

**ORDINANCE 1307**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 22-0002, AMENDING TITLE 18-ZONING OF THE SAN DIMAS MUNICIPAL CODE TO CREATE STANDARDS TO REGULATE RECYCLING FACILITIES, DONATION BOXES AND NON-US POSTAL SERVICE MAILBOXES, AND AMEND TITLE 18-ZONING, CHAPTER 18.08 DEFINITIONS TO REFLECT THE CHANGES ASSOCIATED WITH THE PROPOSED STANDARDS.**

**WHEREAS**, the City of San Dimas initiated a Municipal Code Text Amendment to Title 18-Zoning; and

**WHEREAS**, the Amendment is described as an amendment to Title 18-Zoning of the San Dimas Municipal Code to create standards to regulate recycling facilities, donation boxes and Non-US postal service mailboxes, and amend Title 18-Zoning, Chapter 18.08 Definitions to reflect the changes associated with the proposed standards; and

**WHEREAS**, the Amendment would be applicable City-wide; and

**WHEREAS**, on March 21, 2024, a duly noticed public hearing was held before the Planning Commission for the proposed ordinance, at which the Planning Commission voted 4-0-1, with Commissioner Bratt absent, to adopt Resolution PC-1675 recommending approval of Municipal Code Text Amendment 22-0002 to the City Council; and

**WHEREAS**, notice was duly given of the public hearing on the matter and that public hearing was held on May 14, 2024 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

**WHEREAS**, all requirements of the California Environmental Quality Act have been met for the consideration of whether the project will have a significant effect on the environment. It has been determined that his action is not a project under CEQA, as there will be no direct physical or reasonably foreseeable indirect physical change to the environment.

**NOW, THEREFORE**, the CITY COUNCIL of the CITY OF SAN DIMAS, California, does ordain as follows:

Title 18 of the San Dimas Municipal Code Shall be amended as provided for in Exhibit A and Exhibit B.

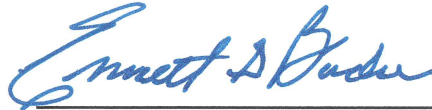
**SECTION 1. SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 2. CEQA DETERMINATION.** The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 3. EFFECTIVE DATE AND PUBLICATION.** This Ordinance shall take effect 30 days after its final passage. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within 15 days after passage and adoption as may be required by law in a newspaper of general circulation in the City of San Dimas hereby designated for that purpose; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within 15 days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of San Dimas this 28<sup>th</sup>, day of May, 2024, by the following vote:

**AYES:** Badar, Bratakos, Nakano, Vienna, Weber  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None



Emmett G. Badar, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Debra Black, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Jeff Malawy, City Attorney

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1307 was introduced at a regular meeting of the City Council of the City of San Dimas on the 14<sup>th</sup> day of May, 2024, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 28<sup>th</sup>, day of May, 2024.

  
\_\_\_\_\_  
Debra Black, City Clerk

**Exhibit A**

**New Chapter Created**

**Chapter 18.198  
Recycling Facilities, Donation Boxes and Non-US Postal Service Mailboxes**

**Sections:**

<b><u>18.198.010</u></b>	<b><u>Purpose.</u></b>
<b>18.198.020</b>	<b>Where Permitted</b>
<b>18.198.030</b>	<b>Development Standards</b>
<b>18.198.040</b>	<b>Review Process</b>
<b>18.198.050</b>	<b>Discontinuance of Nonconforming Uses</b>

**18.198.010 Purpose.**

The intent of this chapter is to provide development standards to regulate within the City the location and use of recycling facilities, donation boxes and non-US Postal Service mailboxes, as defined in Chapter 18.08 Definitions. These standards are designed to ensure compatibility with surrounding uses and mitigate negative impacts to the public health, safety and general welfare associated with the operation of recycling facilities, donation boxes and non-US Postal Service mailboxes.

