

Resolution No. 1998-08

[\(Council Minutes 98/02/17\)](#)

RESOLUTION NO. 1998-8

A RESOLUTION of the City Council of the City of Lakewood, Washington, extending by an additional six months the moratorium on the filing of applications for licenses, permits and approvals for adult entertainment businesses established by Ordinance No. 50 and Ordinance No. 78, and previously extended by Ordinance No. 111 and Resolution No. 1997-26

WHEREAS, in conformity with the State Growth Management Act, the City of Lakewood is involved in the process of preparing and adopting a comprehensive plan, a zoning code, and a land use regulations pursuant to that code; and,

WHEREAS, the City is also developing business license regulations for adult entertainment businesses consistent with comprehensive plan and the zoning codes to be enacted; and,

WHEREAS, although the adult entertainment business license regulations are almost completed and are expected to be presented to the City Council for approval and adoption within the next two months, the zoning code, land use and comprehensive planning provisions relating to adult entertainment businesses is expected to take much longer to complete; and,

WHEREAS, in order to provide time to fully study the legal and practical factors involved in developing adult entertainment business license, zoning code, land use and comprehensive planning provisions for the City of Lakewood, it was appropriate to impose a moratorium on the filing of applications for licenses, permits and approvals for adult entertainment businesses, as allowed by section 35A.63.220 of the Revised Code of Washington; and,

WHEREAS, the City Council of the City of Lakewood did adopt ordinances providing for such an initial moratorium and a work plan pursuant thereto by Ordinances No. 50 and 78; and,

WHEREAS, in connection therewith, the City Council established a process for study and evaluation of the issues involved in adult entertainment, delegating both (1) land use - zoning - planning considerations and (2) business licensing considerations to the City's Planning Advisory Board and/or a citizen task force thereof; and,

WHEREAS, pursuant to the charge of the City Council, the Planning Advisory Board established a task force, with citizen involvement, to study adult entertainment regulatory issues, and that task force has been meeting regularly to review issues and gain insights and explore alternatives and options available to the City; and,

WHEREAS, since commencing its work on adult entertainment issues, the task force has met, pursuant to the work plan of Ordinance No. 78, to (1) determine the impacts of adult entertainment businesses in the City of Lakewood, including reviewing their geographic concentration, operational particularities, physical facilities; (2) review the legal implications of land use/zoning/planning and business licensing on adult entertainment businesses as determined by state and federal court decisions; and (3) evaluate the criminal consequences of adult entertainment businesses, as shared by law enforcement officials, not only from Lakewood, but also from other jurisdictions whose experiences have relevance to the City of Lakewood; and,

WHEREAS, in addition to the work already done, the task force is scheduling or has already scheduled more meetings to receive information and perspective from the operators of adult entertainment businesses, employees and entertainers of adult entertainment businesses, and citizens and operators of businesses residing or operating businesses in the vicinity of adult entertainment businesses in the City of Lakewood; and,

WHEREAS, until these further tasks are completed, the task force will not be in a position to make meaningful recommendations for adult entertainment business zoning code, land use and comprehensive planning regulations; and,

WHEREAS, accordingly, the City needs more time to consider properly and carefully all of the factors involved in determining

appropriate zoning and land use regulation for adult entertainment businesses; and,

WHEREAS, section 35A.63.220 of the Revised Code of Washington authorizes the City to extend for six month periods of time moratoriums imposed on business license and development permits and approvals for adult entertainment businesses; and,

WHEREAS, an extension of the moratorium on the filing of applications for licenses, permits and approvals for adult entertainment businesses was approved pursuant to Resolution No. 1997-26, adopted on August 18, 1997, extending the moratorium for an additional six months past the prior moratorium period, to February 28, 1998; and,

WHEREAS, although the study of adult entertainment issues has been on-going and has been proceeding through the ad-hoc task-force of the Planning Advisory Board, and although certain recommendations from the task force are being finalized for presentation to the Planning Advisory Board and then to the City Council relating to adult entertainment business licensing regulations, including standards of conduct, the tasks and responsibilities of the task force are not completed, and additional time is needed to complete those tasks, particularly relating to the zoning, land use and comprehensive planning issues; and,

WHEREAS, a public hearing was held in the 17th day of February, 1998, to allow the City Council to consider the need to extend the moratorium, at which public hearing the City Council heard from representative members of the task force and from other persons wishing to speak to the issue of the moratorium extension.

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

WASHINGTON, HEREBY RESOLVES as follows:

Section 1. Reaffirmation of Moratorium Findings, Recitals, Work Plan. That the findings, recitals and work plan of Ordinance No. 50, Ordinance No. 78, Ordinance No. 111 and Resolution No. 1997-26 still represent the concerns and issues involving adult entertainment as affecting the City of Lakewood, and the findings, recitals and work plan are therefore fully reaffirmed, and are incorporated herein by this reference.

Section 2. Moratorium extended. That the moratorium imposed on the filing with the City or the Courts of any applications for licenses, permits and approvals for adult entertainment businesses and adult use facilities as those terms are defined and used in the Lakewood City Ordinances or the Pierce County Zoning Code (chapter 18A.15 PCC) and for adult cabaret or live business licenses or sexually oriented businesses, as those terms are commonly understood or defined in said Lakewood City Ordinances or Pierce County Zoning Code, as imposed by Ordinance No. 50, Ordinance No. 78, Ordinance No. 111 and Resolution No. 1997-26, is extended.

Section 3. Term of Moratorium extension. The extension of the moratorium imposed by this Resolution shall become effective on February 28, 1998, and shall continue in effect for a period of six (6) months, to August 28, 1998, unless repealed, extended or modified by the City Council after subsequent public hearing and entry of appropriate findings of fact pursuant to RCW 35A.63.220, provided that the moratorium shall automatically expire upon the effective date of a final (not interim) comprehensive plan and a final (not interim) zoning code and final (not interim) land use regulations adopted by the City Council.

Section 4. Severability. If any sections, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of component 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 Resolution or its application to any other person, property or circumstance.

Section 5. Effective Date. That, upon passage and signatures hereon, this Resolution shall be in full force and effect on February 28, 1998, and shall continue in effect as provided herein.

PASSED by the City Council this 17th day of February, 1998

Attest: _____

Bill Harrison, Mayor

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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