



Memorandum

DATE: April 7, 2021
TO: Planning Commission
FROM: Daniel Alcayaga, AICP, Planning Manager
RE: Interpretation of Accessory Buildings and Structures in Residential Zones

The Planning Commission is being requested to determine:

1. If fully enclosed non-habitable accessory structures (i.e. garages) over 120 square feet are subject to, or not subject to Section 9.29.022; and
 - a. If such non-habitable accessory structures that are subject to Section 9.29.022 must be open on at least one side.
2. Should clarifying language be implemented as an administrative interpretation or text amendment.

This memo outlines pertinent development code sections pertaining to non-habitable accessory structures and provides commentary within the proceeding box summarizing the regulations and the language needing clarification.

Staff would request clarification from the Planning Commission on Sections 9.29.020 and 9.29.022 as it pertains to non-habitable accessory structures in residential zones. Both Sections reference “accessory structures” and provide varying side and rear setbacks. Section 9.29.022 appears to have been crafted in 2006 to address an immediate code enforcement issue of semi-permanent carports popping up throughout the community. Staff is currently in the process of cleaning up language in the code and this may be an opportunity to clarify this Section to reflect the intended goal. Using Section 9.05.080(B), Clarification of Ambiguity, a consensus by the Commission can be used to support an administrative interpretation.

Historically, wood-frame, stucco garages or sheds have been interpreted as to not fall within Section 9.29.022 pertaining to “Semi-Permanent Carports and Accessory Structures or Shelters for the Storage of Cars, Boats, RVs, Trailers, Self-Propelled Equipment and Related

Bulk Items.” This interpretation does not appear to be codified anywhere. However, Section 9.29.022 makes reference to accessory structures which garages and sheds are considered accessory structures. In fact, the entire section applies to accessory structures for the storage of various types of vehicles and equipment, and standard garages meet all the criteria in the corresponding sub-Sections. Section 9.29.020 B(2), which is the section that has been interpreted as applying to garages and sheds also makes reference to accessory structures. Sheds and workshop rooms over 120 square feet in size are generally not intended for vehicles and vessels; therefore, do not qualify under Section 9.29.022, but the language could be clarified if the building is used for self-propelled equipment and related bulky items.

Staff believes these Sections should be clarified to clearly represent the desired outcome and to avoid confusion and provide clear guidance to residents and contractors. In addition, as currently interpreted, the regulations have the effect of encouraging metal RV carports over wood-frame, stucco garages. A property owner is allowed to build a metal RV carport five feet away from a side property line but could be required up to a 25-foot side setback for a wood-frame, RV stucco garage, even though the structures can be the same size and, visually, occupy the same space.

This discussion does not involve habitable accessory buildings or structures, such as guest quarters, accessory dwelling units (ADUs), and pool houses. Section 9.29.020 says accessory structures, attached or detached, used either wholly or in part for living purposes shall meet all of the requirements for location of the main structure..., unless otherwise provided in this Section and Section 9.28.040.

Applicable General Regulations:

Definition of Accessory Building or Structure: Pursuant to Chapter 9.08 of the Development Code, an “Accessory Building or Structure” is defined as a structure detached from a principal structure on the same lot and incidental to the principal building.”

An enclosed garage would fall under this definition of an accessory building and structure, as a garage is incidental to the principal building. The code does not define the difference between an accessory building and an accessory structure; therefore, can be referenced interchangeably. All the provisions herein only make reference to an accessory structure.

Chapter 9.28 - Residential Districts:

- Under Section 9.28.030, Table 9.28.030(A) Permitted Uses, Subsection (G)(2) shows that “habitable/nonhabitable accessory structures” are permitted (P) in all residential zones.
- Under Section 9.28.040, Table 9.28.040-A, Site Development Standards, provides the required setbacks for minimum front, rear, side, and street side setbacks in all residential zones (**Attachment 1**).

Under Table 9.28.040-A, the side setback in residential zones range from 10 feet to 25 feet. Rear setbacks range from 25 feet to 40 feet. These setbacks apply to the primary building, as well as habitable accessory structures and some non-habitable accessory structures.

Table 9.28.040-A includes several footnotes, the majority of which are not relevant to this discussion of accessory buildings and structures. Those relevant to this discussion are included here, and the remaining footnotes can be found in Attachment 1:

Rancho Residential Overlay District:

- Under Table 9.28.040-A, Subsection 10(a) Minimum side setback, Note 7 says “the Ranchos Residential Overlay District(s), Chapter 9.63 of this Code, may specify different side yard setbacks for interior lot lines.”
- Chapter 9.63 addresses setbacks within the Rancho Residential Overlay District. Section 9.63.020 of this Chapter states “The RRO District setbacks shall supersede the minimum setbacks specified in Section 9.28.040, Site Development Standards of this Code.”

In Table 9.63.020, which pertains to the Rancho Residential Overlay District, the side and rear setbacks in those residential tracts range from 5 feet to 15 feet. The RRO District setbacks supersede the setbacks in the corresponding zone. If a property is within the RRO District, then those setbacks apply to the primary building, as well as habitable accessory structures and non-habitable accessory structures.

Specific Regulations pertaining to Accessory Buildings and Structures:

The following includes excerpts from Sections 9.29.020 and 9.29.022. Section 9.29.020 are general regulations, and address location, size, height, and architectural compatibility, that apply to all accessory structures (**Attachment 2**).

