

ORDINANCE NO. 1647

ORDINANCE AMENDING TITLE 19 (ZONING) OF THE AMADOR COUNTY CODE, CHAPTER 19.24 DISTRICT REGULATIONS, SECTION 19.24.040 DISTRICT REGULATIONS - GENERALLY AND CHAPTER 19.48 GENERAL PROVISIONS AND EXCEPTIONS BY ADDING SECTION 19.48.160 SEA/LAND STORAGE CONTAINER REGULATIONS.

The Board of Supervisors of the County of Amador, State of California, ordain as follows:

SECTION I. Recitals of Fact:

WHEREAS, the Amador County Board of Supervisors determined the increased use of sea/land storage containers needs to be regulated; and

WHEREAS, the Amador County Board of Supervisors considers the orderly placement of sea/land storage containers necessary to encourage appropriate locations, protect the character of neighborhoods and communities, reduce the potential for health and safety hazards, and maintain the visual quality of Amador County; and

WHEREAS, the Board of Supervisors adopts this ordinance with the findings contained in the pertinent Board minutes and because the public necessity, convenience and general welfare require such an amendment.

SECTION II. Chapter 19.24 District Regulations, Section 19.24.040 District Regulations - Generally, Subsection "C-1," by adding 6. to read as follows:

"6. Sea/land storage containers in conjunction with a mini-warehouse operation, and approved in accordance with Section 19.48.160 H of this code."

SECTION III. Chapter 19.24 District Regulations, Section 19.24.040 District Regulations - Generally, Subsection "C-2," by adding 10. to read as follows:

"10. Sea/land storage containers in conjunction with a mini-warehouse operation, and approved in accordance with Section 19.48.160 H of this code."

SECTION IV. Chapter 19.24 District Regulations, Section 19.24.040 District Regulations - Generally, Subsection "M," by adding M.15 to read as follows:

"15. Sea/land storage containers in conjunction with a mini-warehouse operation, and approved in accordance with Section 19.48.160 H of this code."

SECTION V. Chapter 19.24 District Regulations, Section 19.24.044 MM medium manufacturing district, Subsection D. Uses Permitted Subject to First Securing An Approved Use Permit by adding:

"7. Sea/land storage containers in conjunction with a mini-warehouse operation, and approved in accordance with Section 19.48.160 H of this code."

SECTION VI Chapter 19.48 General Provisions of Title 19 (Zoning) of the Amador County Code is amended by adding Section 19.48.160 Sea/Land Storage Container Regulations to read as follows:

"A. Purpose. This section provides for the orderly placement of sea/land storage containers to encourage appropriate locations, protect the character of neighborhoods and communities, reduce the potential for health and safety hazards, and maintain the visual quality of Amador County.

B. Definition. A sea/land storage container refers to any container formerly used for transporting sea-going cargo. For the purposes of this section a sea/land storage container shall be referred to as Acontainer.”

C. Temporary Use. One container may be permitted *on any parcel regardless of size* as a temporary use in conjunction with an approved ARV/trailer while building@ permit provided that an installation permit is obtained from the Building Department. Said container shall be removed from the property upon expiration of the “RV/trailer while building” permit unless the property owner obtains a use permit in conformance with this section.

D. Residential Districts. Containers for residential use shall be allowed only on parcels one acre or greater in size located in the “A,” “AG,” “RE,” “R1,” “R1A” “R2A,” and “X” zone districts.

E. Staff Issued Use Permits. A property owner may apply to Planning Department staff for issuance of a permit for a container that complies with subsections D and F of this section. Prior to issuing a permit, the Planning Department staff shall notify affected property owners (as determined by the Planning Department staff) of the application. If the Planning Department receives opposition to the permit application within ten calendar days after notifying affected property owners, it may deny the permit. The applicant or any interested person may appeal the Planning Department decision pursuant to Chapter 19.64 of this title within ten calendar days after said decision. Approved use permits shall become valid following the ten day appeal period if no appeals are filed.

F. Criteria for Staff Issued Use Permits. A use permit may be issued by the Planning Department staff consistent with Sections D and E of this ordinance provided the following criteria are met:

1. There must be an existing residence on the property.
2. Only one container shall be allowed per parcel.
3. A building permit shall be required for the placement of the container.
4. The container shall be used for storage of non-hazardous materials only.
5. On parcels 1 to 4.99 acres in size the following additional criteria shall apply:
 - a. The container shall be located within 75 feet from the main residence on the property.
 - b. The container shall be placed to minimize visibility to neighboring properties or roadways.
 - c. The container shall be visually screened and painted a neutral color (shades of beige, taupe, brown).
6. On parcels 5 acres or larger in size the following additional criteria shall apply:
 - a. The container shall be located at least one hundred (100) feet from any property line.
 - b. The container shall be visually screened and painted a neutral color (shades of beige, taupe, brown).

G. Non-Compliance. A Use Permit application which does not comply with subsections F.5. or F.6. of this section may be granted by the Planning Commission on appeal of the use permit denial by the Planning Department pursuant to Chapter 19.64 of this title. Such appeal may be granted only if the Planning Commission finds both that it is infeasible to comply with these criteria and that the modification is not detrimental to the public interest or surrounding residents or properties.

H. Commercial Districts. On securing a use permit as provided in Chapter 19.56 containers for commercial use may be permitted subject to the following regulations:

1. Containers shall be allowed only in the "C1," "C2," "MM," and "M" Districts in conjunction with a mini-warehouse operation.
2. Containers shall comply with the criteria established for mini-warehouses, as defined in County Code Section 19.08.396.
3. Additional criteria may be required through the use permit process as conditions of approval if determined to be necessary by the Planning Commission. Said conditions may include aesthetic considerations such as color, landscaping, setbacks, or any other mitigation measures deemed necessary.

I. Additional Restrictions. The use of railroad cars, cabooses, semi-trailers, or any other unit which slides off a chassis or frame (including a body, box or unit which is removed from a chassis) as storage containers is not allowed in any zone district.

J. Amortization. Any container which is now, or hereafter becomes, in violation of this section shall be subject to removal twenty-four (24) months from May 16, 2006. Any owner who does not remove a non-conforming container within twenty-four (24) months after the adoption of this Ordinance shall be subject to code enforcement action."

SECTION VII. This ordinance or a summary thereof shall be published in the manner prescribed in Government Code Section 25124 and shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 16th day of May 2006, by the following vote:

AYES: Richard P. Vinson, Louis D. Boitano, Rich F. Escamilla, and Richard M. Forster

NOES: None

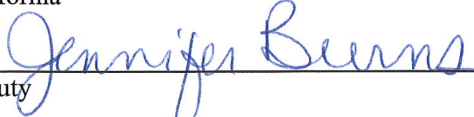
VACANT: District 5



Chairman, Board of Supervisors

ATTEST:

MARDELL ANDERSON, Clerk of the
Board of Supervisors, Amador County,
California



Deputy