**18.198.020 Where Permitted**

- A. Recycling facilities: Small collection and Self-Service Facilities or Reverse vending machines shall be allowed only as an ancillary use in the Commercial Highway, Commercial Neighborhood, Light Manufacturing, and Creative Growth zones and in Specific Plan areas that allow commercial or industrial uses, provided such uses comply with the Development Standards in Section 18.198.030(A). Such uses shall not be allowed in any zone that allows residential uses.
- B. Donation Boxes shall be allowed only in the Commercial Highway, Commercial Neighborhood, Light Manufacturing zones, and Creative Growth zones and in Specific Plan areas that allow commercial or industrial uses, provided such uses comply with the Development Standards in Section 18.198.030(B).
- C. Non-US Postal Service Mailboxes shall be allowed only as a permitted ancillary use in the Administrative Professional, Commercial Highway, Commercial Neighborhood, Light Manufacturing zones, and Creative Growth zones and in Specific Plan areas that allow commercial or industrial uses, provided such uses comply with the Development Standards in Section 18.198.030(C).

**18.198.030 Development Standards**

- A. The following development standards shall apply to all recycling facilities as follows:

1. Self-Service Facility or Reverse vending machine, where permitted, may be located within the interior of the primary use's building, or when located outdoors, shall be subject to the following standards:
  - a. Proximity to residential use. The facility shall be located a minimum of two hundred (200) feet from property zoned for residential use or property used for residential use, measured from the facility to nearest property line of the residential property.
  - b. Accessory Use. The facility shall be ancillary to a permitted or conditionally permitted primary use.
  - c. Quantity. There shall be maximum of one facility per property or center, whichever is less.
  - d. Size limitations. The facility shall not exceed a combined area of 50 square feet, including any enclosure(s) or façade associated with the facility.
  - e. Setbacks and height:
    - i. The facility shall be set back at least fifteen (15) feet from any street-side property line, preferably located as closely as possible to an entrance;
    - ii. The facility shall not obstruct pedestrian or vehicular circulation;
    - iii. The facility shall not occupy landscaped areas;
    - iv. The facility shall not exceed eight (8) feet in height.
  - f. Parking:
    - i. No additional parking shall be required;
    - ii. The facility shall not occupy parking stalls or drive aisles.
  - g. Operations and Maintenance:
    - i. The facility's operating hours shall be limited to no earlier than 7:00 a.m. to no later than 6:00 p.m. daily;
    - ii. The facility shall be clearly marked to identify the types of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
    - iii. The facility and surrounding area shall be maintained in a clean, dust-free and litter-free condition;
    - iv. The facility may sort and process containers mechanically provided that the entire process is enclosed within the machine;
    - v. The facility shall display a notice stating that no material shall be left outside the facility and that no dumping is allowed;
    - vi. The facility shall be illuminated to ensure safe operation. Lighting fixtures shall be submitted to the Planning Division for review and approval prior to installation;
    - vii. One sign a maximum of four square feet exclusive of operating instructions, shall be allowed and shall be mounted on the facility. No A-frame signs are permitted.
  - h. Noise. The facility shall comply with the noise standards as required by Chapter 8.36 of the San Dimas Municipal Code.

2. Small collection facilities, where permitted, shall be subject to the following standards:
  - a. Proximity to residential use. The facility shall be located a minimum of two hundred (200) feet from property zoned for residential use or property used for residential use, measured from the facility to nearest property line of the residential property.
  - b. Accessory Use. The facility shall be ancillary to a permitted or conditionally permitted primary use.
  - c. Quantity. There shall be maximum of one facility per property or center, whichever is less.
  - d. Size limitations. The facility shall not exceed a combined area of five hundred fifty (550) square feet, including any enclosure(s) or facades associated with the facility.
  - e. Setbacks and height:
    - i. The facility shall be set back at least fifteen (15) from any street-side property line, preferably behind the main building;
    - ii. The facility shall not obstruct pedestrian or vehicular circulation;
    - iii. The facility shall not occupy landscaped areas;
    - iv. The facility shall not exceed twelve (12) feet in height.
  - f. Parking:
    - i. No additional parking shall be required;
    - ii. The facility shall not occupy parking stalls unless the applicant submits a parking survey to verify that availability of parking will not be impacted. If the parking survey is not sufficient to determine parking impacts, the applicant shall submit a parking study prepared by a traffic engineer or related professional. Parking stalls that may be occupied shall only be those located behind the rearmost building on the site.
  - g. Operations and Maintenance:
    - i. The facility's operating hours shall be limited to no earlier than 7:00 a.m. to no later than 7:00 p.m. daily;
    - ii. The facility shall accept only glass, metal, plastic containers, paper or cardboard;
    - iii. All recyclable material shall be stored in containers and shall not be left outside of the containers when an attendant is not present;
    - iv. The facility shall be maintained in a clean, dust-free and litter-free condition, and the area surrounding the facility shall be swept clean on a daily basis;
    - v. Containers shall be clearly marked to identify the type of material which may be deposited;
    - vi. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers and that no dumping is allowed;

vii. The facility shall be illuminated to ensure safe operation. Lighting fixtures shall be submitted to the Planning Division for review and approval prior to installation.

