

**Amended
ORDINANCE NO. 99-047**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF AUG 31 1999

AN INTERIM ORDINANCE ESTABLISHING A SPECIAL PERMIT REQUIREMENT FOR SMALL MATERIALS COLLECTION RECYCLABLE FACILITIES WHICH RECEIVE MORE THAN 50 TONS OF MATERIALS DAILY, AND A SPECIAL PERMIT REQUIREMENT FOR LARGE RECYCLABLE COLLECTION FACILITIES AND RECYCLABLE MATERIAL RECOVERY FACILITIES, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1

a. Notwithstanding Section 2.E.41 of the Zoning Ordinance, a special permit approved by the Zoning Administrator shall be required to establish a small recyclable material collection facility which receives more than 50 tons of materials on any given day; provided that no special permit shall be required for a reverse vending machine that satisfies the requirements of Section 2.E.41 of the Zoning Ordinance.

b. A special permit may be approved by the Zoning Administrator if the Zoning Administrator makes the findings required by Section 7.5.D of the Zoning Ordinance and in addition, that the facility meets the zoning requirements and development standards set forth in Section 2.E.41. In approving a Special Permit, the Zoning Administrator may impose such conditions as are necessary and appropriate.

SECTION 2

a. Notwithstanding Section 2.E.41 of the Zoning Ordinance, a special permit approved by the Planning Commission shall be required to establish or increase the capacity of a large recyclable material collection facility or a recyclable material recovery facility.

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b. A special permit may be approved by the Planning Commission if the Planning Commission makes the findings required by Section 7.5.C of the Zoning Ordinance and in addition, that the facility meets the zoning requirements and development standards set forth in Section 2.E.41. In approving a Special Permit, the Planning Commission may impose such conditions as are necessary and appropriate.

SECTION 3

Notwithstanding Ordinance No. 99-032, an application for a special permit or an amendment to an existing special permit may be filed, processed and approved to establish, or increase the capacity of, a small or large recyclable material collection facility or a recyclable material recovery facility at an existing, lawfully established facility.

SECTION 4

Except as provided otherwise in Sections 1 through 3 above, the provisions of the Zoning Ordinance, including the provisions pertaining to appeal and call-up of decisions of the Zoning Administrator and the Planning Commission, shall apply.

SECTION 5

This ordinance is declared to be an emergency ordinance, to become effective immediately upon its adoption by the City Council pursuant to Sacramento City Charter Section 32(g)(2). The facts constituting the emergency are as follows: Under the current provisions of the City's Zoning Ordinance, small and large recyclable material collection facilities, and recyclable material recovery facilities, are permitted as a matter of right, without any restrictions on daily tonnage and with limited development and operational standards. The City is currently processing for consideration amendments to the Zoning Ordinance to establish tonnage restrictions, as well as additional development and operational standards. Absent the establishment of such restrictions and standards, there is the potential that such recycling facilities will or may have significant impacts on the areas in which they are located, given that such facilities may be permitted as a matter of right. Pending the Council's consideration of establishing appropriate restrictions and standards, it is appropriate to require discretionary review pursuant to Sections 1, 2 and 3 above. It also necessary and appropriate that the requirement for a special permit take effect immediately, to ensure that no new recycling facilities covered by Sections 1 and 2 above are established during the thirty-day period that would otherwise pass before this Ordinance would take effect.

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SECTION 6

This ordinance shall be effective for a period of one hundred and twenty (120) days from the date of enactment and shall thereafter expire unless extended by action of the Council.

DATE TITLE PUBLISHED IN FULL : 09/09/99
DATE ENACTED: 08/31/99
DATE EFFECTIVE: 08/31/99

JOE SERNA, JR.

MAYOR

ATTEST:

VALERIE BURROWES

CITY CLERK

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