

ORDINANCE NO. 153062

An Ordinance amending Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon, by amending Chapters 33.41, 33.42, 33.44, 33.46, and 33.50 to limit the locations of adult theaters; amending Chapter 33.36 to prohibit adult theaters; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that:

1. The City regularly receives a large number of complaints about adult bookstores and a smaller number about adult theaters. These complaints come from residents, neighborhood associations and businesses, and concern criminal activities, vandalism, public display of interior activities, and late night traffic and noise generated by the businesses on the premises and in the surrounding residential neighborhoods.
2. The City verified the complaints regarding adult bookstores and found that adult bookstores located close to residential zones are inherently incompatible uses because these businesses adversely affect the quality and stability of residential areas.
3. On November 19, 1981, the Council adopted Ordinance No. 152549 which prohibits adult bookstores in the C4 and RX zones and requires adult bookstores in the M3, MX, C1, C2 and C3 zones to be located at least 500 feet from a residential zone or a public or private elementary, junior high or high school. Ordinance No. 152549 also requires 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.
4. At the November 19, 1981 hearing on Ordinance No. 152549, the Council found insufficient evidence of incompatibility between adult theaters and residential uses at that time to justify regulating adult theaters in a manner identical to adult bookstores. The Council directed the Planning Bureau to study further whether, and in what manner, adult theaters should be regulated.
5. 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 theaters in the zones in which they are permitted.
6. Adult theaters are currently allowed as permitted, principal uses in six zones: M3 (Light Manufacturing), MX (Central Services), C1 (Central Commercial), C2 (General Commercial), C3 (Local Commercial) and RX (Downtown Multi-Family Residential).

7. These zones abut residential zones or include residential neighborhoods. Consequently, these businesses are frequently located in close proximity to residential uses.
8. The Bureau of Planning completed the study of adult theaters requested by the Council and verified the complaints regarding adult theaters. The Planning Bureau found that adult theaters located close to residential uses are inherently incompatible with those residential uses.
9. To prevent further conflicts between adult theaters and residential uses, new adult theaters should be separated from residential zones. Additionally, existing adult theaters should be given six months to cease operations, relocate or change format.
10. Separation can be achieved by prohibiting adult theaters within five hundred feet of a residential zone or a public or private elementary, junior high or high school and prohibiting adult theaters in the RX zone.
11. City Code prohibits adult bookstores and relaxation treatment and related businesses within five hundred feet of a residential zone or a public or private elementary, junior high or high school. The proposed regulations for adult theaters will be in conformance with those for other adult businesses.
12. The Bureau of Buildings is charged with the enforcement of Title 33 and has the procedures and resources to enforce these new regulations.
13. The proposed regulations support the Comprehensive Plan's Goal 2, Urban Development and Policy 2.9, Residential Neighborhoods, because the regulations will restrict a land use that is incompatible with residential uses. By doing so these regulations will improve and protect the "character of established neighborhoods and business centers."
14. The proposed regulations also support the Comprehensive Plan's Goal 3, Neighborhoods, Policy 3.2, Social Conditions and Policy 4.4, Housing Choice and Neighborhood Stability, because the regulations reinforce stability in the city's neighborhoods by restricting a land use that large segments of neighborhood residents find offensive and that is detrimental to affected neighborhoods.
15. The Planning Commission considered these proposed amendments to Title 33 on February 2, 1982, and recommends that the Council adopt them.
16. It is in the best interest of the City to implement these regulations as expeditiously as possible to prevent new conflicts from arising.

NOW, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning, is hereby amended by amending Section 33.36.050, to read as follows:

33.36.050 Limitations on Use. The following limitations shall apply to permitted C1 Central Commercial Uses:

(1) through (3) *** (no change).

(4) Adult bookstores and adult theaters are prohibited.

- b. Title 33, Planning and Zoning, is hereby amended by amending Section 33.41.030, to read as follows:

33.41.030 Limitations on Use.

(a) through (e) *** (no change).

