

ORDINANCE NO. 194

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
EXTENDING A MORATORIUM ON THE ACCEPTANCE OF
APPLICATIONS FOR AND ISSUANCE OF LAND USE, BUILDING
AND DEVELOPMENT PERMITS FOR ADULT RETAIL USES**

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70.390 the City Council, on June 22, 1998, adopted Ordinance No. 166, which established a moratorium on the filing and acceptance of applications for land use, building and development permits for adult retail uses; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70.390 the City Council, on November 17, 1998, adopted Ordinance No. 179, which extended the moratorium on the filing and acceptance of applications for land use, building and development permits for adult retail uses; and

WHEREAS, the Shoreline City Council had previously determined, based on public testimony and other evidence and findings of fact detailed in Ordinance Nos. 138 and 139, that adult business and entertainment uses cause secondary effects that are detrimental to the public health, safety, morals and general welfare of the citizens of Shoreline; and

WHEREAS, other cities in the Seattle-Tacoma metropolitan area, and elsewhere in the country, have adopted or are in the process of adopting ordinances regulating adult retail uses based upon evidence of the negative secondary effects of such uses; and

WHEREAS, the City wishes to avail itself of the research that other jurisdictions are conducting on the adverse effects of such uses; and

WHEREAS, the City Council has directed City staff to research the potential adverse effects of adult retail uses within the City and additional time will be needed to complete this research; and

WHEREAS, the purpose of Ordinance No. 166 and Ordinance No. 179 was to provide time, during the moratorium period to: determine the secondary effects of adult retail uses; examine current City regulations to determine their adequacy for dealing with any negative effects that may be identified; and, if appropriate, to prepare for adoption suitable time, place and manner restrictions narrowly tailored to regulate such uses by the least restrictive means available; and

WHEREAS, in accordance with state law, the City Council conducted a public hearing on this matter on November 23, 1998; and

WHEREAS, the City Council finds that the protection of the public health, safety and welfare requires that the moratorium established by Ordinance No. 166, and extended by Ordinance No. 179, be renewed for an additional six month period;

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

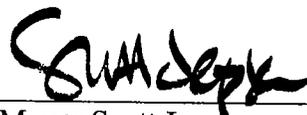
Section 1. Findings of Fact. The recitals set forth in Ordinance No. 166, and the findings of fact contained in Ordinance Nos. 138 and 139 are incorporated as if fully set forth herein and shall serve as the findings of fact for purposes of adopting this ordinance. Further, the renewal of the moratorium established in Ordinance No. 166 will provide the City Council with an opportunity to more thoroughly study and address the issue of appropriate adult business regulation.

Section 2. Moratorium Extended. The Shoreline City Council hereby extends the moratorium established by Ordinance No. 166, and extended by Ordinance No. 179, upon the acceptance of applications for and the issuance of any land use, building and development permits or approval (including variances and rezones), or any other permit, license or approval required to construct, install, relocate, or operate any adult retail use as defined by City ordinance. During the pendency of this moratorium, no information or submissions on any pending applications for adult retail uses shall be accepted by City staff.

Section 3. Effective Date and Duration. The current moratorium shall expire at midnight on June 22, 1999. The extension authorized herein shall immediately take effect upon expiration of the current moratorium and shall thereafter be in effect for 180 days (until December 22, 1999) unless repealed, modified, or extended by action of the City Council.

Section 4. 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.

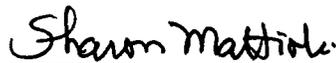
PASSED BY THE CITY COUNCIL ON APRIL 26, 1999.



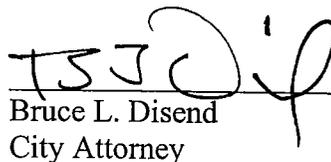
Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:



Sharon Mattioli, CMC
City Clerk



Bruce L. Disend
City Attorney

Date of Publication: April 29, 1999
Effective Date: June 23, 1999