

AGENDA ITEM: 5.

DATE: 12-15-08

MEMORANDUM

AMENDMENT TO TITLE 17 - LANCASTER MUNICIPAL CODE CARGO CONTAINER REGULATIONS

DATE: December 15, 2008

TO: Lancaster Planning Commission

FROM: Planning Department

SUBJECT: Amend various Sections of Title 17 of the Lancaster Municipal Code to establish regulations regarding the use and placement of cargo containers

RECOMMENDATION: Approve Resolution No. 08-39 recommending to the City Council approval of an ordinance regulating the use and placement of cargo containers.

BACKGROUND: The public places a high priority on the commitment and ability of local agencies to maintain neighborhoods, protect property and property rights, and preserve the value of public and private investments. In furtherance of this commitment, the City of Lancaster is dedicated to improving and protecting the health, safety, and welfare of the neighborhoods within the City of Lancaster and the use of cargo containers as permanent accessory structures or for permanent or long-term storage has been found to be detrimental to the appearance of residential and other zones in the City

ENVIRONMENTAL REVIEW: The proposed ordinance would generally apply to and regulate cargo container use in certain of the City's zoning classifications. The ordinance would not alter any existing land use or zoning designations or locations within the City; therefore, the final environmental impact report adopted for the City's general plan would adequately describe the potential impacts from the enactment of such ordinance. Pursuant to Section 15162 of the State CEQA Guidelines, no additional environmental review is required; notice of such finding has been provided in the public notice published for this proposal.

ANALYSIS: The proposed ordinance repeals sections of the Zoning Code and enacts requirements within the existing zones pertaining to the use of cargo containers for storage. The intent of the ordinance is to set requirements for the temporary use of such containers within the residential, commercial, and industrial zones, but to prevent the permanent placement of these containers. This ordinance was initiated by the Council because of concerns regarding the appearance of cargo containers, particularly if placed within the residential areas of the City. Further, permanent placement of such containers in commercial or industrial areas has the potential to adversely affect

parking availability and traffic access in addition to aesthetic issues. As proposed, the ordinance provides exemptions from these requirements for public and private schools

In summary, staff believes the draft ordinance places reasonable controls on the use of cargo containers while addressing the aesthetic concerns expressed by the Council. Therefore, staff recommends that the Planning Commission approve the resolution recommending to the City Council approval of the cargo container ordinance.

BL/MGB

Attachments: PC Resolution No. 08-39
 CC Ordinance

RESOLUTION NO. 08-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 17 OF THE LANCASTER MUNICIPAL CODE TO REGULATE THE PLACEMENT AND USE OF CARGO CONTAINERS.

WHEREAS, the Planning Commission of the City of Lancaster believes that there is a need for regulations related to placement of cargo containers within the City of Lancaster; and

WHEREAS, the City Council of the City of Lancaster has initiated the preparation of this ordinance relative to the placement of cargo containers; and

WHEREAS, notice of intention to consider this proposed ordinance has been give in accordance with the Lancaster Municipal Code and Section 65905 of the Government Code of the State of California; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance on December 15, 2008; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of the ordinance; and

WHEREAS, the Commission hereby finds that the proposed ordinance to implement these requirements will not result in any environmental impacts beyond those disclosed in the final environmental impact report prepared for the City of Lancaster General Plan, and further finds that, pursuant to Section 15162 of the State CEQA Guidelines, no further environmental review is required; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of this application:

1. There is a need for adequate land use regulation related to the placement of cargo containers in order to promote use of property that is compatible with the character of surrounding properties; and
2. The placement and use of cargo containers as permanent accessory structures or for long-term storage is detrimental to the appearance of residential, commercial, and industrial property within the City of Lancaster; and,
3. There is a legitimate public purpose in the adoption of regulations that permit the use of cargo containers for a limited time to address emergency and temporary storage needs, while restricting long-term use of such structures;

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby recommends to the City Council adoption of the proposed cargo container ordinance as attached hereto.

