



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 16, 2005

ITEM NUMBER:

SUBJECT: ORDINANCE AMENDING TITLES 13 AND 20 REGARDING THE TEMPORARY USE OF STORAGE CONTAINERS IN RESIDENTIAL ZONES.

DATE: AUGUST 4, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

Give first reading to the attached ordinance, which amends the Zoning Code (Title 13) and Property Maintenance Code (Title 20), regarding the temporary use of storage containers for construction activities in residential zones.

BACKGROUND:

On July 26, 2005, City Council reviewed various staff recommendations for an incentive program to encourage greater investment in our residential community. One recommendation was a Municipal Code amendment that would allow the use of temporary driveway storage containers during the time a single-family home was undergoing an addition or remodel. Council directed staff to proceed with the code amendment.

ANALYSIS:

Attachment 1 contains the ordinance that amends the necessary section of Title 20 Property Maintenance. The proposed text changes are indicated with an underline. An additional amendment is included for the Zoning Code (Title 13), for cross-reference purposes.

The placement of storage containers is limited to driveways of single-family homes. Staff is not recommending these containers for multiple-family units due to shared driveway, access, and parking configurations inherent in multiple-family developments. The other recommended criteria are as follows:

- (1) **Building permit required:** A storage container may only be placed on a lot for which the Development Services Department has issued a building permit for a residential remodel or addition affecting 100 square feet or more of the residence.
- (2) **Location:** The storage container shall only be located on a paved driveway leading to a garage.

- (3) **Maximum number and container dimensions:** No more than one storage container may be located on a lot at any time, and the container shall be no larger than 20 feet long by 8 feet wide. However, in no instance shall the storage container overhang into the public right-of-way.
- (4) **Time period:** Maximum of 9 months from the date of building permit issuance. The Building Inspector may grant up to a 3-month time extension if he or she determines the construction activities are diligently being carried out towards a timely completion.
- (5) **Overall condition:** The storage container shall be kept in good condition and free of graffiti. Electrical power shall not be provided to the storage container.

ALTERNATIVES CONSIDERED:

Council may choose to do any of the following:

1. Give first reading to the ordinance as recommended by staff;
2. Modify any of the recommended changes to the Municipal Code; or
3. Take no action on the ordinance, and thereby retain the City's current municipal code provisions that prohibit storage containers in residential zones.

FISCAL REVIEW:

This ordinance does not require any fiscal review.

LEGAL REVIEW:

The ordinance has been approved as to form by the City Attorney's Office.

ENVIRONMENTAL DETERMINATION

These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

CONCLUSION:

The ordinance will allow the placement of temporary storage containers on the driveways of single-family homes. This code amendment is one of the incentives being pursued by Council to promote greater reinvestment in our residential community.

Kimberly Brandt
KIMBERLY BRANDT, AICP
Principal Planner

Donald D. Lamm
DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

DISTRIBUTION: City Manager
Assistant City Manager
City Attorney
Deputy City Manager – Dev. Svs. Director.

Public Services Director
City Clerk (2)
Staff (4)
File (2)

ATTACHMENTS: 1 Strike-through Ordinance
2 Current Municipal Code text excerpts

File Name: 081605StorageContainers	Date: 072005	Time: .10:15 a.m.
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ATTACHMENT 1

STRIKE-THROUGH ORDINANCE

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLES 13 AND 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE TEMPORARY USE OF STORAGE CONTAINERS IN RESIDENTIAL ZONES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 13-33(c) as follows:

“(c) Shipping containers are prohibited in residential zones. During onsite construction activities, temporary storage containers may be allowed on a paved driveway pursuant to Title 20, Section 20-6 Exemptions.”

b. Amend Section 20-6(a) as follows:

“(a) **Construction activities.** Any material currently in use in the course of lawful construction, demolition or landscaping on the site; provided, however, that when the construction, demolition, or landscaping on the site exceeds 30 calendar days a permit shall be obtained pursuant to Title 5 of this Code which shall specify the time for completion of such work. In a residential zone, a storage container may be placed on a lot containing one single-family dwelling unit subject to the following conditions:

(1) **Building permit required:** A storage container may only be placed on a lot for which the Development Services Department has issued a building permit for a residential remodel or addition affecting 100 square feet or more of the residence.

(2) **Location:** The storage container shall only be located on a paved driveway leading to a garage.

(3) **Maximum number and container dimensions:** No more than one storage container may be located on a lot at any time, and the container shall be no larger than 20 feet long by 8 feet wide. However, in no instance shall the storage container overhang into the public right-of-way.

- (4) **Time period:** Maximum of 9 months from the date of building permit issuance. The Building Inspector may grant up to a 3-month time extension if he or she determines the construction activities are diligently being carried out towards a timely completion.
- (5) **Overall condition:** The storage container shall be kept in good condition and free of graffiti. Electrical power shall not be provided to the storage container. "

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, 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 portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2005

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk of the City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2005.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

ATTACHMENT 2

CURRENT MUNICIPAL CODE TEXT EXCERPTS

TITLE 20, Property Maintenance code excerpt:

“Sec. 20-6. Exemptions.

The provisions of this title shall not apply to the following:

- (a) **Construction activities.** Any material currently in use in the course of lawful construction, demolition or landscaping on the site; provided, however, that when the construction, demolition, or landscaping on the site exceeds 30 calendar days a permit shall be obtained pursuant to Title 5 of this Code which shall specify the time for completion of such work.
- (b) **Stored materials.** Any material contained within a fully enclosed structure or lawfully constructed solid, opaque wall, or fence, and such material is not in a condition as to be detrimental to the health, safety, or welfare of the inhabitants of such real property, the public, or any adjoining property.
- (c) **Vehicles.** The parking and storage of vehicles are subject to the provisions in Table 20-6 (c).
- (d) Nothing in this section shall be construed as authorizing the maintenance of a public or private nuisance.”

TITLE 13, Zoning Code excerpt:

“CHAPTER V. DEVELOPMENT STANDARDS, ARTICLE 1. RESIDENTIAL DISTRICTS”:

Sec. 13-33. ACCESSORY BUILDINGS AND STRUCTURES

- (a) Accessory buildings or structures constructed closer than 75 feet from the front property line or on the front one-half of the lot, whichever is less, shall be reviewed by the Planning Division for adequate screening and compatibility with the main structure.
- (b) Underground structures including fallout shelters shall be allowed to be constructed on any part of the lot provided they are built below grade level.
- (c) Shipping containers are prohibited in residential zones.

 Denotes where text change is proposed.