



# TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

---

**To:** Honorable Mayor and Town Council      **Date:** January 8, 2013  
**From:** Lori Lamson  
Director of Community Development  
Community Development      **Item No:** 6  
**Subject:** ADOPT ORDINANCE NO. 443 - AN ORDINANCE OF THE TOWN OF APPLE VALLEY AMENDING THE DEVELOPMENT CODE AS IT RELATES TO TRASH ENCLOSURE STANDARDS

**T.M. Approval:** \_\_\_\_\_      **Budgeted Item:**  Yes  No  N/A

---

## RECOMMENDED ACTION:

Adopt Ordinance No. 443.

## SUMMARY:

At its December 11, 2012 meeting, the Town Council reviewed and introduced Ordinance No. 443, amending the Development Code as it relates to trash enclosure standards. As part of the requirements to adopt any new Ordinance, Ordinance No. 443 has been scheduled for adoption at the January 8, 2013 Town Council meeting.

## FISCAL IMPACT:

Not Applicable

## Attachments:

Ordinance No. 443.

**ORDINANCE NO. 443**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2012-02 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTIONS 9.28.150 "TRASH ENCLOSURES" AND 9.35.090 "TRASH ENCLOSURES", AND ESTABLISH SECTION 9.45.080 "TRASH ENCLOSURES" IN REGARDS TO THE TRASH ENCLOSURE SPECIFICATIONS.**

The Town Council of the Town of Apple Valley, State of California, does hereby ordain as follows:

**Section 1. Recitals.**

(i) Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

(ii) Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

(iii) Specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Sections 9.28.150 and 9.35.090 and adding Section 9.45.080; and

(iv) On November 30, 2012, Development Code Amendment No. 2012-02 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that Development Code Amendment will not have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review; and

(vi) On October 17, 2012, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2012-02, receiving testimony from the public; and

(vii) Development Code Amendment No. 2012-02 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**Section 2. Findings.**

(i) Find that the changes proposed by Development Code Amendment No. 2012-02 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

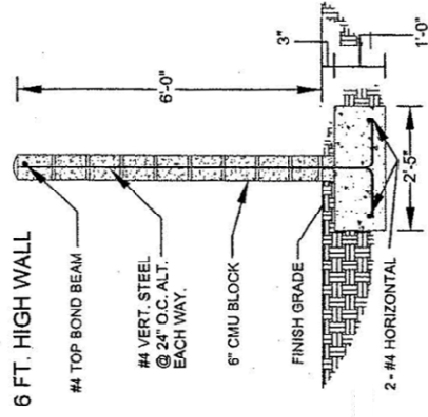
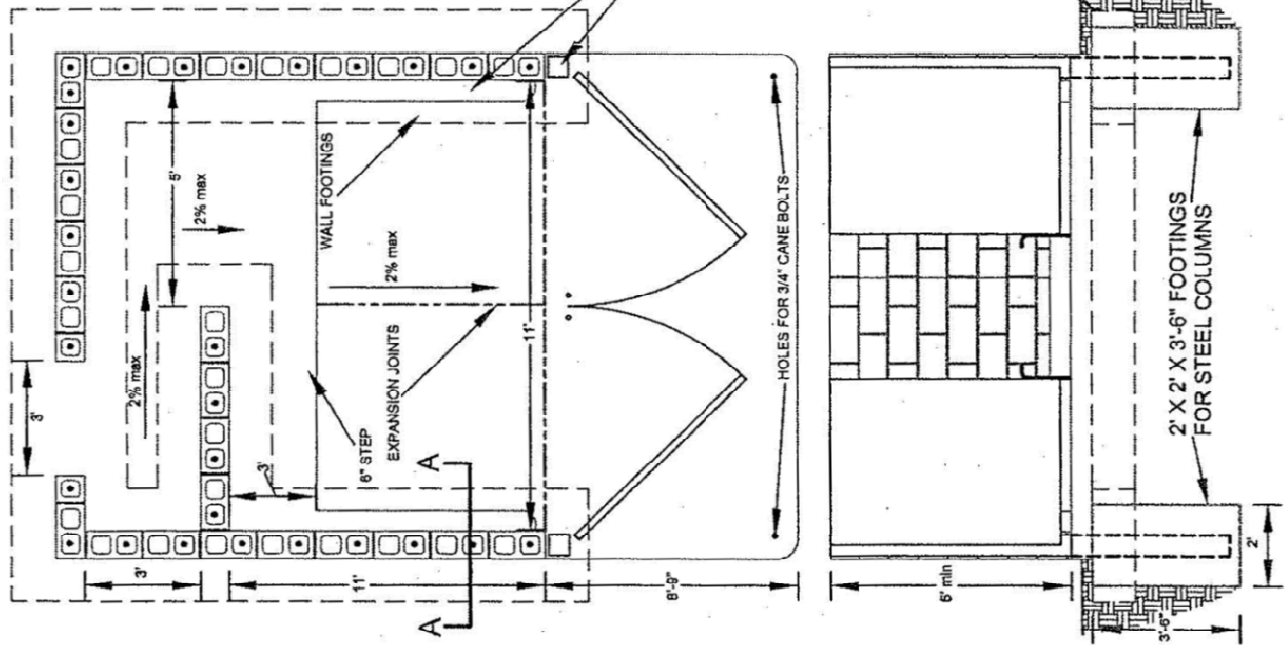
(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that the proposed Development Code Amendment No. 2012-02 is not anticipated to have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review.

