



APPROVED
BY THE CITY COUNCIL

AUG 31 1999

OFFICE OF THE
CITY CLERK

3.2

NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998

PLANNING DIVISION
916-264-5381
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August 24, 1999

City Council
Sacramento, California

Honorable Members in Session

SUBJECT: 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 - (M99-019)

LOCATION AND COUNCIL DISTRICT: City Wide

RECOMMENDATION: Adopt the attached ordinance

CONTACT PERSON: Gary L. Stonehouse, Planning Director (264-5567)

FOR COUNCIL MEETING OF: August 31, 1999

SUMMARY:

The Zoning Ordinance currently allows certain solid waste and recycling facilities to be established in certain zones without public review and regardless of size. City Planning and Solid Waste Division staff have been developing Zoning Ordinance amendments that would require special permits for certain sized facilities and would impose additional operation and regulatory requirements upon them and retroactively on existing facilities. Those ordinance amendments will be brought forward to the Council after a public hearing and recommendation from the City Planning Commission.



This interim ordinance establishes the special permit requirement for facilities that process over 50 ton per day. This ordinance will expire in 120 days.

BACKGROUND INFORMATION:

In 1998, the City Council approved two large solid waste transfer stations. Subsequently, the Council approved a temporary moratorium (Ordinance 99-032) on additional applications for similar solid waste facilities pending a study of siting and distribution policies. That action specifically exempted a class of solid waste and recycling facilities that are included in Chapter 2, Section 2-E-41 of the Zoning Ordinance from the processing prohibition.

Since that time Planning and Solid Waste Division staff have become concerned that under this provision, very large recycling facilities could be established without public review or notice. In response, staff has proposed amendments to the section to add development standards, to provide for public review, and to require entitlements for facilities that do not meet development standards or that exceed certain capacities. Portions of the new operational standards may be applied to existing facilities as necessary. Those amendments will first be heard by the Planning Commission and then by the Council.

In the meantime, Planning and Solid Waste Staff have noticed increased interest in establishing new recycling facilities by right and in advance of the ordinance changes. Such facilities are not limited in terms of processing capacity or truck traffic and may result in significant impacts on the surrounding areas. Currently the public has no opportunity to review the operational plans of the proposed facilities.

This interim ordinance requires new "large recyclable collection facilities" or "recycled material recovery facilities" to receive a special permit if they process more than 50 ton of material per day. A small facility (more than 50 tons per day and occupies not more than 500 square feet) may be approved by a special permit from the Zoning Administrator if it satisfies existing development standards (attachment B). Large facilities, or those that do not meet development standards, may be approved by the City Planning Commission. The ordinance would also allow existing solid waste facilities to apply for special permit modifications to establish or modify recycling operations.

FINANCIAL CONSIDERATIONS:

None.

ENVIRONMENTAL DETERMINATION:

The adoption of this Interim Ordinance is exempt under CEQA.

POLICY CONSIDERATIONS:

Currently certain solid waste and recycling facilities of any size are allowed in certain zones by right if they meet certain development standards. Staff believes it is appropriate to require these facilities to be subject to public review and the issuance of a special permit prior to establishing the use.

ESBD CONSIDERATIONS: None

Respectfully submitted:



Gary L. Stonehouse,
Planning Director

FOR CITY COUNCIL INFORMATION:
ROBERT P. THOMAS
City Manager

Approved:



Jack Crist, Deputy City Manager
Neighborhoods, Planning and
Development Services

Attachments:

- A. Proposed Interim Ordinance
- B. Small Facility Development Standards
- C. Large Facility Development Standards

Amended 99-047
ORDINANCE NO.

APPROVED
BY THE CITY COUNCIL

AUG 31 1999

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE
CITY CLERK

ON DATE OF _____

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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DATE ADOPTED: _____

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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ORDINANCE NO. _____

DATE ADOPTED: _____

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 PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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SMALL FACILITY DEVELOPMENT STANDARDS