Sections 9.29.020(B) state:

1. Nonhabitable accessory structures not exceeding one hundred twenty (120) square feet and not taller than ten (10) feet may be located to within five (5) feet of a side or rear property line, provided that no part of the structure is located within the required front yard or street side yard building setback or within a required easement.
2. The minimum distance from an accessory structure larger than one hundred twenty (120) square feet or taller than ten (10) feet in height to a side property line shall be equal to the required setbacks in Table 9.28.040-A, of this Code, Site Development Standards, and Table 9.28.040-B, Site Development Standards for the Mountain Vista neighborhood, and a minimum of ten (10) feet from a rear property line.

Section 9.29.020(B)(2) requires non-habitable accessory structures to comply with the side setbacks from the Rancho Residential Overlay (RRO) District or the corresponding residential zone or the Mountain Vista neighborhood (**Attachment 2**). The code states that the RRO setbacks supersede the setbacks from the corresponding zone or the Mountain Vista neighborhood. If no RRO setbacks exist, then the setback from the corresponding residential zone or Mountain Vista neighborhood applies. The setbacks from the Mountain Vista neighborhood supersede the corresponding residential zone. This Section also allows all non-habitable accessory structures to have reduced rear setback of 10 feet.

Section 9.29.022 applies to carports and shelters, such as metal RV carports or enclosures (**Attachment 3**). Some of the provisions are include herein, and remaining provisions can be found in Attachment 3.

The Title of Section 9.29.022 reads: “Semi-Permanent Carports and Accessory Structures or Shelters for the Storage of Cars, Boats, Recreational Vehicles, Trailers, Self-Propelled Equipment and Related Bulk Items”

Regarding the Title of Section 9.29.022, the Code does not clearly define “semi-permanent carports” or “shelters”. Additionally, it is not clear if the title intends for this section to apply to semi-permanent accessory structures or if accessory structures can stand alone. At the beginning of the title, it includes the word “Semi-Permanent”, but then a subsection herein includes the word “permanent” when referencing shelters and enclosures.

Section 9.29.022(A) states:

Carports and accessory structures or shelters for the storage of cars, boats, recreational vehicles (RVs), trailers, self-propelled equipment and related bulk items constructed using a framework and roof of metal, wood or other rigid material allowed under the Uniform Building Code, not to include plastic or PVC material, may be located no closer than five (5) feet from either a side or rear property line, provided that no portion of said structure is located within a required front or street side yard building setback area or within or upon a recorded easement of any type.

Section 9.29.022(A) provides carports and accessory structures or shelters for the storage of above mentioned vehicles and items a five-foot side and rear setback. Among those mentioned as being able to locate within 5 feet from either a side or rear property line are “accessory structures”.

Sections 9.29.020 B(2) and Section 9.29.022(A), listed above, both reference “accessory structures” providing different side and rear setbacks. A garage, which is considered an accessory structure, would strictly fall under both of these sections. Depending on the size of garages, they can also accommodate the storage of cars, boats, recreational vehicles (RVs), trailers, self-propelled equipment and related bulk items.

Section 9.29.022(B) states:

“Permanent or semi-permanent recreational vehicle (RV) or other large vehicle enclosures or shelters may be located no closer than five (5) feet of a side or rear

property line, provided that no portion of said structure is located within any required front or street side yard setback area or within a recorded easement of any type.”

Subsection (B) references the word “permanent”. Even though the Title uses the word “semi-permanent”, this subsection applies to permanent structures. Under this Section garages can be interpreted as being permanent enclosures or shelters. Under this Section, these enclosures and structures would also qualify for a five-foot side and rear setback.

Staff is requesting clarification on Sections 9.29.020 and 9.29.022 pertaining to non-habitable accessory structures, as each Section makes reference to an accessory structure and provides varying side and rear setbacks. As written, it can be interpreted that a standard garage falls within Section 9.29.022 and qualify for a five-foot side and rear setback, as a garage is an accessory structure under the definition in the development code. Even though the title of Section 9.29.022 makes reference to semi-permanent structures, sub-section therein makes reference to permanent structures further supporting the interpretation that garages fall under that Section 9.29.022. A consensus by the Planning Commission on this issue will help determine if a code amendment is necessary to clarify the provisions, or if an administrative interpretation can be made.

Attachments:

1. Table 9.28.040(A) - Site Development Standards
2. Section 9.29.020 – Accessory Uses and Structures
3. Section 9.29.022 - Semi-Permanent Carports and Accessory Structures or Shelters for the Storage of Cars, Boats, Recreational Vehicles, Trailers, Self-Propelled Equipment and Related Bulk Items

9.28.040 Site Development Standards (*Amended Ord. 314, 341, 354*)

The Site Development Standards in Table 9.28.040-A are intended to provide standards for the development and use of land within the residential districts. These standards apply in conjunction with the applicable specific use regulations in Chapter 9.29, and the design standards in Chapter 9.31. All submissions to the Town of Apple Valley for a development or other permit, whether for Planning Commission, Town Council, or Plan Check and Building Permit review, may be required to provide public right-of-way or other appropriate dedication(s) and off-site and/or street and other related public improvement(s) consistent with the Circulation Element of the adopted General Plan and/or applicable standards established by the Town Engineer, as determined by the Town of Apple Valley Town Engineer, to mitigate and/or contribute toward mitigation of impacts, to promote the public health, safety and welfare, and as not otherwise restricted by law.