**Section 3.** Amend Section 9.28.150 of the Code to be amended to read as follows:

**9.28.150 Trash Enclosures**

- A. No person shall keep, place or maintain any garbage container or trash bin on his or her property which is visible from any public street or alley, except upon days designated for collection as set forth in Section 6.20.130 of the Town Municipal Code.
- B. Trash receptacles shall be placed so as to be accessible to the trash hauler on paved access.
- C. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. Trash enclosures shall be located within multi-family projects in accordance with the Design Standards for multi-family districts, Section 9.31.040 of this Code.
- E. Trash enclosure construction shall be consistent with Figures 9.28.150.A and B. The decorative block or stucco used shall be finished to be compatible with surrounding architectural features.
- F. One (1) enclosure per eight (8) dwelling units.
- G. For multi-family complexes with five (5) or more units, the enclosure shall provide recycle bins.
- H. The double bin design may be modified to accommodate a single bin for projects having four (4) or fewer units, and requiring only one bin capacity to serve the entire development.
- I. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.

- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%



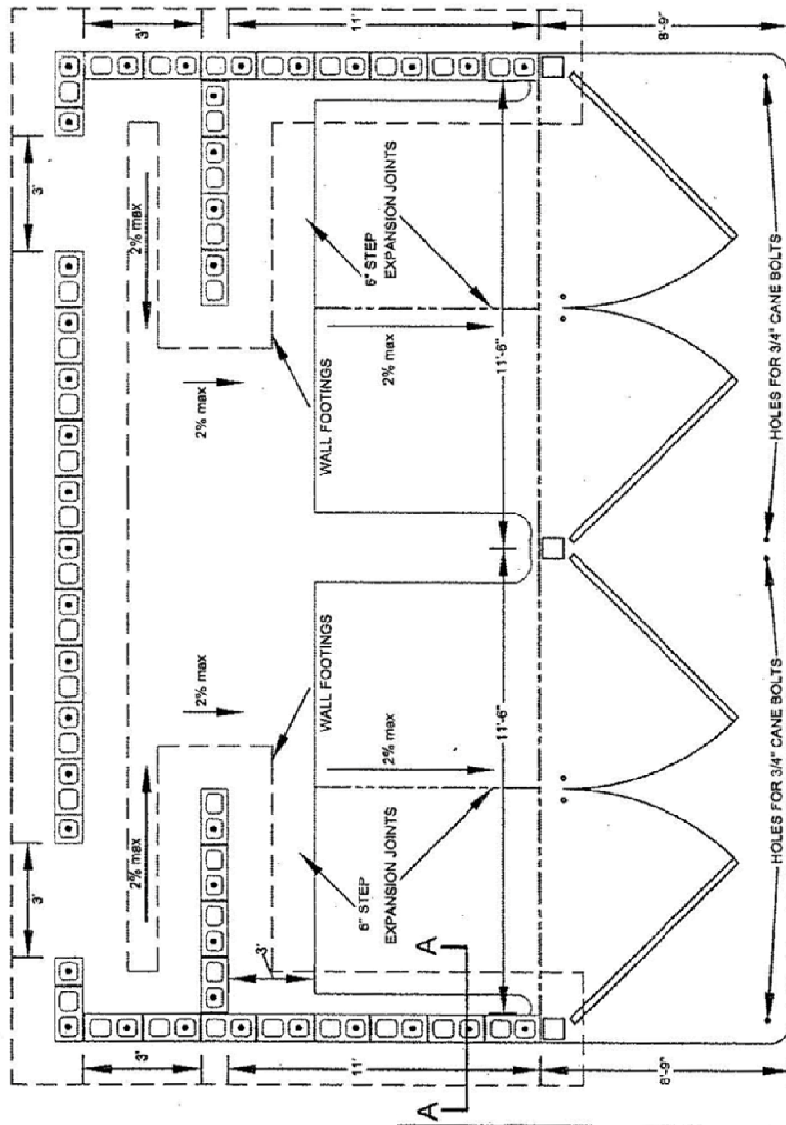
**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

