ORDINANCE NO. 2926-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 19.38.030 (RECYCLING AND SOLID WASTE ENCLOSURES) TO CHAPTER 38 (REQUIRED FACILITIES) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO CENTRALIZED TRASH ENCLOSURE REQUIREMENTS FOR ATTACHED HOUSING

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 19.38.030 of Chapter 38 (Required Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

(a) All residential and non-residential uses shall provide adequate recycling and solid waste facilities on site. Recycling and solid waste facilities (including carts, bins, containers, and enclosures) shall be adequate in capacity, number and distribution to serve the uses on-site.
(b) Non-residential uses shall provide recycling and solid waste enclosures for the storage of recyclable materials and solid waste.
(c) Single-family and multi-family uses of three or fewer units shall obtain recycling and solid waste containers in accordance with Chapter 8.16.
(d) All residential uses with four or more units shall include centralized enclosures except that townhouse uses with dedicated attached garages shall provide for the storage of recyclable materials, solid waste and refuse in accordance with the options and criteria provided in the “Design Requirements for Solid Waste and Recycling Collection in Townhome Complexes” prepared by the city engineer and director of community development and established by city council. These requirements shall be maintained by the department of community development and shall be available to the public. Minor additions to or deletion from the requirements may be made by the director of community development; major changes require approval of the planning commission.
(e) Recycling and solid waste enclosures
(1) General requirements:
(A) Any additions to non-residential buildings which equal or exceed thirty percent of the existing floor area of a building or buildings on a site shall require the property owner to provide adequate enclosures for the storage of recycling containers and solid waste containers.
(B) Except when approved as part of a special development permit or use permit, proposed recycling and solid waste enclosures shall require the approval of a miscellaneous plan permit by the director of community development. Plans depicting the proposed design, materials, size and location of enclosures, and the number, size, type and placement of bins and containers shall accompany each application submitted for approval. The design and construction of recycling and solid waste enclosures shall comply with established city...
The solid waste program manager shall advise the director of community development on the size, location, number and placement of bins, containers and enclosures required for a use. The public safety department shall advise the director of community development on fire safety and hazardous materials containment requirements. The director of community development may approve an application, require modifications, or may impose additional requirements to ensure the safe and efficient collection of solid waste and recyclable materials.

(C) Each recycling and solid waste enclosure shall have four sides, one of which shall include a door or gate, unless the containers are stored in a building. Enclosures shall be a minimum of 6 ft. high and fully screen all materials and containers from public view.

(D) Recycling and solid waste enclosures shall not be located in any parking, landscape or setback areas, including any increased setbacks on commercial and industrial properties as required by the zoning code, unless otherwise approved by use permit.

(E) The property owner is responsible for the maintenance and cleanup of recycling and solid waste enclosures.

(F) The recycling and solid waste contractors are responsible for the maintenance of their respective bins and containers.

(G) Driveway or aisle leading to the enclosure shall be a minimum of sixteen feet in width.

(H) In a complex where driveways do not extend from street to street, a turnaround area for the collection vehicle shall be provided.

(I) Vehicle access to the enclosure shall be unobstructed and provide a minimum of fifteen feet vertical clearance.

(J) Loading area shall provide a minimum twenty feet vertical clearance. A concrete pad consisting of five inch aggregate base and six-inch Portland cement paving, or equivalent, as approved by the director of community development shall be constructed in front of each enclosure for the collection vehicle. The pad shall have a level surface where the containers are used.

(K) Recycling and solid waste enclosures shall be located within one hundred fifty feet from any dwelling unit unless otherwise approved by the director of community development.

(2) Commercial/Office/Public Facilities zoning districts.
(A) Enclosures shall be constructed of masonry with exterior material that matches the main structure.
(B) Enclosure door shall be of solid steel or aluminum.

(3) Residential zoning districts.
(A) Enclosures shall be constructed of wood or masonry compatible with the main structure.
(B) Enclosure door shall be of solid steel or aluminum.

(4) Industrial zoning districts: Enclosures shall be, at a minimum, slatted chain link fencing. The Director of Community Development may require enclosures to be constructed of wood or masonry to be compatible with the main structure or to enhance the public view of the enclosure.
(f) Cart service for residential uses

(1) Single-family and multi-family uses of three or fewer units shall store recycling and solid waste containers so that they are either screened from public view from the public right-of-way or stored in the side yard of the premises behind the face of the house. Containers may remain in public view for purposes of collection in accordance with Chapter 8.16.

(2) Townhouse uses with four or more units and dedicated attached garages that choose to provide individual cart service shall design facilities in accordance with the criteria provided in the “Design Requirements for Solid Waste and Recycling Collection in Townhome Complexes” prepared by the city engineer and director of community development and established by city council.

(A) Except when approved as part of a special development permit or use permit, proposed individual cart service for storage and collection of recycling and solid waste in multi-family developments shall require the approval of a miscellaneous plan permit by the director of community development. The director of community development may approve an application, require modifications, or may impose additional requirements to ensure the safe and efficient collection of solid waste and recyclable materials. The solid waste program manager shall advise the director of community development on adequate facilities required for the use. The public safety department shall advise the director of community development on fire safety and hazardous materials containment requirements.

(g) Exemptions. Requirements of this section shall not apply to:

(1) Recycling bins not accessible to the general public used exclusively by a business for its recycling program.

(2) Recycling centers for which a use permit or special development permit is required.

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. CEQA—NEGATIVE DECLARATION. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development may file a Notice of Determination with the County Clerk pursuant to CEQA guidelines. Any future project that may benefit from these changes will still need to undergo its own environmental review, if required by CEQA, and potential impacts may be determined at that time.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.
SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on October 19, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on __________ 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

__________________________________________
City Clerk
Date of Attestation: ____________________

(SEAL)

__________________________
Mayor

APPROVED AS TO FORM AND LEGALITY:

______________________________________
David E. Kahn, City Attorney