

ORDINANCE NUMBER 574

AN ORDINANCE OF THE CITY OF RANCHO MIRAGE, CALIFORNIA, AMENDING DEVELOPMENT STANDARDS IN TITLE 17 OF THE RANCHO MIRAGE MUNICIPAL CODE WITH REGARD TO SOLID WASTE AND RECYCLING RECEPTACLES AND ENCLOSURES.

The City Council of the City of Rancho Mirage, California, does hereby ordain as follows:

SECTION 1: Title 17 of the Rancho Mirage Municipal Code is hereby amended by the repeal of the prior adopted language as indicated by strikeover and the substitution or addition as highlighted language (see Exhibit "A" attached); and by Figure III-1, Minimum Standards for Enclosure Design (attached).

SECTION 2: CEQA. The passage of this Ordinance constitutes a project according to the California Environmental Quality Act (CEQA). An environmental analysis, documentation and action known as Environmental Assessment case number EA930017 was performed pursuant to CEQA Guidelines and State Statutes. The City Council has found the project will not have a significant affect on the environment and a Negative Declaration will be filed.

SECTION 3: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Rancho Mirage hereby declares that it would have passed this ordinance, and each section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, sentences or phrases may be declared invalid or unconstitutional.

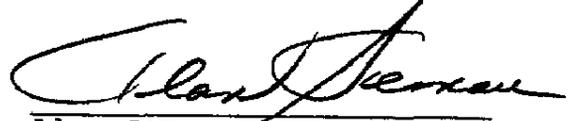
SECTION 4: Savings Clause. Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of the ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions application to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SECTION 5: The City Clerk shall certify to the passage hereof, and cause it to be posted as required by law. This Ordinance

shall take effect on the 30th day following the date of its adoption.

PASSED AND ADOPTED this 5th day of August, 1993.

CITY OF RANCHO MIRAGE
CITY COUNCIL



Alan Seman
Mayor

ATTEST:



Barbara Dohn
City Clerk

APPROVED AS TO FORM:



Scott Zundel
Interim City Attorney

EXHIBIT " A "

17.06.030 ZONING DISTRICT DEVELOPMENT STANDARDS

B. ZONE SPECIFIC STANDARDS

RESIDENTIAL ZONES SPECIFIC STANDARDS	R1	RE	PUD			MHP	RR	HR	MU
			L	M	H				
P. Solid Waste and Recycling Receptacles and Enclosures	+	+	+	+	+	+	+	+	+

Key: "+" applies and "-" does not apply in the zoning district.

O. SENIOR GROUP HOUSING

~~16. A trash receptacle shall be provided on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three (3) sides by a solid wall six (6) feet in height and on the fourth side by a solid gate not less than five (5) feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures.~~

16. Solid waste and recycling receptacle(s) within walled and gated enclosure(s) shall be provided in accordance with the "Solid Waste and Recycling Receptacles and Enclosures" standards contained in Chapter 17.18 (Property Development Standards).

P. SOLID WASTE AND RECYCLING RECEPTACLES AND ENCLOSURES - All residential uses shall provide solid waste and recycling receptacles and enclosures in accordance with "Solid Waste and Recycling Receptacles and Enclosures" standards in Chapter 17.18 (Property Development Standards).

17.08.030 COMMERCIAL ZONING DISTRICT DEVELOPMENT STANDARDS

2. Commercial Zone Standards

c. ~~Every parcel with a~~ Each building, or structure or use shall have a trash receptacle on the premises provide solid waste and recycling receptacles within walled and gated enclosures in accordance with "Solid Waste and Recycling Receptacles and Enclosures" standards contained in Chapter 17.18 (Property Development Standards). The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three (3) sides by a solid wall six (6) feet in height and on the fourth side by a solid gate not less than five (5) feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures.

17.10.050 APPLICABLE REGULATIONS (OPEN SPACE ZONE)

All uses shall be subject to the applicable regulations of this Title, including provisions located in the following Chapters:

1. Chapter 17.40 Conditional Use Permits
2. Chapter 17.38 Development Plan Permits
3. Chapter 17.20 Landscaping Standards
4. Chapter 17.24 Off-Street Parking Standards
5. Chapter 17.18 Property Development Standards
6. Chapter 17.22 Sign Standards
7. Chapter 17.34 Temporary Use Permits

17.12.030 APPLICABLE REGULATIONS (HPD - HOSPITAL PLANNED DEVELOPMENT ZONE)

All uses shall be subject to the applicable regulations of this Title, including provisions located in the following Chapters:

1. Chapter 17.40 Conditional Use Permits
2. Chapter 17.38 Development Plan Permits
3. Chapter 17.20 Landscaping Standards
4. Chapter 17.26 Off-Street Loading Standards
5. Chapter 17.24 Off-Street Parking Standards
6. Chapter 17.18 Property Development Standards
7. Chapter 17.22 Sign Standards
8. Chapter 17.34 Temporary Use Permits
9. Chapter 17.36 Variances

17.14.040 APPLICABLE REGULATIONS (P - PUBLIC FACILITIES ZONE)

All uses shall be subject to the applicable regulations of this Title, including provisions located in the following Chapters:

1. Chapter 17.40 Conditional Use Permits
2. Chapter 17.38 Development Plan Permits
3. Chapter 17.20 Landscaping Standards
4. Chapter 17.26 Off-Street Loading Standards
5. Chapter 17.24 Off-Street Parking Standards
6. Chapter 17.18 Property Development Standards
7. Chapter 17.22 Sign Standards
8. Chapter 17.34 Temporary Use Permits
9. Chapter 17.36 Variances

17.18.030 PROPERTY DEVELOPMENT STANDARDS

- ~~R. Refuse Storage/Disposal. Every parcel with a building or structure shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall~~

~~be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. Trash receptacles for single family homes shall be stored within the enclosed garage.~~

Q. Solid Waste and Recycling Receptacles and Enclosures

1. For all new development projects submitted on or after the effective date of this Ordinance, each building, structure, or use shall provide adequate, accessible and convenient receptacles within walled and gated enclosures for the collection, storage and loading of waste and recyclable materials in accordance with this Ordinance.

