

AGENDA ITEM: 3.

DATE: 01-20-09

MEMORANDUM

**AMENDMENT TO TITLE 17 - LANCASTER MUNICIPAL CODE
CARGO CONTAINER REGULATIONS**

DATE: January 20, 2009
TO: Lancaster Planning Commission
FROM: Planning Department
SUBJECT: Amendment of various Sections of Title 17 of the Lancaster Municipal Code to establish regulations regarding the use and placement of cargo containers

RECOMMENDATION: Adopt Resolution No. 09-04 recommending to the City Council approval of an ordinance regulating the use and placement of cargo containers.

BACKGROUND: The Planning Commission originally reviewed this ordinance on December 15, 2008. During that review, the Commission expressed concerns regarding the effect that the proposed ordinance could have on existing cargo containers. The Commission also directed staff to investigate whether the installation of cargo containers could be looked at differently in the City's rural zones because of the lower density of development in those areas in contrast to the urban residential, commercial, and industrial zones of the City.

The revised ordinance (see attached) allows for the placement of cargo containers on a permanent basis in the City's RR-1 and RR-2.5 zones, subject to specific performance criteria as listed in Section 17.08.050(A)(3)(b). These criteria include requirements that the container be located to the rear of the main building (residence) on the site, be located at least 100 feet from any property line, and not be serviced by any utility or power system. Any existing container located in either the RR-2.5 or RR-1 zone would be required to comply with these criteria in order to be retained. Containers that cannot meet these criteria, as well as those located in other zone classifications, must be removed within 6 months of the effective date of the ordinance as provided in Section 17.08.050(C) of the draft ordinance.

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 except for certain specified instances in the City's rural residential zones (see discussion under the background section of the report). This ordinance was initiated by the Council because of concerns regarding the appearance of cargo containers, particularly if placed within the urban 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: CC Draft Ordinance

RESOLUTION NO. 09-04

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 given 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 January 20, 2009; 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 urban residential, commercial, and industrial property within the City of Lancaster, and is detrimental to property within the rural residential areas of the City unless performance standards are applied; 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 20th day of January 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster