

# Ordinance NO. 00496

[Council meeting minutes of July 20 2009](#)

## ORDINANCE NO. 496

An Ordinance of the City Council of the City of Lakewood, Washington, extending for an additional six-month term

a system of Interim Zoning Controls on Eating and Drinking Establishments as enacted under Ordinance No. 472 and previously extended through Ordinance Nos. 477 and 486

WHEREAS, on March 17, 2008, the City Council for the City of Lakewood enacted Ordinance No. 472, establishing Interim Zoning Controls on Eating and Drinking Establishments; and,

WHEREAS, this system of Interim Zoning Controls was continued for additional six month periods through Ordinance No. 477 on September 2, 2008, and Ordinance No. 486 on February 2, 2009; and,

WHEREAS, pursuant to Revised Code of Washington sections 35A.63.220 and 36.70A.390, interim zoning controls may be extended for additional six-month periods if a subsequent public hearing is held and facts are found that support such an extension; and,

WHEREAS, to determine whether these Interim Controls should be extended, a public hearing was held before the City Council on July 20, 2009, and at that public hearing the City Council heard and discussed testimony regarding these temporary zoning controls; and,

WHEREAS, based upon this public hearing, the City Council does now make findings of fact in support of extending the interim zoning controls and does direct that these interim controls remain in effect for an additional six months to allow for the interim zoning controls to be incorporated into the zoning and land use regulations of City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,

WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The City Council does find that sufficient facts exist, as were found at a public hearing held on July 20, 2009, to continue the Interim Zoning Controls on Eating and Drinking Establishments for an additional six month period. The findings of fact from the July 20, 2009, public hearing are attached hereto, marked as "Exhibit A," and incorporated herein by this reference.

Section 2. Extension of Interim Zoning Controls. Based upon the facts shown in "Exhibit A" hereto, the City Council does extend the system of Interim Zoning Controls on Eating and Drinking Establishments as commenced in Ordinance No. 472 and previously continued through Ordinance Nos. 477 and 486 for an additional six-month term from the effective date of this Ordinance.

Section 3. Severability. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 4. Effective Date. That this Ordinance shall be in full force and effect upon passage and signatures hereon.

ADOPTED by the City Council this 20th day of July, 2009.

CITY OF LAKEWOOD

\_\_\_\_\_  
Douglas G. Richardson, Mayor

Attest:

\_\_\_\_\_  
Alice M. Bush, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Heidi Wachter, City Attorney

## "EXHIBIT A" TO ORDINANCE NO. 496

### FINDINGS OF FACT IN SUPPORT OF EXTENDING INTERIM ZONING CONTROLS UPON EATING AND DRINKING ESTABLISHMENTS

#### AS COMMENCED IN ORDINANCE NO. 472 AND PREVIOUSLY EXTENDED THROUGH ORDINANCE NOS. 477 AND 486

BASED UPON ORDINANCE 472, the public record created prior to the adoption of Ordinance No. 472, and the testimony and documents considered and reviewed during public hearings held on April 21, 2008, August 18, 2008, January 20, 2009, and July 20, 2009, the City Council for the City of Lakewood does hereby make the following findings of fact in support of extending interim zoning controls created through Ordinance No. 472 and previously extended through Ordinance Nos. 477 and 486, as follows:

1. The City Council does hereby find that large-scale eating and drinking establishments, particularly establishments with more than 10,000 square feet of interior space, are inappropriate within the Neighborhood Commercial and Central Business zoning districts of the City.
2. The City Council does find that such large-scale eating and drinking establishments are inappropriate in such zoning districts because they conflict with other co-located or neighboring land uses and negatively impact the public health, safety and welfare. Specifically, such establishments conflict with residential uses also allowed in these zoning districts. Such conflicts come about in that large-scale eating and drinking establishments maintain operating hours and generate noise levels that are inconsistent with residential uses. Such conflicts also come about through increased levels of vehicular traffic that large-scale eating and drinking establishments create, thereby placing increased demands upon public resources in areas that may lack the infrastructure and traffic control systems necessary to support or control such impacts. Large scale eating and drinking establishments also may apply for and obtain licenses from the state of Washington that will allow gambling-related activities, and such gambling further perpetuate the conflict between large-scale eating and drinking establishments and neighboring residential uses.
3. The City Council does find that such large-scale eating and drinking establishments conflict with the goals and philosophies associated with Neighborhood Commercial and Central Business District Zoning. These goals include the creation of pedestrian friendly neighborhoods with a variety and mix of uses intended to support a high quality of life within an urban environment.
4. As specifically established at the public hearing held on July 20, 2009, it is appropriate to continue the interim controls for an additional six-month term to allow the City's Planning Advisory Board and/or staff additional time to draft an Ordinance that will incorporate this system of interim controls into the City's land use and zoning regulations.
5. It is further the finding of the City Council that previous extensions of these interim zoning controls were appropriate as the City awaited and lobbied for state-wide legislative action that would grant an authority for cities to zone and regulate the locations of establishments that provided gambling-related activities. Only recently the City Council allowed a moratorium on gambling-related licenses, permits and approvals to lapse. Having let the moratorium on gambling businesses lapse, the City Council does now direct that staff prepare and present an ordinance that will incorporate the interim controls initiated through Ordinance No. 472 into the City's regulations.

FINDINGS OF FACT IN SUPPORT OF EXTENDING INTERIM ZONING  
CONTROLS UPON EATING AND DRINKING ESTABLISHMENTS  
AS COMMENCED IN ORDINANCE NO. 472 AND PREVIOUSLY EXTENDED  
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