

AFFIDAVIT OF POSTING

ORDINANCE CB-0-90-87

STATE OF OREGON )  
COUNTIES OF CLACKAMAS )  
AND WASHINGTON )  
CITY OF WILSONVILLE )

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 8th day of December, 1987, I caused to be posted copies of the attached Ordinance CB-O-90-87, an Ordinance amending Chapter 4, defining adult businesses and locating adult businesses within planned development, commercial zones and commercial areas within planned development industrial areas and declaring an emergency, in the following four public and conspicuous places of the City, to wit:

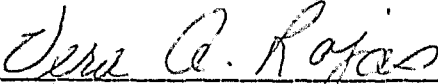
WILSONVILLE CITY HALL

WILSONVILLE POST OFFICE

LOWRIE'S FOOD MARKET

KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 13th day of December, 1987.

  
\_\_\_\_\_  
VERA A. ROJAS, City Recorder

Subscribed and sworn to before me  
this 16<sup>th</sup> day of December, 1987.

  
NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-89

ORDINANCE NO. 322

AN ORDINANCE AMENDING CHAPTER 4,  
DEFINING ADULT BUSINESSES AND LOCATING ADULT  
BUSINESSES WITHIN PLANNED DEVELOPMENT,  
COMMERCIAL ZONES AND COMMERCIAL AREAS WITHIN  
PLANNED DEVELOPMENT INDUSTRIAL AREAS AND  
DECLARING AN EMERGENCY

WHEREAS, the City finds it necessary to amend chapter 4, defining adult businesses and locating adult businesses within planned development, commercial zones and commercial areas within planned development industrial areas and declaring an emergency;

NOW, THEREFORE, The City Council of the City of Wilsonville ordains as follows:

Section 4.702. Generally, in all zones where adult business are permitted, all regulations and requirements of this Chapter must be met. Additionally, all provisions of the zone in which the business is located must also be met.

Section 4.704. Purpose. This Chapter regulates the location and spacing of adult businesses. These regulations are intended to reduce conflicts between adult businesses and residential uses and conflicts between adult businesses and schools and churches. They also are intended to protect the City from the blighting impacts of concentrations of adult businesses. While regulating the spacing and concentration of adult businesses, these regulations have been drafted to assure the full enjoyment of all the constitutionally guaranteed rights of Wilsonville's citizens and others who may visit this City.

Section 4.706. Definition. Adult business is a term intended to cover a broad range of activities characterized by exhibitions of live, closed circuit, or reproduced material which has an emphasis on nudity and/or sexual activity. Adult businesses generally limit their patrons to persons at least 18 years of age. Adult businesses include the following types of establishments:

(A) "Adult bookstore," an establishment having, as substantial or significant portion of its merchandise, items such as books, magazines, other publications, films, video tapes, or video disks which are for sale, rent, or viewing on premises and which are distinguished by their emphasis on matter depicting specified sexual activities as defined in paragraph (I) below and/or nudity as defined in paragraph (J) below.

(B) "Adult theater," an establishment used primarily for presenting material (either live, closed circuit, or pre-recorded), for observation by patrons therein, having as a dominant theme an emphasis on nudity, as defined in paragraph (J) below, and/or an emphasis on specified sexual activities, as defined in paragraph (I) below.

(C) "Adult arcade," an establishment offering viewing booths or rooms for one or more persons in which a substantial portion of the material presented (either live, closed circuit, or reproduced), is characterized by an emphasis on specified sexual activity, as defined in paragraph (I) below, and/or nudity, as defined in paragraph (J) below.

(D) "Adult cabaret," an establishment having as its primary attraction live exhibitions (either for direct viewing, closed circuit viewing, or viewing through a transparent partition) for patrons, either individually or in groups, where a substantial portion of the material presented is characterized by an emphasis on nudity, as defined by paragraph (J) below, and/or specified sexual activity, as defined by paragraph (I) below.

(E) "Adult paraphernalia shop," an establishment offering as a substantial or significant portion of its merchandise, objects which simulate human genitalia and/or objects designed to be used to substitute for or be used with human genitalia while engaged in specified sexual activity as defined in paragraph (I) below.

(F) To be added at a later date.

(G) Other establishments which feature a combination of activities or merchandise described in (A) through (F) above which collectively make up a substantial or significant portion of the establishment's activities and/or merchandise.

(H) Other uses similar to (A) through (G) above, presenting material for patrons to view (live, closed circuit, or reproductions), and/or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity, as defined in paragraph (J) below, and/or specified sexual activity, as defined in paragraph (I) below and limiting entrance to patrons who are over 18 years of age.