h. Design

- i. The facility shall use containers constructed of durable waterproof and rustproof materials;
- ii. The facility shall be screened with decorative fencing, including but not limited to a solid masonry wall consisting of splitface or slumpstone block or a stucco finish on the exterior surface, vinyl fence or similar screening material at least six feet in height;

i. Noise

- i. The facility shall comply with the noise standards as required by Chapter 8.36 of the San Dimas Municipal Code;
- ii. The facility shall not use power-driven sorting and consolidating equipment.

B. Donation Boxes

1. Proximity to residential use. The donation box shall be located a minimum of one hundred (100) feet from property zoned for residential use or property used for residential use, measured from the facility to nearest property line of the residential property.
2. Accessory Use. The donation box shall be incidental to a permitted or conditionally permitted primary use.
3. Quantity. There shall be maximum of one donation box per property or center, whichever is less.
4. Size limitations. The donation box shall not exceed a combined area of twenty-five (25) square feet.
5. Setbacks, area and height:
  - a. The donation box shall be set back at least twenty (20) feet from any street-side property line;
  - b. The donation box shall be located within ten feet of the main building of the property on which it is located;
  - c. The donation box shall not obstruct pedestrian or vehicular circulation;
  - d. The donation box shall not occupy landscaped areas;
  - e. The donation box shall not exceed twenty-five (25) square feet;
  - f. The donation box shall not exceed eight (8) feet in height.
6. Parking:
  - a. No additional parking shall be required;
  - b. The donation box shall not occupy parking stalls.
7. Operations and Maintenance:
  - a. The donation box shall be clearly marked to identify the types of accepted material, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
  - b. The donation box shall not accept appliances, electronics or furniture donations;

- c. The donation box and surrounding area shall be maintained in a clean, dust-free and litter-free condition. If the party responsible for the donation box fails to provide the required maintenance, the property owner shall be responsible for all of the maintenance specified in this subparagraph.
- d. The party responsible for the donation box shall ensure that the box and surrounding site are properly maintained and that donated materials do not fall, spill, or accumulate outside of the box. If the party responsible for the donation box fails to provide the required maintenance, the property owner shall be responsible for all of the maintenance specified in this subparagraph.
- e. The party responsible for the donation box shall ensure that the box is removed and the site is cleared of any evidence of its previous setup when the box is no longer needed or has been inactive for sixty (60) days. If the party responsible for the donation box fails to provide the required removal and clean-up, the property owner shall be responsible for the removal and clean-up specified in this subparagraph.

**C. Non-US Postal Service Mailboxes**

1. Accessory Use. The mailboxes shall be ancillary to a permitted or conditionally permitted primary use.
2. Quantity. There shall be maximum of three (3) mailboxes per property or center, whichever is less.
3. Setbacks, area and height:
  - a. The mailboxes shall be set back at least fifteen (15) feet from any street-side property line, preferably located adjacent to the main building;
  - b. The mailboxes shall not obstruct pedestrian or vehicular circulation;
  - c. The mailboxes shall not occupy landscaped areas;
  - d. The mailboxes shall not occupy parking stalls.

**18.198.040 Review Process**

- A. Small Collection Facilities shall be subject to a Director level review.
- B. Self-Service Facilities, Reverse vending machines, Donation Boxes and Non-US Postal Mailboxes may be approved administratively by the Director or a designee of the Director.

**18.198.050 Discontinuance of Nonconforming Uses**

- A. Nonconforming
  1. Existing Self-Service Facility, Reverse vending machines, Small Collection Facilities, Donation Boxes, and Non-US Postal Mailboxes which do not meet the applicable locational requirements in section 18.198.020 and development standards in section 18.198.030 of this Chapter shall become nonconforming upon effective date of this Chapter.

