

**ORDINANCE NO 1043-10**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF LAWNSDALE, CALIFORNIA,  
AMENDING LAWNSDALE MUNICIPAL CODE  
SECTIONS 17.08.020 AND 17.44.027  
AND ADDING LAWNSDALE MUNICIPAL CODE SECTION 17.44.029  
TO REGULATE THE USE OF SHIPPING/FREIGHT CONTAINERS  
ON RESIDENTIALLY ZONED PROPERTIES WITHIN THE CITY**

Summary: This ordinance would add definitions and regulations on the use of shipping/freight containers and temporary storage containers on residentially zoned properties within the city.

WHEREAS, the Lawnsdale Municipal Code, including the Lawnsdale Zoning Code, does not currently contain definitions for "Shipping/Freight Container" or "Temporary Portable Storage Container"; and

WHEREAS, the Lawnsdale Municipal Code, including the Lawnsdale Zoning Code, does not currently regulate the use of Shipping/Freight Container or Temporary Portable Storage Containers; and

WHEREAS, it is the responsibility of the Planning Commission to determine all facts when there is an ambiguity concerning the appropriate classification of a particular use within the meaning and intent of the Code, per Lawnsdale Municipal Code Section 17.04.020; and

WHEREAS, at a public hearing held on April 28, 2010, the City's Planning Commission studied this issue and adopted Resolution No. 10-07, recommending that the City Council consider revising the Lawnsdale Municipal Code to explicitly define "Shipping/Freight Container" and "Temporary Portable Storage Container" and to develop regulations on the use of such containers on residentially zoned properties within the City ("Project"); and

WHEREAS, the Project permits the use of Shipping/Freight Containers and Temporary Portable Storage Containers, which are minor alterations in land use limitations, an activity that is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15305 "Minor Alterations in Land Use Limitations" of the CEQA Guidelines; and

WHEREAS, the City Council, after notice duly given as required by law, held a public hearing on Monday, July 19, at 6:30 p.m., in the City Hall council chamber located at 14717 Burin Avenue, Lawnsdale, California to consider the Planning Commissioner's recommendations regarding regulating the use of shipping/freight containers on residentially zoned properties within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWNSDALE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 17.08.020, "General definitions," of the Lawndale Municipal Code is amended to add the following definitions in alphabetical order, as follows:

"Shipping/Freight Container' means a pre-manufactured structure of metal construction that is delivered to a site as a fully contained unit and is used for freight transport and the portable storage of goods and/or commodities. This shall exclude storage sheds that are assembled on site, roll off trash bins, trucks, trailers, or rail cars. A Shipping/freight container, as defined herein, shall be considered a structure for purposes of the Uniform Building Code.

'Temporary Portable Storage Container' means a standardized shipping/freight container rented or owned by the owner or occupant of a property that is designed to hold, goods, commodities, household or personal items on a temporary basis."

SECTION 2. Subsection (F) of Lawndale Municipal Code Section 17.44.027 is amended, in its entirety, to read as follows:

"F. For the purposes of this section a "shed" includes, but is not limited to, a freestanding or movable storage unit commonly used for the storage of tools, equipment or similar items. Shipping/freight containers and temporary portable storage containers are not sheds;"

SECTION 3. A new Section 17.44.029 is added to the Lawndale Municipal Code to read, in its entirety, as follows:

"17.44.029 Shipping/ Freight Containers and Temporary Portable Storage Containers.

- A. Shipping/freight containers shall not be placed upon properties within residential zones except as allowed under subsection (B) of this section for use as a temporary portable storage container or unless such container (1) is incorporated into or integral to the design or structural element of a residence and (2) complies with all applicable zoning and building code regulations.
- B. Temporary portable storage containers are permitted in setback areas subject to compliance with all of the following conditions:
  - 1. One temporary portable storage container is permitted on residentially zoned property for a period not to exceed seven (7) calendar days and not more than two (2) times in a calendar year;
  - 2. A permit shall be obtained from the Community Development Director prior to the placement of a temporary portable storage container on any residential property;

3. The dimension of a temporary portable storage container shall not exceed ten feet (10) in height and one hundred twenty (120) square feet in area;
  4. Temporary portable storage containers are permitted in front yard, rear yard, or within the side yard setback areas as long as the containers are located more than six (6) feet from any structure and no less than three (3) feet from any property line;
  5. Temporary portable storage containers shall not block or obstruct any required exists, parking spaces, and/or any driveways used for access to multiple dwelling units or emergency access;
  6. Refuse and/or debris shall not be stored in, against, on or under any temporary portable storage containers;
  7. Temporary portable storage containers shall not be stacked on top of each other or upon any other structure;
  8. Temporary portable storage containers shall not be used for human and/or animal habitation;
  9. Temporary portable storage containers shall not be used for the storage of combustible or flammable materials; and
  10. Temporary portable storage containers shall not be used for the storage or repair of automobiles.
- C. In the event of an extenuating circumstance that necessitates the use of a temporary portable storage container for more time than is allowed under subsection (B), a written request for a time extension may be filled with the Community Development Department before the expiration of the time authorized under subsection (B). Upon the receipt of a written request, a time extension not to exceed sixty (60) calendar days may be granted by the Community Development Director."

SECTION 4. The adoption of new regulations for shipping/freight containers on residentially zoned properties is not likely to cause substantial environmental damage. As measured by the California Environmental Quality Act ("CEQA"), this project has been determined to be categorically exempt from CEQA and a Notice of Exemption will be filed.

SECTION 5. If any section, subsection, clause or phrase of this Ordinance is for any reason, held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining sections of this Ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen days after its final passage, the

City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at the City Hall and the United States Post Office, Lawndale Branch.

PASSED, APPROVED, AND ADOPTED this 2nd day of August, 2010.

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Harold E. Hofmann, Mayor

ATTEST:

State of California            )  
County of Los Angeles        )        SS  
City of Lawndale                )

I, Paula Hartwill, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1043-10 at its regular meeting held on the 19th day of July, 2010, and duly approved and adopted said ordinance at its regular meeting held on the 2nd day of August, 2010, by the following roll call vote:

AYES:           Hofmann, Pullen-Miles, Rudolph, Osborne, Kearney  
NOES:           None  
ABSENT:        None  
ABSTAIN:       None

\_\_\_\_\_  
Paula Hartwill, City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

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Tiffany J. Israel, City Attorney