The setbacks specified in Table 9.28.040-A shall be the setback standards, except for the Mountain Vista neighborhood, as defined in this Chapter, and for which setbacks are specified in Table 9.28.040-C, or unless a different setback is indicated by a Rancho Residential Overlay District as designated in Chapter 9.63 of this Code or is required as delineated on all Final Maps, Parcel Maps and Records of Survey Maps recorded in San Bernardino County between March 1, 1948, and January 1, 1987, or on Composite Development Plans on file in Town offices; then these setbacks shall be the street and yard setback distances required on the property within said Final Maps, Parcel Maps, Records of Survey or Composite Development Plan. Notwithstanding any other provision of this Code, any request to modify or deviate from a building setback line designated on a recorded map or final map shall be made in accordance with the provisions of Chapter 9.24 Variances or Chapter 9.25 Deviation Permits, of this Code.

Table 9.28.040-A Site Development Standards

STANDARDS	R-VLD	RA	R-LD	RE	RE-%	RE-Q	R-SF	R-M	MHP	M-U	PRD ⁽¹⁾
1. Minimum lot area ^(15, 17)	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ac ⁽²⁾	32,670 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	-	1 ac.	PRD ⁽⁴⁾
2. Minimum corner lot area	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ac ⁽²⁾	32,670 sf	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	-	1 ac.	
3. Minimum lot width (ft)	200	150	150	125	125	100	100	100	-	100	PRD
4. Minimum corner lot width (ft)	200	150	150	125	100	115	115	115	-	115	PRD
5. Minimum lot depth (ft)	300	300	300	250	275	150	150	150	-	100	PRD
6. Minimum corner lot depth (ft)	300	300	300	250	275	150	150	150	-	150	PRD
7. Minimum site frontage (ft)	90	90	90	60	60	60	60	60	-	60	PRD
8. a. Minimum front setback (ft) ⁽¹⁸⁾	50	50	50	45	30	30	30	40	15	35/10 ⁽¹⁸⁾	10 ⁽⁵⁾
b. Average front setback (ft)	N/A	N/A	N/A	50	35	35	35	45	15	N/A	PRD
9. Minimum rear setback ⁽⁹⁾ (ft) ⁽⁸⁾	40	35	35	30	25	25	25	25 ⁽¹⁹⁾	-	0	5
10. a. Minimum side setback (ft) ⁽⁷⁾ (ft) ⁽⁸⁾	25	25	25	20	15/10 ⁽⁹⁾ (19)	15/10 ⁽⁹⁾ (19)	15/10 ⁽⁹⁾ (19)	10 ⁽⁶⁾ (19)	-	0	6
b. Minimum street side setback ⁽⁹⁾ (ft)	45	45	45	40	25	25	25	25	-	10	10
11. Animal keeping compatibility buffer ⁽¹⁰⁾ (ft)	25	25	25	25	25	25	N/A	N/A	N/A	N/A	PRD
12. Height limitations ⁽¹¹⁾ (ft)	35	35	35	35	35	35	35	35 ⁽¹³⁾	18 ⁽¹³⁾	50	35
13. a. Maximum lot coverage	25%	25%	25%	25%	30%	30%	40%	60% ⁽¹⁴⁾	-	50% ⁽¹⁴⁾	50%
b. Minimum dwelling unit size (sq. ft.)	1,200	1,200	1,200	1,200	1,200	1,200	1,200	600 to 1,200 ⁽¹²⁾	-	600 to 1,200 ⁽¹²⁾	PRD
14. Minimum landscape area (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15%	-	10%	30%
15. Minimum distance between primary structure and detached accessory structure (ft)	6	6	6	6	6	6	6	10	-	0	6

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- (1) Development standards shall comply with the minimums established in this Chapter, and in Section 9.29.080, Planned Residential Developments, of this Code, and shall be consistent with an approved Planned Development Permit. Development standards not addressed in an approved PRD shall be the same as those standards contained in this Code for the most similar use or situation.
 - (2) Lot area measured in gross acres.
 - (3) Lot area measured in net square feet.
 - (4) Density shall be consistent with the General Plan and applicable sections of the Development Code.
 - (5) A minimum driveway of twenty (20) feet is required for the entrance to a garage or carport unless an automatic garage door opener is provided or unless garage access is provided from an alley.
 - (6) Reduced rear setbacks are allowed for accessory structures pursuant to Section 9.29.030.B.
 - (7) The Ranchos Residential Overlay District(s), Chapter 9.63 of this Code, may specify different side yard setbacks for interior lot lines.
 - (8) Ten (10) feet is required on one side setback, fifteen (15) feet on the opposite side. See also Section 9.28.140, Solar Access, of this Code; subject to solar access requirements. A minimum fifteen (15) foot setback is required between residential districts and other districts.
 - (9) Solid fences in excess of four (4) feet in height are not allowed closer than twelve (12) feet to the right-of-way, pursuant to the provisions of Section 9.28.120 Fences, Walls and Hedges, of this Chapter.
 - (10) In addition, a sixty-five (65) foot setback from roofed animal enclosures to habitable structure setbacks on adjacent property is required by paragraph 9.29.030.C.2 of this Code.
 - (11) Certain mechanical and architectural features may exceed height limits by a maximum of fifteen (15) feet pursuant to subsection 9.28.040.E Projections above Height Limits, of this Chapter.
 - (12) See Subsection 9.29.070.B.5 Minimum Dwelling Unit Size, of this Code.
 - (13) See subsection 9.29.070.B.4 Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.
 - (14) See subsection 9.29.070.B.10 Lot Coverage, of this Code. A maximum of 70% is allowed with Planning Commission approval.
 - (15) For lands located outside the Town limits, the following minimum lot sizes shall apply (see Zoning Map).

