

ORDINANCE NO. 216

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REVISING THE DEFINITION FOR ADULT USE FACILITIES TO INCLUDE SALES OF ADULT MERCHANDISE; AND AMENDING CHAPTER 18.06 AND CHAPTER 18.08 OF THE SHORELINE MUNICIPAL CODE

WHEREAS, the Shoreline City Council is committed to protecting the general welfare of the City through the enforcement of laws prohibiting obscenity, indecency, and sexual offenses while preserving constitutionally protected forms of expression; and

WHEREAS, the City has made a detailed review of the national record, including studies from the cities of New York, Indianapolis, and Los Angeles, the police records of various cities, and court decisions regarding adult entertainment, activity, retail, or use. The City Council finds that concerns about crime and public sexual activity generated and/or occurring within or nearby an adult use facility, including establishments selling adult merchandise, are legitimate, substantial, and compelling concerns of the City which demand reasonable regulation; and

WHEREAS, the City Council finds that adult use facilities, due to their nature, have secondary adverse impacts upon the health, safety, and welfare of the citizenry through increases in crime and opportunity for spread of sexually transmitted diseases; and

WHEREAS, there is convincing documented evidence that adult use facilities, including retail facilities, have a detrimental effect on both the existing businesses around them and the surrounding residential and commercial areas adjacent to them, causing increased crime, the downgrading of quality of life and property values and the spread of urban blight. Reasonable regulation of the location of these facilities will provide for the protection of the community; and

WHEREAS, the City recognizes that adult use facilities, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods, day care centers, religious facilities, public parks, libraries, schools, and other adult use facilities, thereby having a deleterious impact upon the quality of life in the surrounding areas. It has been acknowledged by courts and communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure the adverse secondary effects of the uses are minimized; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment to the United States Constitution, or Article 1, Section 5 of the Washington State Constitution, but to enact content neutral legislation which addresses the negative secondary impacts of adult use facilities; and

WHEREAS, it is not the intent of the City Council to condone or legitimize the distribution of obscene material, and the City Council recognizes that state and federal law prohibits the distribution of obscene materials; and

WHEREAS, the public was given opportunities to comment on the proposal during the Planning Commission review; and

WHEREAS, the City of Shoreline SEPA responsible official issued a Declaration of Non-significance on September 15, 1999; and

WHEREAS, following the public hearing, the Planning Commission submitted its recommendation in favor of the proposal amending sections of the Municipal Code as noted;

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

Section 1. Findings. After full and careful consideration, the City Council of the City of Shoreline adopts the recitals in the preamble of this Ordinance as findings in support of this Ordinance. In addition the Council finds this Ordinance is consistent with the Shoreline Comprehensive Plan's purposes, goals and policies as follows:

Land Use Goals and Policies

Goal LU I: To assure that the land use pattern of the City encourages needed, diverse and creative development, protects existing uses, ... and helps to maintain Shoreline's sense of community.

Policy LU 2: Encourage attractive, stable, high quality residential and commercial neighborhoods with an appropriate variety of housing, shopping, employment and services such as lawyers, doctors and accountants.

Goal LU V: To ensure that adequate land is designated for community-serving, and regional-serving commercial areas and that these areas are aesthetically pleasing and have long term economic vitality.

Section 2. Amendment. The SMC Section 18.06.035, *Adult Use Facility*, is amended as follows:

"Adult use facility" means an enterprise predominantly involved in the selling, renting or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, digital video discs (DVDs), goods, products, clothing, novelties, cable television, live entertainment, performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined in this chapter for observation or use by patrons therein or off-premises. Examples of such facilities include, but are not limited to, adult retail sales, book or video stores, and establishments offering panoramas, peep shows or topless or nude dancing.

Section 3. Amendment. SMC Subsection 18.08.070 is amended as set forth in Exhibit A (Attachment A.1) attached hereto and incorporated herein by reference.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 5. Effective Date. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Section 6: Repealer. Ordinance No. 194, which imposed a moratorium related to adult retail sales, is to be repealed upon the effective date of this Ordinance.

PASSED BY THE CITY COUNCIL ON NOVEMBER 22, 1999.



Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:


Ian Sievers
City Attorney

Date of Publication: November 26, 1999
Effective Date: December 1, 1999

**SMC18.08.070
Retail Land Uses**

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

		RESIDENTIAL		COMMERCIAL/INDUSTRIAL							
		R	E	N	B	C	B	R	B	O	I
		S	I	E	U	O	U	E	U	F	N
		D	G	H	N	M	I	I	I	F	D
		E	I	B	E	U	N	O	N	I	U
		N	R	O	S	N	E	N	E	C	S
		T	S	R	T	I	S	A	S	E	T
		I	H	O	Y	S	L	S			R
		A	O								I
		L	D								A
											L
SIC #	SPECIFIC LAND USE	R4-8	R12-48	NB	CB	RB	O	I			
....
*	<u>Adult Use Facility</u>			<u>P 7</u>	<u>P 7</u>	<u>P 7</u>					
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B. Development Conditions.

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 7. Adult use facilities shall be prohibited within 400 feet of any residential zone, other adult use facility, school, licensed daycare center, public park, community center, public library, or church which conducts religious or educational classes for minors.
