

Resolution No. 2004-02

[Council meeting minutes of Mar 1 2004](#)

RESOLUTION NO. 2004-02

A Resolution of the City Council of the City of Lakewood, Washington, setting a public fact finding hearing pursuant to RCW 35A.63.220 to consider whether the moratorium established pursuant to Ordinance No. 297 should be extended for an additional six month period

WHEREAS, the Planning Advisory Board for the City of Lakewood is currently studying and researching options for zoning and regulating sexually oriented adult businesses; and,

WHEREAS, pending litigation between the City of Lakewood and owners of sexually oriented adult businesses has complicated issues regarding the zoning and regulation of such businesses and placed pending regulations concerning such businesses in doubt; and,

WHEREAS, pursuant to section 35A.63.220 of the Revised Code of Washington, in Ordinance No. 297, the City of Lakewood established a moratorium on applications for licenses, permits and approvals for businesses classified as adult entertainment establishments within the City; and,

WHEREAS, the moratorium established in Ordinance No. 297 has been extended twice in Ordinances No. 309 and 318; and,

WHEREAS, Ordinance No. 318 was adopted on the 20th day of October, 2003, and effectively extended the moratorium for six months from the date of adoption of said Ordinance; and,

WHEREAS, in accordance with applicable laws and procedures, the City Council of the City of Lakewood may extend the existing moratorium for an additional six months after a public hearing is held if findings of fact from that public hearing are made to support renewal or extension of the moratorium.

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

Section 1. Public Hearing Set. That a public hearing shall be held regarding the moratorium established in Ordinance No. 297 and extended in Ordinances No. 309 and No. 318, and said hearing is hereby set for the Monday, April 5, 2004, at 7 p.m. in the City of Lakewood City Council Chambers.

Section 2. Moratorium Extended on Findings of Fact. Pursuant to RCW 35A.63.220 extension or renewal of this moratorium must be based upon findings of fact as established at the above-set public hearing. The purpose for this public hearing will be to consider whether to renew, extend or abandon the moratorium.

Section 3. Severability. If any sections, sentence, clause or phrase of this Resolution 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 Resolution or its application to any other person, property or circumstance.

Section 4. This Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 1st day of March, 2004.

Attest: _____

Douglas G. Richardson, Mayor

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

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