



AGENDA ITEM: 5.

DATE: 12/12/22

## STAFF REPORT

### **ZONE TEXT AMENDMENT TO CHAPTER 17.12 AND ADDITION OF CHAPTER 17.45 OF THE LANCASTER MUNICIPAL CODE, RELATED TO THE REGULATION OF COLLECTION/DONATION BINS**

DATE: December 12, 2022

TO: Lancaster Planning Commission

FROM: Jocelyn Corbett, Assistant City Attorney

APPLICANT: City of Lancaster

LOCATION: Citywide

REQUEST: Approve Resolution No. 22-36, recommending to the City Council approval of an ordinance, amending Chapter 17.12 (Commercial Zones) of the Lancaster Municipal Code by amending Section 17.12.050 (Accessory Uses) to add Subsection J, and adding Chapter 17.45, relating to collection bins

RECOMMENDATION: Adopt Resolution No. 22-36, recommending to the City Council approval of an ordinance, amending Chapter 17.12 (Commercial Zones) of the Lancaster Municipal Code by amending Section 17.12.050 (Accessory Uses) to add Subsection J, and adding Chapter 17.45, relating to collection bins

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## **BACKGROUND**

The City's land use and zoning regulations are contained in Title 17 (Zoning) of the City's Municipal Code (herein referred to the "Zoning Code"). Currently, the Zoning Code is silent as to the presence and maintenance of collection bins on private property.

Collection bins, sometimes called donation bins, are generally intended for people to give or donate unwanted personal property such as clothing, shoes, books and small miscellaneous household items. However, many bins are not regularly maintained or monitored, which results in the overflow of donated items and the illegal dumping of junk and trash. These bins are a magnet

for graffiti and further create a harborage for vermin and pests, posing a hazard to public health and safety, creating a visual blight and a detriment to the community, causing harm to the general welfare of the citizens of the City.

Additionally, unregulated collection bins often end up encroaching on public rights-of-way, which poses a serious hazard to pedestrian and vehicular safety.

In an effort to reduce the number of unmaintained, unsightly and potentially hazardous collection bins, staff has drafted an ordinance that would establish reasonable time, place and manner regulations and operating standards for owners or tenants of privately owned commercial property who desire to place a collection bin on their premises.

### **ANALYSIS:**

The proposed ordinance would provide that collection bins may be present on commercially zoned private property on which at least one currently licensed business is operating. Bins may not be located within 20 feet of any public right-of-way, 10 feet of a lot line, and 100 feet of a residentially zoned parcel. Collection bins shall not be located in the public right-of-way including alleys and sidewalks, or in any area designated for landscaping. Bins shall not block or impede access, including access to required parking or driveway areas, pedestrian routes, building ingress and egress and trash enclosure areas.

The ordinance would provide that collection bins must be maintained in good working order, and free from graffiti, peeling paint, rust and broken collection operating mechanisms. It further would establish size limits and other physical attributes, and would require information to be displayed on the bin stating whether the bin is operated by a charitable or a for-profit entity as well as 24 hour contact information for the public to register complaints about the maintenance or location of the bin.

The ordinance would further provide, in accordance with the California Welfare & Institutions Code (Section 153, relating to unattended collection boxes), that a collection bin that does not fully comply with the regulation with the ordinance constitutes a public nuisance subject to abatement. It further would establish that a bin that has encroached into the public right-of-way constitutes a significant hazard to pedestrians and vehicles and therefore is deemed an imminent public safety hazard which may be summarily abated by City personnel in accordance with the emergency abatement provisions set forth elsewhere in the Municipal Code.

### **General Plan Consistency**

The proposed revision and update to the Zoning Code are consistent with the General Plan. Specifically, the amendments comply with the following goals and actions:

*Specific Action 18.1.3(d):* Develop standards and codes that promote compatibility with adjacent land uses and community character.

*Objective 19.3*

Improve the city's visual identity by utilizing design standards that instill a sense of pride and well-being in the community.

The proposed Zone Text Amendment would integrate appropriate design that would emphasize aesthetics, function and enhance existing, surrounding and planned development by reducing the number of unmaintained, unsightly and potentially hazardous collection bins. In addition, it would provide for the safe and sanitary maintenance of well-designed collection bins that would not result in visual clutter.

**AMENDMENTS FINDING**

Section 17.24.140 "Amendments—Commission findings and decision" of the Lancaster Municipal Code contains the following finding:

- 1. The Commission may recommend approval where the information presented at public hearing shows that such amendment is necessary to implement the general plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.**

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, as the General Plan designation and zoning designations within the City will not change and the text amendment would result in clarifying the implementation of the goals, policies and programs of the General Plan. The Zone Text Amendment would provide for the safe and sanitary maintenance of collection bins in appropriate locations in the City and allow charitable and for-profit entities to continue to engage in collection activities.

**ENVIRONMENTAL DETERMINATION**

Pursuant to Sections 15162 and 15168(c)(2) of the State CEQA Guidelines, the proposed ordinance amendment is within the scope of the Program Environmental Impact Report (SCH #2007111003) for the existing Lancaster General Plan, and no further environmental review is required.

**LEGAL NOTICE**

A Notice of Public Hearing was published in the Antelope Valley Press on Friday, December 2, 2022 as required by law.

**RECOMMENDATION**

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Adopt Resolution No. 22-36 recommending approval to City Council a zone text amendment to Title 17 (Zoning), Chapter 17.12, and adding Chapter 17.45 of the Lancaster Municipal Code relating to the regulation of collection bins.

**Attachments:**

- A. Proposed Ordinance
- B. Resolution No. 22-36