R-VLD/10	10 acre minimum lot size
R-VLD/20	20 acre minimum lot size
R-VLD/40	40 acre minimum lot size
 - (16) From Major or Secondary/Local Streets

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(17) Projects proposed in the Deep Creek area shall be required to provide perimeter lots of the same size or larger than the adjacent land use designation, or lands across the abutting street. The Deep Creek area shall be defined as land south of Bear Valley Road, east of the Jess Ranch Specific Plan, north of Tussing Ranch Road, and west of Itoya Vista Road and Mockingbird Avenue.

(18) Handicapped access ramps are permitted in the front, side and rear yard setbacks.

(19) Non-habitable structures can encroach within the side and rear yard setbacks. See subsection 9.29.070.B.2 and 3.

Table 9.28.040-B Summary of Site Development Standards for Residential Districts

Table 9.28.040-B summarizes the minimum site development standards for residential districts

ZONING DISTRICT	A, A1 MINIMUM LOT WIDTH OR FRONTAGE	B MINIMUM LOT DEPTH	C MINIMUM/AVERAGE FRONT SETBACK ⁽⁵⁾	D MINIMUM REAR SETBACK ⁽⁵⁾	E MINIMUM STREET SIDE SETBACK ⁽⁵⁾	F MINIMUM SIDE SETBACK ⁽⁵⁾	G MAXIMUM HEIGHT
R-VLD ⁽¹⁾	200/90	300	50	40	45	25	35
R-A ⁽¹⁾	150/90	300	50	35	45	25	35
R-LD ⁽¹⁾	150/90	300	50	35	45	25	35
R-E Corner Lot ⁽¹⁾	125/60 250	250 250	45/50	30	40	20	35
R-E ½ Corner Lot ⁽¹⁾	100/60 100/60	275 275	30/35	25	25	15/10	35
R-EQ Corner Lot ⁽¹⁾	100/60 115/60	150	30/35	25	25	15/10	35
R-SF Corner Lot	100/60 115/60	150	30/35	25	25	15/10	35
R-M Corner Lot	100/60 115/60	150	40/45	25 ⁽²⁾	25 ⁽²⁾	15/10 ⁽²⁾	35 ⁽³⁾
M-U PRD	75/60 per PRD	100	35/10 ⁽⁴⁾	0	10	0	50
PRD	per PRD	per PRD	10	5	10	6	35

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- (1) See Footnote 17, Table 9.28.040-A regarding lots in Deep Creek area and definition of the Deep Creek area.
- (2) See subsection 9.29.070.B.2 and 3. Non-habitable structures can encroach within the side and rear yard setbacks.
- (3) See subsection 9.29.070.B.4 Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.
- (4) No average permitted. Distance shown is from Major or Secondary/Local Street.
- (5) Handicapped access ramps are permitted in the front, side and rear setbacks.

Consistent with the General Plan, the following site development standards are applied to the Mountain Vista neighborhood. The Mountain Vista neighborhood shall be defined as the Medium Density Residential lands located east of and adjacent to Rancherias Road, south of and fronting Otoe Road, north of and fronting Thunderbird Road, and west of and fronting Sago and Wanaque Roads. The following standards apply to lots created after the adoption of this Section (April 27, 2010). Existing lots as of the adoption of this Section shall comply with the standards of the R-M zone.

Table 9.28.040-C Site Development Standards for the Mountain Vista Neighborhood⁽¹⁾

STANDARDS	R-SF	R-M
1. Minimum lot area	10,000 s ^{f(2,3)}	10,000 s ^{f(2,3)}
2. Minimum corner lot area	16,000 s ^{f(2)}	16,000 s ^{f(2)}
3. Minimum lot width (ft)	80	80
4. Minimum corner lot width (ft)	95	95
5. Minimum lot depth (ft)	125	125
6. Minimum corner lot depth (ft)	125	125
7. Minimum site frontage (ft)	40	40
8. a. Minimum front setback (ft) ⁽¹¹⁾	25	25
b. Average front setback (ft)	30	30
9. Minimum rear setback ^{(4) (11)}	20	20
10. a. Minimum side setback (ft) ^{(5) (11)}	15/10 ⁽⁶⁾	5 ⁽⁶⁾
b. Minimum street side setback ^{(6) (ft)} ⁽¹¹⁾	20	20
11. Height limitations ⁽⁸⁾ (ft)	35	35 ⁽⁸⁾
12. a. Maximum lot coverage	40%	60% ⁽⁹⁾
b. Minimum dwelling unit size (sq. ft.)	1,200	600 to 1,200 ⁽¹⁰⁾
13. Minimum landscape area	N/A	10%
14. Minimum distance between primary structure and detached accessory structure (ft)	6	6

- (1) Development standards shall comply with the minimums established in this Chapter, and in Section 9.29.080, Planned Residential Developments, of this Code, and shall be consistent with an approved Planned Development Permit. Development standards not addressed in an approved PRD shall be the same as those standards contained in this Code for the most similar use or situation.
- (2) Lot area measured in net square feet.
- (3) Density shall be consistent with the General Plan and applicable sections of the Development Code.
- (4) Reduced rear setbacks are allowed for accessory structures pursuant to Section 9.29.030.B.
- (5) No portion of the building shall be less than ten (10) feet from the side lines of the lot. Ten (10) feet is required on one side setback, fifteen (15) feet on the opposite side. See also Section 9.28.140, Solar Access, of this

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Code; subject to solar access requirements. A minimum fifteen (15) foot setback is required between residential districts and other districts. Non-habitable structures can encroach within the side and rear yard setbacks. See subsection 9.29.070.B.2 and 3.

