

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> June 27, 2012	<b>Time:</b> 10:00 A.M	<b>Agenda Item No.:</b> 5
<b>Project Description:</b> Hold a Workshop to consider a draft ordinance amending the Title 21 (Inland zoning ordinance) to the Monterey County Code to add a new chapter associated with the regulation of use and placement of storage containers.		
<b>Project Location:</b> County-wide		<b>APN:</b> County-wide
<b>Planning File Number:</b> REF120016		<b>Owner:</b> County of Monterey
<b>Planning Area:</b> County-wide		<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> : N/A		
<b>CEQA Action:</b> Statutory Exempt per 15262		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Hold a Workshop to consider a draft ordinance amending the Title 21 (Inland zoning ordinance) to the Monterey County Code to add a new chapter associated with the regulation of use and placement of storage containers; and provide direction to staff.

### PROJECT OVERVIEW:

In February 2012, the Zoning Administrator directed staff to investigate whether the Monterey County Zoning Ordinance [Coastal (Title 20) and Inland (Title 21)] allowed the use of pre-fabricated metal Storage Containers on public and/or private lands. For purposes of this workshop, only an amendment to Title 21 (Inland Area) is being considered. A future amendment to Title 20 (Coastal Area) will be undertaken in the future, if so desired and directed by the Planning Commission and/or Board of Supervisors.

In September of 1997, when Title 21 (Inland Zoning Ordinance) was written and adopted, the use of Storage Containers was not anticipated and the existing Zoning Ordinance is silent on the regulation of Storage Containers.

In recent years, the County has seen a proliferation in the requested use of Storage Containers, as a low-cost means of providing additional secure storage on privately owned lands, in lieu of the construction of permanent accessory structures. The increased use and popularity of Storage Containers, has directly resulted in increased awareness of the visual impacts, safety, and appropriateness of the units in residentially zoned areas of the County.

Leading up to this workshop, Staff reviewed the existing ordinance language and consulted with the Building Department on the permitting requirements for Storage Containers. Comments and concerns expressed by the Building Department have been noted and will be considered in the drafting of an ordinance (if appropriate). Staff is now seeking public comment and direction prior to bringing an ordinance back for consideration.

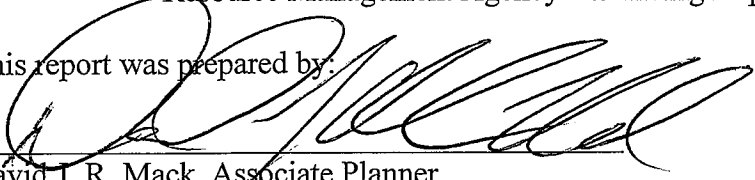
The Planning Commission workshop is Statutorily exempt per Section 15262 of the California Environmental Quality Act (CEQA) because the Planning Commission is not considering approving, adopting, or funding the draft ordinance at this time and there will be no legally binding effects of the actions of the Commission on this item. Once prepared, the ordinance will be evaluated pursuant to CEQA prior to taking official action.

For more details, see the discussion in Exhibit A.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- Resource Management Agency – Building Department

This report was prepared by:

  
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May 23, 2012

This report was reviewed by Jacqueline ~~R~~ Onciano, Planning Services Manager (Advanced Planning).

cc: Front Counter Copy; Planning Commission; Jacqueline R. Onciano, Planning Services Manager (Advanced Planning); David J. R. Mack, Project Planner; Carol Allen, Senior Secretary; The Open Monterey Project; LandWatch; Planning File REF120016

Attachments: Exhibit A      Project Discussion

## EXHIBIT A DISCUSSION

### **Zoning Ordinance General Provisions**

In September of 1997, when Title 21 (Inland Zoning Ordinance) was written and adopted the use of Storage Containers was not anticipated and the existing Zoning Ordinance is silent on their regulation. Chapter 21.02 (General Provisions) specifies the purpose, nature, and effect of the Zoning Ordinance and manner in which the Ordinance is intended to be utilized. Section 21.02.040 (Nature of Zoning Ordinance) dictates how the Ordinance is to be interpreted relative to allowed and permitted uses; a portion of this section is quoted below (underline added for emphasis):