2. For existing buildings, structures or uses, any addition of 400 square feet or more of gross floor area, outdoor seating area or sales area, or combination thereof, whether undertaken as a single alteration, or as multiple alterations within a 12 month period, on or after the effective date of this Ordinance, shall require the installation of adequate, accessible and convenient receptacles within walled and gated enclosures for the collection, storage and loading of recyclable materials in accordance with this Ordinance.

These requirements for existing development shall apply equally to single or multiple (two or more) tenants in individual buildings or centers. However, additions to individual tenant spaces in multiple tenant buildings or centers shall require the installation of adequate, accessible and convenient receptacles within walled and gated enclosures for the collection and disposal of recyclable materials for the individual tenant only in accordance with this Ordinance.

3. All solid waste and recycling receptacles and enclosures shall be provided in the following manner:

a. The access, capacity, design, location, quantity and size of enclosures and receptacles within them shall, at a minimum, be sufficient to accommodate the solid waste and recyclable materials generated as solely determined by the City and its solid waste and recycling agent(s).

b. All receptacles shall be kept within walled and gated enclosures. Whenever possible, receptacles for solid waste and recyclable materials shall be located adjacent to each other and within the same enclosure. The enclosures shall be designed and constructed in accordance with the minimum standards shown on Figure III-1, to provided adequate screening and area for the receptacles. The enclosures shall have solid block walls six feet in height on three sides and opaque solid metal gates at least six feet in height on the fourth side. Both sides of the gates and walls shall be architecturally compatible with the surrounding buildings and structures. The gates shall be

maintained in working order and shall remain closed when not in use. Solid waste receptacles for single family residences shall be kept within the enclosed garage or other enclosed indoor or outdoor space that is suitably screened from view.

Exceptions to the enclosure dimensional and design requirements as shown on the Figure III-1 may be made from time to time by the City and its solid waste and recycling agent(s) due to site or other existing or proposed design constraints, amount of solid waste and/or recyclable materials generated, and changes in technology or methods. In all cases, however, sufficient provisions shall be made and maintained to sufficiently accommodate the solid waste and/or recyclable materials generated.

- c. Enclosures shall have a pedestrian entrance separate from the main enclosure gates to enable convenient access to the receptacles without having to open and close the gates. The pedestrian entrance shall be designed to not reduce the screening effect of the enclosure and shall be connected to a paved surface or pathway by a sidewalk.
- d. Enclosures shall be conveniently located in relation to adjacent buildings, structures, and uses to promote the proper disposal of solid waste and recyclable materials. An enclosure may be shared by more than one use, provided the enclosure is accessible, convenient, and adequate for all users as required by this Ordinance.
- e. Enclosures shall be located within curbed areas and, except at access points, surrounded by a minimum three foot wide planter landscaped with groundcover and shrubs capable of vertically screening the enclosures.
- f. Enclosures shall not be permitted in street parkways, nor located in a manner which is insensitive to adjacent uses because of potential noise, odor and other undesirable impacts. Whenever possible, enclosures shall be located away from public and private streets, project entrances, and the front of a building or structure so as to be inconspicuous from public view.
- g. Whenever possible, existing development required to provide area for recyclable materials shall utilize existing trash enclosures if such is sufficient as required by this Ordinance. For existing development, the Community Development Director may approve the use of one parking space, a landscape area or open space in order to meet the enclosure and receptacle requirement for recyclable materials when provided in accordance with this Ordinance and when determined by the

Director that the loss of a parking space, landscaping area or open space area does not negatively affect the public health, safety and welfare.

- h. Driveways or travel aisles shall provide unobstructed access, maneuvering room and height clearance for vehicles accessing the enclosures.
 - i. Enclosures shall be maintained free of litter, insects, rodents, and other undesirable aspects or elements. Solid waste and recyclable materials shall not be permitted to accumulate around or within or above the walls of the enclosures such that a visual, public health or safety nuisance is created.
 - j. Receptacles for solid waste and recyclable materials shall be kept covered to protect contents from the elements and help reduce odor, windblown debris, scavenging and other undesirable aspects or activities.
 - k. The design and construction of enclosures and receptacles shall not prevent the securing of any recyclable materials placed therein. Whenever possible, receptacles that enable the convenient collection of recyclable materials, but prevent the unauthorized removal of the same shall be used.
 - l. One international recycling logo sign, not exceeding one square foot and finished in the colors of the enclosure shall be placed on the exterior of each enclosure where a recycling receptacle(s) is located.
4. Those buildings, structures or uses that do not need to provide enclosures and receptacles for solid waste and/or recyclable materials as required by this Ordinance are as follows:
- a. Existing buildings, structures or uses, unless undertaking an addition as described herein on or after the effective date of this Ordinance.
 - b. All new residential development projects, including individually built single family houses, submitted on or after the effective date of this Ordinance, that participate in the City-wide curbside or modified curbside recycling program. In this case, solid waste and recycling receptacles shall be kept within the enclosed garage of each residence.
 - c. Existing residences, whether or not an addition is undertaken on or after the effective date of this Ordinance, are exempt from providing recycling receptacles. In the event the occupant(s) of the residence participate or elect to participate in a curbside or modified curbside recycling program, then

recycling receptacles shall be kept within the enclosed garage or other enclosed indoor or outdoor space that is suitably screened from view.

