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CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT  
927-10th Street SACRAMENTO, CALIF. 95814  
Suite 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

September 3, 1981

APPROVED  
BY THE CITY COUNCIL

SEP - 8 1981

OFFICE OF THE  
CITY CLERK

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Amendment to Sections 13-A-3 and 13-A-8, Repealing  
Section 13-A-9 and Adding Section 13-A-2 to the Com-  
prehensive Zoning Ordinance Relating to Amendments  
and Emergency Ordinances (M-594)

SUMMARY

The proposed Zoning Ordinance amendment would exclude emergency ordi-  
nances from the hearing and noticing procedure for rezoning ordinances  
and text amendments. It would allow the City Council to consider an  
amendment without review by the Planning Commission and the normal  
noticing requirements. The staff and Planning Commission recommend  
approval of the ordinance amendment.

BACKGROUND INFORMATION

The Zoning Ordinance presently requires all amendments to the Zoning  
Ordinance be considered by both the Planning Commission and the City  
Council. There is also a specific noticing requirement. The present  
provisions relating to rezoning amendments are inconsistent with the  
City Charter which allows the Council to waive noticing procedures  
for emergency ordinances. The proposed amendment would allow the  
Zoning Ordinance provision to be consistent with the provision in the  
City Charter that relates to emergency ordinances.

VOTE OF COMMISSION

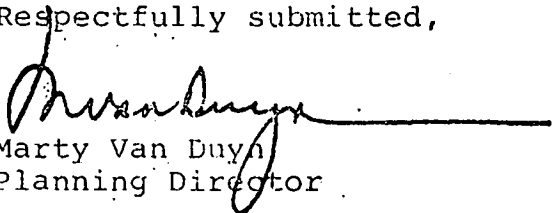
On July 23, 1981, the Planning Commission, by a vote of six ayes, three  
absent, recommended approval of the ordinance amendment.

September 3, 1981

RECOMMENDATION

The staff and Planning Commission recommend that the City Council approve and adopt the attached Ordinance Amendment.

Respectfully submitted,

  
Marty Van Duyen  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:HY:jm  
Attachments  
M-594

September 8, 1981  
All Districts.

20

81-082

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF  
SEPTEMBER 8, 1981

AN ORDINANCE AMENDING SECTIONS 13-A-3, AND  
13-A-8, REPEALING SECTION 13-A-9, AND  
ADDING SECTION 13-A-2(d) TO THE COMPREHENSIVE  
ZONING ORDINANCE OF THE CITY OF SACRAMENTO,  
ORDINANCE NO. 2550 FOURTH SERIES, RELATING  
TO AMENDMENTS

APPROVED  
BY THE CITY COUNCIL  
SEP - 8 1981  
OFFICE OF THE  
CITY CLERK

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

## SECTION 1.

Section 13-A-2(d) is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, to read as follows:

(d) The provisions of this section relating to notices and hearings on requests for rezoning before the Planning Commission shall not apply to emergency ordinances adopted by the City Council pursuant to Section 32(g)(2) of the City Charter.

## SECTION 2.

The first paragraph of Section 13-A-3 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, is hereby amended to read as follows:

3. Procedures - City Council: Upon receipt of a recommendation on a rezoning from the Planning Commission, the City Council shall set the matter for hearing and give notice thereof by publication in the official newspaper of the City at least ten (10) days prior to said hearing. After completion of notice and public hearing, the City Council may approve, disapprove, or modify a rezoning by adoption of an ordinance therefor. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the Planning Commission, notice, and hearing shall not apply to rezonings adopted by emergency ordinance by the City Council pursuant to Section 32(g)(2) of the City Charter.

## SECTION 3.

Section 13-A-8 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, is hereby amended to read as follows:

8. Text Amendments - Initiation and Notices: Amendments to the text of this ordinance may be initiated by the Planning Commission or City Council and shall be adopted by ordinance in accordance with Section 32 of the City Charter. In either case, at least one public

hearing shall be held before each body prior to adoption of the amendment. Notice of said hearing shall be given by at least one publication in the official newspaper of the City not less than 14 days prior to the initial hearing before each body. The provisions of this paragraph 8 relating to notice and hearing shall not apply to emergency ordinances adopted by the Council pursuant to Section 32(g)(2) of the City Charter.

SECTION 4.

Section 13-A-9 of the Comprehensive Zoning Ordinance of the City of Sacramento Ordinance No. 2550 Fourth Series, is hereby repealed.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

M-594

AN ORDINANCE AMENDING SECTIONS 13-A-3, AND 13-A-8, REPEALING SECTION 13-A-9, AND ADDING SECTION 13-A-2(e) TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550 FOURTH SERIES, RELATING TO AMENDMENTS

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

SECTION 1.

Section 13-A-2(e) is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, to read as follows:

(e) The provisions of this section relating to notices and hearings on requests for rezoning before the Planning Commission shall not apply to emergency ordinances adopted by the City Council pursuant to Section 32 (g)(2) of the City Charter.

SECTION 2.

The first paragraph of Section 13-A-3 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, is hereby amended to read as follows:

3. Procedure - City Council: Upon receipt of a recommendation on a rezoning from the Planning Commission, the City Council shall set the matter for hearing and give notice thereof by publication in the official newspaper of the City at least ten (10) days prior to said hearing. After completion of notice and public hearing, the City Council may approve, disapprove, or modify a rezoning by adoption of an ordinance therefor. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the Planning Commission, notice, and hearing shall not apply to rezonings adopted by emergency ordinance by the City Council pursuant to Section 32(g)(2) of the City Charter.

SECTION 3.

Section 13-A-8 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, is hereby amended to read as follows:

8. Text Amendments - Initiation and Notices: Amendments to the text of this ordinance may be initiated by the Planning Commission or City Council and shall be adopted by ordinance in accordance with Section 32 of the City Charter. In either case, at least one public hearing shall be held before each body prior to adoption of the amendment. Notice of said hearing shall be given by at least one publication in the official newspaper of the City not less than 14 days prior to the initial hearing before each body. The provisions of this paragraph 8 relating to notice and hearing shall not apply to emergency ordinances adopted by the Council pursuant to Section 32(g)(2) of the City Charter.

SECTION 4.

Section 13-A-9 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, is hereby repealed.

~~9.---Amendments---Adoption-by-City-Council---After-completion of-notice-and-public-hearing, the-City-Council-may-amend-the-text of-this-code-by-the-adoption-of-an-ordinance.~~

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

SACRAMENTO CITY PLANNING COMMISSION

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MEETING DATE July 23, 1981  
 ITEM NO. 21 FILE NO. P-  
M-594

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- EIR DETERMINATION
- OTHER Amendment to  
 zoning Ordinance re,  
 Jamesdonment

Recommendation:  Favorable  Unfavorable  
 LOCATION: \_\_\_\_\_  
 Petition  Correspondence

PROPOONENTS	
NAME	ADDRESS

OPPONENTS	
NAME	ADDRESS

MOTION NO. \_\_\_\_\_

	YES	NO	MOTION	2ND
Fong	✓			
Goodin	✓			
Holloway	✓		✓	
Hunter	<u>absent</u>			
Larson	✓			
Muraki	✓			✓
Silva	<u>absent</u>			
Simpson	<u>absent</u>			
Augusta	✓			

- MOTION:
- TO APPROVE
  - TO DENY
  - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
  - INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE \_\_\_\_\_
  - TO RECOMMEND APPROVAL \_\_\_\_\_ & FORWARD TO CITY COUNCIL
  - TO RATIFY NEGATIVE DECLARATION
  - TO CONTINUE TO \_\_\_\_\_ MEETING
  - OTHER \_\_\_\_\_

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City Planning Commission  
Sacramento, California

Members in Session:

SUBJECT: Amendment to Sections 13-A-3 and 13-A-8 repealing  
Section 13-A-9 and adding Section 13-A-2 to the  
Comprehensive Zoning Ordinance relating to Amendments  
and Emergency Ordinances (M-594)

SUMMARY

The proposed ordinance amendment was prepared at the request of the City Attorney's office. The amendment would exclude emergency ordinances from the hearing and noticing procedure for rezoning ordinances and text amendments considered by the City Council.

BACKGROUND INFORMATION

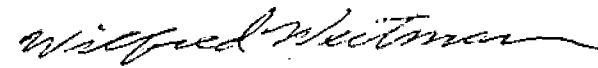
The City Charter (Section 32(g)(2)) authorizes the City Council to waive noticing procedures for ordinances, and the effective date of 30 days, if the ordinance is declared to be an emergency measure. This is inconsistent with the Zoning Ordinance which requires that all amendments to ordinances and rezonings must be inacted after noticing and hearing by both the Planning Commission and City Council.

The proposed ordinance amendment will therefore clarify the inconsistency by excluding emergency ordinances from the hearing and noticing procedure for rezoning ordinances and text amendments adopted by the Planning Commission and City Council.

RECOMMENDATION

The staff recommends that the Commission approve the attached ordinance amendment.

Respectfully submitted,

  
Wilfred Weitman  
Senior Planner

WW:bw  
Attachments



(b) All meetings of the city council and its committees shall be called and conducted in the manner prescribed by State laws regarding matters of statewide concern which are in effect at the time of the meeting.

Sec. 32 Ordinances.

(a) Every proposed ordinance shall be introduced in writing. The enacting clause of each ordinance enacted by the council shall be "Be it Enacted by the Council of the City of Sacramento." The enacting clause of each ordinance enacted by the initiative or referendum process shall be "Be it Enacted by the People of the City of Sacramento." Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance.

(b) Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, ordinances shall be adopted in compliance with either the procedure set forth in subsection (c) or subsection (d) of this section.

(c) The ordinance shall be first passed by the Council for publication of title. At least six days shall elapse between the date the ordinance was passed for publication of title and the date it is adopted by the Council. The title of the ordinance shall be published by printing said title in a newspaper of general circulation published within the City designated by the Council as the official newspaper of the City, no later than the third day immediately preceding the date of the adoption of the ordinance. No part of any ordinance, or proposed ordinance, other than its title, need be published.

(d) In lieu of the procedure set forth in subsection (c) of this section, ordinances shall be published in the official newspaper of the City within ten days after adoption by the Council.

(e) Ordinances which take effect immediately upon adoption, may be adopted without compliance with subsections (b), (c) or (d) of this section.

(f) Except as otherwise provided in this Charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified herein.

(g) The following ordinances shall take effect immediately upon adoption or at such later dates as may be specified therein:

(1) An ordinance calling for or otherwise relating

to an election;

(2) An ordinance adopted as and declared by the city council to be an emergency measure, containing a statement of the facts constituting such emergency, if adopted by the affirmative votes of at least six members of the council; provided, that no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its service by a public utility, other than one operated by the city, may be so enacted; and

(3) An ordinance adopted pursuant to a state law by virtue of which such ordinance shall be effective immediately.

(h) Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required.

#### Sec. 33 Records.

The city council shall require the city clerk to keep a permanent public record of its proceedings showing all action considered and taken, motions and records, the text of ordinances and resolutions introduced or adopted and all amendments thereto proposed or adopted, and the vote of each council member regarding any matter before the city council or any committee thereof.

#### Sec. 34 Investigations.

The city council or any duly appointed committee of the members of the council may make investigations into the affairs of the city government and the conduct of any department, office, agency, officer or employee thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails to obey a lawful order issued in the exercise of these powers by the city council or a committee of the council shall be guilty of a misdemeanor and punishable by fine or imprisonment, or both, in such amount and for such time as prescribed by state law for misdemeanors.

#### Sec. 35 Limitation on future employment.

No member of the council during the term for which such person shall have been elected or appointed or for one year after such person ceases to hold office, shall be eligible for any appointive office or position in the city, carrying compensation, and created by this Charter, by ordinance or by resolution. An elective office which has been filled by appointment by reason of a vacancy in that office shall not be considered an appointive office under this section.

