

DRAFT 10/8/2021 RLM

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING SECTION 19.37.060
(GENERAL PLANTING, SOIL MANAGEMENT AND
WATER FEATURE DESIGN REQUIREMENTS) AND
SECTION 19.38.030 (RECYCLING AND SOLID WASTE
FACILITIES) OF TITLE 19 (ZONING) OF THE
SUNNYVALE MUNICIPAL CODE**

WHEREAS, the City of Sunnyvale desires to amend certain sections of Title 19 (Zoning) of the Sunnyvale Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES
ORDAIN AS FOLLOWS:

SECTION 1. Section 19.37.060 AMENDED. Section 19.37.060 (General planting, soil management and water feature design requirements) of Chapter 19.37 (Landscaping, Irrigation, and Useable Open Space) of Title 19 (Zoning) is hereby amended to read as follows:

19.37.060. General planting, soil management and water feature design requirements.

(a) – (b) [Text unchanged]

(c) (1) Mulch. A minimum three-inch layer of mulch shall be applied on all exposed soil areas, except that up to five percent of the area may be left exposed if designed to provide a habitat for beneficial insects and other wildlife. Designated insect habitat, if any, must be included in the landscape design plan as such. Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.

(2) – (3) [Text unchanged]

(d) [Text unchanged]

SECTION 2. Section 19.38.030 AMENDED. Section 19.38.030 (Recycling and solid waste facilities) of Chapter 19.38 (Required Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.38.030. Recycling and solid waste facilities. Facilities for recyclable materials, organic materials, and solid waste.

(a) All residential and nonresidential uses shall provide adequate ~~recycling and solid waste~~ facilities on site for recyclable materials, organic materials, and solid waste (“discarded materials”) as required by chapter 8.16 of this code. ~~Recycling and solid~~

~~waste~~Such facilities (including carts, bins, containers, and enclosures) shall be adequate in capacity, number and distribution to serve the uses on-site. The directors of environmental services and community development shall develop detailed procedures and guidelines to ensure the orderly and efficient administration of the requirements of this chapter. These procedures and guidelines are incorporated into this chapter as the "Design Guidelines for Recycling, Organics and Solid Waste Services," which may be amended from time to time by the directors of environmental services and community development.

(b) Nonresidential uses shall provide ~~recycling and solid waste~~ enclosures for the storage of ~~recyclable materials and solid waste~~discarded materials.

(c) Single-family and multifamily uses of three or fewer units shall obtain ~~recycling and solid waste~~ containers for discarded materials in accordance with ~~E~~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~~discarded materials in accordance with the options and criteria provided in the Design Guidelines for Recycling, Organics and Solid Waste Services. ~~"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) – (B) [Text unchanged]

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

(D) [Text unchanged]

(E) The property owner is responsible for the maintenance and cleanup of ~~recycling and solid waste~~ the enclosures. The surface of the enclosure and all areas used for roll-out and collection shall be maintained in a good condition that does not create a safety hazard or impede access by the authorized collector.

(F) ~~The recycling and solid waste contractors~~Authorized collectors of discarded materials (as defined in chapter 8.16) are responsible for the maintenance of their respective bins and containers.

(G) –(H) [Text unchanged]

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

(J) Loading area shall provide a minimum twenty feet vertical operational 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 by path of travel from any dwelling unit or commercial business ~~unless otherwise approved by the director of community development. The path of travel shall not include any portion of the public right-of-way.~~

(2) – (4) [Text unchanged]

(f) Cart Service for Residential Uses.

(1) Single-family and multifamily 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 Guidelines for Recycling, Organics and Solid Waste Services” ~~“Design Requirements for Solid Waste and Reeyeling 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~~discarded materials~~ in multifamily developments of four or more units 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) [Text unchanged]

SECTION 3. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions 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 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. 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 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 _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney