

ORIGINAL

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ORDINANCE NO. 101

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTER 21A.06 ENTITLED TECHNICAL TERMS AND LAND USE DEFINITIONS TO PROVIDE FOR SEXUALLY ORIENTED BUSINESSES, AMENDING CHAPTER 21A.08.070(A) ENTITLED RETAIL LAND USES, TO PROVIDE FOR THE LOCATION OF SEXUALLY ORIENTED BUSINESSES, AMENDING CHAPTER 21A.08.070(B), ENTITLED DEVELOPMENT CONDITIONS TO PROVIDE FOR REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES, AND TO AMEND THE OFFICIAL ZONING MAP IN ORDER TO REFLECT THOSE AREAS AUTHORIZED FOR SEXUALLY ORIENTED BUSINESSES.

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

WHEREAS, various Washington State municipalities have found it is necessary for the public health, safety, and welfare to regulate businesses, managers, and employees that provide sexually oriented entertainment; and

WHEREAS, the City of Woodinville is a small residential community and a noncharter code city under the Constitution and statutes of the State of Washington, its population as of May 1, 1994, is approximately 9,407 and is essentially a family-oriented residential community containing an area of approximately 5.64 square miles and within its boundaries has approximately 3,968 dwelling units, with approximately 72% of the area zoned residential, 8% of the area zoned commercial and 20% of the area zoned light industrial, and presently has greater than 29.1% of its population under the age of 18 years (based upon 1990 census information), and with attendant community standards; and

WHEREAS, the City of Woodinville takes notice of and relies upon experiences of and studies conducted by other cities, counties and others in attempting to combat the specific adverse impacts of sexually oriented business, including semi-nude and nude dancing; and

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WHEREAS, the City of Woodinville City Council finds that sexually oriented businesses, historically, have led to an increase in prostitution, sexually transmitted disease, drug and alcohol offenses and other criminal activity; and

WHEREAS, the City finds a compelling need to protect all citizens, but especially minors from criminal and unlawful activities associated with sexually oriented businesses; and

WHEREAS, sexually oriented businesses sometimes are fronts for or operated by persons associated with organized criminal activities and the need to scrutinize such sexually oriented businesses is thereby enhanced; and

WHEREAS, the City staff has drafted licensing, operational and zoning ordinances which will recognize the constitutional right of all legitimate businesses to function while reasonably restricting the time, location, and manner of sexually oriented businesses within the City, in order to prevent unacceptable adverse secondary impacts of the same; and

WHEREAS, the law enforcement resources available for responding to problems associated with or created by sexually oriented establishments are limited and are best conserved by regulating and licensing sexually oriented business establishments and those associated with them; and

WHEREAS, based upon sexually oriented businesses impact studies utilized by both the Planning Commission and the City Council and supporting materials provided to the same, and public comments and testimony presented to the Woodinville Planning Commission in the public hearings on April 6, 1994, and May 21, 1994, the Planning Commission recommends the licensing, operational and zoning regulations established by staff; and

WHEREAS, based on that public testimony and other information presented on this subject to the Planning Commission and the City Council, the Council also has determined that there are deleterious secondary effects of sexually oriented businesses that can be minimized through the adoption of specific zoning, licensing and premises operational requirements that are specifically and narrowly tailored to alleviate these harmful effects; and

WHEREAS, based upon the information gathered by the Planning Commission, recommendations of the Planning Commission, and studies, testimony information presented to the City Council, the Council finds the adoption of licensing, operational and zoning regulations on sexually oriented land uses to be necessary to minimize contact with children, and thus minimize contact with churches, parks, schools, libraries, day care facilities, community youth centers and residential areas for the preservation and protection of the quality of life and its neighborhoods, commercial districts and for the health, safety, and welfare of its citizens.

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

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1 . Findings of Fact. Based on public testimony and other evidence and information presented before it, the Woodinville City Council makes the following findings of fact:

- B. Many cities, including Seattle and Tacoma, have experienced negative secondary impacts from sexually oriented land uses. The skid row effect is one of these secondary impacts, and is evident in certain parts of Seattle. Such an effect would be significantly magnified in Woodinville due to the difference in size and characteristics of the city;
- C. Certain conduct occurring on premises offering sexually oriented entertainment create secondary impacts that are detrimental to the public health, safety and general welfare of the citizens of the City, and therefore such conduct must be regulated as provided herein;
- D. Regulation of the sexually oriented business industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred;
- E. Businesses providing sexually oriented entertainment are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity, such businesses are currently not subject to effective regulation and constitute an immediate threat to the public peace, health and safety. The hours of operation of such businesses have a significant impact on the occurrence of criminal activity;
- F. Due to the information presented regarding the connection of prostitution with sexually oriented business, there is concern over sexually transmitted diseases which is a legitimate health concern of the City and thus requires regulation of sexually oriented businesses in order to protect the health, safety and well being of the public;
- G. No evidence has been presented to show that the location of sexually oriented land uses within the City will improve the commercial viability of the community, or will otherwise have a beneficial effect, and not have a detrimental effect;
- H. The City of Woodinville may rely on the experiences and studies of other cities and organizations in assessing the need for regulation of sexually oriented land uses operations and licensing types of regulation;

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- I. Regulation of sexually oriented land uses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than in response to an existing problem;
- J. The City of Woodinville Comprehensive Land Use Plan strongly supports that adjacent land uses be compatible;
- K. Sexually oriented land uses are incompatible with certain land uses such as residences, religious facilities, parks, day care facilities, libraries, youth centers and schools (including nursery schools and preschools);
- L. Increased levels of criminal activities occur in the vicinity of sexually oriented land uses;
- M. Adjacency of residential uses to sexually oriented land uses reduces the value of residential property;
- N. Sexually oriented land uses are perceived to negatively impact the character of established neighborhoods;
- O. Regulation of the sexually oriented businesses industry is necessary because in the absence of such regulation, significant criminal activity has historically and regularly occurred;
- P. Businesses providing sexually oriented business are increasingly associated with ongoing prostitution, illegal drug transactions, disruptive conduct, and other criminal activity which is currently not subject to effective regulation and which constitutes a threat to the public peace, health, welfare, and safety;
- Q. Woodinville Fire and Life Safety District Station No. 31, has a high volume of minors attending classes, and other events on a regular basis, and therefore should also be buffered from sexually oriented businesses.
- R. Utilizing 660 feet as the requisite spacing between sexually oriented business land uses and other sexually oriented businesses; and where significant natural or man-made buffers do not exist, utilizing 330 feet between sexually oriented businesses and any residential areas, churches, parks, libraries, Woodinville Fire and Life Safety District Station No. 31, day care facilities, youth centers and schools (preschools or nursery schools through twelfth grade), will provide minimal separation and buffering necessary for protection of minors and enforcement and land

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values while providing a reasonable amount of land within the City to be available for sexually oriented businesses land uses.

Section 2. Technical Terms and Land Use Definitions - Sexually Oriented Business.

Section 21A.06.552 entitled Sexually Oriented Business is hereby created and added to the Woodinville Municipal Code to read as follows:

21A.06.552 Sexually Oriented Business. See Section 2 of Ordinance No. 99 for the definition of sexually oriented business. It shall not include any play, opera, musical or other dramatic works that are not obscene, classes, seminars or lectures held for serious, scientific or educational purposes that are not obscene, or exhibitors, performances, expressions or dances that are not obscene.

Section 3. Retail Land Uses. Section 21A.08.070(A) of the Woodinville Municipal Code is hereby amended to read as illustrated in Attachment A attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. Development Conditions. Section 21A.08.070(B)(11) is hereby amended to read as follows:

21A.08.070(B). Development Conditions

* * * *

11. Sexually oriented businesses shall be prohibited within:
 - a) 660 feet of the perimeter of the building or point of access in which: any other sexually oriented business is located; or
 - b) 330 feet from any office zone or residential zone, except the single-family residential zoned areas to the west and east of the North Industrial Neighborhood Sexually Oriented Business Overlay District; or
 - c) 330 feet of any school, licensed daycare, public park, community center, public library, or church which conducts religious or educational classes for minors; or

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- d) 330 feet of the Woodinville Fire and Life Safety District Station No. 31.

Section 5. Development Conditions. Subsection 21A.08.070(B)(15) regarding sexually oriented businesses, is hereby created and added to the Woodinville Municipal Code to read as follows:

21A.08.070(B). Development Conditions

* * * *

15. See Ordinance No. 99 for regulations governing a sexually oriented business. See Ordinance No. 101 for regulations governing the location of sexually oriented businesses.

Section 6. Official Zoning Map. The official zoning map of the City of Woodinville is hereby amended as illustrated by Attachment B attached hereto and incorporated herein by this reference as if set forth in full.