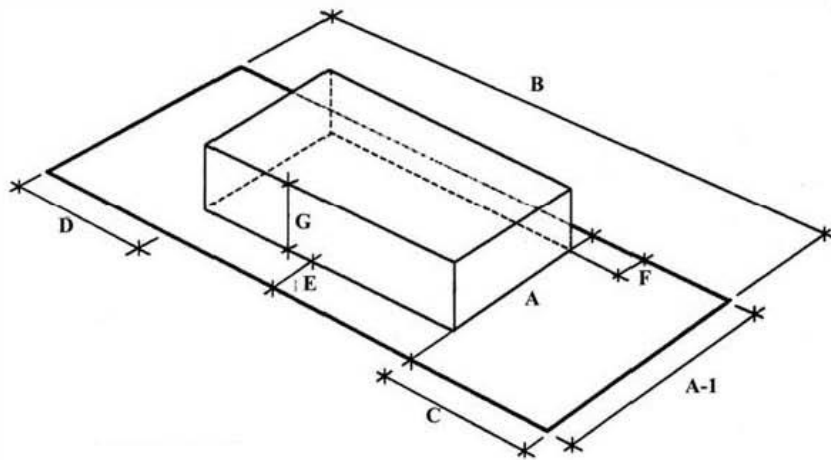
- (6) Solid fences in excess of four (4) feet in height are not allowed closer than twelve (12) feet to the right-of-way, pursuant to the provisions of Section 9.28.120 Fences, Walls and Hedges, of this Chapter.
- (7) Certain mechanical and architectural features may exceed height limits by a maximum of fifteen (15) feet pursuant to subsection 9.28.040.E Projections above Height Limits, of this Chapter.
- (8) See subsection 9.29.070.B.4 Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.
- (9) See subsection 9.29.070.B.10 Lot Coverage, of this Code. A maximum of 70% is allowed with Planning Commission approval.
- (10) See Subsection 9.29.070.B.5 Minimum Dwelling Unit Size, of this Code.
- (11) Handicapped access ramps are permitted in the front, side and rear setbacks.

Table 9.28.040-D Summary of Site Development Standards for Mountain Vista Neighborhood

Table 9.28.040-D summarizes the minimum site development standards for residential districts

ZONING DISTRICT	A, A1	B	C	D	E	F	G
	MINIMUM LOT WIDTH OR FRONTAGE	MINIMUM LOT DEPTH	MINIMUM/AVERAGE FRONT SETBACK ⁽³⁾	MINIMUM REAR SETBACK (3)	MINIMUM STREET SIDE SETBACK ⁽³⁾	MINIMUM SIDE SETBACK ⁽³⁾	MAXIMUM HEIGHT
R-SF Corner Lot	80/40 95/60	125	25/30	20	20	15/5	35
R-M Corner Lot	80/40 95/60	125	25/30	20 ⁽¹⁾	20 ⁽¹⁾	15/10 ⁽¹⁾	35 ⁽²⁾

- (1) See subsection 9.29.070.B.2 and 3. Non-habitable structures can encroach within the side and rear yard setbacks.
- (2) See subsection 9.29.070.B.4 Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.
- (3) Handicapped access ramps are permitted in the front, side and rear setbacks.



A. Projections into Yards.

Table 9.28.040-C summarizes the various projections that are permitted into the required setbacks in the residential districts.

Table 9.28.040-E Projections Into Yards

PROJECTION	Permitted Projections into Setbacks			
	Front Setback	Street Side Setback	Interior Side Setback	Rear Setback
Architectural features such as eaves, cantilevered roofs, chimneys, bay windows, buttresses and wing walls	5ft	5ft	5ft	5ft
Cantilevered, unenclosed or uncovered balconies, porches, decks, stairways and landings	5ft	5ft	3ft	10ft
Awnings and canopies	3ft	3ft	3ft	3ft
Rain conductors, spouts, canals, utility service risers, shut-off valves and associated architectural accents	1ft	1ft	1ft	1ft
Handicapped access ramps	Unlimited	Unlimited	Unlimited	Unlimited

B. Exceptions to Required Structure Setbacks

1. All Setbacks

- a. **Dedications of right-of-way.** A variance to required setbacks shall not be required for a new single family dwelling on an existing lot of record which is reduced in size to less than the minimum site area required in the applicable zone district due to requirements for a public dedication of right-of-way. The required setback on those lots affected by the dedication may be reduced by the amount of dedication required, except that the front yard setback or the setback

