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zoning

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Introduced By:

Louise Miller

Clerk 04/01/99

Proposed No.:

1999-0197

ORDINANCE NO. 13546

AN ORDINANCE relating to zoning, amending provisions governing adult entertainment businesses; and amending Ordinance 10870, Section 47, and K.C.C. 21A.06.035, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 and Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings of fact:

The adverse impacts caused by the proliferation of businesses offering sexuallyoriented adult entertainment are well-known and have been amply documented in the
literature. These adverse impacts, commonly known as adult entertainment businesses'
"secondary effects," include threats to minors, neighborhood blight and the commission of
criminal acts within and around the establishments themselves.

In 1991, the King County council, after taking testimony and receiving materials from law enforcement officers and a variety of other sources, enacted Ordinance 9915. The ordinance contained detailed findings documenting the prevalence of adverse effects caused by adult entertainment businesses in King County. The county's legitimate interest in preventing these effects was recognized by the King County superior court. In the

Spring of 1994, the King County superior court held that the secondary effects identified in Ordinance 9915 were real and that the ordinance was therefore a content-neutral regulation narrowly tailored to serve a substantial government interest.

Other jurisdictions have also undertaken detailed studies of secondary effects and the measures used to prevent them. These studies are relevant to King County because they detail the adverse economic and social effects that adult entertainment businesses have upon residential and commercial areas.

Subsequent council enactments and proceedings have reinforced the conclusion that such businesses pose a serious threat to the health, safety and welfare of the community.

Therefore, based on the evidence, information, documents, other materials and testimony submitted to and reviewed by the King County council and other municipalities and jurisdictions, including but not limited to the record for Ordinance 9915, Proposed Ordinance 1999-0199 and this ordinance, the King County council makes the following findings of fact:

A. Adult entertainment businesses, by their very nature, historically have been accompanied by secondary effects that are detrimental to the public health, safety, morals and welfare. These secondary effects include a wide range of criminal and other unlawful activities such as prostitution, narcotics and liquor law violations, breaches of the peace, assaults, sexual conduct involving physical contact between patrons or between entertainers and patrons and employment of or service to minors. These problems are serious and pose the greatest threat to the welfare of the citizens of King County when conducted in close proximity to places where minors gather. The need to protect minors

from the criminal and other unlawful activities associated with adult entertainment establishments is compelling. This ordinance is necessary to ensure that adult entertainment businesses are located a reasonable distance away from places where minors regularly gather, to reduce the likelihood of minors becoming victims to crimes or gaining access to such businesses.

B. Protecting the character of residential neighborhoods is important to the welfare of the citizens of King County. Adult entertainment businesses are not compatible with residential neighborhoods due to the documented secondary effects. The setback from residential areas required by this ordinance are necessary to minimize these secondary effects.

C. Adult entertainment businesses have adverse secondary effects on the economic vitality of nearby businesses. Adult entertainment businesses also cause declines in property values in both commercial and residential areas that are near such businesses.

- D. The adverse economic and social effects and the increased criminal activity that adult entertainment businesses can bring to a community cannot be understated. Allowing concentration of these businesses only serves to further magnify the level of these secondary effects. The requirement for significant distance between these businesses will reduce these effects and will ensure that no one community will be burdened with a disproportionate number of these businesses.
- E. Adult entertainment businesses serve a regional market and should be regulated through regional planning. Within unincorporated King County the amount of commercially zoned, urban land is shrinking as that land is annexed or incorporated into

cities as called for in the Growth Management Act, the Countywide Planning Policies and the King County Comprehensive Plan. As a result, King County must increasingly coordinate with and rely on cities to provide commercial businesses that serve a regional market, including adult entertainment businesses. In particular, King County must to the extent possible coordinate with the cities to determine the appropriate, interim land uses in the areas of unincorporated King County that will be annexed.

- F. The findings of fact contained in Proposed Ordinance 1999-0199 are incorporated in this ordinance.
- G. King County has a compelling interest in regulating adult entertainment businesses to protect against the harmful secondary effects associated with such businesses and to promote the public health, safety, morals and welfare.