PASSED, APPROVED and ADOPTED this 15th day of December 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, REPEALING AND AMENDING SECTIONS 17.04.240, 17.08.050, 17.12.050, 17.12.060, 17.16.050, 17.20.180, AND 17.20.190 OF TITLE 17 OF THE LANCASTER MUNICIPAL CODE, TO REGULATE THE USE OF CARGO CONTAINERS

WHEREAS the City Council of the City of Lancaster finds and declares its substantial interest in promoting uses of property in the City that are compatible with the character of surrounding properties; and

WHEREAS the City Council further finds and declares that the use of cargo containers as permanent accessory structures or for permanent or long-term storage is detrimental to the appearance of residential and other zones in the City; and

WHEREAS the City Council believes that an effective way to minimize the detrimental effect of the presence of cargo containers is to develop regulations for their use;

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 17.04.240 of Chapter 17.04 (“General Provisions”) of Title 17 of the Lancaster Municipal Code is hereby amended by adding the following:

17.04.240 Definitions.

“Cargo container” means and includes, without limitation, a pre-manufactured, assembled reusable structure, typically made of metal but which can be made of other materials, that is delivered to a property in the City for use by an owner, occupant or licensed contractor as storage for construction materials and equipment, household items or other personal property. “Cargo container” includes, without limitation, vessels designed for packing, shipping or transportation of freight, articles, goods or commodities, and includes containers that are designed for and capable of being moved by railcar, motor vehicle, or ship. “Cargo container” does not include a storage shed or other structure that is or may be assembled at a property.

SECTION 2. Section 17.08.050(A)(3) of Chapter 17.08 (“Residential Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.08.050(A)(3) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.08.050 Accessory and temporary uses.

(A) The following uses are considered as accessory uses to the permitted uses in the residential zones except where specific references limiting certain uses to a specific zone are made:]

(3) *Accessory buildings or structures customarily used in conjunction with permitted uses, such as antennae, storage sheds, ground-mounted satellite dish, etc., shall be located only to the rear of the main building, and shall be not closer than 5 feet to any property line nor on any utility or flood control easement. (See Section 17.08.180.)*

(4) Cargo containers shall not be used as accessory buildings or structures, and shall not be placed, maintained or used on private real property at any time except as permitted in conjunction with temporary uses allowed in Section 17.08.050(B).

(a) This subsection does not apply to the following real property:

(i) Real property owned, leased, rented, occupied or used by a public agency or entity;

(ii) Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, “nonpublic school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, “private school” means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, “private school” does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.

SECTION 3. Section 17.08.050(B) of Chapter 17.08 (“Residential Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.08.050(B) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.08.050 Accessory and temporary uses.

(B) The following uses are considered as temporary uses in the residential zones:]

(1) The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary

office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within 30 days after the permit is expired, revoked, or finalized.

- (2) *Storage of materials and construction equipment used in construction or maintenance of streets and highways, sewers, storm drain, underground conduits, flood control works, pipelines and similar uses, for a period not to exceed one year.*
- (3)
 - (a) Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 calendar days after the permit is expired, revoked, or finalized.
 - (b) Cargo containers may be used for the temporary construction storage described in (a) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
 - (c) The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.
 - (d) Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
 - (e) Cargo containers used for temporary construction storage shall conform to the following standards:
 - (i) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten feet from any structure.
 - (ii) Cargo containers shall not be stacked on top of each other or on any other structure.

- (iii) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
 - (iv) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.
 - (v) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
 - (vi) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.

- (4)
 - (a) Cargo containers may be used for temporary storage of household materials, including but not limited to furniture, appliances, household electronics, clothing and other items of personal property, when a structure is undergoing rehabilitation, repair, remodeling, alteration or other construction work under an active building permit.

 - (b) The number and location of cargo containers used for temporary household storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary household storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary household storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.

 - (c) The time period for which a cargo container may be used for temporary household storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

 - (d) Cargo containers used for temporary household storage shall not exceed eight feet in width, eight feet in height, and sixteen feet in length.

 - (e) Cargo containers used for temporary household storage shall conform to the standards set forth in Section 17.08.050(B)(3)(e).

- (5)
 - (a) Cargo containers may be used for emergency storage of household materials, including but not limited to furniture, appliances, household electronics, clothing and other items of personal property, when a structure becomes uninhabitable due to fire, flood, earthquake, vandalism, or other such act against the structure.

- (b) Cargo containers used for emergency household storage shall require a container permit. The number and location of cargo containers used for emergency household storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization, or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.
 - (c) Cargo containers may be used for emergency household storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.
 - (d) Cargo containers used for emergency household storage shall not exceed eight feet in width, eight feet in height, and sixteen feet in length.
 - (e) Cargo containers used for emergency household storage shall conform to the standards set forth in Section 17.08.050(B)(3)(e).
- (6)
- (a) Cargo containers may be used for the storage of household materials, including but not limited to furniture, appliances, household electronics, clothing, and other items of personal property, in conjunction with relocation to or from a property or in preparation for storage of the household materials at a storage facility.
 - (b) Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization, or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.
 - (c) Cargo containers may be used for relocation storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.
 - (d) Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet in height, and sixteen feet in length.
 - (e) Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.08.050(B)(3)(e), except as provided in (f) of this subsection.
 - (f) Cargo containers used for relocation storage may be placed on driveways.

SECTION 4. Section 17.08.050(C) of Chapter 17.08 (“Residential Zones”) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

- (C) Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in Section 17.08.050(B) and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.08.050(A)(4) of this code.

SECTION 5. Section 17.12.050(A) of Chapter 17.12 (“Commercial Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.12.050(A) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.12.050 Accessory uses.

The following uses are considered as accessory uses to the permitted uses in the C zone:]

- (A) *Accessory buildings and structures customarily used in conjunction therewith.*

Cargo containers shall not be used as accessory buildings or structures, and shall not be placed on private real property at any time except as permitted in conjunction with temporary uses allowed in Section 17.12.060.

- (1) This subsection does not apply to the following real property:
- (a) Real property owned, leased, rented, occupied or used by a public agency or entity;
 - (b) Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, “nonpublic school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, “private school” means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, “private school” does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private

school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.

SECTION 6. Section 17.12.050(I) of Chapter 17.12 (“Commercial Zones”) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

- (I) Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in Section 17.12.060 and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.12.050(A) of this code.

SECTION 7. Section 17.12.060 of Chapter 17.12 (“Commercial Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.12.060 of Title 17 of the Lancaster Municipal Code is hereby added as follows:

17.12.060 Temporary uses.

The following are considered as temporary uses in the C zone:

- (A) The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within 30 days after the permit is expired, revoked, or finalized.
- (B) *Use of commercial coaches as temporary offices subject to the provisions of Article X of Chapter 17.40 and this zone.*
- (C) (1) Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 days after the permit is expired, revoked, or finalized.

- (2) Cargo containers may be used for the temporary construction storage described in (1) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
 - (3) The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.
 - (4) Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
 - (5) Cargo containers used for temporary construction storage shall conform to the following standards:
 - (a) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten feet from any structure.
 - (b) Cargo containers shall not be stacked on top of each other or on any other structure.
 - (c) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
 - (d) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.
 - (e) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
 - (f) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.
- (D)
- (1) Cargo containers may be used for temporary storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure is undergoing rehabilitation, repair, remodeling, alteration or other construction work under an active building permit.
 - (2) The number and location of cargo containers used for temporary commercial storage shall be subject to the review and prior written approval of the Building Official

and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary commercial storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary commercial storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.

(3) The time period for which a cargo container may be used for temporary commercial storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary commercial storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

(4) Cargo containers used for temporary commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(5) Cargo containers used for temporary commercial storage shall conform to the standards set forth in Section 17.12.060(C)(5).

(E) (1) Cargo containers may be used for emergency storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure becomes uninhabitable due to fire, flood, earthquake, vandalism, or other such act against the structure.

(2) Cargo containers used for emergency storage shall require a container permit. The number and location of cargo containers used for emergency commercial storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.

(3) Cargo containers may be used for emergency commercial storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.

(4) Cargo containers used for emergency commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(5) Cargo containers used for emergency commercial storage shall conform to the standards set forth in Section 17.12.060(C)(5).