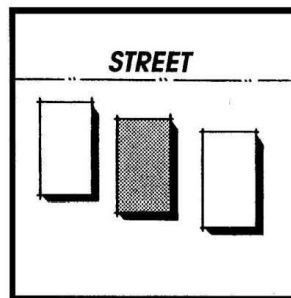
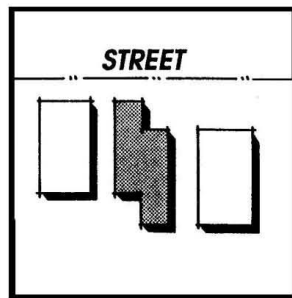
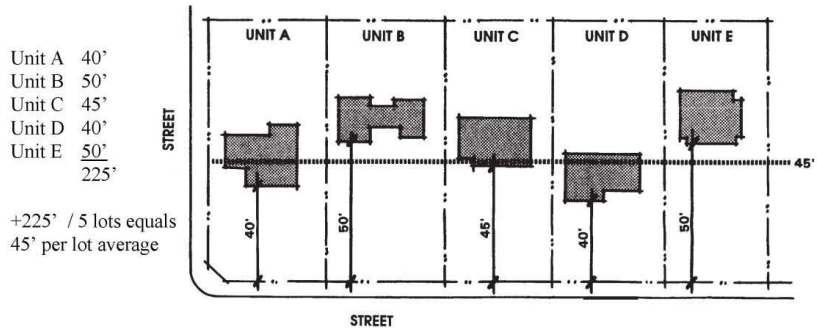
to a garage shall not be less than twenty (20) feet and the street side setback shall not be less than fifteen (15) feet unless a Variance is obtained.

2. **Reduction for Solar Access**

- a. **Side and rear setbacks.** In cases where it is not possible to orient a new single family dwelling southward within the applicable side setback requirements for the purpose of incorporating an active or passive solar energy system, a fifty (50) percent reduction in the side or rear setback requirements may be authorized through the Conditional Use Permit approval process, provided that:
- 1) The reduced setback will not restrict emergency access or present a fire hazard;
 - 2) The reduced setback will not be detrimental or injurious to property or improvements in the neighborhood, and will not limit solar energy access on neighboring property to a greater extent than if the building envelope complied with the required setbacks;
 - 3) The portion of the building or structural improvements proposed within the required setback is designed for the primary purpose of collecting solar energy;
 - 4) The solar equipment shall be no taller than eight (8) feet in height.

3. **Accessory Structures**

- a. Accessory structures no larger than one hundred twenty (120) square feet and not exceeding eight (8) feet in height may be located within five (5) feet of a side or rear property line provided no part of the accessory structure is located within the required front yard.
 - b. Swimming pools may be located no closer than five (5) feet to a side or rear property line.
 - c. Ground mounted air conditioners, swimming pool pumps, heaters, filters and fans may be located in a required side or rear yard provided that such structures or equipment are not closer than five (5) feet to any property line, and that such structures or equipment do not exceed a height of six (6) feet measured from the base of the unit. Such equipment shall be screened from adjacent property or street by a solid fence or wall.
4. A porte cochere may project into 50 (fifty) percent of the required front setback but not less than 25 (twenty-five) feet from the front property line.
5. Exceptions to required setbacks for the keeping of animals may be reviewed under Section 9.25, *Deviation Permit*, of this Code.
6. Handicapped access ramps are permitted in the front, side and rear setbacks.
- C. **Front Setback Averaging.** The front setbacks of dwellings along a block shall be averaged in order to break up a solid line of building facades down a street and create visual interest.
1. **New Subdivisions.** Adjacent homes shall have varied setbacks. The setback offset shall be a minimum of five (5) feet (Figure 9.28.040-B and C).



- D. **Street Side Setbacks.** Street setbacks shall be measured from the design right-of-way required by the Master Circulation Plan of the General Plan or; if the street is proposed to be private or is now a private street, the maximum required street width.
- E. **Projections Above Height Limits**
1. Flues, chimneys, elevators or other mechanical equipment, television antennas, similar utility or mechanical features, but not including flag poles, may exceed the height limits established in Table 9.28.040-A by a maximum of fifteen (15) feet. All roof mounted equipment shall be screened as required in Chapter 9.31, *Residential Design Standards*, of this Code.
 2. Architectural features such as cupolas, belltowers, and steeples may exceed the height limits by a maximum of fifteen (15) feet when approved by the Planning Commission. The Commission must find that any such projection which exceeds the height limits is an integral part of the building and will enhance the overall design of the building(s).
- F. **Sidewalk, Curb and Gutter**
1. Rolled curbs are permitted for new projects on local roads within the Residential Very Low Density (R-VLD), Residential Low Density (R-LD) Zoning Districts, Rolled curbs are permitted in Residential Estate (RE) and Residential Estate $\frac{3}{4}$ (RE $\frac{3}{4}$) Zoning Districts. Sidewalks are not required in these zoning districts.

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(Supp. No. 11, Update 6)

