

ORDINANCE NO. 81 016

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO ADULT ENTERTAINMENT ACTIVITIES AND OLD SACRAMENTO. (M-543)

SECTION 1. PURPOSE.

The City Council has found that certain uses of real property, specifically adult bookstores, indoor and outdoor adult motion picture theaters, adult cabarets, adult motels, sexual encounter centers, and model studios, have serious objectionable and deleterious effects, particularly when located in close proximity to each other and when located in close proximity to residentially zoned or used property. (See Ordinance No. 4166, Fourth Series)

The City Council hereby further finds that burlesque-type entertainment uses which feature burlesque shows with topless or bottomless dancing, striptease, male or female impersonators, or similar activities, have the same serious objectionable and deleterious effects as the uses described above when located in close proximity to each other and when located in close proximity to residentially zoned or used property. Said objectionable effects include the creation of a "skid-row" atmosphere; the creation of blight, downgraded neighborhoods, and devalued properties; and the interference with the operation of motels, hotels, and lodging houses, restaurants, schools, parks, and other family-oriented businesses and activities within the City. The regulations contained in this ordinance are adopted and are reasonably necessary to control burlesque-type entertainment uses in the same manner as other adult entertainment activities to avoid the serious objectionable and deleterious effects said activities have on surrounding land uses.

The City Council further finds that, as a national historical park, Old Sacramento is a unique and valuable asset to the City of Sacramento and should be maintained and operated in a manner to encourage its preservation and restoration, to enhance its architectural and environmental character, and to promote its use and enjoyment by all members of the public; and that the above described uses, including burlesque-type entertainment, with their accompanying deleterious effects of blight and neighborhood degradation are incompatible with and would seriously militate against these objectives for the preservation of Old Sacramento. The regulations contained in this ordinance are adopted and are reasonably necessary to protect the character and quality, and promote the use and enjoyment, of Old Sacramento as a national historical park by prohibiting the location of adult entertainment activities within or near its boundaries.

SECTION 2.

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. A Special Permit shall be required to establish the particular use in this zone. In addition to the requirements of Section 15 of this ordinance for issuing a special permit, the following requirements apply to a special permit for an adult entertainment establishment or activity.

(a) No special permit shall be issued for such uses an adult entertainment establishment or activity unless the following minimum standards have been met:

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

(3) That said use is situated 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) The Planning Commission may consider a special permit application to waive the standards set forth above only in cases where the following findings can be made:

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

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

(3) That 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) That all applicable regulations of this ordinance and the City Code will be observed.

The Commission shall not make the findings required by paragraph (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 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 3. Section 22-A-55(b) of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

(b) Adult Cabaret. Adult cabaret is a building or portion thereof or area used for the presentation or exhibition or featuring of ~~topless or bottomless dancers, strippers, male or female impersonators or similar entertainers~~ of any or all of the following activities for observation by patrons or customers, and which establishment restricts admission to such building, or portion thereof, or area, to adults only:

(i) male or female topless or bottomless dancers, male or female impersonators, or similar entertainers;

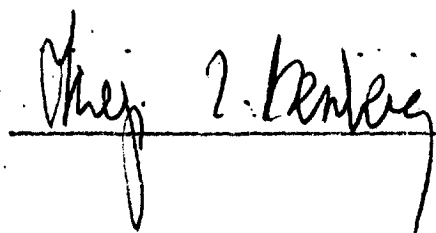
(ii) male or female stripteasers, whether nude or partially clothed;

(iii) burlesque-type entertainment, including shows or skits which include topless or bottomless dancing, male or female impersonators, striptease, or similar entertainment.

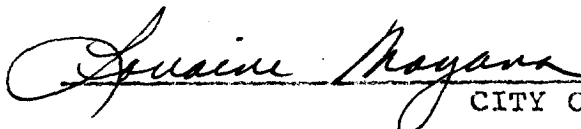
SECTION 4. Section 22-A-62 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

62. Old Sacramento. Old Sacramento is the national historical park located in the Sacramento Central City roughly bounded by the Sacramento River on the west, Capitol Mall on the south, the Interstate 5 freeway on the east, and I Street and the I Street Bridge on the north.

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EFFECTIVE: APRIL 23, 1981

  
MAYOR

ATTEST:

  
CITY CLERK

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MAR 24 1981