- (F) (1) Cargo containers may be used for storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, in conjunction with relocation to or from a property or in preparation for storage of such items at a storage facility.
- (2) Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.
- (3) Cargo containers may be used for relocation storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.
- (4) Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
- (5) Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.12.060(C)(5), except as provided in (6) of this subsection.
- (6) Cargo containers used for relocation storage may be placed in parking lots so long as no more than 10% of the provided parking spaces are used for this purpose.
- (G) Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in this Section and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.12.050(A) of this code.

SECTION 8. Section 17.12.740(A) of Article VI (“Office Professional Zone”) of Chapter 17.12 (“Commercial Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.12.740(A) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.12.740 Accessory and temporary uses]

(A) *The following uses are considered as accessory uses to the permitted uses in the OP zone:*

(1) *Accessory buildings and structures customarily used in conjunction therewith.*

Cargo containers shall not be used as accessory buildings or structures, and shall not be placed on private real property at any time except as permitted in conjunction with temporary uses allowed in Section 17.12.740(B).

(a) This subsection does not apply to the following real property:

- (i) Real property owned, leased, rented, occupied or used by a public agency or entity;
- (ii) Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, “nonpublic school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, “private school” means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, “private school” does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.

SECTION 9. Section 17.12.740(B) of Article VI (“Office Professional Zone”) of Chapter 17.12 (“Commercial Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.12.740(B) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.12.740 Accessory and temporary uses]

(B) *The following uses are considered as temporary uses in the OP zone:*

(1) The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is

obtained. The temporary office shall be removed within 30 days after the permit is expired, revoked, or finalized.

(2) Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 days after the permit is expired, revoked, or finalized.

(3) (a) Cargo containers may be used for the temporary construction storage described in (2) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.

(b) The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

(c) Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(d) Cargo containers used for temporary construction storage shall conform to the following standards:

(i) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten feet from any structure.

(ii) Cargo containers shall not be stacked on top of each other or on any other structure.

(iii) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.

(iv) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.

(v) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.

(vi) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.

(4) (a) Cargo containers may be used for temporary storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure is undergoing rehabilitation, repair, remodeling, alteration or other construction work under an active building permit.

(b) The number and location of cargo containers used for temporary commercial storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary commercial storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary commercial storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.

(c) The time period for which a cargo container may be used for temporary commercial storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary commercial storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

(d) Cargo containers used for temporary commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(e) Cargo containers used for temporary commercial storage shall conform to the standards set forth in Section 17.12.740(B)(3)(d).

(5) (a) Cargo containers may be used for emergency storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure becomes uninhabitable due to fire, flood, earthquake, vandalism, or other such act against the structure.

(b) Cargo containers used for emergency storage shall require a container permit. The number and location of cargo containers used for emergency commercial storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.

- (c) Cargo containers may be used for emergency commercial storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.
- (d) Cargo containers used for emergency commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
- (e) Cargo containers used for emergency commercial storage shall conform to the standards set forth in Section 17.12.740(B)(3)(d).
- (6)
 - (a) Cargo containers may be used for storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, in conjunction with relocation to or from a property or in preparation for storage of such items at a storage facility.
 - (b) Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.
 - (c) Cargo containers may be used for relocation storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.
 - (d) Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
 - (e) Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.12.740(B)(3)(d), except as provided in (f) of this subsection.
 - (f) Cargo containers used for relocation storage may be placed in parking lots so long as no more than 10% of the provided parking spaces are used for this purpose.

SECTION 10. Section 17.12.740(E) of Article VI (“Office Professional Zone”) of Chapter 17.12 (“Commercial Zones”) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.12.740 Accessory and temporary uses]

- E. Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in this Section and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.12.740(A) of this code.

SECTION 11. Section 17.12.930(A) of Article VII (“Regional Commercial Zone”) of Chapter 17.12 of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.12.930(A) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.12.930 Accessory uses]

The following uses are considered as accessory uses to the permitted uses in the RC zone:

- A. *Accessory buildings and structures used in conjunction therewith.*

Cargo containers shall not be used as accessory buildings or structures, and shall not be placed on private real property at any time except as permitted in conjunction with uses subject to director’s review and approval in Section 17.12.940.

- (1) This subsection does not apply to the following real property:
- (a) Real property owned, leased, rented, occupied or used by a public agency or entity;
 - (b) Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, “nonpublic school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, “private school” means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, “private school” does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.