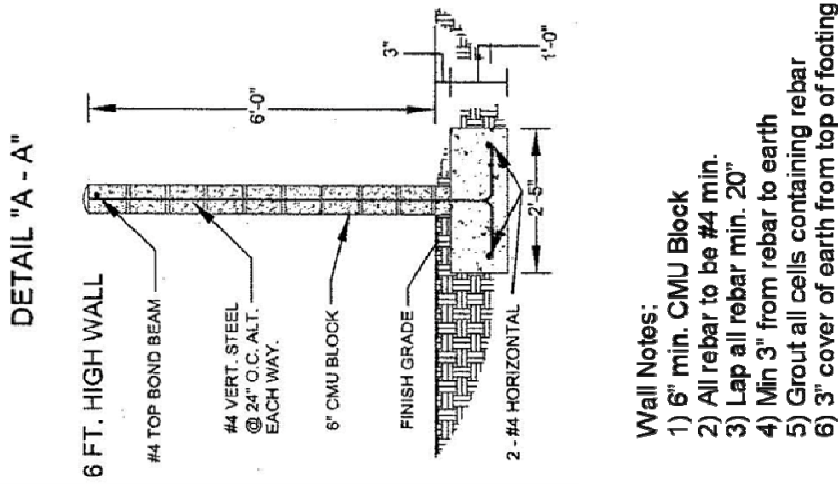
**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

*Figure 9.28.150-A*



- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%



**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.28.150-B*

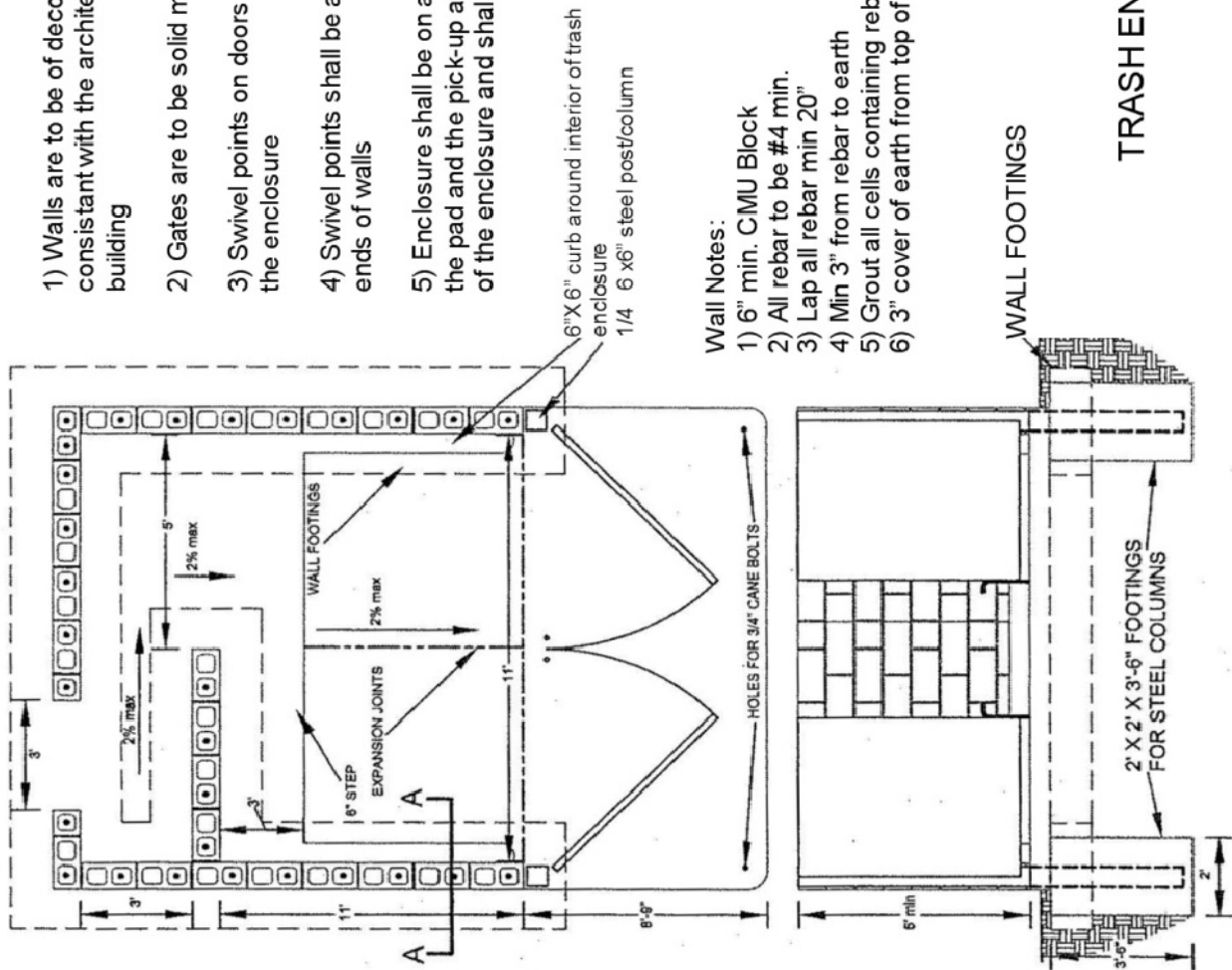
**Section 4.** Amend Section 9.35.090 of the Code to be amended to read as follows:

