

ORDINANCE NO. 2001-041

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF SEP 19 2001

AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.050 AND SECTION 17.88.030 OF TITLE 17 (THE ZONING CODE) RELATING TO ADULT-ENTERTAINMENT BUSINESSES AND ADULT-RELATED ESTABLISHMENTS

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

SECTION 1.

Section 17.16.010 of Title 17 of the City Code is amended as follows:

- a. The definition of and related provisions under "Adult Entertainment" in Section 17.16.010 are deleted.
- b. The definition of "Adult-entertainment business" is added to Section 17.16.010 to read as follows:

"Adult-entertainment business" means "adult-entertainment business" as defined in Chapter 5.06 of Title 5 of the City Code.
- c. The definition of and related provisions under "Adult-related establishment" in Section 17.16.010 are deleted.
- d. The definition of "Adult-related establishment" is added to Section 17.16.010 to read as follows:

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"Adult-related establishment" means "adult-related establishment" as defined in Chapter 5.04 of Title 5 of the City Code.

SECTION 2.

Section 17.24.030 of Title 17 of the City Code is amended as follows:

- a. The use of "Adult Entertainment" is deleted from the matrix in Table 17.24.030A.
- b. The use of "Adult-Entertainment Business" is added to the matrix in Table 17.24.030A, to read as follows:

Table 17.24.030A

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 5	R M X	R 0	O B
Adult-Entertainment Business														

- c. The use of "Adult Entertainment" is deleted from the matrix in Table 17.24.030B.

Table 17.24.030B

USE	E C	H C	S C	C 1	C 2	C 3	C 4	M1	M 1 (S)	M2	M 2 (S)	M I P	M R D	H	S P X	T C	A	A O S	F	A R P-F
Adult-Entertainment Business				22	22	22	22	22	22/20	22	22/20									

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SECTION 3.

Section 17.24.050 of Title 17 of the City Code is amended as follows:

a. Footnote 22 of Section 17.24.050 is amended to read as follows:

22. Adult-Entertainment Businesses is a permitted use in this zone, subject to compliance with the locational standards set forth below; and subject further, to compliance with the permitting requirements, development and operational standards and other requirements set forth in Chapter 5.06 of Title 5 of the City Code.

a. **Locational Requirements:** No permit shall be issued or approved for an adult-entertainment business unless the proposed location satisfies all of the following locational requirements:

i) proximity to adult-entertainment businesses or adult-related establishments: No adult-entertainment business shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each such use, of any other adult-entertainment business or an adult-related establishment.

ii) proximity to agricultural or residential zones or residential uses: No adult-entertainment business shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing agricultural zone, residential zone or residential use.

iii) proximity to certain specified uses: No adult-entertainment business shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, of any existing park, church, school, gymnasium for children, roller skating rink or ice skating rink. For

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purposes of this requirement, the following definitions shall apply:

Church: The term "church" means a structure or place which is used primarily for religious worship and related religious activities.

School: The term "school" means any child or day care facility; or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

Park: The term "park" means a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the City which is under the control, operation or management of the City, State, County or other public entity.

- b. **Relevant date for determining compliance with locational requirements:** For purposes of determining whether the locational requirements set forth above are met, the following rules shall apply:
- i) For purposes of the locational requirements, the relevant date shall be the date of the filing of a completed application under Chapter 5.06 of Title 5, and except as provided in subsection ii)

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below, only those uses lawfully established at the time of the filing of a completed application under Chapter 5.06 of Title 5 shall be considered for purposes of determining whether the locational requirements are met.

- ii) For further purposes of the locational requirements, a location for which a completed application for an Adult-Entertainment Business permit has been filed pursuant to Chapter 5.06 of Title 5 shall be considered to be the site of an established Adult-Entertainment Business from the date that the completed application is filed until the application is approved or denied.

SECTION 4.

Footnote 24 of Section 17.24.050 of Title 17 of the City Code (Ordinance No. 2550, 4th Series, as amended) is amended to read as follows:

24. A Special Permit shall be required to establish an Adult-Related Establishment in this zone. This requirement shall be in addition to compliance with the permitting requirements, development and operational standards and other requirements set forth in Chapter 5.04 of Title 5 of the City Code.

a. **Locational Requirements:** In addition to the other requirements for approval of a special permit, no special permit shall be issued or approved for an adult-related establishment unless the proposed location satisfies all of the following locational requirements:

- i) proximity to adult-entertainment businesses or adult-related establishments: No adult-related establishment shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each such use, of any other adult-entertainment business or an adult-related establishment.
- ii) proximity to agricultural and residential zones

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and residential uses: No adult-related establishment shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing agricultural or residential zone or residential use.

- iii) proximity to certain uses: No adult-related establishment shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, of any park, church, school, gymnasium for children, roller skating rink or ice skating rink. For purposes of this requirement, the following definitions shall apply:

Church: The term "church" means a structure or place which is used primarily for religious worship and related religious activities.

School: The term "school" means any child or day care facility; or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

Park: The term "park" means a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public

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land within the City which is under the control, operation or management of the City, State, County or other public entity.

b. **Relevant date for determining compliance with locational requirements:** For purposes of determining whether the locational requirements set forth above are met, the following rules shall apply:

i) For purposes of the locational requirements, the relevant date shall be the date that the application for a special permit is determined or deemed to be complete, and only those uses lawfully established as of the date that the application is determined or deemed to be complete shall be considered for purposes of determining whether the locational requirements are met.

ii) For further purposes of the locational requirements, a location for which a completed application for an Adult Entertainment Business permit has been filed under Chapter 5.06 of Title 5 or a location for which a completed application for a special permit for an Adult-Related Establishment has been filed shall be considered to be the site of an established Adult-Entertainment Business or an established Adult-Related Establishment from the date that the completed application is filed until the application is approve, withdrawn or denied.

SECTION 5.

Subsection 11 of Section 17.88.030 is amended to read as follows:

11. Nonconforming Adult Entertainment Uses. The following regulations shall apply to nonconforming adult entertainment uses as defined in Chapter 17.16 of this title, in addition to the requirements of this chapter. All adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult

motion picture theaters, adult arcades and adult hotel-motels legally established or in legal existence prior to December 6, 1983, (Ord. 83-145) shall be deemed nonconforming and may continue to operate subject to the provisions of this chapter. No legally established adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motion picture theaters, adult arcades or adult hotel-motels shall be deemed nonconforming solely by virtue of the subsequent creation or expansion of any use or zone designated in Section 17.24.050(22)(a)(i) or (ii) of this title.

DATE PASSED FOR PUBLICATION: SEP - 4 2001

DATE ENACTED: SEP 19 2001

DATE EFFECTIVE: OCT 19 2001

Heather Fares
MAYOR

ATTEST:

Therese A. Burrows
CITY CLERK

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