

ORDINANCE NO. 152590

An Ordinance amending Ordinance No. 152549 by amending Section 2 to extend the temporary prohibition on the establishment of adult bookstores and adult theaters in the City for an additional 30 days, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. On November 19, 1981, the Council adopted Ordinance No. 152549 which prohibited adult bookstores in the C4 and RX zones and required adult bookstores in the M3, MX, C1, C2 and C3 zones to be located at least five hundred (500) feet from a residential zone or a public or private elementary, junior high or high school. Ordinance No. 152549 also required adult bookstores that cannot meet the locational requirements of the ordinance to relocate or cease operations within six (6) months after the ordinance becomes effective.
2. Ordinance No. 152549 also prohibited the establishment of adult bookstores and adult theaters in the City for 90 days. The purpose of the 90-day moratorium was to permit the Bureau of Planning to study the desirability of regulating adult theaters and of preventing the clustering of adult bookstores and adult theaters in the zones in which they are permitted.
3. The Bureau of Planning has completed the study requested by Council. The Bureau of Planning has concluded that adult theaters and residential uses are inherently incompatible uses and should be separated. The Bureau of Planning has also concluded that minimum separation restrictions for new adult bookstores, adult theaters and relaxation treatment and related businesses should be adopted to prevent these businesses from clustering and having a detrimental impact on the areas in which they are permitted to locate.
4. The Bureau of Planning has proposed two ordinances to implement the results of the study: (1) An ordinance prohibiting adult theaters in the M3, MX, C1, C2 and C3 zones from locating within five hundred (500) feet of a residential zone or school and prohibiting adult theaters in the RX zone,

and (2) an ordinance imposing minimum separation requirements on new adult bookstores, adult theaters and relaxation treatment and related businesses in the M3, MX, C1, C2 and C3 zones.

5. On February 2, 1982, the Planning Commission added a six month amortization requirement to the adult theater ordinance and approved both ordinances.
6. Oregon Laws 1981, Chapter 748 requires that the Land Conservation and Development Commission (LCDC) be notified at least 45 days before the Council takes final action on any proposed amendment to the City's zoning code. The proposed ordinances regulating adult theaters and imposing minimum separation restrictions on adult businesses are ordinances which must be sent to LCDC for review under Oregon Laws 1981, Chapter 748.
7. The 90-day moratorium was scheduled to lapse on February 18, 1982. However, the Council was unable to take final action on the proposed ordinances until mid-March when LCDC's 45-day review period elapsed.
8. On February 18, 1982, the Council adopted Ordinance No. 152861 which extended the 90-day moratorium imposed by Ordinance No. 152549 an additional 30 days.
9. On March 11, 1982, the Council held a hearing on the ordinances regulating adult theaters and imposing minimum separation restrictions on adult businesses. The Council set over final consideration of both ordinances until March 25, 1982 in order to obtain legal advice from the City Attorney's Office on questions that arose during the March 11th hearing.
10. The 120 day moratorium period provided for by Ordinance Nos. 152549 and 152861 expires before March 25, 1982.
11. To prevent the number of adult bookstores and adult theaters from increasing rapidly in the allowable zones pending consideration of the adult theater and minimum spacing ordinances by the Council, it is appropriate to extend the 120 day moratorium imposed by Ordinance Nos. 152549 and 152861 an additional 30 days.

ORDINANCE No.

12. It is in the public interest to implement the 30-day extension as expeditiously as possible to prevent a rapid increase in the number of adult bookstores and adult theaters in the City pending Council consideration of additional land use regulations for these businesses.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 152549 is hereby amended by amending Section 2 to read as follows:

For a period of 150 days from the effective date of this ordinance, no person shall cause or permit the establishment of an adult bookstore or adult theater, as defined in Section 1 above, in the locations permitted in Section 1 of this ordinance. The "establishment" of an adult bookstore or adult theater shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to an adult bookstore or adult theater.

Section 2. The Council declares that an emergency exists because allowing adult bookstores and adult theaters to relocate and/or open in the location permitted by Ordinance No. 152549, pending Council consideration of additional land use regulations for these businesses, may adversely affect the quality and stability of these locations and have a detrimental effect on the public peace, health, safety and general welfare; therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, MAR 18 1982

COMMISSIONER SCHWAB
KSBeaumont/djb
March 15, 1982

Attest:


Auditor of the City of Portland

Calendar No. 700

ORDINANCE No. 152990

Title

An Ordinance amending Ordinance No. 152549 by amending Section 2 to extend the temporary prohibition on the establishment of adult bookstores and adult theaters in the City for an additional 30 days, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	1	
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

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FOUR-FIFTHS CALENDAR	
JORDAN	<i>[Signature]</i>
LINDBERG	<i>[Signature]</i>
SCHWAB	<i>[Signature]</i>
STRACHAN	<i>[Signature]</i>
IVANCIE	<i>[Signature]</i>

INTRODUCED BY
COMMISSIONER SCHWAB

NOTED BY THE COMMISSIONER
Affairs <i>[Signature]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau:
Prepared By: KSBeaumont:djb Date: 3-15-82
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

CALENDAR
Consent Regular

NOTED BY
City Attorney <i>KSBeaumont</i>
City Auditor
City Engineer

Filed MAR 16 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Cruell*
Deputy