(I) Specified Sexual Activities. "Specified sexual activities" means real or simulated acts of human sexual intercourse, masturbation, sado-masochistic abuse, or sodomy; or human genitals in a state of sexual stimulation or arousal.

(J) Nudity. "Nudity" means appearing without a covering for the genitalia, consisting of an opaque material which does not simulate the organ covered and in the case of a female exposing to view wholly or substantially one or both breasts.

Section 4.708. Resolution of Conflicting Regulations. This Chapter is not intended to repeal, abrogate, annul, or supersede existing other provisions of this City Code where a conflict exists between the regulations of this Chapter and other provisions of the City Code, the most restrictive provisions shall apply.

Section 4.710. Location Restrictions.

(A) Adult businesses in a Planned Development Commercial (PDC) or commercial areas of a Planned Development Industrial Zone (PDI) shall not locate within 500 feet of any residential zone, including the Farm and Forest (FF) Zone, and/or any residential area permitted within a PDC or PDI zone, or within 1,800 feet of any public or private kindergarten, elementary, junior high, high school, church or park.

(B) Adult businesses as defined in Section 4.706 are prohibited in all zones except Planned Development Commercial and commercial areas permitted in Planned Development Industrial.

Section 4.715 Spacing Restrictions. New or relocating adult business as defined by Section 4.706 shall be located in conformance with the following minimum spacing requirements: No adult business shall locate 1,000 feet of any existing adult business.

Section 4.720. Standards of Measurement. Distances from Residential Zones, permitted residential areas within PDC and PDI zones, Farm and Forest Zones, protected schools and churches and other adult businesses 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 occupied or proposed for occupancy by the adult businesses, to the closest portion of the Residential or Farm and Forest (FF) Zones, or nearest residential lot line within a PDC or PDI zone, school lot line, church lot line, park lot line, or the closest portion of the structure containing another adult business.

Section 4.725. Off-street Parking Required. In all zones in which adult businesses are permitted, parking shall be provided according to the following schedule:

(A) Adult bookstores, adult arcades, adult paraphernalia shops, and relaxation treatment and related businesses: one space per 500 square feet of gross floor area.

(B) Adult theater, one space per 56 square feet of gross floor area, or where seating is fixed, one space per eight seats or 16 feet of bench length.

(C) Adult cabaret, one space per 100 square feet of patron serving area.

(D) Combination adult businesses, shall have parking requirements figured separately for each activity and added together to determine the establishment's minimum parking requirements.

(E) All parking provided in compliance with the requirements of this Section shall comply also with the zoning provisions of Chapter 4.

Section 4.730 Compliance. Because of the severe nature of the conflict existing between these uses and residential neighborhoods, adult businesses are required to relocate within a specified period as follows:

(A) All existing adult businesses within 500 feet of a Residential Zone, or permitted residential area or within 1,800 feet of a public or private kindergarten, elementary, junior high, high school, church, or park, must cease operation or relocate to a permitted location within 12 months of the effective date of this Ordinance, if the adult business was in existence for one year or more prior to the effective date of this Ordinance. Adult businesses in operation for less than one year must cease operation or relocate to a permitted location within a time period equal to two times the number of days the adult business was in operation prior to the effective date of this Ordinance.

Section 4.735. Prohibited Uses. Notwithstanding the provisions of this Chapter, activities and merchandise which are illegal under City, State, or federal regulations are prohibited as part of adult businesses established at locations conforming with the regulations of this Chapter.

The enactment of this ordinance is hereby declared to be an emergency in order to accomplish the aforesaid purposes in a timely and orderly manner, and it being in the best interests of the general health, safety and well being of the citizens of the City of Wilsonville.

SUBMITTED to the Wilsonville City Council and read the

first and second time at a meeting thereof on the 13<sup>th</sup> day of December, 1987, by unanimous consent of the full Council commencing at the hour of 7:00 o'clock p.m., at the Wilsonville City Hall.

Vera A. Rojas  
VERA A. ROJAS, City Recorder

ENACTED by the Council on the 13<sup>th</sup> day of December, 1987, by the following votes: YEAS: 5 NAYS: 0.

Vera A. Rojas  
VERA A. ROJAS, City Recorder

DATED and signed by the Mayor and effective this 13<sup>th</sup> day of December, 1987.

William E. Stark  
William E. Stark, Mayor

SUMMARY OF VOTES:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Jameson	<u>AYE</u>