#### **21.02.40      NATURE OF ZONING ORDINANCE.**

*The Zoning Ordinance consists of the establishment of various districts, regulations, and permit processes for the unincorporated territory of the County of Monterey.*

*The zoning districts list the uses are allowed or may be allowed subject to discretionary permit processes. Those listed uses and other uses which are consistent with the Monterey County General Plan and applicable area plans may be allowed subject to appropriate permits. Other uses are prohibited. Further, the districts provide the regulation of structural height, bulk, and setbacks, as well as prescribing other site development amenities and requirements such as parking, landscaping, and lighting control.*

In addition to each zoning district listing the allowed (ministerial) or permitted (discretionary) uses, each “usage” section contains a general statement “Other uses of a similar character, density, and intensity to those listed in this Section.” This general statement allows uses not specifically listed, but similar to an allowed/listed use to be included considered by issuance of the appropriate permit(s). In essence, uses not listed in the Zoning Ordinance and not of a similar character, density, and/or intensity specifically listed, are prohibited.

### **Definition of a Structure**

The Monterey County Inland Zoning Ordinance (Title 21), Chapter 21.06 (Definitions), Section 21.06.1220, provides the following definition relative to Structure(s) – “*Structure means anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on the ground, but not including any trailer or tent.*”

Using the above definition, it is unclear if Storage Containers can be considered to meet the definition of a structure; they are not constructed or erected, but do require location on the ground or attachment to something having location on the ground.

For Planning purposes only, if Storage Containers are considered to be “structures”, they would be “of a similar character, density, and intensity” to a Accessory Structures (an allowed use) and would be subject to the regulations (set-back, coverage, height, and/or design control) for the applicable zoning district in which they are used.

Alternatively, if Storage Containers are not considered to be “structures”, they would not be of a similar use to other allowed/listed uses in the Zoning Code, and since the Zoning Code is otherwise silent on their use, could be considered to be prohibited.

It should be noted, that relative to Building Code requirements, the Resource Management Agency – Building Department, does not consider a Storage Container a “structure”, as they are prefabricated units (not requiring construction or erection) and building permits are not issued for the placement of Storage Containers.

### **Options**

Relative to the regulation a Storage Containers within Monterey County, the following options exist:

**Option 1: Determine that Storage Containers are Structures.** This option would require the drafting of a Planning Department Interpretation to formally defined Storage Containers as a structure or type of quasi-structure, and determine that the use and placement of Storage Containers are subject to the existing regulations for the applicable zoning district.

**Option 2: Determine that Storage Containers are not Structures.** This option would require the drafting of an ordinance to permit the use of Storage Containers in applicable zoning designations. The development of a new ordinance would be subject to CEQA review to determine if potential impacts would be associated with a new allowed or permitted use within the County’s jurisdiction. Under this option, two additional choices would exist as detailed below.

**Option 2a: Authorize the use of Storage Containers to specific zoning designations.** This option would authorize the use of storage containers to specific (yet to be determined) zoning districts that of adequate size and density to accommodate the appropriate placement and reduce/eliminate any visual and aesthetic impacts to surrounding properties. The development of regulations could include, but not be limited to: design standards, set-back regulations, and maximum square-footage and coverage calculations.

**Option 2b: Allow Storage Containers in all zoning designations.** This option would allow the use of Storage Containers in all zoning designations, including all residentially zoned areas [Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR) regardless of parcel size and density, and would require the future development of supplemental regulations for permitting and use. The development of regulations could include, but not be limited to: design standards, set-back regulations, and maximum square-footage and coverage calculations.

### **Recommendation**

Staff requests that the Planning Commission provide direction on whether Storage Containers should be considered to meet the definition of a “structure” and if the development of a Storage Container Ordinance should be developed along with application restrictions and/or regulations.