

ORDINANCE NO. 81,021 FOURTH SERIES

APR 21 1981

AN ORDINANCE AMENDING SECTION 2-E-22 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550 FOURTH SERIES, RELATING TO ADULT ENTERTAINMENT AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 2-E-22 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, is hereby amended to read as follows:

22. Adult entertainment establishments and activities are permitted uses in the zones indicated subject to the limitations contained in subsection (a) and (b) below.

(a) The location of adult entertainment establishments and activities in any of the zones indicated must meet the following minimum standards, unless a waiver of the standards is granted under subsection (b) below:

(1) The use must be located more than one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, from any residential or agricultural zone.

(2) The use must be located more than one thousand (1,000) feet, measured from the nearest property lines to each parcel containing such use, from any school, church, temple or other place of religious worship, park, playground or similar use, and outside of and more than one thousand (1,000) feet from the Old Sacramento historical park.

(3) The use must be located more than one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, from any other "adult entertainment establishment" or "adult entertainment activity."

(b) An application to waive the minimum location standards contained in subsection (a) above may be submitted to the Planning Commission. Upon submission of such an application, the Planning Commission shall conduct a public hearing to consider the application. The hearing shall be conducted in accordance with Section 18 of this Ordinance. Notice of the hearing shall be given in the manner

ORDINANCE No. 81,021

APR 21 1981

specified in Section 15-C-3-c of this Ordinance. The Planning Commission shall grant the waiver where, based on evidence presented at the hearing, it makes the following findings:

(1) The proposed use will not be contrary to the public interest or injurious to nearby properities, and the spirit and intent of this ordinance will be observed; and

(2) The proposed use will not enlarge or encourage the development of a "skid-row" area; and

(3) The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, improvement or redevelopment, either residential or nonresidential; and

(4) All applicable regulations of this Ordinance and the City Code will be observed.

The Commission shall not make the findings required by subsection (b) (1) above unless evidence is presented indicating that the applicant has presented the plans for the project to persons residing within or owning or operating a business within 300 feet of such project and that a substantial number of such persons have certified in writing that they do not object to the establishment of the proposed use in their area. Presentation of such certification, however, shall not necessarily be the only evidence necessary to support the required finding.

SECTION 2.

The provisions of Section 13-A-8 and 9 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, relating to notice and hearing before the City Planning Commission and City Council on amendments to the text of the Comprehensive Zoning Ordinance shall not apply to the adoption of this ordinance.

SECTION 3. Emergency.

This ordinance is hereby declared an emergency measure to take effect immediately. The facts constituting the emergency are the City's present regulatory scheme governing adult entertainment establishments and activities contained in the Comprehensive Zoning Ordinance which subjects such establishments and activities to both a spacing requirement and a special permit requirement, and a recent court decision which calls into question the validity of the requirement that adult entertainment establishments and activities be subject to special permit review. It is necessary, therefore, that this ordinance take

effect immediately to sever the special permit requirement from the remaining provisions of the regulatory scheme so that the protections of the regulatory scheme may continue in effect to the extent feasible, to protect the public health, safety, and welfare.

DATE ENACTED: APR 21 1981

DATE EFFECTIVE: APR 21 1981

Chiey L. Benberg

MAYOR

ATTEST:

Corraine Magasa
CITY CLERK

ORDINANCE No. 81,021

APR 21 1981