SECTION 2. Ordinance 10870, Section 47, and K.C.C. 21A.06.035 are each hereby amended to read as follows:

Adult ((use facility)) entertainment business. Adult ((use facility)) entertainment business: An ((enterprise predominantly involved in the selling, renting or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined in this chapter for observation by patrons therein. Examples of such facilities include, but are not limited to, adult book or video stores and establishments offering panoramas, peep shows or topless or nude dancing)) adult club, adult arcade or

adult theatre as those terms are defined in the adult entertainment licensing provisions in

K.C.C. Title 6.

SECTION 3. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are hereby amended to read as follows:

Recreational/cultural land uses. A. Recreational/cultural land uses.

KEY		R	RESOURCE		RURAL RESIDENTIAL			AL	COMMERCIAL/INDUSTRIAL					
P-Permitted Use			F	М	R	UR	· U	R	ΝВ	СВ	R B	Го	I	T
C-Conditional Use		G	0	I	U	RE	R	E	E U	ου	ЕU	l · F	N	
S-Special Use Z		ZR	R	N	R	ВS	В	S	I S	M S	G S	F	D	l
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SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-	NB	СВ	RB	0	I	
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	PARK/RECREATION:		· · · · · ·											
* *	Park	P1	P1	P1	Pl	P1	P1	P1	P	P	P	P	P1:	
*	Trails	P	P	P	P	P	P	Р	P	P	P	P	P	
*	Campgrounds		P16		P16	P16							PI	
			C16a		C16a	C16a		L					C16	a
*	Destination Resorts	<u>.</u>	S		S	С					С			
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P	Ш
*	Recreational Vehicle ark				C2	C2	<u> </u>							Ц
*	Sports club (17)				C4	C4	C4	C4	С	P	P	<u> </u>		Ш
*	Ski Area		S		S									
	AMUSEMENT/ENTERTAINMEN	T:												Ш
* .	Adult Entertainment									<u>P6</u>	<u>P6</u>	<u>P6</u>		
.	Business		<u> </u>	ļ										
*	Theater									P((6))	P((6))	P((6))		Ш
7833	Theater, Drive-in										C((6))			Ц
793	Bowling center									P	P		P	
*	Golf facility		<u> </u>	<u> </u>	C7	P7	P7	P7						
7999	Amusement and	-			·P8	P8	P8	P8		P	P			
(14)	Recreation				C15	C15	C15	C15						
	Services													Ш
*	Shooting range		C9	ļ	C9						C10		P10	Ц
*	Amusement arcades					l i				P	P		İ	

7996	Amusement park									С	ļ	L
*	Outdoor performance		S	C12 S						S		
	Center										 	
	CULTURAL:											
823	Library			P11	P11 C	P11 C	P11 C	P	P	P	P	
841	Museum			P11	P11 C	P11 C	P11 C	P	P	P	P	F
842	Arboretum	P	P	P	P	P	P	P	P	P	P	
*	Conference Center			P11	P11 C	P11 C	P11 C	. P		P	P	
				C12						!	1	

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;

Development Standards see K.C.C. 21A.12 through 21A.30;

General Provisions, see K.C.C. 21A.32 through 21A.38;

Application and Review Procedures, see K.C.C. 21A.40; through 21A.44;

(*)Definition of this specific Land Use, see K.C.C. 21A.06

((Recreational/cultural land uses.)) B. Development conditions.

- 1. The following conditions and limitations shall apply, where appropriate:
 - a. No stadiums on sites less than ten acres;
 - b. Lighting for structures and fields shall be directed away from residential areas;
- c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site required recreation areas shall be maintained pursuant to K.C.C. 21A.12.030;
- d. Facilities in the F, A((,)) or M zones, or in a designated ((P))rural ((F))farm or ((F))forest ((D))district, shall be limited to trails and trailheads and active recreation facilities, including related accessory uses such as parking and sanitary facilities. Active recreation facilities shall be limited to those properties within the ((A))agricultural ((P))production ((D))district (APD) that are acquired ((prior to)) before designation of the APD, using voter-approved recreation funds, state funds mandated for recreation((,)) funds or King County ((B))board of ((P))recreation funds. Active recreation uses allowed on

parcels as noted ((above)) in this subsection B.1d may be transferred to other parcels within the same APD. However, active recreation from lands outside of the APD shall not be relocated to any parcel within an APD. Where such facilities are permitted within an APD, the following deed restrictions will be applied:

- (1) Active recreation uses shall be designed in a manner that visually screens adjacent agricultural uses from park users and that restricts physical trespass onto adjacent ((A))agricultural ((P))production ((D))district properties;
- (2) Buildings associated with recreational uses shall be limited to restroom facilities, picnic shelters and storage/maintenance facilities for equipment used on-site;
- (3) No use that permanently compacts, removes, sterilizes, pollutes or otherwise materially impairs the future use of the soil for raising agricultural crops shall be allowed;
- (4) Any soil surfaces temporarily disturbed through construction activities shall be restored in a manner consistent with agricultural uses, including restoration of the original soil horizon sequence, as soon as practical following such disruptions;
- (5) Access to recreational uses shall be designed to minimize impact on the surrounding ((A))agricultural ((P))production ((D))district and should be limited to direct access along ((D))district boundaries whenever feasible; and
- (6) Although the recreational use of ((A))agricultural ((P))production ((D))district properties may be long term, such use shall be recognized as an interim use of the ((P))production ((D))district's prime agricultural soils. As such, any acquisition funding or policy restrictions for the recreational use of the property shall be viewed as

subordinate to the ((C))county's prior commitment to the preservation of prime agricultural soils and the viability of local agricultural production. Whenever the ((C))county declares through action of the King County ((C))council a critical shortage of agricultural soils to accommodate an active soil-dependent agricultural proposal, the ((C))county shall initiate a process to relocate any recreational uses off the subject property ((C)) and to make the property available for re-establishment of agricultural activities; and

- e. Overnight camping is allowed only in an approved campground.
- 2. Recreational vehicle parks are subject to the following conditions and limitations:
- a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three hundred sixty-five day period;
- b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and
- c. Sewage shall be disposed in a system approved by the Seattle-King County health department.
- 3. Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available ((prior to)) before the date of application.
- 4. Not permitted in the RA-20 zone, or in the RA-10 zone when located in a designated ((P))rural ((P))farm ((D))district((L)), limited to recreation facilities subject to the following conditions and limitations:
- a. The bulk and scale shall be compatible with residential or rural character of the area;

b. For sports clubs, the gross floor area shall not exceed ((10,000)) ten thousand square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a non((-))profit facility located in the urban area; and

- c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.
 - 5. Limited to day moorage.
- 6. <u>a.</u> Adult ((<u>use facilities</u>)) <u>entertainment businesses</u> shall be prohibited within ((660)) <u>three hundred thirty</u> feet of any ((<u>residential zones</u>, any other adult use facility,)) property zoned RA, UR or R or containing schools, licensed daycare centers, <u>public</u> parks or trails, community centers, <u>public</u> libraries or churches ((<u>which conduct religious or educational classes for minors</u>)). <u>In addition, adult entertainment businesses shall not be located closer than three thousand feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection B.6a.</u>
- b. Adult entertainment businesses shall not be permitted within an area likely to be annexed to a city subject to an executed interlocal agreement between King County and a city declaring that the city will provide opportunities for the location of adult businesses to serve the area. The areas include those identified in the maps attached to this ordinance.
- 7. Clubhouses, maintenance buildings and equipment storage areas, and driving range tees shall be at least ((50)) <u>fifty</u> feet from residential property lines. Lighting for

