lessening of suitability of surrounding areas for children and youths;
 - D. Adverse public image.
2. Adverse effects of adult entertainment facilities will be significantly reduced by avoiding concentration of such facilities.

3. Adverse effects of adult entertainment facilities on certain land uses will be significantly reduced by maintaining an adequate distance separation.
4. A 1,000 foot separation between adult entertainment facilities is the minimum distance necessary to avoid the adverse effects of concentration. This allows vehicles and pedestrians opportunity to avoid contact and interaction with the adult entertainment facility. The distance separation also avoids the visual appearance of an adult entertainment district.
5. A 1,000 foot separation between adult entertainment facilities and specified land uses is the minimum necessary to avoid adverse effects on specified uses.
6. Required termination of adult entertainment within six months after becoming non-conforming under the proposed Development Guide Amendments constitutes a fair and equitable balance between benefit to the public and hardship to a non-conforming adult entertainment facility owner.
7. There are ample locations within the Community Business zone and City Center which are suitable for location of such businesses in terms of providing adequate access, utilities, availability to patrons, and other factors tending to create an advantageous climate for establishing businesses. Because of these facts, the proposed Development Guide Amendments will not unduly restrict the ability of the public to obtain access to these businesses.
8. The proposed Development Guide Amendments are the least restrictive regulations possible while still achieving the minimum degree of regulation which the Policy Advisory Commission has determined to be necessary to effect any meaningful reduction of the adverse effects adult entertainment facilities have been shown to have in other communities and which we find will stem from such activities within the City of Redmond if their location remains unregulated.

Signed:


MARGARET DOMAN, Chairman
Redmond Policy Advisory Commission

December 15, 1982

GDM:td