

# Resolution No. 1999-10

[\(Council Minutes 99/02/16\)](#)

## RESOLUTION NO. 1999-10

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 Numbers 1997-26, 1998-8 and 1998-27

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, in order for the City of Lakewood to completely address its comprehensive plan needs relative to the placement of adult entertainment businesses and establishments, it is appropriate to factor in the particulars of its adult entertainment business regulations as well as its zoning and land use regulations; and,

WHEREAS, the City has developed business license regulations for adult entertainment businesses with which the comprehensive plan and the zoning codes must be consistent; and,

WHEREAS, although the adult entertainment business license regulations are completed and have been adopted as Ordinance No. 171, more time is needed to complete the zoning code, land use and comprehensive planning provisions relating to adult entertainment businesses; and,

WHEREAS, in order to provide time to fully study the legal and practical factors involved in addressing adult entertainment businesses, relative to the City's zoning code, land use and comprehensive planning provisions, 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 land use - zoning - planning considerations, as well as the now complete business licensing considerations, to the City's Planning Advisory Board and its Adult Entertainment Citizen's Task Force; and, WHEREAS, the Planning Advisory Board and its Adult Entertainment Citizen's Task Force has further work ahead of it to determine and address the impacts of adult entertainment businesses in the City of Lakewood, including reviewing their geographic concentration, operational particularities, physical facilities and to 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,

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 most recently approved pursuant to Resolution No. 1998-27, adopted on August 17, 1998, extending the moratorium for an additional six months past the prior moratorium period, to February 28, 1999; and,

WHEREAS, pursuant to state law, a public hearing has been held to allow the City Council to consider the need to extend the moratorium, at which public hearing all persons wishing to speak and express their views were heard.

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, Resolution No. 1997-26, Resolution No. 1998-8 and Resolution 1998-27 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, Resolution No. 1997-26, Resolution No. 1998-8 and Resolution No. 1998-27, is extended.

Section 3. Term of Moratorium extension. The extension of the moratorium imposed by this Resolution shall become effective on February 28, 1999, and shall continue in effect for a period of six (6) months, to August 28, 1999, 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, 1999, and shall continue in effect as provided herein.

PASSED by the City Council this 16th day of February, 1999

Attest: \_\_\_\_\_

Bill Harrison, Mayor

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Alice M. Bush, CMC, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

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