2. Nothing in this Chapter shall prevent the conversion of a nonconforming use to a lawful use as long as it can comply with the requirements of this Chapter, and subject to the applicable review process described in Section 18.198.040.

B. Discontinuance of Use

1. Nonconforming uses as defined in Subsection A of this Section shall be discontinued without compensation as follows:
  - a. For Nonconforming Small Collection Facilities, Self-Service Facilities, Reverse vending machines and Donation Boxes, within one (1) year of issuance of notice of nonconformity as described in subsection C of this section, unless an extension is granted pursuant to subsection D of this section.
  - b. Nonconforming Non-US Postal Mailboxes need not be discontinued, unless they are relocated, expanded or pose a health and safety risk.
2. The site upon which the discontinued nonconforming use was located at shall be returned to its previous condition, including, but not limited to removal of any structures, equipment or material associated with the use.

C. Notice.

1. The Director may determine that a use, building or facility is nonconforming pursuant to subsection A of this section. Upon such determination, the Director shall provide notice to the owner, operator or lessee of the nonconforming use, building or facility, and the owner of the subject property upon which the nonconforming use, building or facility is located.
2. The notice provided by the Director shall include the following information:
  - a. A statement that the use, building or facility is nonconforming;
  - b. The date of abatement as established in accordance with subsection (B)(1) of section.
  - c. That the determination by the Director that the use, building, or facility is nonconforming may be appealed to the Planning Commission within thirty (30) days of the date of the notice, and that if no appeal is filed, the determination of the Director shall be final.
  - d. That the owner, operator, or lessee may request that the date of abatement be extended by up to one (1) additional year, and that such a request must be made no later than six (6) months before the date the nonconforming use must be discontinued.

D. Appeal and Extension Request

1. Appeal. The owner, operator, or lessee of the nonconforming use may file an application with the Planning Division to appeal the Director's decision that the use is nonconforming. Thereafter, the Director will set the matter for a public hearing before the Planning Commission, and the decision on the appeal shall be made by the Planning Commission. Any appeal must be made no later than thirty (30) days of the date of the notice provided to the owner, operator, or lessee. If no appeal is filed within thirty (30) days of the notice, the Director's decision shall be final.



2. Extension Request. The owner, operator, or lessee of the nonconforming use may file an application with the Planning Division to request to extend the time period by which a nonconforming use must be discontinued. Thereafter, the Director will set the matter for a public hearing before the Planning Commission. The extension request shall be made no later than six months before the date the nonconforming use must be discontinued per Subsection B of this section. In considering the application, the Planning Commission may grant up to a one (1) year extension where it finds that an unreasonable hardship would otherwise be imposed on the owner, operator, or lessee of the nonconforming use. In making its decision, the Planning Commission may consider the following factors based on evidence presented by the applicant and/or City staff:
  - a. The original investment to operate the use or facility.
  - b. The use or facility's present actual or depreciated value.
  - c. The date of construction of the use or facility.
  - d. The cost of moving and reestablishing the use or facility and associated equipment.
  - e. The salvage value of the use or facility.
  - f. The remaining time period, if any to amortize the costs of the use or facility using provisions of the Internal Revenue Code on amortization as guidelines.
  - g. The use's compatibility with the surrounding neighborhood.
  - h. The harm to the surrounding neighborhood and public if the use remains beyond the discontinuance period per Subsection B of this section.
  - i. The original length and remaining term of any applicable lease for use of the site.
  - j. The remaining useful life of the use or facility and fixtures and equipment associated with the use or facility.
  - k. The ability to change the use or facility to a conforming use or structure.
  - l. Other related factors.
3. An application to appeal the Director's decision that a use or facility is nonconforming or to request an extension of a nonconforming use or facility may be filed concurrently, and may be heard concurrently by the Planning Commission.
4. An application to appeal the Director's decision that a use or facility is nonconforming or to request an extension of a nonconforming use or facility must be submitted on forms provided by the City, along with any applicable fees and documents required by the application to be submitted.
5. Appeal of Planning Commission Decision.
  - a. The Planning Commission's decision on an application may be appealed to the City Council pursuant to section 18.212 of the SDMC.
  - b. When considering an appeal, the City Council shall consider the factors identified in section 18.198.050.D.2.

