

Introduced by: _____

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE ISSUANCE OF EXPRESSIVE USE
PERMITS FOR ADULT BUSINESSES,**

Deleted: FEATURING FULL
NUDITY

WHEREAS, the City of Pasadena ("City") has adopted the Land Use Element, and a Social and Economic Development Element, of its General Plan; and

WHEREAS, the Land Use Element sets forth policies and goals toward the protection of residential neighborhoods, and the Social and Economic Development Element sets forth policies and goals toward land use planning that is protective of the social impacts of land uses; and

WHEREAS, citizens voiced concerns in August and September of 2006 regarding the lack of any distance requirement between adult businesses and residentially zoned neighborhoods in the City's Zoning Code; and

WHEREAS, the City Council finds that a distance requirement between adult businesses and residential zones would restrict the potential locations for adult businesses, possibly to the extent that the restriction could be found unconstitutional, but finds that further fact-based study and analysis is warranted in order to protect the public health, safety and welfare; and

WHEREAS, the Planning Department has reviewed the adult business land use and operational requirements set forth in the Zoning Code, to analyze other avenues to address the potential secondary effects on residential zones; and

WHEREAS, further regulation ~~of and/or banning of full nudity~~ may reduce the secondary effects commonly associated with adult businesses on residential areas in very close proximity to adult businesses, such as increased crime which reduces the quality of City neighborhoods and commercial districts, and the blighting of neighborhoods and the maintenance of property values. However, to

protect the First Amendment rights of its business community, City staff would need adequate time to study the matter; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety and welfare because, without the moratorium, an Expressive Use Permit to allow ~~full nudity~~ ² at an adult business could be granted within the City, without full protection to residential zones from the secondary effects of adult businesses ~~offering full nudity~~; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning proposal that the City intends to study within a reasonable time.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. The provisions of this ordinance temporarily prohibit the issuance of Expressive Use Permits for all adult businesses. During the effective period of this moratorium, the City will continue to process applications for any other type of adult business. Any hearing on the application will be postponed during the pendency of this moratorium.

Deleted: that would offer full nudity

Deleted: , and grant if warranted,

SECTION 2. During the effectiveness of this ordinance, the City will undertake a review of its adult business regulations and study whether ~~a permanent ban on full nudity~~ ^{further regulation} may reduce the secondary effects commonly associated with adult businesses on the residential neighborhoods that may necessarily be in very close proximity to an adult business, and in consideration of the goals and policies established in the City's Land Use Element, Social and Economic Development Element, and zoning code.

SECTION 3. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the 45 day period following its date of publication.

SECTION 4. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein, any provision of the Pasadena Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all such adult businesses.

SECTION 5. The City Council hereby declares that, should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 6. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 7. This ordinance shall take effect upon publication, and shall remain in effect for a period of 45 days from the date of publication, in accordance with California Government Code Section 65858.

Signed and approved this _____ day of _____, 2006.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:

Theresa E. Fuentes
Deputy City Attorney

TEF Ordinances/Resolutions\urgency ordinance re nude adult business - any (redlined)