SECTION 12. Section 17.12.940(B) of Article VII (“Regional Commercial Zone”) of Chapter 17.12 of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.12.940(B) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.12.940 Uses subject to director’s review and approval]

- B. The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within 30 days after the permit is expired, revoked, or finalized.

SECTION 13. Section 17.12.940(H) of Article VII (“Regional Commercial Zone”) of Chapter 17.12 of Title 17 of the Lancaster Municipal Code is hereby added as follows:

- (H) (1) Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 days after the permit is expired, revoked, or finalized.
- (2) Cargo containers may be used for the temporary construction storage described in (1) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
- (3) The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

- (4) Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
- (5) Cargo containers used for temporary construction storage shall conform to the following standards:
 - (a) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten feet from any structure.
 - (b) Cargo containers shall not be stacked on top of each other or on any other structure.
 - (c) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
 - (d) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.
 - (e) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
 - (f) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.

SECTION 14. Section 17.12.940(I) of Article VII (“Regional Commercial Zone”) of Chapter 17.12 of Title 17 of the Lancaster Municipal Code is hereby added as follows:

- (I) (1) Cargo containers may be used for temporary storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure is undergoing rehabilitation, repair, remodeling, alteration or other construction work under an active building permit.
- (2) The number and location of cargo containers used for temporary commercial storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary commercial storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary commercial storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
- (3) The time period for which a cargo container may be used for temporary commercial storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo

containers used for temporary commercial storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

(4) Cargo containers used for temporary commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(5) Cargo containers used for temporary commercial storage shall conform to the standards set forth in Section 17.12.060(C)(5).

SECTION 15. Section 17.12.940(J) of Article VII (“Regional Commercial Zone”) of Chapter 17.12 of Title 17 of the Lancaster Municipal Code is hereby added as follows:

(J) (1) Cargo containers may be used for emergency storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, when a structure becomes uninhabitable due to fire, flood, earthquake, vandalism, or other such act against the structure.

(2) Cargo containers used for emergency storage shall require a container permit. The number and location of cargo containers used for emergency commercial storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.

(3) Cargo containers may be used for emergency commercial storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.

(4) Cargo containers used for emergency commercial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(5) Cargo containers used for emergency commercial storage shall conform to the standards set forth in Section 17.12.060(C)(5).

SECTION 16. Section 17.12.940(K) of Article VII (“Regional Commercial Zone”) of Chapter 17.12 of Title 17 of the Lancaster Municipal Code is hereby added as follows:

(K) (1) Cargo containers may be used for storage of items related to the use of commercial-zoned property, including but not limited to business inventory, office furniture, office supplies, office equipment and other items, in conjunction with relocation to or from a property or in preparation for storage of such items at a storage facility.

(2) Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.

(3) Cargo containers may be used for relocation storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.

(4) Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(5) Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.12.060(C)(5), except as provided in (6) of this subsection.

(6) Cargo containers used for relocation storage may be placed in parking lots so long as no more than 10% of the provided parking spaces are used for this purpose.

SECTION 17. Section 17.12.940(L) of Article VII (“Regional Commercial Zone”) of Chapter 17.12 of Title 17 of the Lancaster Municipal Code is hereby added as follows:

(L) Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with uses that are allowed subject to director’s review and approval, pursuant to this section, and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.12.930(A) of this code.

SECTION 18. Section 17.16.050(A) of Chapter 17.16 (“Industrial Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.16.050(A) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.16.050 Accessory and temporary uses.

A. The following are considered as accessory uses in the I zones:]

1. *Accessory buildings and structures customarily used in conjunction therewith.*

Cargo containers shall not be used as accessory buildings or structures, and shall not be placed or used on private real property at any time except as permitted in conjunction with temporary uses allowed in Section 17.16.050(B).

(a) This subsection does not apply to the following real property:

- (i) Real property owned, leased, rented, occupied or used by a public agency or entity;
- (ii) Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, “nonpublic school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, “private school” means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, “private school” does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.

SECTION 19. Section 17.16.050(B) of Chapter 17.16 (“Industrial Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.16.050(B) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.16.050 Accessory and temporary uses.