Section 7. Transitional Property - Specific Development Standards and Specific District Overlays. Section 21A.38.070 entitled Special District Overlay - Sexually Oriented Business is hereby created and added to the Woodinville Municipal Code to read as follows:

21A.38.070 Special District Overlay - Sexually Oriented Business.

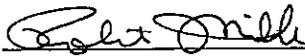
See Ordinance No. 101 regarding the establishment and location of the sexually oriented business overlay district. See Ordinance No. 99 for regulations governing sexually oriented businesses.

Section 8. 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 9. 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 OF THE CITY OF WOODINVILLE this 12th day of December, 1994, and signed in authentication of its passage this 12th day of December, 1994.

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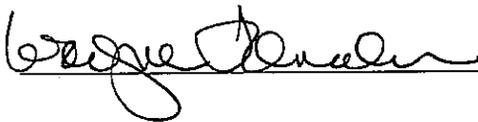

Robert Miller, Deputy Mayor

(SEAL)

Attest:


James Katica
City Clerk/Treasurer

Approved As To Form:
Office Of The City Attorney:



FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: 12/12/94
PUBLISHED: 12/19/94
EFFECTIVE DATE: 12/24/94
ORDINANCE NO. 101

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ATTACHMENT A OF ORDINANCE NO. 101

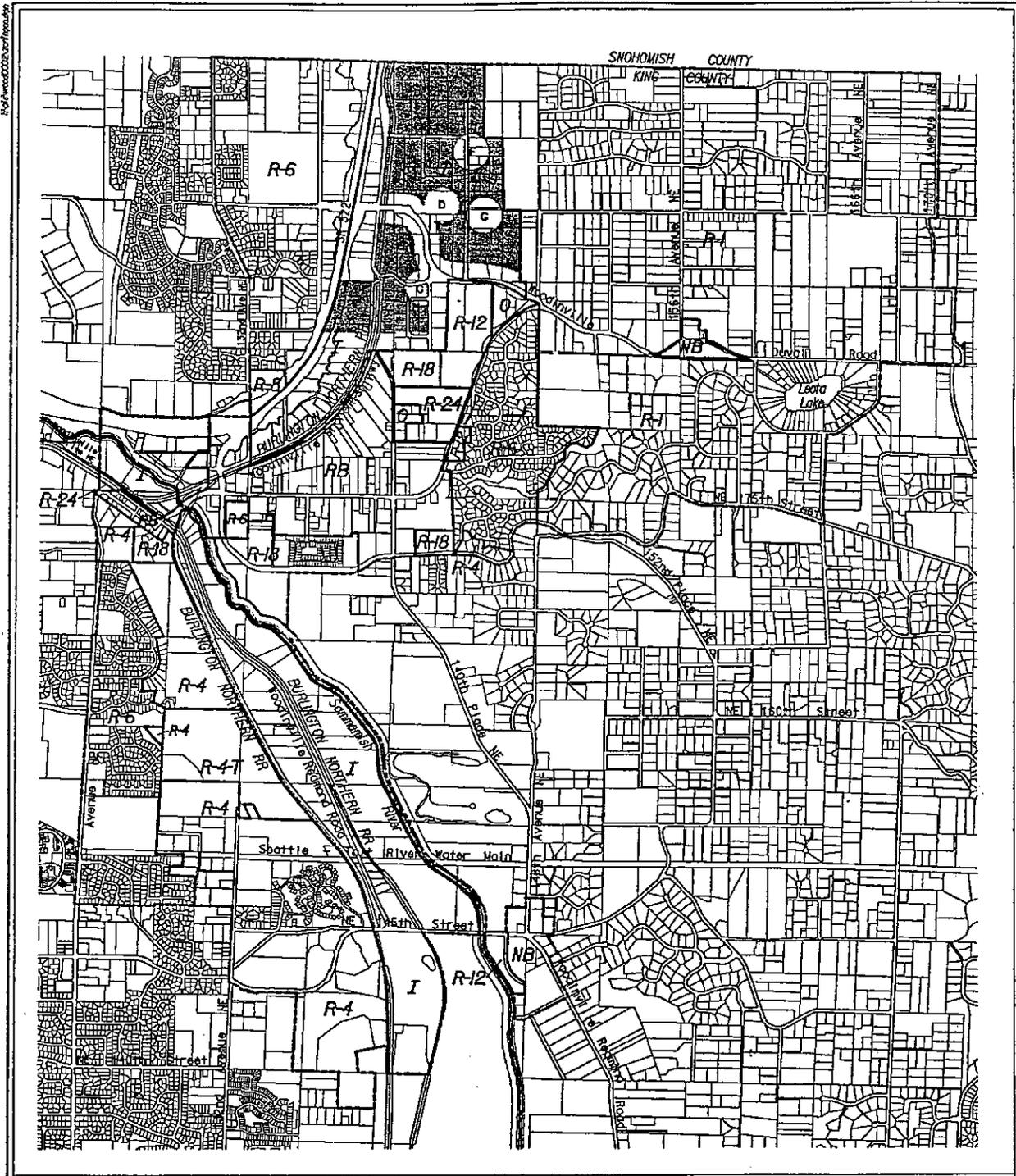
WMC 21A.08.070
A. RETAIL
LAND USES

KEY
P - Permitted Use
C - Conditional Use
S - Special Use

ZONE	RESOURCE		RURAL	RESIDENTIAL		COMMERCIAL/INDUSTRIAL					
	AGRICULTURE	MINERAL	RURAL	URBAN	RESIDENTIAL	NEIGHBORHOOD	COMMERCIAL	BUSINESS	OFFICE	INDUSTRIAL	
SIC#	SPECIFIC LAND USE	A	M	RA	R1-8	R12-48	NB	CB	RB	O	I
*	Building, Hardware and Garden Materials			C1			P2	P	P		
*	Forest Products Sales	P3,4		P3, 4							P
*	Department and Variety Stores						P5	P	P		
54	Food Stores			C			P	P	P		
*	Agricultural Crop Sales	P3 C7		P3 C7	P3						
*	Motor Vehicle and Boat Dealers								P8		
553	Auto Supply Stores							P9	P9		
554	Gasoline Service Stations						P	P	P		
56	Apparel and Accessory Stores							P	P		
*	Furniture and Home Furnishings Stores							P	P		
58	Eating and Drinking Places						P10	P	P	P	P6
*	Drug Stores						P	P	P	P	
592	Liquor Stores							P	P		
593	Used Goods: Antiques/Secondhand Shops							P	P		
*	Sporting Goods and related Stores							P	P		
*	Book, Stationery, Video and Art Supply Stores						P11	P11	P11		
*	Jewelry Stores							P	P		
*	Monuments, Tombstones, and Gravestones								P		P
*	Hobby, Toy, Game Shops						P	P	P		
*	Photographic and Electronic Shops						P	P	P		
*	Fabric Shops							P	P		
598	Fuel Dealers							C12	P		P
*	Florist Shops						P	P	P	P	
*	Personal Medical Supply Stores							P	P		
*	Pet Shops						P	P	P		
*	Bulk Retail							P	P		
*	Auction Houses								P13		P
5561	Truck and Motorhome Dealers (14)										P
5015	Auto Parts Yard										P
*	Sexually Oriented Businesses (15)										P11

GENERAL CROSS REFERENCES: Land Use Table Instructions, see WMC 21A.08.020 and 21A.02.070
 Development Standards, see WMC 21A.12 through 21A.30
 General Provisions, see WMC 21A.32 through 21A.38
 Application and Review Procedures, see WMC 21A.40 through 21A.44
 (*)Definition of this specific Land Use, see WMC 21A.06

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LEGEND

- R-1** Residential - 1 Unit Per Acre
- R-4** Residential - 4 Units Per Acre
- R-6** Residential - 6 Units Per Acre
- R-8** Residential - 8 Units Per Acre
- R-12** Residential - 12 Units Per Acre
- R-18** Residential - 18 Units Per Acre
- R-24** Residential - 24 Units Per Acre
- O** Office
- NB** Neighborhood Business
- RB** Regional Business
- I** Industrial

- Woodinville City Limits
- T** T - Suffix conditions apply. Specific T - Suffix conditions are available from the City of Woodinville Department of Planning and Community Development
- Sexually Oriented Business Overlay District - 177.53 acres (4.91% of Total City Area)
- C** Church
- D** Dance Studio
- G** Gymnastics School
- F** Fire Department

Attachment B of Ordinance
No. 101, page 1 of 2

Zoning Map

This zoning map is a pictorial representation and the City does not warrant its accurate depiction. The official zoning map is on file with the City of Woodinville Department of Planning and Community Development.

City of Woodinville

March 31, 1993

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Scale in Miles

