

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

111 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
August 22, 2007

SUBJECT: Accessory Buildings

RECOMMENDED MOTION: That the Board of Supervisors approve Ordinance amendment No. 348.4481.

BACKGROUND:

The Planning Department and Code Enforcement Department receive many complaints from neighbors regarding the placement of accessory building(s). The draft Ordinance No. 850 that the Planning Commission approved last fall updated the standards for the location of detached accessory buildings and simplified the definition for "Accessory Building". Due to the urgent need for the standards set forth in this section this language is substantially being brought forward as an amendment to County Ordinance No. 348

Section 18.18 of Riverside County Ordinance No. 348 provides regulations for the location of detached accessory structures in Riverside County. This section of Ordinance No. 348 was last amended in 1984 (Ord. 348.2358). However, Section 21.1 of the ordinance was amended in 2004 (Ord. 348.4179) to clarify the definition for "Accessory Building". The added language to the definition limited the placement of metal buildings to parcels greater than 1-acre in area. The proposed ordinance amendment will significantly restructure the provisions for the location of detached accessory structures, and incorporate changes that will address many of the problems that the existing ordinance language is unable to resolve. In addition, it will simplify the definition for "Accessory Building" and amend the definition for "Guest Dwelling". It also creates Section 18.50 providing regulations for the use and location of Metal Shipping Containers.

Mark Balys

Ron Goldman (Mark Balys)
Planning Director

MB:mfb

DATE 9/27/07
Tina Grande

Departmental Concurrence

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading, and is set for public hearing on Tuesday, October 2, 2007 at 1:30 p.m.

Ayes: Buster, Tavaglione, Wilson and Ashley
Nays: None
Absent: Stone
Date: September 4, 2007
xc: Planning, COB
2007 SEP 03 AM 11:15 *m*

Nancy Romero
Clerk of the Board
By *Chummed*
Deputy

Prev. Agn. Ref.

District:
Countywide

Agenda Number:

15.5

Dept't Recomm.: Consent Policy Policy
Per Exec. Ofc.: Consent Policy

Continued on next page

ISSUES OF CONCERN:

The subject amendment was heard before the Riverside County Planning Commission on June 20 and June 27, 2007. The major areas of concern for the Planning Commission were (1) The height limitation for accessory buildings on parcels smaller than 2 acres, (2) the need for architectural compatibility between the main dwelling and the accessory building, (3) the need for architectural compatibility between the accessory building and the character of the surrounding neighborhood and (4) to clarify that no bare metal buildings be allowed. The attached Exhibit "A" shows the Planning Commission approved language. Exhibit "B", also attached, is a red-line version provided to see the various changes.

Height: In terms of the height limitation on parcels less than 2-acres in area the original proposal was for a 15-foot height limit. This was increased to a 20-foot height limit by the Planning Commission.

Architectural Compatibility: The original proposal provided the Planning Director with the ability to approve/deny a plot plan for an accessory building only if it could be found to be compatible with the architecture of the main building and consistent with the character of the surrounding neighborhood. As approved by the Planning Commission, the draft amendment requires that the accessory building shall only be required to be architecturally compatible with the main building if it is located within 30-feet of the main building. An accessory building located more than 30-feet away from the main building will only need to be consistent with the character of the surrounding neighborhood.

Bare Metal Buildings: The Planning Commission wanted to insure that in all cases no bare metal buildings be allowed. The descriptive term "industrial-style" was replaced with the term "bare" that was further defined to mean "metal buildings without any exterior coatings or treatments."

ORDINANCE NO. 348.4481

SECTION 18.17. ACCESSORY USES. The express enumeration of permitted uses in all districts shall be construed to include necessary accessory uses. Detached accessory buildings shall be subject to the requirements of Section 18.18.

SECTION 18.18. LOCATION OF DETACHED ACCESSORY BUILDINGS.