ATTACHMENT 2

9.29.020 Accessory Uses and Structures (*Amended Ord. 239, 251, 269, 290, 313, 315, 504*)

- A. **Purpose.** The purpose of this Section is to establish standards for accessory structures in residential districts which maintain the use of the single-family residence as the dominant use of the property. These standards are also intended to preserve the open desert character of the Town, especially in the more rural Estate Residential, Estate Residential 3/4, Equestrian Residential and Low Density Residential districts.
- B. **Location.** Accessory structures, attached or detached, used either wholly or in part for living purposes, shall meet all of the requirements for location of the main structure as required by the zoning district, except as otherwise provided in this Section and Section 9.28.040, *Site Development Standards*, of this Code. Handicapped access ramps are exempt from these provisions.
1. Nonhabitable accessory structures not exceeding one hundred twenty (120) square feet and not taller than ten (10) feet may be located to within five (5) feet of a side or rear property line, provided that no part of the structure is located within the required front yard or street side yard building setback or within a required easement.
 2. The minimum distance from an accessory structure larger than one hundred twenty (120) square feet or taller than ten (10) feet in height to a side property line shall be equal to the required setbacks in Table 9.28.040-A, of this Code, *Site Development Standards*, and Table 9.28.040-B, *Site Development Standards for the Mountain Vista neighborhood*, and a minimum of ten (10) feet from a rear property line.
 3. Roofed animal enclosures shall not be located within twenty-five (25) feet of any property line in accordance with subsection 9.29.030.F, *Setback Requirements*, of this Chapter. Horse corrals/shelters utilizing metal roofing or exteriors, where the collective roofed area of all corrals/shelter on a recorded lot is equal to or less than 300 square feet in size shall be allowed on any lot where horses are permitted. Horse corrals/shelters utilizing metal roofing or exteriors, where the collective roofed area of all corrals/shelter on a recorded lot exceeds 300 square feet in size, shall be allowed on any lot where horses are permitted subject to the provisions of subsection 9.29.020.E, *Architectural Compatibility*, of this Chapter.
 4. Open, unroofed animal enclosures may be located within five (5) feet of a side or rear property line or easement line (if any) provided a minimum distance of seventy (70) feet is provided between the enclosure and any existing off-site structure used for human habitation in accordance with subsection 9.29.030.F, *Setback Requirements*, of this Chapter.
- C. **Size.**
1. The cumulative total of square footage of accessory structures, combined with all other applicable structure footprints, shall not exceed the maximum lot coverage standard for the zoning district in which it is located.
 2. On residential lots less than two and one-half (2½) acres in size, any single accessory structure shall not exceed seventy-five (75) percent of the total area under roof of the primary structure. The total of all accessory structures on a site shall not exceed 100 percent of the total area under roof of the primary structure.
- D. **Height.** The maximum height of an accessory structure shall not exceed the maximum height for the zoning district in which it is located, except that the maximum total height of antennas and their support structures shall be as specified in Chapter 9.77, *Wireless Telecommunications Towers and Antennas*, of this Code. Accessory structures in the single family residential, equestrian residential, and multi-family residential

Created: 2021-03-22 07:12:03 [EST]

(Supp. No. 11, Update 6)

districts shall not exceed one-hundred percent (100%) of the height of the main structure on site, or sixteen (16) feet, whichever is lesser, if a one story structure, nor seventy-five (75) percent of the height of the main structure, if that main structure is two or more stories in height. A greater height may be approved by the Planning Commission upon review and approval of a Development Permit as provided in Chapter 9.17 "Development Permits."

- E. **Architectural Compatibility.** Accessory structures larger than one hundred twenty (120) square feet in area or taller than eight (8) feet in height shall meet the architectural compatibility with primary structure requirements for residential districts found in Chapter 9.31, *Residential Design Standards* of this Code.
1. Accessory structures larger than one-hundred, twenty (120) square feet in area or taller than eight (8) feet in height and located in front of the back line of the house shall be constructed of materials and colors which are similar to the primary building on the site. Structures built on site, or structures assembled from modular or similar units on site, or structures assembled off site and moved on site as one unit may not use metal exteriors except as described below and as described in Section 9.29.022. Structures built, assembled or fabricated, off site having metal exteriors, such as metal containers, cargo containers, freight and similar containers, modified trailers, modified rail-road cars, butler buildings, and the like, are expressly prohibited, unless said container and roofline/structure is covered or skinned with siding materials (i.e. wood, stucco, or masonry) similar to the primary residence and the design is compatible with the primary residence. All applicable building permits for alteration of prefabricated structure shall be required.

Structures built on site, or structures assembled from modular or similar units on site, or structures assembled off site and moved on site as one (1) unit, including metal sheds, may use metal exteriors when the Planning Commission determines that the proposed structure shall have an appearance emulating and simulating the color, texture and appearance of the main structure on site. Said metal exterior must provide the same texture depth and other physical characteristics as the exterior of the main structure on the property. Exceptions to Planning Commission review requirements are carports and accessory structures or shelters for the storage of cars, boats, recreational vehicles (RVs), trailers, self-propelled equipment and related bulky items as described in Section 9.29.022.
 2. Accessory structures built on site located to the rear of the back line of the house may be constructed of any material allowed by the Uniform Building Code and may utilize any desired architectural design except that metal may not be used on the exteriors of such structures unless reviewed and approved by the Planning Commission as described below or as allowed under Section 9.29.022. Metal, freight, cargo or similar containers are not allowed within any residential district, except the Residential-Agriculture, R-A, District when placed in a manner where such containers are not visible from the public right-of-way.
 3. Patios, gazebos, patio enclosures, solariums, sunrooms and horticultural structures may be constructed of any material allowed by the Uniform Building Code and may utilize any desired architectural design.
 4. Within the R-VLD, Very Low Density R-A, Residential, Residential-Agriculture, R-LD, Low Density Residential, R-E, and R-E ¾, Estate Residential zoning districts accessory structures built or assembled on site, or assembled off site and moved on site, shall be located to the rear of the back line of the house, may be constructed of any material allowed by the Uniform Building Code and may utilize any desired architectural design, provided, however, that structures using metal exteriors shall be approved under a Development Permit prior to issuance of a Building Permit and shall be located upon a property of at least five (5) acres in size, placed so that no portion of the structure is *located closer than fifty (50) feet from any property line and such structure is screened* from view of any public right-of-way by suitable landscaping or other structures on site.
- F. **Flags.** Flag poles displaying official flags of the United States, the State of California, and other states of the nation, counties, municipalities, and official flags of foreign nations are accessory structures that may be

