

# ORDINANCE NO. 97-014

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAR 11 1997

AN ORDINANCE AMENDING SECTION 15 OF THE COMPREHENSIVE ZONING ORDINANCE (FOURTH SERIES, AS AMENDED) BY AMENDING SECTION 15-F AND ADDING SECTION 15-G, RELATING TO MODIFICATION OF CONDITIONS OF A SPECIAL PERMIT AND RELATING TO MODIFICATION OR REVOCATION OF A USE ESTABLISHED PRIOR TO ENACTMENT OF A SPECIAL USE PERMIT REQUIREMENT

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

## SECTION 1.

Section 15-F of the Comprehensive Zoning Ordinance (Fourth Series, as Amended) is hereby amended to read as follows:

F. REVOCATION OR MODIFICATION IN LIEU OF REVOCATION OF A SPECIAL PERMIT: A Special Permit may be revoked or modified in lieu of revocation only under the following circumstances:

1. Planning Director May Set Hearing on Revocation or Modification in Lieu of Revocation of Special Permit: When in the discretion of the Planning Director a use permitted by a Special Permit is being conducted in a manner detrimental to the public health, safety, or general welfare or in such a manner as to constitute a public nuisance, or in violation of any condition imposed by the Planning Commission on the use or if conditions specified in the permit as limiting the duration of the permit have occurred (other than the passage of time as provided in subsection D-3), the Planning Director shall set a hearing before the Planning Commission to consider revocation or modification of the Special Permit. Notice of any hearing so set shall be given in the manner prescribed by subparagraph C-3-c of this section and

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in addition thereto notice shall be given to the owner of the property upon which the use is conducted, and to the person in possession of said property if other than the owner, which shall include a specific statement of the conditions which are deemed to constitute a detriment to the public health, safety or welfare, or which constitutes a public nuisance, or which are in violation of conditions imposed by the Planning Commission on the use.

2. Planning Commission May Revoke or Modify Special Permit: Upon a determination by the Planning Commission that the use is being conducted in a manner detrimental to the public health, safety, or welfare, or in a manner so as to constitute a public nuisance, or in violation of any condition imposed by the Zoning Administrator or Planning Commission, the Planning Commission may revoke the Special Permit. If the Planning Commission determines that the detrimental aspects of the use which exist may be alleviated through a modification to the Special Permit, it may make such modification in lieu of revocation, including, but not limited to, imposition of conditions which must be complied with if the use is to continue.
3. Appeal: In the case of a revocation or modification of a Special Permit, an appeal may be taken in accordance with Section 18 of this Ordinance within ten days after the decision of the Planning Commission to revoke or modify said permit.

## **SECTION 2.**

Section 15-G is hereby added to the Comprehensive Zoning Ordinance (Fourth Series, as Amended) to read as follows:

- G. Modification or Discontinuance of a Use Established Prior to Special Use Requirements:
1. Planning Commission May Order Modification or Discontinuance of Any Use Established Prior to Special Permit Requirements: An existing use which would require a Special Permit, but for the fact that it was lawfully established without a Special Permit before the Special Permit requirement became effective, or at the time of annexation or consolidation into the city, may be ordered modified or discontinued if it is determined:
    - a. that the use is being conducted in a manner detrimental to the public peace, health or safety; or

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- b. that the use is being conducted in a manner so as to constitute a public nuisance; or
  - c. that the use as operated or maintained has resulted in repeated nuisance activities, including, but not limited to, public inebriation, drinking in public, loitering, excessive littering, public urination, disturbances of the peace, harassment of passersby, excessive noise, illegal drug activity, gambling, prostitution, sale of stolen property, theft, assaults, batteries, vandalism, or police detentions and arrests.
2. Applies to Any Use: This section shall apply to any use in the City of Sacramento as provided in Section 15-G-1, whether commercial or residential, and whether the use is presently conforming or non-conforming, including, but not limited to, the sale of alcoholic beverages for on-sale or off-sale premises.
  3. Conduct of the Proceedings: The proceeding shall be conducted in the same manner as a proceeding to revoke or modify a Special Permit, as set forth in Section 15-F.
  4. Planning Commission's Order: Upon a determination by the Planning Commission that the use is being conducted in a manner detrimental to the public peace, health, or safety, or in a manner so as to constitute a public nuisance, the Planning Commission may order that the use be discontinued, or if the use is to continue, that it only do so if the person or entity maintaining the use complies with conditions approved by the Planning Commission. The Planning Commission's authority for imposition of conditions shall include, but not be limited to, imposition of any reasonable condition upon the continued operation of the use, for compliance, and the period of time the conditions will remain in effect.
  5. Failure to Comply With Commission's Order: Where a continued use has been conditioned by the Planning Commission and the person or entity maintaining or operating the use fails to fully comply with the conditions imposed, the city may take legal or administrative action. The city's legal or administrative remedies shall include, but not be limited to, seeking a further order of the Planning Commission to order the use discontinued or further modified or conditioned, legal or equitable action, and imposition of administrative penalties in accordance with this ordinance or the City Code.

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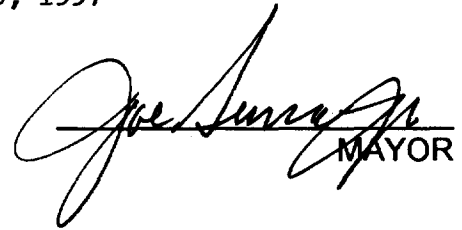
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6. Appeal: An appeal of an order of the Planning Commission issued pursuant to this section may be taken in accordance with Section 18 of this ordinance. The appeal must be requested within ten (10) days of the decision of the Planning Commission or the decision of the Planning Commission is final.

DATE PASSED FOR PUBLICATION: March 3, 1997  
DATE ENACTED: March 11, 1997  
DATE EFFECTIVE: April 10, 1997

  
MAYOR

ATTEST:

  
CITY CLERK

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