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practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. The department shall determine by administrative rule best management practices for golf course development. These rules shall be delivered to the council for review by July 31, 1998. Within the RA zone, such facilities shall be permitted only in the RA-5, and RA-2.5 and RA-10 zones. Not permitted in a designated ((R))rural $((\mathbf{F}))$ farm or $((\mathbf{F}))$ forest $((\mathbf{D}))$ district, regionally significant resource areas or locally significant resource areas. In the RA-10 zone, ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings((,)) and other structures housing administrative offices or activities which provide convenience services to players. These convenience services are limited to a pro shop, food services ((3)) and dressing facilities and shall occupy a total of no more than ((10,000)) ten thousand square feet. Furthermore, the residential density that is otherwise permitted by the zone shall not be used on other portions of the site through clustering or on other sites through the transfer of density provision. This residential density clustering or transfer limitation shall be reflected in a deed restriction that is recorded at the time applicable permits for the development of the golf course are issued. In the RA-10 zone, the county shall limit this use to no more than six development permit applications of which only three may be over ((100)) one hundred acres in size. The provisions permitting this use ((shall)) expire on April 1, 2003, unless re-enacted by council action.

8. Limited to a golf driving range as an accessory to golf courses.

9. a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property lines adjoining residential zones((; provided that)), but existing facilities shall be exempt;

- b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets((,)) or arrows from leaving the property;
- c. Site plans shall include: safety features of the range; provisions for reducing sound produced on the firing line; elevations of the range showing target area, backdrops or butts; and approximate locations of buildings on adjoining properties; and
 - d. Subject to the licensing provisions of K.C.C. Title 6.
- 10. a. Only in an enclosed building, and subject to the licensing provisions of K.C.C. Title 6;
- b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:
- (1) installing ventilation systems which provide sufficient clean air in the user's breathing zone, and
- (2) adopting appropriate procedures and policies which monitor and control exposure time to airborne lead for individual users.
- 11. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a King County landmark subject to ((the provisions of))

 K.C.C. chapter 21A.32.
- 12. Only as accessory to a nonresidential use established through a discretionary permit process, and provided further that the scale is limited to ensure compatibility with

surrounding neighborhoods, and provided further that this condition applies to the UR zone only if the property is located within a designated unincorporated ((P))rural ((T))town.

- 13. Subject to the following:
- a. The park shall abut an existing park on one or more sides, intervening roads notwithstanding;
- b. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted;
- c. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located; and
- d. All buildings or structures or service yards on the site shall maintain a distance not less than fifty feet from any property line and from any public street.
 - 14. Excluding amusement and recreational uses classified elsewhere in this chapter.
- 15. Limited to golf driving ranges and subject to ((the provisions of)) K.C.C. 21A.08.040B.7.
 - 16. Subject to the following conditions:
- a. The length of stay per party in campgrounds shall not exceed one hundred eighty days during a three hundred sixty-five day period; and
- b. Only for campgrounds that are part of a proposed or existing county park, which are subject to review and public hearings through the department of parks and recreation's master plan process ((pursuant to)) under K.C.C. 2.16.050.
 - 17. Only for stand-alone sports clubs that are not part of a park.

each amended to read as follows:

	Retail land uses. A. Retail	land	use	s.	•									
KEY		RESC	OUR	CE			RESID	ENTIA	L	COMM	1ERCIAL	/INDU	STRIAL	1
C-Co	mitted Use nditional Use cial Use Z O N E	A G R I C U L T U R E	F O R E S T	M I N E R A L		U R A	U R R B B S A E N R V E	B A	R E S I D E N T I A L	NE I GH B C S S C R H O O D	O U M S M I U N N E I S	E U G S I I O N N E A S	O JF F I I C E	I N D U S T R I A L
SIC#	SPECIFIC LAND USE	A	F	М			UR	R1-8	R12 -48	NB	СВ	RB	О	1
*	Building, Hardware and Garden Materials					C1	C1			P2	P	P		
*	Forest Products Sales	P3, 4	P4			P3, 4						Р		П
*	Department and Variety Stores								15)) 14	·	P	P		
54	Food Stores					C((14)) <u>13</u>		C((16)) <u>15</u>	C((16)) 15		P	P	С	P6
*	Agricultural Product Sales	P3 C7	P4			P3 C7	P3	P3						1
*	Motor Vehicle and Boat Dealers	 										P8		P
553	Auto Supply Stores										P9	P9		Þ
554	Gasoline Service Stations	T .								P	P	P		P
56	Apparel and Accessory Stores		\vdash	 	•						P	P		T
*	Furniture and Home Furnishings Stores								,		P	Р		
58	Eating and Drinking Places					C((1 4)) <u>13</u>			C((17)) 16	P10	P	P	P	P
*	Drug Stores							C((16		P	P	P	С	,
592	Liquor Stores										P	P	Ì	1
593	Uses Goods: Antiques/Secondhand Shops									,	P	P		
*	Sporting Goods and related Stores										Р	P		
*	Book, Stationery, Video & Art Supply Stores		,					11))1		P((11))	P((11))	P((11))		
*.	Jewelry Stores	 		 					 -		P	P		\vdash
*	Monuments, Tombstones, and	 	 									P		\vdash
	Gravestones												ľ	
*	Hobby, Toy, Game Shops									P	P	P		
*	Photographic and Electronic Shops									P	P	P		Ī
*	Fabric Shops										P	P		Г

