

# ORDINANCE NO. 2003-038

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF AUG 19 2003

AN ORDINANCE ADDING CHAPTER 17.183 TO TITLE 17 OF THE SACRAMENTO CITY CODE TO ESTABLISH THE SOLID WASTE RESTRICTED (SWR) OVERLAY ZONE, AMENDING SECTION 17.136.020 OF TITLE 17 TO ADD A REFERENCE TO THE SOLID WASTE RESTRICTED (SWR) OVERLAY ZONE AND AMENDING SECTION 17.16.010 OF TITLE 17 TO ADD DEFINITIONS FOR CLASS 3 LANDFILL, INERT LANDFILL, INERT WASTE AND SOLID WASTE LANDFILL. (M01-020)

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

## SECTION 1

Section 17.136.020 of Title 17 of the Sacramento City Code is hereby amended to include the following in the list of overlay zones:

Chapter 17.183 – Solid waste restricted overlay zone (SWR)

## SECTION 2

Section 17.16.010 of Title 17 of the Sacramento City Code is amended to add definitions of "Class 3 Landfill", "Inert Landfill", "Inert Waste" and "Solid Waste Landfill":

"Class 3 landfill" means a "classified waste management unit", as defined by 27 Cal. Code of Regs Sec. 20164, that has been classified by a Regional Water Control Board as a Class III landfill pursuant to the provisions of Article 3, Subchapter 2, Chapter 3, subdivision 1, Division 2 of Title 27 of the California Code of Regulations (27 Cal. Code of Regulations Secs. 20240 et seq.).

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"Inert landfill" means a solid waste landfill that accepts and receives only inert waste.

"Inert waste" means "inert waste" as defined in Public Resources Code Sec. 41821.3(a), as amended from time to time.

"Solid waste landfill" means solid waste landfill as defined in California Public Resources Code section 40195.1, as amended from time to time.

### **SECTION 3**

Chapter 17.183 is hereby added to Title 17 of the City Code, to read as follows.

#### 17.183.010 Purpose

The purpose of this chapter is to address the heavy concentration of solid waste facilities that exist in certain areas of the city. Concentration of a large number of solid waste facilities has led to increases in traffic congestion, air quality impacts, and hazards to human health. This overlay zone is intended to restrict the establishment or expansion of solid waste facilities in the areas where it is applied. This overlay zone is also intended to stimulate the establishment of new solid waste facilities near new growth areas, so waste disposal services can more efficiently serve the increasing needs of the population now and into the future without further impacting areas of the city that already contain an over-concentration of such facilities.

#### 17.183.020 Applicability

The SWR designation appearing after a land use classification on the official zoning map indicates that the property so classified is subject to the restrictions set forth in this chapter in addition to those indicated in the land use zone (underlying zone). The SWR designation may be applied to all areas of the city where the City Council determines a heavy concentration of solid waste facilities exist.

#### 17.183.030 Use Regulations

A. Except as otherwise provided herein, uses permitted in the underlying zone outside of the solid waste restricted overlay zone, shall be permitted in the solid waste restricted overlay zone. If this title requires the approval of a special permit or other discretionary entitlement(s) to establish a particular use in the underlying zone outside of the solid waste restricted overlay zone, approval of the same discretionary entitlements shall be required to establish the use within the underlying zone within the solid waste restricted overlay zone.

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B. Additional prohibited uses in the SWR zone. In addition to the uses prohibited in the underlying zone outside of the solid waste restricted overlay zone, the establishment of any new hazardous waste facility, solid waste landfill or solid waste transfer station is prohibited within the solid waste restricted overlay zone; and further, except as provided in Subsection C below, no existing hazardous waste facility, solid waste landfill or solid waste transfer station within the solid waste restricted overlay zone shall be modified, expanded or other-wise change or altered.

C. Modification or alteration of existing hazardous waste facility, solid waste landfill or solid waste transfer station: no increase in tonnage, volume or other capacity restriction:

1. Notwithstanding Subsection B above, a special permit modification may be approved by the Planning Commission to amend or modify the conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station located within the solid waste restricted overlay zone: provided that the Planning Commission shall have no authority to approve an increase in the tonnage, volume or other capacity restriction imposed on the facility that is the subject of the application, and no variance shall be approved to authorize such an increase.

Exception: Applications to amend conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station pending as of March 1, 2003 may be heard by the Zoning Administrator to the extent the Zoning Administrator has the authority to hear such applications, provided that the Zoning Administrator shall have no authority to approve an increase in the tonnage, volume or other capacity restrictions, and no variance shall be approved to authorize such an increase.

2. Notwithstanding Subsection B above, a special permit or special permit modification may be approved by the Planning Commission to expand an existing inert landfill or existing Class 3 landfill facility, located either within or immediately adjacent to the solid waste restricted overlay zone, to adjacent property located within the solid waste overlay zone; provided that, other than the increase in the overall tonnage and volume of solid waste associated with the use of the expansion area, the Planning Commission shall have no authority to approve an increase in the daily tonnage, volume or other capacity restriction imposed on the facility that is the subject of the application, and no variance shall be approved to authorize such an increase. The purpose of this provision is to allow for existing inert and Class 3 landfills in or immediately adjacent to the solid waste restricted overlay zone to expand the area in which they may deposit fill, while not allowing for any increase in the tonnage, volume or other capacity restriction.

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Section 17.183.040 Nonconformities


Except as provided below, the provisions of Chapter 17.88 of this title shall apply to any nonconforming uses within the SWR solid waste restricted overlay zone.

Exception: The nonconforming use regulations of Chapter 17.88 of this title shall not be applicable or available to any hazardous waste facility, solid waste landfill or solid waste transfer station lawfully established and existing within the solid waste restricted overlay zone. No existing facility, landfill or transfer station shall be modified, altered or expanded except as permitted by Section 17.183.030.

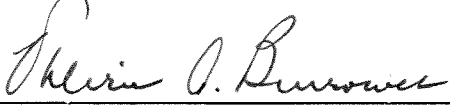
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ATTEST:

  
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