

# Ordinance No. 00326

[Council meeting minutes of Dec 1 2003](#)

## ORDINANCE NO. 326

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending the City of Lakewood Comprehensive Plan by deleting references to Sexually Oriented Adult Businesses from the goals and policies of the plan

WHEREAS, the Washington State Growth Management Act requires cities such as the City of Lakewood to prepare a comprehensive plan with certain required elements; and,

WHEREAS, according to the requirements for a comprehensive plan, it is to reflect the community's values and be an expression of its vision for the future, defining levels, intensity and geographic distribution of employment and residential growth; and,

WHEREAS, in addition to the review of provisions and proposals, after significant public participation and review, and after environmental review consistent with the Washington State Environmental Policy Act (SEPA), the Lakewood City Council adopted its first permanent Comprehensive Plan on the 20<sup>th</sup> day of July, 2000; and,

WHEREAS, following that Comprehensive Plan adoption, and in accordance with the statutory scheme for comprehensive plan amendments, each year the City may engage in a public participatory process and review of requests and proposals for amendment of the Comprehensive Plan; and,

WHEREAS, in 2003 the Lakewood Planning Advisory Board has thoroughly reviewed, documented and considered citizen input regarding proposed amendments to the comprehensive plan, holding public meetings and soliciting a significant volume of materials so that the comprehensive planning process incorporated issues and perspectives reflective of the entire community; and,

WHEREAS, following duly noticed public hearings regarding proposed amendments, the Lakewood Planning Advisory Board (PAB) developed and approved its recommendations to the City Council for amendments to the City's Comprehensive Plan; and,

WHEREAS, based upon citizen input and study of a proposed comprehensive plan amendment regarding zoning of Sexually Oriented Adult Businesses, CPA-2003-6, the PAB recommended that the City Council remove the goals and policies related to Sexually Oriented Adult Businesses from the Comprehensive Plan; and,

WHEREAS, in accordance with the issues and concerns considered by the Planning Advisory Board, as reflected in its recommendation, the City Council considered the recommendations of the Planning Advisory Board and determined that it is appropriate to provide for the amendment of the City of Lakewood Comprehensive Plan; and,

WHEREAS, in order for the City to be able to address and implement the said amendments to the City of Lakewood Comprehensive Plan, it is appropriate to amend language of the City of Lakewood Comprehensive Plan goals and policies in conformity therewith.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1 of the Ordinance amends the Comprehensive Plan text for the sections show below, as follows:

## CPA-2003-06, TEXT AMENDMENTS

### **1. Amending the comprehensive plan goals and policies to delete the portions thereof relating to Sexually Oriented Adult Business uses, thereby deleting section 3.3.6, goal LU-28, policies LU-28.1 through LU-28.7, and LU-69.3, as follows:**

#### **3.3.6 Sexually Oriented Adult Businesses**

~~Lakewood has a number of sexually oriented adult businesses located, generally, along the Pacific Highway Southwest corridor. Many of these businesses are located near "sensitive receptors," including residential lands, churches, parks and open spaces, and schools K-12 and under. The City intends to begin regulating the siting of these uses more closely to reduce their potential detrimental social effects on the community.~~

~~**GOAL LU-28:** Regulate the siting and operation of sexually oriented adult businesses to reduce or eliminate the adverse secondary effects<sup>1</sup> that these uses may have on "sensitive receptors."~~

~~Policies:~~

~~LU-28.1: Protect property zoned and/or used for residential or combined commercial/residential purposes from the secondary effects of sexually oriented adult businesses.~~

~~LU-28.2: Protect property zoned and/or used for education sites (K through 12 and under) from the secondary effects of sexually oriented adult businesses.~~

~~LU-28.3: Protect property zoned and/or used for public parks and recreation and open space sites, where children are likely to congregate, from the secondary effects of sexually oriented adult businesses.~~

~~LU-28.4: Protect property zoned and/or used for religious institutions from the secondary effects of sexually oriented adult businesses.~~

~~LU-28.5: Permit sexually oriented businesses inside incorporated city limits but outside of~~

~~identified "sensitive receptor" locations and their associated buffer areas.~~

~~LU-28.6: Establish adequate buffer areas around "sensitive receptors" to protect them from the secondary effects of sexually oriented businesses.~~

~~LU-28.7: Apply these performance standards to non-conforming sexually oriented adult businesses.~~

~~1 Secondary effects is the term, established through case law, that is used to describe the detrimental impacts sexually oriented businesses may have on a community. These effects include increased crime; reduction in property values; deterioration of the quality of life of the environment of neighborhoods; lessening of the suitability of certain areas for children, seniors, or other groups; and/or increased municipal expenses such as police services.~~

### **3.12.3 Other Considerations**

**GOAL LU-69:** In targeted areas, consider the continuation of nonconforming uses that support other specified goals such as economic development, housing, etc. on a flexible basis.

LU-69.1: Identify specific areas where strict abatement of nonconforming uses could be contrary to other City goals and policies that are determined to be of a higher immediate priority.

LU-69.2: Identify and implement a process to enable targeted nonconforming uses to persist, which addresses the manner of the nonconformity and how bringing it into compliance would deter higher priority goals and policies, and the extent to which the nonconformity may be allowed to remain.

~~LU-69.3: Utilize siting standards specifically relating to sexually oriented adult businesses in lieu of these standards when dealing with such nonconformities.~~

Section 2. Remainder Unchanged. The rest and remainder of the City of Lakewood Comprehensive Plan shall be unchanged and shall remain in full force and effect, including CPA-2003-1 through CPA-2003-5 and CPA-2003-7 through CPA-2003-10, which were addressed and amended in Ordinance Nos. 322 and 323 but were considered cumulatively as a part of the 2003 Comprehensive Plan amendment cycle.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 1<sup>st</sup> day of December, 2003.

CITY OF LAKEWOOD

Attest:

\_\_\_\_\_  
Bill Harrison, Mayor

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Alice M. Bush, CMC, City Clerk

Approved as to Form:

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Heidi Ann Wachter, City Attorney