~~The provisions of this section do not apply to agricultural structures in the A-1, A-P, A-2 and A-D zones.~~

- a. INTENT. The Board of Supervisors has adopted the following provisions to establish minimum development requirements for the erection of detached accessory buildings in the unincorporated areas of Riverside County. These requirements are intended to provide for the appropriate construction of detached accessory buildings, enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare.
- b. DEVELOPMENT STANDARDS. Detached accessory buildings shall be permitted in all zones subject to the following requirements. These requirements are in addition to the requirements of the applicable zone.
 - a. (1) Where a rear yard is required by this ordinance, a detached accessory building may occupy not more than one-half of the required rear yard.
 - b. (2) No detached accessory building shall be within five feet of the front half of an adjacent lot. For the purpose of this regulation a depth of not more than 75 feet shall be deemed to be such front half of such adjacent lot.
 - c. (3) Where the average slope of the front half of the lot is greater than one foot rise or fall in a seven foot run from the established street elevation at the property line, or where the front half of the lot is more than four feet above or below such established street elevation, a private garage may be built to the street and side lines.
 - d. (4) In the case of an interior lot, no detached accessory building shall be erected so as to encroach upon the front half of the lot, provided, however, such accessory building need not be more than 75 feet from the street line.
 - e. (5) In the case of a corner lot abutting upon more than two streets, no detached accessory building shall be nearer any street line than one-fifth of the width or length of the lot.
 - f. (6) In the case of through lots, no detached accessory building shall encroach upon the required front yard on either street.

~~g.~~(7) In mountain resort areas at altitudes above 4000 feet a private garage in any residential zone or on premises used for residential purposes may be constructed to the same building setback line as is required for a dwelling on the same premises.

~~h.~~(8) No detached accessory building shall be nearer than ten feet to the main building.

~~i.~~ For the purposes of Section 18.18 of this ordinance, where a lot is in a zone permitting trailers for residential purposes and where the property is subject to deed restrictions limiting the use of the property to trailers for residential purposes, the trailer shall be deemed to be a main building.

(9) For parcels two acres or smaller located in any residential zone or where a dwelling is the principal use, the minimum setback from a side property line shall be five feet and the minimum setback from a rear property line shall be ten feet; provided, however, that where the applicable zone provides for a greater side or rear yard setback, such greater setback shall apply. For parcels larger than two acres located in any residential zone or where a dwelling is the principal use, the minimum setback from a side property line and from a rear property line shall be ten feet; provided, however, that where the applicable zone provides for a greater side or rear yard setback, such greater setback shall apply.

(10) Notwithstanding the height limitations of any zone, the height limit on any parcel in any residential zone or on any parcel where a dwelling is the principal use shall be twenty feet for parcels two acres or smaller and thirty-five feet for parcels larger than two acres.

(11) In any residential zone or where a dwelling is the principal use, bare metal buildings (metal buildings without paint or exterior architectural coatings or treatments)], shall not be located on a parcel one acre or smaller. This prohibition shall not apply to single-story garden sheds, playhouses or similar buildings of 120 square feet or less.

c. PERMIT REQUIREMENT. In any residential zone or where the principal use of a parcel is a dwelling, any detached accessory building with a floor area of 400 square feet or more shall require the approval of a plot plan pursuant to Section 18.30 of this ordinance; provided, however, that all such plot plans shall be subject to the hearing requirements of Section 18.30 d.(2). In addition to all other requirements, a plot plan for a detached accessory building located within 30 feet of the main building may be approved only if it is found that the detached accessory building is compatible with the architecture of the main building and consistent with the character of the surrounding neighborhood. In addition to all other requirements, a plot plan for a detached accessory building located 30 feet or more from the main building may be approved only if it is found that the detached accessory building is consistent with the character of the surrounding neighborhood.

d. EXCEPTIONS.

1) This section shall not apply in any agricultural zone.

2) The provisions of subsections b.(9), b.(10), b.(11) and c. of this Section 18.18 shall not apply to any detached accessory building for which a building permit was issued prior to the effective date of Ordinance No. 348.---- (----, 2007).

SECTION 18.50. METAL SHIPPING CONTAINERS.

a. INTENT. The Board of Supervisors has enacted the following provisions to establish minimum development standards for the placement of metal shipping containers within the unincorporated areas of Riverside County. These standards are designed to enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare.

b. PERMITTED ZONING AND DEVELOPMENT STANDARDS. Placement of metal shipping containers shall be subject to the following limitations:

(1) Metal shipping containers shall not be allowed as a principal use in any zone.

(2) Metal shipping containers shall be allowed in all zones on a temporary basis when utilized during construction or grading operations for the site where located and used solely for the storage of supplies and equipment that are used for the construction or grading of that site.

(3) In commercial and industrial zones, placement of metal shipping containers as an accessory use is permitted provided a plot plan has been approved pursuant to the provisions of Section 18.30 of this ordinance or the placement has been approved as part of an approved plot plan, conditional use permit or public use permit.