- 2) Small Recyclable Material Collection Facilities: Small Collection Facilities may be sited in Commercial and Industrial zones with Administrative approval provided they comply with the following conditions:
- a) Shall be established in conjunction with an existing Commercial use or Community Service Facility which is in compliance with the Zoning, Building and Fire Codes of the City of Sacramento;
 - b) Shall be no longer than 500 square feet, and occupy no more than five parking spaces not including spaces that will be periodically needed for removal of materials or exchange of receptacles. No parking spaces required for the primary host use may be occupied by the facility;
 - c) Shall be set back at least ten (10) feet from any street or building or shall not be located in any required setback and shall not obstruct pedestrian or vehicular circulation;
 - d) Shall accept only glass bottles, metals, plastic containers and papers;
 - e) Except for bulk reverse vending machines, shall use no power-driven processing equipment;
 - f) Shall use receptacles that are constructed and maintained with durable waterproof and rust proof material, covered when site is not attended, secure from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
 - g) Shall store all recyclable material in receptacles or in the mobile center vehicle and shall not leave materials outside of receptacles when attendant is not present;
 - h) Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or receptacles are removed at the end of each collection day, shall be swept at the end of each collection day;
 - i) Shall not exceed noise levels of 55 dBA as measured at the property line of Residentially zoned or occupied property, otherwise shall not exceed 70 dBA;

- j) Attended facilities located at community service sites shall be in operation only during the hours between dawn and dusk; and facilities located within 100 feet of a property zoned or occupied for Residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
- k) Receptacles shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or receptacles;
- l) Materials shall be removed from the facility on a routine basis;
- m) Signs may be provided as follows:
 - i) Recycling centers may have identification signs with a maximum of 20 percent per side or sixteen (16) square feet, whichever is smaller, in addition to information signs required in condition 11 above;
 - ii) Signs must be consistent with the character of the location;
 - iii) Directional signs, bearing no advertising message, may be installed which are consistent with Sign Ordinance regulations if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way; and
 - iv) The Zoning Administrator may authorize increases in the number and size of signs upon findings that it is compatible with adjacent businesses.
- n) The facility shall not impair the landscaping required for any concurrent use by this ordinance or any permit issued pursuant thereto;
- o) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;
- p) Mobile recycling centers shall have an area clearly marked to prohibit other vehicular parking during hours when mobile center is scheduled to be present; and
- q) Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary host.

LARGE FACILITY DEVELOPMENT STANDARDS

- 3) Large Collection Facility or Material Recovery Facility: Large collection facilities may be sited in the Heavy Commercial zone with a Zoning Administrator's Special Permit or in an Industrial zone with Administrative approval, provided the facility complies with the conditions below. Material recovery facilities may be sited in Industrial zones with Administrative approval provided they comply with the following conditions:
- a) Shall not be located in any setback area and shall meet parking requirements as set forth for warehouse uses in Chapter 3 Section 2.
 - b) Shall not compost or reprocess green waste materials. Facilities which process or compost green-waste materials are required to comply with Section 2-2-41-b-4.
 - c) Shall store all recyclable material in receptacles, within an on-site building, or behind a screened area.
 - d) Shall remove/ship all green waste materials received from the site within 48 hours of receipt.
 - e) Shall be screened from the front of the property with fencing and landscaping.
 - f) Shall not exceed noise levels of 55 dBA as measured at the property line of Residentially zoned or occupied property, otherwise shall not exceed 70 dBA.
 - g) Operating hours shall not exceed 8 A.M. to 7 P.M. when located within 200 feet of a Residentially zoned or occupied property.
 - h) The facility shall not impair any required landscaping.
 - i) Signs may be provided as follows:
 - i) Signs must meet the requirements in the Sign Ordinance for the zone in which the facility is located;
 - ii) Signs must be consistent with the character of the location;
 - iii) Directional signs, bearing no advertising message, may be installed which are consistent with Sign Ordinance regulations if necessary to facilitate traffic circulation; and
 - iv) The Zoning Administrator may authorize increases in the number and size of signs upon findings that these signs are compatible with adjacent land uses.

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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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ORDINANCE NO. _____

DATE ADOPTED: _____

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-___, an application may be filed, processed and approved for a special permit under the terms of this urgency ordinance to establish or increase the capacity of a small recyclable material collection facility or a large recyclable material collection facility or recyclable material recovery 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 is 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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DATE ADOPTED: _____

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 PASSED FOR PUBLICATION:
DATE ENACTED:
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ATTEST:

CITY CLERK

MAYOR

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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 a large recyclable material collection facility or a recyclable material recovery facility.

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.

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ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION 3

Notwithstanding Ordinance No. 99-____, an application may be filed, processed and approved for amendment to or modification of an existing special permit for a transfer station to allow for the addition of a recyclable material collection facility or recyclable material recovery facility operation.

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

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SECTION 6

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CITY CLERK

MAYOR

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DATE ADOPTED: _____

**Amended
ORDINANCE NO.**

MTG. DATE 8/31 . ITEM NO. 3.2
FROM: CITY CLERK'S OFFICE

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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- 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.

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SECTION 6

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