

ORDINANCE NO. 247

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, DECLARING THAT THE PUBLIC HEALTH, WELFARE AND SAFETY NECESSITATES A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR, AND ISSUANCE OF PERMITS, LICENSES AND APPROVALS FOR SEXUALLY ORIENTED BUSINESSES, INCLUDING ADULT RETAIL ESTABLISHMENTS; SETTING A PUBLIC HEARING DATE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Woodinville City Council has previously determined, based on public testimony and other evidence and through findings of fact detailed in Ordinance Nos. 99 and 101, that sexually oriented businesses cause secondary effects that are detrimental to the public health, safety, and general welfare of the citizens of Woodinville; and

WHEREAS, at present within the City of Woodinville there are no sexually oriented businesses whose stock in trade is devoted in whole or in substantial or significant part to 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, assimilating any specified sexual activities or any specified anatomical areas; or instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities as those terms are defined in Woodinville Ordinance No. 99; and

WHEREAS, a number of Puget Sound area cities, including Bothell, Bellevue, Shoreline and Everett have recently adopted moratoriums on the acceptance of applications for, and issuance of land use, building and development permits, and

licenses for sexually oriented businesses due to the recent emergence of adult retail establishments with an amount of square footage of commercial space significantly larger than those considered by the City of Woodinville when enacting Ordinance 99 and 101; and

WHEREAS, the City could receive applications for a large scale sexually oriented business that would significantly increase the amount of square feet of commercial space characterized by such use; and

WHEREAS, such large scale sexually oriented businesses and their secondary adverse impacts may not have been adequately considered in the adoption of Ordinance Nos. 99 and 101, and the area of the City currently designated as appropriate zoning for sexually oriented businesses may be inadequate to accommodate such large scale sexually oriented businesses; and

WHEREAS, the City's Comprehensive Plan, zoning, licensing and development regulations may not adequately address the various impacts to the public health, safety, morals and general welfare that such large scale sexually oriented businesses present; and

WHEREAS, the citizens of Woodinville would be well served if the City Council and City staff reviewed existing and new information on the subject, and were fully informed about the potential negative secondary effects, in the form of health, safety, economic and aesthetic impacts such uses impose upon neighboring properties and on the community as a whole; and

WHEREAS, based on recent court decisions such as Ino Ino, Inc. v. City of Bellevue, 132 Wn2d 103, 937 P.2d 154 (1997); and JJR, Inc. v. City of Seattle, 126 Wn.2d 1, 891 P.2D 720 (1995), the City Council finds it necessary to analyze and

potentially update its existing zoning, licensing and operational regulations for sexually oriented businesses; and

WHEREAS, RCW 35A.53.220 and RCW 36.70A.390 authorize Washington cities to adopt moratoriums, provided a public hearing is held within sixty (60) days of adoption; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. For purposes of this Ordinance, the definitions as set forth in Ordinance No. 99 and including “sexually oriented businesses” shall apply.

Section 2. Purpose. The City Council acknowledges the purpose of this moratorium and Ordinance is to protect the health, safety and welfare of the citizens of Woodinville by avoiding the secondary adverse impacts of sexually oriented businesses, including adult retail establishments. Further, the moratorium will provide an opportunity for the City to review new and existing information on the negative secondary impacts of sexually oriented businesses, and to review the City’s Code, Comprehensive Plan and Ordinances in a comprehensive fashion to determine whether they sufficiently address the secondary effects of such businesses, and remain constitutional in light of recent case law.

Section 3. Moratorium Imposed. The City Council hereby imposes a moratorium upon the acceptance of applications for, and the issuance of any license, permit, or approval (including but not limited to variances, rezones, building, land use or development permits, sexually oriented business permits, adult cabaret licenses, sexually oriented entertainer or manager’s licenses, and model or escort licenses) required to

establish, open, locate, relocate, operate, build or construct any sexually oriented businesses in the City. The moratorium shall be effective for a period beginning with the effective date of this Ordinance and shall continue at least until the City Council has completed the public hearing called for in Section 4, and determined whether or not to continue the moratorium.

Section 4. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390 and 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption, or no later than January 20, 2000. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium, and either justify its continued imposition or cancel the moratorium.

Section 5. 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 6. 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 22 day of November, 1999.

APPROVED:



MAYOR, DONALD J. BROCHA

ATTEST/AUTHENTICATED:

Sandra C. Steffler / CMC
SANDRA STEFFLER
CITY CLERK/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY George Turner

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