(4) In all zones, other than commercial and industrial zones, placement of metal shipping containers is allowed as an accessory use subject to the following development standards:

A. The minimum lot size shall be five acres.

B. No more than one metal shipping container shall be permitted on any parcel.

C. The setback from all property lines shall be a minimum of fifty feet.

D. Placement shall be to the rear of the main building on the rear half of the property.

E. The metal shipping container shall be fully screened by an opaque fence or fast-growing landscaping. Fencing may not be provided by any type of chain link fencing.

- F. The metal shipping container shall be painted a neutral color.
- c. EXCEPTION. The provisions of this section shall not apply in any agricultural zone and the placement of metal shipping containers shall be permitted in those zones.

~~SECTION 21.1. ACCESSORY BUILDING. A subordinate building or a part of the main building on the same lot or building site, the use of which is incidental to that of the main building, and which is used exclusively by the occupants of the main building. Any accessory building shall comply with the adopted county design guidelines. Industrial type metal buildings or corrugated metal structures shall not be located on a parcel less than 1 acre in size within a residential zone. 1-story detached accessory buildings less than 120 square feet in area used for garden tool storage, playhouses, or similar enclosed storage are allowed provided that they meet required setback requirements and are completely screened from view by a fence or wall, or landscaping. Accessory structures greater than 120 square feet in area must meet Uniform Building Code requirements and will require a building permit. Metal shipping containers are not a principal permitted use in any zone, and may be utilized only during building construction and grading operations for the job site contractor's supplies and equipment that are used for the construction of that building site. The provisions of this section do not apply in the A-1, A-P, A-2 and A-D zones. A trailer shall be considered a main building if the requirements of Section 18.18.i. of this ordinance are met. No accessory building shall be erected unless a main building exists. A mobilehome shall constitute a main building where installed as provided in Section 19.77 or Section 19.79 of this ordinance. The provisions of this section do not apply in the A-1, A-P, A-2 and A-D Zones. A second unit, as defined by state law and this ordinance, shall not constitute an accessory building.~~

Section 21.31. DWELLING, GUEST.

~~A building which occupies not more than one-fiftieth (1/50) of the area of the lot on which it is situated, which contains no cooking facilities and which is used exclusively for housing members of a single family and their nonpaying guests. A guest dwelling shall be subject to the provisions of Section 18.18 of this ordinance. No reduction of the general side or rear yard setbacks shall be allowed for any guest dwelling despite Section 18.33 or any other provisions of this ordinance.~~

ORDINANCE NO. 348.4481

SECTION 18.17. ACCESSORY USES. The express enumeration of permitted uses in all districts shall be construed to include accessory uses. Detached accessory buildings shall be subject to the requirements of Section 18.18.

SECTION 18.18. DETACHED ACCESSORY BUILDINGS.

- a. **INTENT.** The Board of Supervisors has adopted the following provisions to establish minimum development requirements for the erection of detached accessory buildings in the unincorporated areas of Riverside County. These requirements are intended to provide for the appropriate construction of detached accessory buildings, enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare.
- b. **DEVELOPMENT STANDARDS.** Detached accessory buildings shall be permitted in all zones subject to the following requirements. These requirements are in addition to the requirements of the applicable zone.
 - (1) Where a rear yard is required by this ordinance, a detached accessory building may occupy not more than one-half of the required rear yard.
 - (2) No detached accessory building shall be within five feet of the front half of an adjacent lot. For the purpose of this regulation a depth of not more than 75 feet shall be deemed to be such front half of such adjacent lot.
 - (3) Where the average slope of the front half of the lot is greater than one foot rise or fall in a seven foot run from the established street elevation at the property line, or where the front half of the lot is more than four feet above or below such established street elevation, a private garage may be built to the street and side lines.
 - (4) In the case of an interior lot, no detached accessory building shall be erected so as to encroach upon the front half of the lot, provided, however, such accessory building need not be more than 75 feet from the street line.
 - (5) In the case of a corner lot abutting upon more than two streets, no detached accessory building shall be nearer any street line than one-fifth of the width or length of the lot.
 - (6) In the case of through lots, no detached accessory building shall encroach upon the required front yard on either street.
 - (7) In mountain resort areas at altitudes above 4000 feet a private garage in any residential zone or on premises used for residential purposes may be constructed to the same building setback line as is required for a dwelling on the same premises.
 - (8) No detached accessory building shall be nearer than ten feet to the main building.