(f) No adult bookstore or adult theater shall locate within five hundred feet of any residentially zoned land, nor shall they locate within five hundred feet of any public or private elementary, junior high or high school. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the structure, or portion of the structure containing the use, to the closest portion of the residential zone or school lot line. Existing adult bookstores that cannot meet the locational requirements of this ordinance must cease operations or relocate to a permitted location within six months of the date of adoption of this ordinance.

- c. Title 33, Planning and Zoning, is hereby amended by amending Section 33.42.030, to read as follows:

33.42.030 Limitations on Use.

(a) through (f) *** (no change).

(g) No adult bookstore or adult theater shall locate within five hundred feet of any residentially zoned land, nor shall they locate within five hundred feet of any public or private elementary, junior high or high school. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the structure, or portion of the structure containing the use, to the closest portion of the residential zone or school lot line. Existing adult bookstores that cannot meet the locational requirements of this ordinance must cease operations or relocate to a permitted location within six months of the date of adoption of this ordinance.

- d. Title 33, Planning and Zoning, is hereby amended by amending Section 33.44.030, to read as follows:

33.44.030 Limitations on Use. The following limitations shall apply to permitted uses:

(a) and (b) *** (no change).

(c) No adult bookstore or adult theater shall locate within five hundred feet of any residentially zoned land, nor shall they locate within five hundred feet of any public or private elementary, junior high or high school. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the structure, or portion of the structure containing the use, to the closest portion of the residential zone or school lot line. Existing adult bookstores that cannot meet the locational requirements of this ordinance must cease operations or relocate to a permitted location within six months of the date of adoption of this ordinance.

e. Title 33, Planning and Zoning, is hereby amended by amending Section 33.46.050, to read as follows:

33.46.050 Limitations to Use. The following limitations shall apply to permitted uses:

(1) and (2) *** (no change).

(3) No adult bookstore or adult theater shall locate within five hundred feet of any residentially zoned land, nor shall they locate within five hundred feet of any public or private elementary, junior high or high school. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the structure, or portion of the structure containing the use, to the closest portion of the residential zone or school lot line. Existing adult bookstores that cannot meet the locational requirements of this ordinance must cease operations or relocate to a permitted location within six months of the date of adoption of this ordinance.

f. Title 33, Planning and Zoning, is hereby amended by amending Section 33.50.030, to read as follows:

33.50.030 Limitations on Use.

(a) through (c) *** (no change).

(d) No adult bookstore or adult theater shall locate within five hundred feet of any residentially zoned land, nor shall they locate within five hundred feet of any public or private elementary, junior high or high school. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the structure, or portion of the structure containing the use, to the closest portion of the residential zone or school lot line. Existing adult bookstores that cannot meet the locational requirements of this ordinance must cease operations or relocate to a permitted location within six months of the date of adoption of this ordinance.

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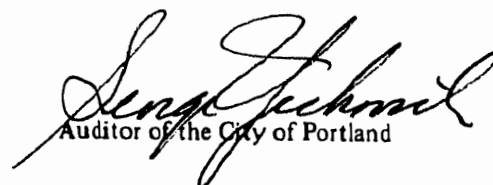
153062

Section 2. The Council declares that an emergency exists because allowing new adult theaters to locate in close proximity to residential zones and schools will adversely affect the quality and stability of nearby residential and commercial areas; therefore, this Ordinance shall be in full force and effect upon passage by the Council.

Passed by the Council, APR 7 1982

Commissioner Mildred A. Schwab
Bruce Halperin:jm
February 19, 1982

Attest:


Auditor of the City of Portland

837
574
~~540~~

Calendar No.

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Title

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THURSDAY

MAR 11 1982

CONTINUED TO MAR 25 1982

MAR 25 1982

9:30 a.m.

CONTINUED TO ~~MAR 25~~ APR 7 1982

Filed MAR 4 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

as amended

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Commissioner Mildred A. Schwab

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

BUREAU APPROVAL
Bureau: Bureau of Planning
Prepared By: Bruce Halperin:jm Date: Feb. 19, 1982
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Terry D. Sandblast</i> Terry D. Sandblast

CALENDAR	
Consent	Regular X

NOTED BY
City Attorney <i>KS Beaumont</i>
City Auditor
City Engineer