B. The following are considered as temporary uses in the I zones:]

- (1) The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within 30 days after the permit is expired, revoked, or finalized.
- (2) *Commercial coaches used as temporary offices subject to the provisions of Article X of Chapter 17.40 and this zone.*

- (3) (a) Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 days after the permit is expired, revoked, or finalized.
- (b) Cargo containers may be used for the temporary construction storage described in (a) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
- (c) The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.
- (d) Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
- (e) Cargo containers used for temporary construction storage shall conform to the following standards:
- (1) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten feet from any structure.
 - (2) Cargo containers shall not be stacked on top of each other or on any other structure.
 - (3) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.
 - (4) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.
 - (5) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.
 - (6) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.

- (4) (a) Cargo containers may be used for temporary storage of items related to the use of industrial-zoned property, including but not limited to raw materials, business inventory, office furniture, office supplies, office equipment and other items, when a structure is undergoing rehabilitation, repair, remodeling, alteration or other construction work under an active building permit.
- (b) The number and location of cargo containers used for temporary industrial storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. A cargo container approved under this subsection shall not require a separate permit. Application for approval of cargo containers for temporary industrial storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the repair, remodeling, alteration or other work for which the temporary industrial storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.
- (c) The time period for which a cargo container may be used for temporary industrial storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary industrial storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.
- (d) Cargo containers used for temporary industrial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
- (e) Cargo containers used for temporary industrial storage shall conform to the standards set forth in Section 17.16.050(B)(3)(e).
- (5) (a) Cargo containers may be used for temporary storage of items related to the use of industrial-zoned property, including but not limited to raw materials, business inventory, office furniture, office supplies, office equipment and other items, when a structure becomes uninhabitable due to fire, flood, earthquake, vandalism, or other such act against the structure that is not the fault of the property owner or occupant.
- (b) Cargo containers used for emergency industrial storage shall require a container permit. The number and location of cargo containers used for emergency industrial storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.
- (c) Cargo containers may be used for emergency industrial storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.

- (d) Cargo containers used for emergency industrial storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
 - (e) Cargo containers used for emergency industrial storage shall conform to the standards set forth in Section 17.16.050(B)(3)(e).
- (6)
- (a) Cargo containers may be used for storage of items related to the use of industrial-zoned property, including but not limited to raw materials, business inventory, office furniture, office supplies, office equipment and other items, in conjunction with relocation to or from a property or in preparation for storage of such items at a storage facility.
 - (b) Cargo containers used for relocation storage shall require a container permit. The number and location of cargo containers used for relocation storage shall be subject to the review and prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Upon such approval, and payment of a container permit fee in an amount established by City Council, a container permit shall be issued.
 - (c) Cargo containers may be used for relocation storage for a period not to exceed fifteen calendar days. This use may be extended for an additional ten calendar days upon the prior written approval of the Directors of Planning and Housing & Neighborhood Revitalization.
 - (d) Cargo containers used for relocation storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.
 - (e) Cargo containers used for relocation storage shall conform to the standards set forth in Section 17.16.050(B)(3)(e), except as provided in (f) of this subsection.
 - (f) Cargo containers used for relocation storage may be placed in parking lots so long as they do not reduce the number of required parking spaces.

SECTION 20. Section 17.16.050(E) of Chapter 17.16 (“Industrial Zones”) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

- (E) Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in Section 17.16.050(B) and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.16.050(A)(1) of this code.

SECTION 21. Section 17.20.180(A) of Article III (“Open Space (O) Zone”) of Chapter 17.20 (“Special Purpose and Combining Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.20.180(A) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.20.180 Accessory uses.

The following are considered as accessory uses to the permitted uses in the O zone:]

- A. *Accessory buildings or structures customarily used in conjunction with permitted uses, including but not limited to playground equipment, ball fields and seating, etc.*

Cargo containers shall not be used as accessory buildings or structures, and shall not be placed or used on private real property at any time, except as permitted in conjunction with temporary uses allowed in Section 17.20.190.

(1) This subsection does not apply to the following real property:

- (a) Real property owned, leased, rented, occupied or used by a public agency or entity;
- (b) Real property owned, leased, rented, occupied or used by a nonpublic or private school. For purposes of this subsection, “nonpublic school” means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education. For purposes of this subsection, “private school” means a full-time day school that provides instruction in the several branches of study required to be taught in the public schools of the state, by persons capable of teaching, and that files an annual private school affidavit as required by the California Department of Education. For purposes of this subsection, “private school” does not include a school that provides instruction in a building used for residential purposes. A nonpublic or private school is not exempt unless it is operating in conformity with all pertinent land use and technical code regulations.

SECTION 22. Section 17.20.180(D) of Article III (“Open Space (O) Zone”) of Chapter 17.20 (“Special Purpose and Combining Zones”) of Title 17 of the Lancaster Municipal Code is hereby added as follows:

- (D) Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in Section 17.20.190 and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.20.180(A) of this code.

SECTION 23. Section 17.20.190 of Article III (“Open Space (O) Zone”) of Chapter 17.20 (“Special Purpose and Combining Zones”) of Title 17 of the Lancaster Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 17.20.190 of Title 17 of the Lancaster Municipal Code is hereby added as follows:

[17.20.190 Temporary uses.

The following uses are considered as temporary uses in the O zone:]

- A. The placement and use of a temporary office in conjunction with a construction or development project undertaken pursuant to an active building permit. A temporary office shall be placed on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. The placement of a temporary office shall not occur until the building permit is obtained. The temporary office shall be removed within 30 days after the permit is expired, revoked, or finalized.
- B. (1) Storage of building materials, machinery and equipment used in conjunction with a construction or development project undertaken pursuant to an active building permit. Storage shall be on the lot or parcel which is part of the project, or on property adjoining the construction or development site with the written consent of the property owner. Storage shall not occur until the building permit is obtained. Storage shall be removed within 30 days after the permit is expired, revoked, or finalized.
- (2) Cargo containers may be used for the temporary construction storage described in (1) of this subsection. A cargo container approved pursuant to this subsection shall not require a separate permit. The number and location of cargo containers used for temporary construction storage shall be subject to the review and prior written approval of the Building Official and Directors of Planning and Housing & Neighborhood Revitalization or their duly authorized representatives. Application for approval of cargo containers for temporary construction storage shall be made on a city-approved form and shall indicate the number of the building permit obtained for the construction or development project for which the temporary construction storage is requested, the size of each cargo container, the proposed location of each container on the property, and the date on which each container shall be placed on the property.

(3) The time period for which a cargo container may be used for temporary construction storage is limited to the time when the building permit is active. An active building permit means one that has not expired, been revoked, or been finalized. Cargo containers used for temporary construction storage shall be removed from the property within thirty calendar days of the expiration, revocation or finalization of a building permit.

(4) Cargo containers used for temporary construction storage shall not exceed eight feet in width, eight feet six inches in height, and forty feet in length.

(5) Cargo containers used for temporary construction storage shall conform to the following standards:

(a) Cargo containers shall be set back a minimum of five feet from any property line and a minimum of ten feet from any structure.

(b) Cargo containers shall not be stacked on top of each other or on any other structure.

(c) Cargo containers shall not encroach upon, block, obstruct, or reduce in any manner any required exits, windows or vent shafts of structures, or any parking spaces, driveways, private streets, or public rights of way.

(d) Cargo containers shall not be used for human habitation or occupied by individuals for any reason.

(e) Cargo containers shall not have any electrical, plumbing, heating or air conditioning installations or systems, and shall not be connected to a power source.

(f) Refuse, garbage, trash and debris, as well as hazardous substances, as defined by state or federal law, shall not be placed or stored in, against, on, or under a cargo container at any time.

C. Cargo containers that are present on private real property, for any use or purpose, on the effective date of this section shall be removed within six months from the effective date, unless the property owner obtains the requisite approvals and permits in conjunction with temporary uses allowed in Section 17.20.190(B) and otherwise complies with all regulations pertaining to cargo containers.

This subsection does not apply to real property owned, leased, rented, occupied or used by a public agency or entity, or by a nonpublic or private school, as defined in Section 17.20.180(A) of this code.