(9) For parcels two acres or smaller located in any residential zone or where a dwelling is the principal use, the minimum setback from a side property line shall be five feet and the minimum setback from a rear property line shall be ten feet; provided, however, that where the applicable zone provides for a greater side or rear yard setback, such greater setback shall apply. For parcels larger than two acres located in any residential zone or where a dwelling is the principal use, the minimum setback from a side property line and from a rear property line shall be ten feet; provided, however, that where the applicable zone provides for a greater side or rear yard setback, such greater setback shall apply.

(10) Notwithstanding the height limitations of any zone, the height limit on any parcel in any residential zone or on any parcel where a dwelling is the principal use shall be twenty feet for parcels two acres or smaller and thirty-five feet for parcels larger than two acres.

(11) In any residential zone or where a dwelling is the principal use, bare metal buildings (metal buildings without paint or exterior architectural coatings or treatments), shall not be located on a parcel one acre or smaller. This prohibition shall not apply to single-story garden sheds, playhouses or similar buildings of 120 square feet or less.

c. **PERMIT REQUIREMENT.** In any residential zone or where the principal use of a parcel is a dwelling, any detached accessory building with a floor area of 400 square feet or more shall require the approval of a plot plan pursuant to Section 18.30 of this ordinance; provided, however, that all such plot plans shall be subject to the hearing requirements of Section 18.30 d.(2). In addition to all other requirements, a plot plan for a detached accessory building located within 30 feet of the main building may be approved only if it is found that the detached accessory building is compatible with the architecture of the main building and consistent with the character of the surrounding neighborhood. In addition to all other requirements, a plot plan for a detached accessory building located 30 feet or more from the main building may be approved only if it is found that the detached accessory building is consistent with the character of the surrounding neighborhood.

d. **EXCEPTIONS.**

1) This section shall not apply in any agricultural zone.

2) The provisions of subsections b.(9), b.(10), b.(11) and c. of this Section 18.18 shall not apply to any detached accessory building for which a building permit was issued prior to the effective date of Ordinance No. 348.---- (----, 2007).

SECTION 18.50. METAL SHIPPING CONTAINERS.

a. **INTENT.** The Board of Supervisors has enacted the following provisions to establish minimum development standards for the placement of metal shipping containers within the unincorporated areas of Riverside County. These standards are designed to enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare.

- b. **PERMITTED ZONING AND DEVELOPMENT STANDARDS.** Placement of **metal shipping containers** shall be subject to the following limitations:
- (1) Metal shipping containers shall not be allowed as a principal use in any zone.
 - (2) Metal shipping containers shall be allowed in all zones on a temporary basis when utilized during construction or grading operations for the site where located and used solely for the storage of supplies and equipment that are used for the construction or grading of that site.
 - (3) In commercial and industrial zones, placement of metal shipping containers as an accessory use is permitted provided a plot plan has been approved pursuant to the provisions of Section 18.30 of this ordinance or the placement has been approved as part of an approved plot plan, conditional use permit or public use permit.
 - (4) In all zones, other than commercial and industrial zones, placement of metal shipping containers is allowed as an accessory use subject to the following development standards:
 - A. The minimum lot size shall be five acres.
 - B. No more than one metal shipping container shall be permitted on any parcel.
 - C. The setback from all property lines shall be a minimum of fifty feet.
 - D. Placement shall be to the rear of the main building on the rear half of the property.
 - E. The metal shipping container shall be fully screened by an opaque fence or fast-growing landscaping. Fencing may not be provided by any type of chain link fencing.
 - F. The metal shipping container shall be painted a neutral color.
- c. **EXCEPTION.** The provisions of this section shall not apply in any agricultural zone and the placement of metal shipping containers shall be permitted in those zones.

SECTION 21.1. ACCESSORY BUILDING. A subordinate building on the same lot or building site, the use of which is incidental to that of the main building. No accessory building shall be erected unless a main building exists. A mobilehome shall constitute a main building where installed as provided in Section 19.77 or Section 19.79 of this ordinance. A second unit, as defined by state law and this ordinance, shall not constitute an accessory building.

Section 21.31. DWELLING, GUEST.

A building which contains no cooking facilities and which is used exclusively for housing members of a single family and their nonpaying guests. A guest dwelling shall be subject to the provisions of Section 18.18 of this ordinance. No reduction of the general side or rear yard setbacks shall be allowed for any guest dwelling despite Section 18.33 or any other provisions of this ordinance.