- E. Violation of this section or failure to comply with a City decision or order made pursuant to this chapter shall constitute a public nuisance.

**Exhibit B**

New text in blue underlined

**Chapter 18.08**

**DEFINITIONS**

**Sections:**

- 18.08.007 Accessory billiard use.
- 18.08.010 Accessory building or structure.
- 18.08.012 Accessory game arcade.
- 18.08.014 Accessory massage.
- 18.08.015 Accessory snack shop.
- 18.08.020 Aircraft.
- 18.08.030 Airport.
- 18.08.040 Apartment house.
- 18.08.050 Automobile storage space.
- 18.08.060 Basement.
- 18.08.070 Borrow pit.
- 18.08.080 Building.
- 18.08.090 Cellar.
- 18.08.100 Chapter.
- 18.08.110 City administrator.
- 18.08.120 Commission.
- 18.08.125 Community care facility.
- 18.08.130 City.
- 18.08.140 Coin-operated game of skill or amusement.
- 18.08.145 Convenience store.
- 18.08.150 County.
- 18.08.160 Dairy.
- 18.08.170 Density.
- 18.08.180 Detached living quarters.
- 18.08.182 Director.
- 18.08.190 Domestic animal.
- 18.08.192 Donation box.
- 18.08.200 Dwelling unit.
- 18.08.210 Flag lot.
- 18.08.215 Emergency shelter.
- 18.08.220 Floor area ratio.
- 18.08.230 Freeway.
- 18.08.240 Freeway, landscaped.
- 18.08.250 Front yard setback.
- 18.08.260 Grade (ground level).
- 18.08.270 Habitable building.

- 18.08.280 Height.
- 18.08.290 Hog ranch.
- 18.08.295 Homeless person(s).
- 18.08.300 Hotel.
- 18.08.310 Household pets.
- 18.08.312 Incidental use.
- 18.08.320 Indoor recreation facility.
- 18.08.330 Kitchen.
- 18.08.335 Lot coverage.
- 18.08.340 Lot, nonconforming.
- 18.08.350 Lot, through.
- 18.08.360 Major highway.
- 18.08.370 Manufactured housing.
- 18.08.372 Massage.
- 18.08.380 Motel.
- 18.08.390 Natural catastrophe.
- [18.08.392 Non-US postal service mailbox.](#)
- 18.08.400 Oath.
- 18.08.410 Ordinance.
- 18.08.420 Outdoor advertising.
- 18.08.430 Parcel of land.
- 18.08.440 Person.
- 18.08.450 Pest control operator.
- 18.08.460 Private club.
- 18.08.470 Recreation room.
- [18.08.472 Recycling facility.](#)
- 18.08.480 Residence.
- 18.08.490 Room.
- 18.08.500 Secondary highway.
- 18.08.510 Section.
- 18.18.515 Single room occupancy uses.
- 18.08.520 Stand.
- 18.08.530 Structure.
- 18.08.535 Supportive housing.
- 18.08.537 Target population for supportive and transitional housing.
- 18.08.538 Transitional housing.
- 18.08.540 Use.
- 18.08.544 Vehicular and equipment rental facility.
- 18.08.550 Waste disposal facility.
- 18.08.560 Writing.
- 18.08.565 Year-round emergency shelters.
- 18.08.570 Youth hostel.

[18.08.182 Director.](#)

“Director” means the Director of Community Development.

**18.08.192 Donation box or portable donation box.**

“Donation box” means a kiosk, bin, portable container or similar facility used for the collection of new or used items such as clothing, shoes and apparels.

**18.08.392 Non-US postal service mailbox**

“Non-US postal service mailbox” means a private kiosk, bin, and/or box with a slot into which mail is deposited (i.e. Fed Ex, UPS, DHL).

**18.08.472 Recycling facility.**

“Recycling facility” means a facility for the collection of recyclable materials, including but not limited to aluminum cans, glass and plastic bottles. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities, including manned and unmanned facilities, may include the following:

1. Small collection facilities where the public may donate, redeem or sell recyclable materials such as aluminum cans, glass and plastic bottles.

2. Self-Service or Reverse vending machines – An unattended recycling machine that accepts recyclable materials such as aluminum cans, glass and plastic bottles through an automated device, and issues a cash refund.