

ORDINANCE NO. 153063

An Ordinance amending Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon, by amending Sections 33.41.030, 33.42.030, 33.44.030, 33.46.050 and 33.50.030 to provide minimum distances between newly established adult bookstores, adult theaters and relaxation treatment and related businesses, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The City regularly receives a large number of complaints about adult bookstores and relaxation treatment and related businesses from residents, neighborhood associations and businesses. These complaints concern criminal activities, vandalism, public display of interior activities, and late night traffic and noise generated by adult businesses on the premises and in the surrounding residential neighborhoods. The City also receives a smaller number of similar complaints regarding adult theaters.
2. Title 14 of the City Code prohibits the location of relaxation treatment and related businesses within five hundred feet of a public or private elementary, junior high or high school. Title 14 further regulates such businesses through detailed licensing requirements and regular inspection.
3. On November 19, 1981, the City Council passed Ordinance No. 152549 prohibiting adult bookstores within five hundred feet of a public or private elementary, junior high or high school and requiring all adult bookstores not meeting the regulation to close or relocate to a permitted area within six months.
4. At the November 19, 1981 meeting of the City Council, a representative from the Buckman Community Association expressed concern that adult businesses forced to relocate by the passage of Ordinance No. 152549 will tend to cluster in the allowable areas and thereby exacerbate the ill effects of such businesses on those neighborhoods to which they are allowed to relocate.
5. At the November 19, 1981 meeting, Council directed Bureau of Planning staff to meet with representatives of areas in which adult businesses will be allowed in order to discuss possible measures to avoid the concentration of such businesses.
6. A workshop was held by the Bureau of Planning on January 7, 1982 to discuss the concerns of residents in the areas potentially impacted by concentrations of adult businesses. In attendance were representatives of the Buckman Community Association, the Downtown Community Association, and Southeast Uplift.
7. On APR 7 1982, City Council adopted Ordinance No. 153062 prohibiting adult theaters within five hundred feet of a residential zone and within five hundred feet of a public or private elementary, junior high or high school.

8. The locational regulations for adult bookstores, adult theaters and relaxation treatment and related businesses restrict the area where these businesses may locate. Since the allowable areas for these businesses have decreased, the likelihood of such businesses clustering has increased.
9. The potential for clustering of adult bookstores, adult theaters, and relaxation treatment and related businesses within the areas where such businesses are allowed has caused major concern among residents, neighborhood organizations, and businesses located in these areas. These parties have stated that clustering of adult businesses in the allowable areas will increase crime, create or accelerate blighted conditions, and make the areas more resistant to the City's economic revitalization efforts.
10. The concerns expressed by residents of inner city neighborhoods in which adult businesses are allowed have been raised at various public hearings and have been deemed valid by the City Council. The Council finds that measures to avoid the ill effects of uncontrolled concentrations of adult businesses are a necessary response to these concerns.
11. Other jurisdictions have adopted minimum spacing regulations for adult businesses in conjunction with locational requirements and these regulations have been upheld.
12. Establishing minimum distances of 1,000 feet between adult businesses in the C3, C2 and M3 zones and 500 feet between adult businesses in the C1 and MX zones will effectively discourage new clusters of such businesses in the allowable areas. These prescribed distances, moreover, will allow reasonable access to identified commercial vacancies for existing businesses required to relocate by previously adopted legislation.
13. The proposed regulations support the Comprehensive Plan's Goal 2, Urban Development, by retaining the character of established residential neighborhoods and business centers through restrictions on further, uncontrolled concentrations of adult businesses.
14. The proposed regulations also support the Comprehensive Plan's Policy 2.11, Commercial Centers, by restricting the concentration of adult businesses which are incompatible with the surrounding area.
15. On February 2, 1982, the Planning Commission held a public hearing on this matter and recommended that the City Council adopt the restrictions on clustering of adult businesses contained in this Ordinance.
16. It is in the interest of public peace, health, safety and general welfare that this Ordinance be passed.
17. The Bureau of Buildings is charged with the enforcement of Title 33 and has the procedures and resources to enforce these new regulations.

NOW, THEREFORE, the Council directs:

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

33.41.030 Limitations on Use.

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

(g) No adult bookstore, adult theater, or relaxation treatment and related business as defined in Title 14, Section 14.44.020 (12) shall locate within one thousand feet of any other adult bookstore, adult theater, or relaxation treatment and related business. 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 restricted use, to the closest point of the structure, or portion of the structure containing another restricted use as referenced in this subsection.

b. Title 33, Planning and Zoning, Section 33.42.030, is hereby amended to read as follows:

33.42.030 Limitations on Use.

(a) through (g) *** (no change)

(h) No adult bookstore, adult theater, or relaxation treatment and related business as defined in Title 14, Section 14.44.020 (12) shall locate within one thousand feet of any other adult bookstore, adult theater, or relaxation treatment and related business. 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 restricted use, to the closest point of the structure or portion of the structure containing another restricted use as referenced in this subsection.

c. Title 33, Planning and Zoning, Section 33.44.030, is hereby amended to read as follows:

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

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

(d) No adult bookstore, adult theater, or relaxation treatment and related business as defined in Title 14, Section 14.44.020 (12) shall locate within five hundred feet of any other adult bookstore, adult theater, or relaxation treatment and related business. 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 restricted use, to the closest point of the structure, or portion of the structure containing another restricted use as referenced in this subsection.

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

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

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

(4) No adult bookstore, adult theater, or relaxation treatment and related business as defined in Title 14, Section 14.44.020 (12) shall locate within five hundred feet of any other adult bookstore, adult theater, or relaxation treatment and related business. 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 restricted use, to the closest point of the structure, or portion of the structure containing another restricted use as referenced in this subsection.

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

33.50.030 Limitations on Use.

(a) through (d) *** (no change)


(e) No adult bookstore, adult theater, or relaxation treatment and related business as defined in Title 14, Section 14.44.020 (12) shall locate within one thousand feet of any other adult bookstore, adult theater, or relaxation treatment and related business. 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 restricted use, to the closest point of the structure, or portion of the structure containing another restricted use as referenced in this subsection.

Section 2. The Council declares that an emergency exists because new adult bookstores, adult theaters or relaxation treatment and related businesses may open or relocate in concentrations of such businesses that adversely affect the quality and stability of commercial areas, thereby having a detrimental effect on the public peace, health, safety and general welfare; 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
Mike Saba:jm
February 19, 1982

Attest:


Auditor of the City of Portland

899

~~776~~

Calendar No. **642**

ORDINANCE No. 153063

Title

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THURSDAY

MAR 11 1982

CONTINUED TO MAR 25 1982

MAR 25 1982

CONTINUED TO ~~MAR 25~~ APR 7 1982
9:30 a.m.

Filed **MAR 4 1982**

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Crall*
Deputy

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>[Signature]</i>
Finance and Administration
Safety
Utilities
Works

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

CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>

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