Created: 2021-03-22 07:12:03 [EST]

(Supp. No. 11, Update 6)

allowed up to thirty-five feet (35') in height anywhere upon a property, except within the required front-yard or street side-yard setback area. Said flag poles, when a flag is flown, may be illuminated provided any such lighting is shielded in a manner so that all glare shall be directed onto the site and away from adjacent properties and that such lighting standards shall blend architecturally with buildings, pedestrian areas, and other hardscape elements on the site. A maximum of three (3) flag poles shall be allowed per recorded lot.

- G. Guest Quarters are permitted and subject to the following:
1. May be attached to or detached from the main residential structure.
 2. The maximum floor area is 400 square feet.
 3. There shall be no kitchen or cooking facilities.
 4. Independent access to the guest quarters shall not be located on the same elevation as the access to the primary dwelling.
 5. Guest quarters are for the exclusive use of the residents of the primary dwelling unit and may not be rented or otherwise used as a dwelling unit.
- H. Detached habitable structures consisting of pool houses, art or music studios, or other structures intended for recreational purposes are permitted subject to the following:
1. Habitable accessory structures shall be architecturally compatible with the design of the main dwelling and shall incorporate the same architectural features, colors and materials of the primary unit.
 2. There shall be no indoor kitchen or bedrooms, except as identified within this section.
 3. One (1) detached habitable structure is permitted per lot.
 4. An accessory dwelling unit or guest quarters may occupy a portion of the habitable structure; however, access shall not be permitted from the interior.
 5. Unless permitted as an accessory dwelling unit, detached habitable structures shall not be rented or otherwise used as a dwelling unit.

(Ord. No. 502 , § 5, 5-8-2018; Ord. No. 504 , § 3, 3-6-2019; Ord. No. 523, §§ 8, 9, 1-14-2020)

ATTACHMENT 3

9.29.022 Semi-Permanent Carports and Accessory Structures or Shelters for the Storage of Cars, Boats, Recreational Vehicles, Trailers, Self-Propelled Equipment and Related Bulk Items (*Amended Ord. 351, 368*)

- A. Carports and accessory structures or shelters for the storage of cars, boats, recreational vehicles (RVs), trailers, self-propelled equipment and related bulk items constructed using a framework and roof of metal, wood or other rigid material allowed under the Uniform Building Code, not to include plastic or PVC material, may be located no closer than five (5) feet from either a side or rear property line, provided that no portion of said structure is located within a required front or street side yard building setback area or within or upon a recorded easement of any type.
1. Any such semi-permanent carport or accessory structure or shelter must be permanently affixed to the ground with concrete footings or similar footings acceptable to the Town of Apple Valley Building Official.
 2. A building permit shall be obtained from the Town of Apple Valley Building Division for any such semi-permanent carport, accessory structure or shelter permitted by this Section.
 3. All semi-permanent carports or accessory structures or shelters permitted by this Section shall be constructed of new materials and shall be maintained, at all times, in good condition, not possessing worn, discolored or dilapidated materials or appearance.
 4. All semi-permanent carports or accessory structures or shelters permitted by this Section shall be finished with colors which are similar to the primary building on site.
 5. Any such semi-permanent carport or accessory structure or shelter built prior to July 26, 2006 and is constructed of metal, wood or other rigid material, not to include plastic or PVC material and is permanently affixed to the ground as described in paragraph No. 1 above, may encroach into the required side, rear and front setbacks and does not require a building permit. These structures do not have to be compatible with the finish colors and materials of the primary building.
- B. Permanent or semi-permanent recreational vehicle (RV) or other large vehicle enclosure or shelters may be located no closer than five (5) feet of a side or rear property line, provided that no portion of said structure is located within any required front or street side yard setback area or within a recorded easement of any type.
1. Said shelter structure(s) must be permanently affixed to the ground with concrete footings or similar footings acceptable to the Town of Apple Valley Building Official.
 2. A building permit shall be obtained from the Town of Apple Valley Building Division for any such permanent or semi-permanent carport, accessory structure or shelter permitted by this Section.
 3. Said shelter structure(s) must have solid and opaque siding materials over the supporting framework. This siding may extend to the ground and shall not include more than a four (4)-foot gap from the ground surface to the siding.
 4. Said shelter structure(s) may be constructed of any materials allowed by the Uniform Building Code, including a framework of metal and excluding plastic or PVC. Metal may be used as an exposed surface material.
 5. All semi-permanent carports or accessory structures or shelters permitted by this Section shall be finished with colors which are similar to the primary building on site.

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(Supp. No. 11, Update 6)

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6. Any such semi-permanent carport or accessory structure or shelter built prior to July 26, 2006 and is constructed of metal, wood or other rigid material, not to include plastic or PVC material and is permanently affixed to the ground as described in paragraph No. 1 above, may encroach into the required side, rear and front setbacks and does not require a building permit. Also, these structures do not have to have opaque siding that extends to at least four (4) feet above the ground surface as described in paragraph No. 3, above nor do they have to be compatible with the finish colors and materials of the primary building.