SACRAMENTO CITY PLANNING COMMISSION

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MEETING DATE July 23, 1981  
 ITEM NO. 21 FILE NO. P-  
M-594

- GENERAL PLAN AMENDMENT
- TENTATIVE MAP
- COMMUNITY PLAN AMENDMENT
- SUBDIVISION MODIFICATION
- REZONING
- EIR DETERMINATION
- SPECIAL PERMIT
- OTHER Amendment to
- VARIANCE
- zoning Ordinance re.
- various amendments

Recommendation:

LOCATION: \_\_\_\_\_

- Favorable
- Unfavorable
- Petition
- Correspondence

<u>PROPOSERS</u>	
<u>NAME</u>	<u>ADDRESS</u>

<u>OPPOSERS</u>	
<u>NAME</u>	<u>ADDRESS</u>

MOTION NO. \_\_\_\_\_

MOTION:

	YES	NO	MOTION	2ND
Fong	✓			
Goodin	✓			
Holloway	✓		✓	
Hunter	<u>absent</u>			
Larson	✓			
Muraki	✓			✓
Silva	<u>absent</u>			
Simpson	<u>absent</u>			
Augusta	✓			

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE \_\_\_\_\_
- TO RECOMMEND APPROVAL \_\_\_\_\_ & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO \_\_\_\_\_ MEETING
- OTHER \_\_\_\_\_



# CITY OF SACRAMENTO

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## CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814  
TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

August 26, 1981

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** AN ORDINANCE AMENDING SECTIONS 13-A-3, AND 13-A-8,  
REPEALING SECTION 13-A-9, AND ADDING SECTION 13-A-2(d)  
TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF  
SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELAT-  
ING TO AMENDMENTS (M-594)

### SUMMARY

This item is presented at this time for approval of publication  
of title pursuant to City Charter, Section 38.

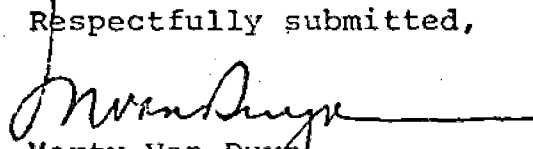
### BACKGROUND

Prior to publication of an item in a local paper to meet legal  
advertising requirements, the City Council must first pass the  
item for publication. The City Clerk then transmits the title  
of the item to the paper for publication and for advertising the  
meeting date.

### RECOMMENDATION

It is recommended that the item be passed for publication of title  
and continued to September 8, 1981.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION

WALTER J. SLIPE  
CITY MANAGER

jm  
Attachments  
M-594

APPROVED  
BY THE CITY COUNCIL

SEP 1 1981

OFFICE OF THE  
CITY CLERK

September 1, 1981  
All Districts

PPF 4  
cont 40  
9-8-81

#20

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

SEPTEMBER 8, 1981

AN ORDINANCE AMENDING SECTIONS 13-A-3, AND 13-A-8, REPEALING SECTION 13-A-9, AND ADDING SECTION 13-A-2(d) TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550 FOURTH SERIES, RELATING TO AMENDMENTS

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

## SECTION 1.

Section 13-A-2(d) is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, to read as follows:

(d) The provisions of this section relating to notices and hearings on requests for rezoning before the Planning Commission shall not apply to emergency ordinances adopted by the City Council pursuant to Section 32(g)(2) of the City Charter.

## SECTION 2.

The first paragraph of Section 13-A-3 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, is hereby amended to read as follows:

3. Procedures - City Council: Upon receipt of a recommendation on a rezoning from the Planning Commission, the City Council shall set the matter for hearing and give notice thereof by publication in the official newspaper of the City at least ten (10) days prior to said hearing. After completion of notice and public hearing, the City Council may approve, disapprove, or modify a rezoning by adoption of an ordinance therefor. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the Planning Commission, notice, and hearing shall not apply to rezonings adopted by emergency ordinance by the City Council pursuant to Section 32(g)(2) of the City Charter.

## SECTION 3.

Section 13-A-8 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550 Fourth Series, is hereby amended to read as follows:

8. Text Amendments - Initiation and Notices: Amendments to the text of this ordinance may be initiated by the Planning Commission or City Council and shall be adopted by ordinance in accordance with Section 32 of the City Charter. In either case, at least one public

hearing shall be held before each body prior to adoption of the amendment. Notice of said hearing shall be given by at least one publication in the official newspaper of the City not less than 14 days prior to the initial hearing before each body. The provisions of this paragraph 8 relating to notice and hearing shall not apply to emergency ordinances adopted by the Council pursuant to Section 32(g)(2) of the City Charter.

SECTION 4.

Section 13-A-9 of the Comprehensive Zoning Ordinance of the City of Sacramento Ordinance No. 2550 Fourth Series, is hereby repealed.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

M-594