SECTION 4. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are

b. Covered sales areas shall not exceed a total area of ((500)) five hundred square

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- 4. No permanent structures or signs.
- 5. Limited to SIC Industry No. 5331, Variety Stores, and further limited to a maximum of ((2,000)) two thousand square feet of gross floor area.
 - 6. Limited to a maximum of ((2,000)) two thousand square feet of gross floor area.
- 7. a. The floor area devoted to retail sales shall not exceed ((2,500)) two thousand five hundred square feet;
- b. No more than forty percent of the average annual gross sales of agricultural products sold through the store over a five-year period shall be derived from products not

grown or produced in King County. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

- c. Sales shall be limited to agricultural produce and plants;
- d. Storage areas for produce may be included in a farm store structure or in any accessory building;
- e. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. during the months of May through September and 7:00 a.m. to 7:00 p.m. during the months of October through April; outside lighting is permitted((, provided)) if no off-site glare is allowed; and
- f. Noncontiguous lands within King County may be assembled by an individual farmer or group of farmers for the purposes of establishing a source of local products to be sold in a farm store on one of the properties.
 - 8. Excluding retail sale of trucks exceeding one-ton capacity.
 - 9. Only the sale of new or reconditioned automobile supplies is permitted.
 - 10. Excluding SIC Industry No. 5813-Drinking Places.
- 11. ((Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, school, licensed daycare centers, parks, community centers, public libraries or churches which conduct religious or educational classes for minors.
- - ((13.)) 12. Excluding vehicle and livestock auctions.
 - ((14.)) 13. Only as accessory to a winery or brewery.

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((17-)) 16. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking

Places, and limited to a maximum of ((5,000)) five thousand square feet of gross floor area

and subject to ((the requirements in)) K.C.C. 21A.12.230.

to ((the requirements in)) K.C.C. 21A.12.330.

((16.)) 15. Not permitted in R-1 and limited to a maximum of ((5,000)) five thousand square feet of gross floor area and subject to ((the requirements in)) K.C.C. 21A.12.230.

((15.)) 14. Not in R-1 and limited to SIC Industry No. 5331 - Variety Stores,

limited to a maximum of ((5,000)) five thousand square feet of gross floor area, and subject

1	((18.)) 17. Retail sale of livestock is permitted only as accessory to raising
2	livestock.
3	((19.)) <u>18.</u> Limited to the R-1 zone.
4 5	SECTION 5. Effective Date. This ordinance takes effect July 1, 1999.
6	INTRODUCED AND READ for the first time this 5th day of April 1999.
7	PASSED by a vote of 8 to 5 this 7th day of June, 1999.
8 9	KING COUNTY COUNCIL KING COUNTY, WASHINGTON
10 11	Chair Miller
12	ATTEST:
13 14	Clerk of the Council
15	APPROVED this 10 day of the , 19999
16 17	King County Executive
18 19 20 21	Attachments: Maps of areas likely to be annexed to a city that are subject to an executed interlocal agreement between King County and a city declaring that the city will provide opportunities for the location of adult entertainment businesses to serve the area.

13546 EXHIBIT "A"