**9.35.090 Trash Enclosures**

Every new development project shall provide trash/recycling material enclosures in conformance with Figures 9.35.090-A & B as necessary to serve the development project. For businesses that generate four (4) cubic yards of commercial solid waste per week, the enclosure shall accommodate a recycle bin. All trash and/or recycling material receptacles shall be continuously contained within enclosures. Garbage containers or trash bins shall not be kept, placed or maintained so as to be visible from any public street or alley, except on days designated for trash collection, in accordance with Section 6.20.130 of the Town Municipal Code. In addition, the standards cited below shall apply.

- A. *Size of Trash Enclosures.*** Trash receptacles for commercial and office district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.35.090-A and B.
- 1.** One (1) trash bin per each three (3) commercial establishments or units (or fraction thereof) where the units are 5,000 square feet or less.
  - 2.** One (1) trash bin per commercial establishment or unit where they are between 5,001 and 15,000 square feet.
  - 3.** Two (2) trash bins per commercial establishment or unit where they are greater than 15,000 square feet.
  - 4.** In the M-U district, trash bins for commercial development shall be separate from those for residential development. The requirements for residential trash bins shall be consistent with the requirements of Section 9.28.150 of this Code.
- B. *Screening of Trash Storage Areas.*** Gates of trash enclosures shall remain closed at all times except when the enclosure is being accessed for refuse disposal or pick-up.
- C. *Architectural Treatment.*** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.
- D. *Location.*** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- E. *Variations.*** Any variation from these standards shall be approved by the Director. The double bin design may be modified to accommodate a single bin for projects that generate less than four (4) cubic yards of commercial solid waste per week and requiring only one bin capacity to serve the entire development. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.

- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%



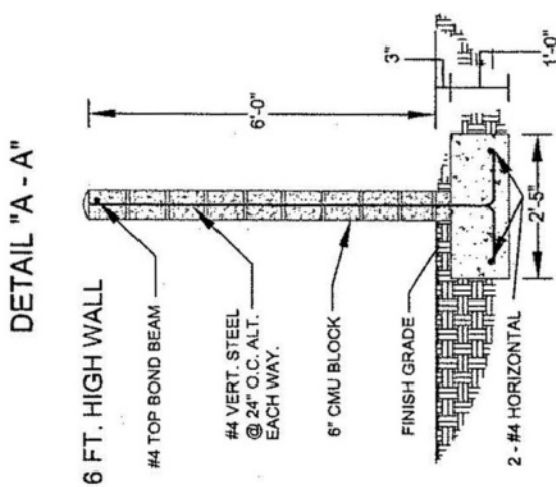
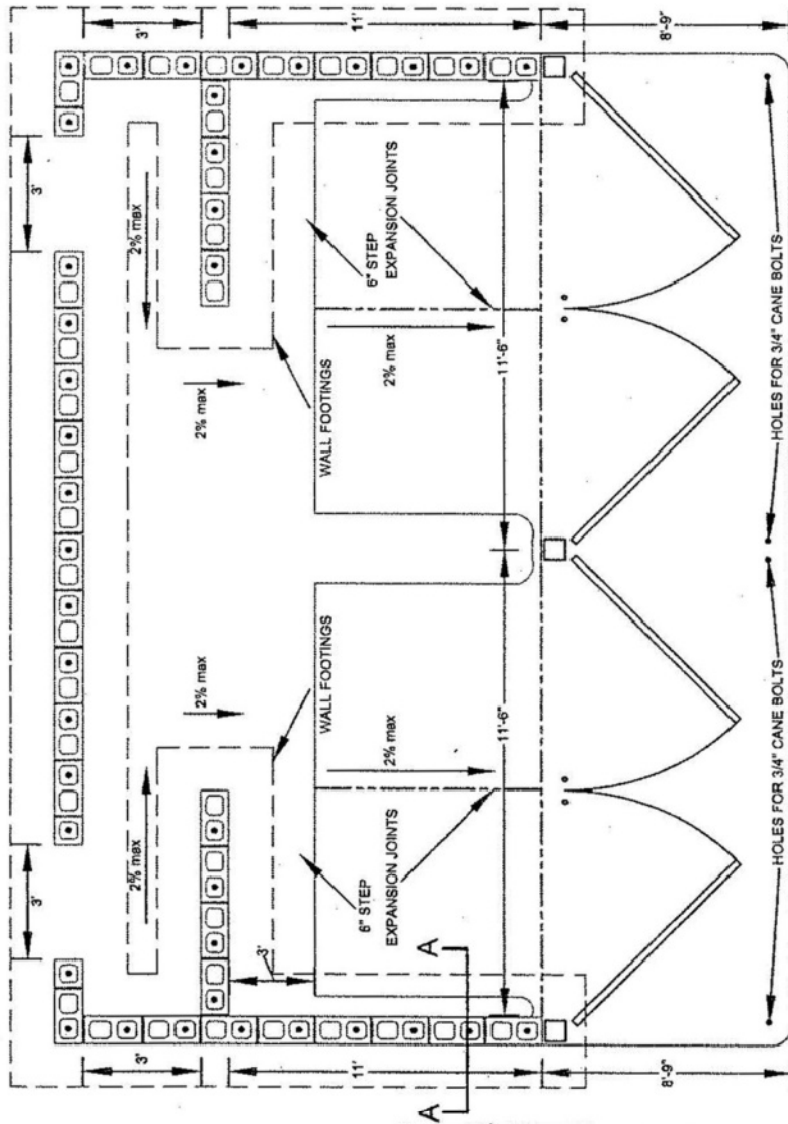
**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

*Figure 9.35.090-A*



**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min. 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.35.090-B*

- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

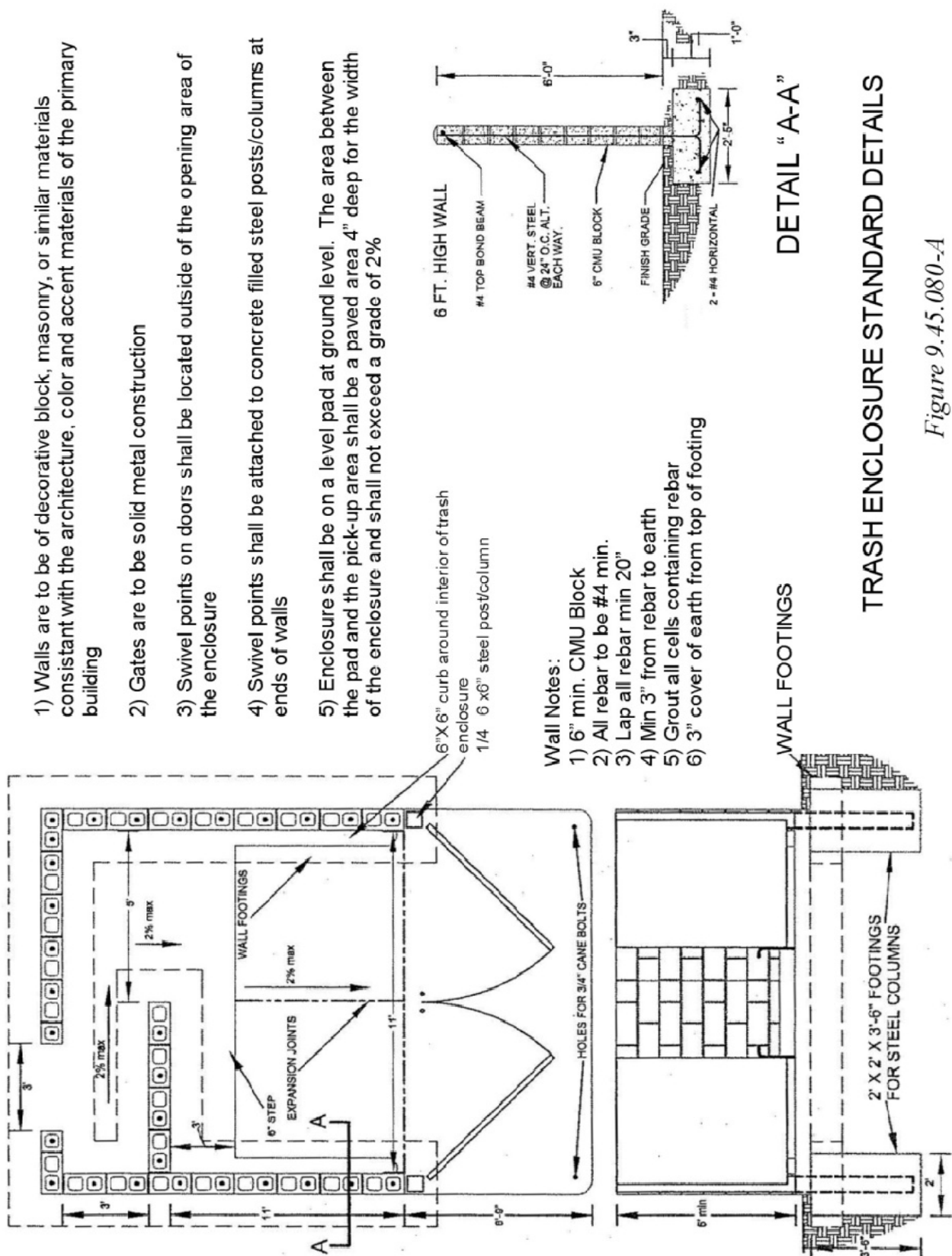


**Section 5.** Amend Chapter 9.45 of the Code to add Section 9.45.080 to read as follows:

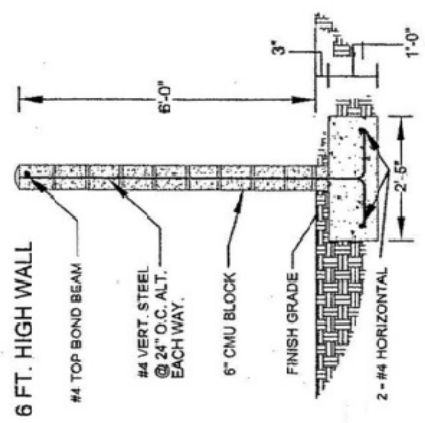
**Section 9.45.080 Trash Enclosures**

Trash/recycling material enclosures shall be provided in conformance with Figures 9.45.080-A & B as necessary to serve the development project. Businesses that generate four (4) cubic yards of solid waste per week, recycle bins shall be provided. In addition, the standards cited below shall apply.

- A. *Size of Trash Enclosures.*** Trash receptacles for commercial and office district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.45.080-A and B.
  - 1.** One (1) trash bin per each three (3) units where the units are 5,000 square feet or less.
  - 2.** One (1) trash bin per unit where they are between 5,001 and 15,000 square feet.
  - 3.** Two (2) trash bins per unit where they are greater than 15,000 square feet.
- B. *Architectural Treatment.*** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.
- C. *Location.*** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. *Variations.*** Any variation from these standards shall be approved by the Planning Division. Design modifications to accommodate special circumstances are allowed; however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance. This Section does not apply to industrial development projects wholly utilizing trash compactors.



- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

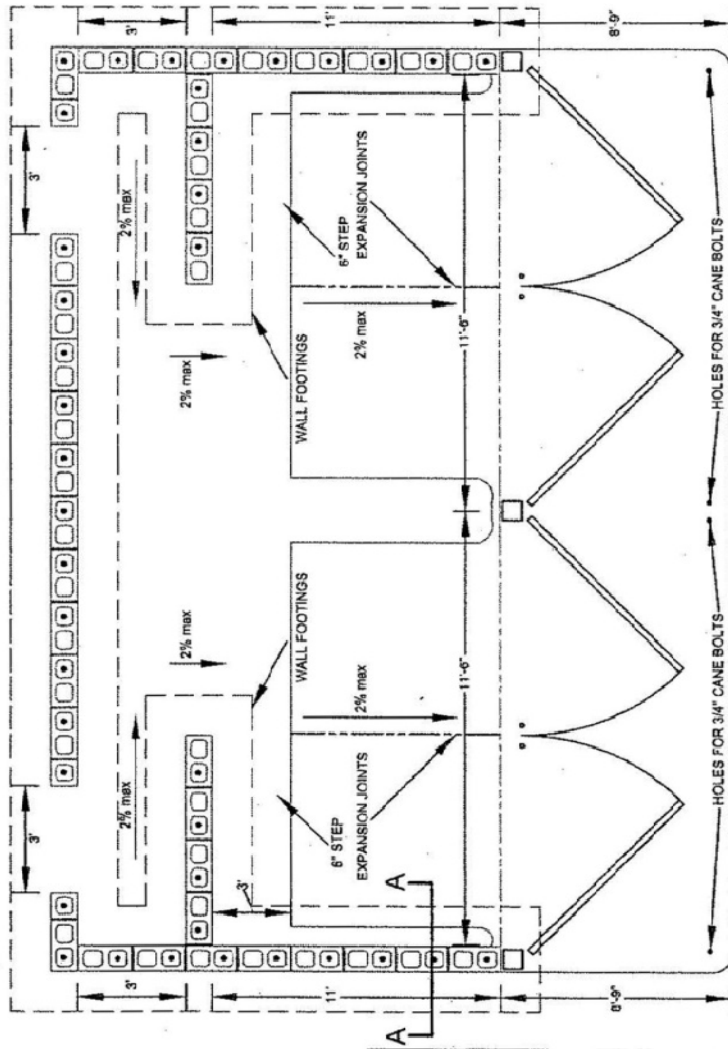


- Wall Notes:**
- 1) 6" min. CMU Block
  - 2) All rebar to be #4 min.
  - 3) Lap all rebar min 20"
  - 4) Min 3" from rebar to earth
  - 5) Grout all cells containing rebar
  - 6) 3" cover of earth from top of footing

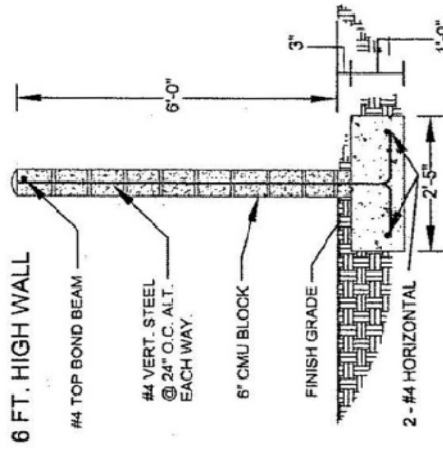
DETAIL "A-A"

TRASH ENCLOSURE STANDARD DETAILS

Figure 9.45.080-A



**DETAIL "A - A"**



**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min. 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.45.080-B*

- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

**Section 6. Invalidation.** The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

**Section 7. Notice of Adoption.** The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

**Section 8. Effective Date.** This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 9. Severability.** If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 8th day of January, 2013.

\_\_\_\_\_  
Curt Emick, Mayor

ATTEST:

\_\_\_\_\_  
La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
John Brown, Town Attorney

\_\_\_\_\_  
Frank Robinson, Town Manager